OHIO
CRIMINAL SENTENCING COMMISSION

OHIO CRIMINAL SENTENCING COMMISSION MEETING

September 25, 2025, 10:00 am—12:00 pm
Ohio Judicial Center, Room 101

I. Call to Order — Chair Chief Justice Sharon L. Kennedy

II. Roll Call — Will Davies, Esq.

III. Approval of Minutes from May 8, 2025 **(Vote Needed)**

IV. 2026 Proposed Full Commission Meeting Dates **(Vote Needed)**
   A. March 12, 2026, 10:00 am—12:00 pm
   B. May 14, 2026, 10:00 am—12:00 pm
   C. September 10, 2026, 10:00 am—12:00 pm
   D. December 10, 2026, 10:00 am—12:00 pm

V. Committee Reports
   A. Adult Criminal Justice Committee — Judge Stephen McIntosh
      1. Presentence Investigation (PSI) Reference Guide **(Vote Needed)**
      2. Sentencing Appellate Report **(Vote Needed)**
      3. Update to Sentencing Entry (USE) Form **(Vote Needed)**

   B. Juvenile Justice Committee — Judge Robert DeLamatre
      1. Juvenile Disposition Reference Guide **(Vote Needed)**
      2. Juvenile Appellate Report **(Vote Needed)**
      3. Juvenile Justice History **(Vote Needed)**

   C. Data Committee — Chief Justice Sharon L. Kennedy
      1. R.C. 181.27 Report **(Vote Needed)**
      2. Data Maps—Office of the Ohio Public Defender & the Supreme Court of Ohio **(Votes Needed)**

   D. Personnel Committee — Chief Justice Sharon L. Kennedy
      1. Executive Session on Personnel Matters **(Vote Needed)**
      2. Operating Guidelines **(Vote Needed)**

VI. Legislative Update — Alex T. Jones, Esq.

VII. Old Business
   A. NASC Conference Report — Vice-Chair Darren Shulman, Esq.

VIII. New Business

IX. Adjourn

2025 Full Commission Meeting Dates

Thursday, December 18, 2025, at 10:00 am, Room 101

DRAFT

Version 1: Sept. 4, 2025

OHIO
CRIMINAL SENTENCING COMMISSION

Presentence Investigation Report Guide

Does the Court need a Presentence Investigation Report (PSI) in every case?

No, only a defendant convicted of or plead guilty to a felony MUST have a PSI report to be placed on community control. [R.C. 2951.03(A)(1)]

Can a PSI report be waived?

YES, Defendant and state may waive, HOWEVER a court may still order a PSI. (R.C. 2951.03(A))

What MUST be in a PSI report?

Officer making the report SHALL inquire:

Circumstances of the offense, criminal record, social history, present condition of the defendant, prior adjudications as a delinquent child and dispositions, any other matters specified in Crim. Rule 32.2.

What matters are specified in C.R. 32.2?

Rule 32.2 has been amended and no longer contains any content to be included in the PSI report.

Are there other inquiries that the officer may make?

YES, when officer thinks advisable MAY get a Physical Examination, which can include a Drug Test – Chemical analysis of blood or urine specimen OR a mental examination. [R.C. 2951.03(A)(1)]

Does the victim have to make a statement for the PSI report?

NO, If the victim wants to make a statement for the PSI report, then the officer shall include the statement and comply with R.C. 2930.13 – may make written or oral statement.

What may the victim include in the statement for the PSI report?

(R.C. 2930.13(C)) The victim/victim representative may include:

1. Explanation of nature and extent of physical, psychological or emotional harm;
2. Property damage or economic loss;
3. Restitution needs and if victim has applied for or been compensated; and
4. Recommendation for appropriate sanction.

Who may access or receive a PSI report? (R.C. 2951.03(D)(1))

1. The court;
2. Appellate court;
3. Authorized probation officers;
4. Investigators;
5. Court personnel;
6. Defendant/defendant's counsel may read at a reasonable time before sentencing, EXCEPT:
   - Any recommendation as to sentence;
   - Any diagnostic opinions that, if disclosed, the court believes might seriously disrupt a program of rehabilitation for the defendant;
   - Any sources of information obtained upon a promise of confidentiality; and
   - Any other information that, if disclosed, the court believes might result in physical harm or some other type of harm to the defendant or to any other person.
7. Prosecutor who is handling the prosecution and victim per Marsy's Law (R.C. 2930.13); and
8. Authorized personnel of institution to which defendant committed.

Does the court have to grant access to the PSI report to anyone?

NO, If Court believes PSI should not be disclosed, SHALL state orally or in writing a summary of the factual information that will be used at sentence. [R.C. 2951.03(B)(3)]

What can the defendant do if they disagree with the contents of a PSI report?

Prior to sentencing – Defendant (Counsel) may comment on PSI, may introduce testimony or other information regarding alleged factual inaccuracies. [R.C. 2951.03(B)(2)]

What should the court do if Defendant alleges factual inaccuracies?

R.C. 2951.03(B)(5) Court SHALL either:

1. Make a finding as to the allegation; or
2. Make a determination that no finding is necessary because the factual matter will not be taken into account when sentencing.

Can either party appeal the summary or withholding?

R.C. 2951.03(C) Court's decision as to (B)(3) summary or withholding (B)(1)(a),(b),(c),(d) shall be considered within discretion of court. No appeal can be taken from either of those decisions – neither basis for reversal of sentence imposed.

Are PSI reports public records?

R.C. 2951.03(D): Contents of report are confidential/not a public record.

What happens to the PSI report after sentencing?

R.C. 2951.03(D)

2. Immediately following sentence, the PSI is returned to the court by the defendant, defense counsel and the prosecutor. No copies permitted.
3. Report held under seal, unless being used for authorized purpose.

NOTE: PSI report forwarded to institution per R.C. 2951.03(A)(2).

What happens to PSI report if the defendant is sent to an institution?

The report shall be sent with entry of commitment to the institution. [R.C. 2951.03(A)(2)]

What elements has the Ohio Criminal Sentencing Commission suggested be included in a PSI report, but are not required:

- Case information (i.e. attorneys, case number);
- Defendant information (i.e. address, demographics);
- Jail credit;
- Charges;
- Registration requirements (sex offender/violent offender/arson offender);
- License violation;
- Family history (parents, children, relevant history);
- Education;
- Physical and mental health history;
- Drug and alcohol assessment;
- Military history;
- Adverse childhood experience;
- CBCF referral;
- ORAS score;
- Victim impact statement and information;
- Protection orders;
- Summary of instant offense;
- Defendant statement;
- Criminal history (adult/juvenile);
- Detainers/charges pending;
- Pretrial release information;
- Residency status;
- Employment history;
- Tools (Static 99, VASOR);
- Supervision history;
- Financial condition; and
- Security threat group.

NOTE: Ohio Department of Rehabilitation and Correction (ODRC) has created a template that 43 counties accepting ODRC grant funds use. The template is also a global document in the Ohio Community Supervision System (OCSS).

UNIFORM SENTENCING ENTRY INTRODUCTION

The Uniform Sentencing entry is intended to provide practitioners with a template prescribing the minimum information required in a felony sentencing entry. Recognizing the complex nature of felony sentencing in Ohio, the Ad Hoc Committee worked to identify all elements necessary for an entry to comply with the Revised Code, Criminal Rule 32 as well as existing case law, and to develop the clearest and most concise language to comply with those requirements. Courts will be able to supplement the provided language with additional case-specific information pertinent to sentencing decisions or orders of the court at the time of sentencing.

Not every case requires an interpreter, and as such not every case will need interpreter language in the sentencing entry. But where an interpreter is used at a hearing, the entry should reflect that fact. The Ad Hoc Committee identified these conditional variables with a checkbox (☐) in the entry with a reference to the instructions section where the appropriate language can be found. By leaving the check-box headings in the body of the uniform entry, practitioners are informed as to where that language should be found in the entry, when necessary. The check boxes are not intended for inclusion in the filed entry, but merely to identify when conditional language should be used when applicable. Similarly, bracketed text appearing in red e.g. **[EXAMPLE]** represents a fillable field or options to be selected depending on case-specific circumstances e.g. "The defendant is advised that post-release control is **[MANDATORY / DISCRETIONARY]**…" Blue bracketed heading without the conditional selection check box represent mandatory language in the entry.

The instructions sections following the entries also include additional information related to the topic, such as issues that may arise during the sentencing hearing and additional inquiries the Court may need to make. Courts will need to comply with local appellate decisions specific to sentencing entries – for example in Uniform Sentencing Entry instruction 9, where there is a split among appellate districts as to the application of R.C. 2929.13(B)(1)(a) regarding multiple offenses. The instructions currently attempt to point out where several such conflicts exist.

Several charts are included as the clearest and most accessible way to quickly look at an entry to determine the sentence imposed. In the Uniform Sentencing Entry, the Disposition chart lays out all counts before the Court for sentencing in the case. The sentence chart details both the count-specific sentence and provides a space for aggregate minimum and maximum terms in non-life felony indefinite sentencing cases, and for the total stated prison term in the case. A specification chart is included to detail count-by-count specification time – members felt a separate chart was necessary to delineate complicated cases with multiple specifications, particularly where merger of specifications could become an issue.

The Supreme Court has revisited much of its prior jurisprudence on when a sentence in a criminal case is void and subject to attack at any time versus when it is merely voidable and must be attacked on direct appeal, as illustrated in the decisions in *State v. Henderson*, 161 Ohio St.3d 285, 2020-Ohio-4784; *McKinney v. Haviland*, 162 Ohio St.3d 150, 2020-Ohio-4785; and *State v. Harper*, 160 Ohio St.3d 480, 2020-Ohio-2913. These decisions highlight the need for errors in the sentencing entry to be addressed on direct appeal. The Uniform Sentencing Entry will help courts avoid these errors and provide for easier review of the entry by the parties, ensuring that errors will not go unnoticed and be addressed before time deadlines have expired.

Finally, the Ohio Criminal Sentencing Commission will monitor legislation and Supreme Court case law, work to keep the uniform entry up to date with any necessary changes, notify practitioners of those changes, and work with jurisdictions to provide any necessary implementation training as the entry is adopted.

IN THE COMMON PLEAS COURT OF **[NAME]** COUNTY, OHIO

THE HONORABLE JUDGE **[NAME]** PRESIDING

State of Ohio	:	
Plaintiff	:	Case No. CR N
v.	:	
	:	**UNIFORM SENTENCING ENTRY**
[NAME]	:	
Defendant	:	

(☐) **[INITIAL SENTENCING]**[1]

(☐) **[SENTENCING ON REMAND]**[2]

(☐) **[VISITING / SUBSTITUTE JUDGE / RECUSAL]**[3]

(☐) **[DEFENDANT'S PRESENCE]**[4]

(☐) **[COUNSEL FOR DEFENDANT / WAIVER]**[5]

[STATE'S REPRESENTATIVE][6]

HEARING RECORDED[7]

(☐) **[INTERPRETER QUALIFICATION]**[8]

(☐) **[VICTIM INQUIRY]**[9]

[ALLOCUTION, PARTY STATEMENTS, AND CONSIDERATIONS][10]

(☐) **[DEFENSE COUNSEL PRESENT]**

(☐) **[PRO SE DEFEDNANT]**

CONVICTION & FINDINGS

[DISPOSITION][11]

The Court finds that the defendant was found guilty of the following:

INSTRUMENT – TYPE	COUNT #	STATUTORY OFFENSE CODE	NAME OF OFFENSE	OFFENSE LEVEL	DISPOSITION	DATE	SPECIFICATIONS (NAME AND CODE SECTION)

(☐) [JUVENILE BINDOVER – MANDATORY OR DISCRETIONARY][12]

(☐) [SERIOUS MENTAL ILLNESS FINDING – DEFENDANT INELIGIBLE FOR CAPITAL PUNISHMENT][13]

(☐) [MERGER OF OFFENSES][14]

(☐) MERGER OF SPECIFICATIONS][15]

(☐) [R.C. 2929.11 AND 2929.12 FACTORS][16]

(☐) [JUVENILE BINDOVER SENTENCING CONSIDERATIONS][17]

(☐) [COMMUNITY CONTROL SANCTION FOR NON-VIOLENT F4/F5 & DIV. B DRUG OFFENSES[18] RC 2929.13(B)(1)]

(☐) [TCAP][19]

(☐) [F3 AND DIV. C DRUG OFFENSES][20]

(☐) [PRISON PRESUMPTION][21]

(☐) [MANDATORY SENTENCES][22]

(☐) [JOINT RECOMMENDATION][23]

(☐) [MULTIPLE COUNTS – CONSECUTIVE / CONCURRENT SENTENCING][24]

SENTENCE

(☐) [INCARCERATION IMPOSED][25]
The Court hereby imposes the following sentence:

COUNT #	SENTENCE (SPECIFY DEFNINTE, MINIMUM, OR LIFE)	LENGTH OF TERM	MANDATORY	CONC W/ COUNT(S)	CONSEC TO COUNT(S)	SPECS	SPEC CONC	SPEC CONSEC
			(☐)				(☐)	(☐)
			(☐)				(☐)	(☐)
			(☐)				(☐)	(☐)

AGGREGATE MINIMUM TERM	
MAXIMUM TERM	

STATED PRISON TERM (Includes sum of any specifications below	

(☐) [SPECIFICATION CHART][26]

(☐) [JUVENILE BINDOVERS – PAROLE ELIGIBILITY][27]

(☐) [REPEAT VIOLENT OFFENDER SPECIFICATIONS][28]

(☐) MULTIPLE CASES – CONSECUTIVE / CONCURRENT SENTENCING[29]

(☐) [ORDER OF SENTENCES][30]

(☐) [NON-LIFE FELONY INDEFINITE SENTENCING][31]

(☐) [RISK REDUCTION SENTENCE][32]

(☐) [COMMUNITY CONTROL IMPOSED][33]

(☐) [NON-LIFE FELONY INDEFINITE MAXIMUM TERM][34]

[CONDITIONS OF COMMUNITY CONTROL IF NOT ATTACHED]

(☐) [RESIDENTIAL SANCTIONS][35]

(☐) [NONRESIDENTIAL SANCTIONS][36]

(☐) [COURTESY SUPERVISION / INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION][37]

(☐) [JOINT RECOMMENDATION ACCEPTED][38]

[POST-RELEASE CONTROL][39]

(☐) OFFENDER ON TRANSITIONAL / POST-RELEASE CONTROL AT TIME OF A NEW FELONY OFFENSE][40]

[COURT COSTS AND FEES][41]

(☐) [RESTITUTION][42]

(☐) [FINES][43]

(☐) [OTHER FINANCIAL SANCTIONS][44]

(☐) [LICENSE SUPSENSION][45]

(☐) [FORFEITURE][46]

(☐) [PROPERTY DISPOSITION][47]

[BOND][48]

(☐) [DISMISSED CHARGES / SPECIFICATIONS][49]

(☐) [REMAND / CONVEY][50]

[JAIL TIME CREDIT][51]

(☐) **[REGISTRATION OFFENSES]**[52]

(☐) **[DNA COLLECTION]**[53]

(☐) **[FINGERPRINTING]**[54]

(☐) **[BCI / LEADS / NICS REPORTING]**[55]

(☐) **[CIVIL RIGHTS / FIREARM DISABILITIES]**[56]

(☐) **[APPEAL RIGHTS]**[57]

(☐) **[STAY OF EXECUTION / APPELLATE BOND]**[58]

IT IS SO ORDERED

JUDGE: ___________________________

DATE: ___________________________

UNIFORM SENTENCING ENTRY INSTRUCTIONS

As reminder, the Uniform Sentencing entry was developed as a template prescribing the minimum information required, and the provided language may be supplemented with additional case-specific information pertinent to the sentencing decisions or with specific orders of the court at the time of sentencing.

[1]- [INITIAL SENTENCING]
Language for use at initial sentencing of the case.

(☐) **[INITIAL SENTENCING]**
This case came before the Court on **[DATE]** for sentencing pursuant to R.C. 2929.19.

[2]- [SENTENCING ON REMAND]
Language for use when a case is back before the Court for resentencing. Courts will include the original sentencing date, as well as information regarding the Court of Appeals case which led to the resentencing.

A space is provided for the Court to detail what issues led the Appellate Court to order a resentencing hearing take place. Courts can indicate in this space if the remand was to the case as a whole or just for specific counts.

(☐) **[SENTENCING ON REMAND]**
This case came before the Court on **[DATE]** for sentencing after remand by the Court of Appeals. The case originally came before the Court on **[DATE]** for sentencing pursuant to R.C. 2929.19. On **[DATE]** the **[NUMBER]** District Court of Appeals issued a decision in **[CASE NUMBER]** following appeal of the previous judgment and/or sentence in this case. **[DETAIL APPELLATE DECISION / COUNTS SUBJECT TO RESENTENCING]**.

[3]- [VISITING / SUBSTITUTE JUDGE / RECUSAL]
Note where the hearing was conducted by a visiting / Substitute Judge other than the assigned judge on the case.

(☐) **[VISITING / SUBSTITUTE JUDGE / RECUSAL]**
Due to the **[UNAVAILABILITY / RECUSAL]** of **[NAME OF ASSIGNED JUDGE]**, **[VISITING / SUBSTITUTE]** Judge **[NAME]** presided over the hearing on this date.

[4]- [DEFENDANT'S PRESENCE]
Note the defendant's presence or absence for the record.

(☐) **[DEFENDANT'S PRESENCE]**
The defendant was present in the courtroom.

Pursuant to Crim.R. 43, a defendant may waive the defendant's physical presence at a criminal proceeding either orally on the record or in writing and participate in the proceeding via remote contemporaneous video technology. See Crim.R. 43(A)(2)(a-e) for specific requirements of the video conferencing technology.

(☐) **[DEFENDANT NOT PRESENT – WAIVER]**
The Court notified the parties in advance of the availability of videoconferencing technology. The defendant waived the defendant's right to be physically present at the hearing **[ORALLY/IN WRITING]** pursuant to Crim.R. 43(A)(3) and the proceedings were conducted via remote contemporaneous video technology that allowed for the defendant to see and

hear the proceedings, to speak and be heard by the court and the parties, and to communicate with counsel privately.

A defendant may also be excluded from a proceeding due to disruptive behavior pursuant to Crim.R. 43(B). Courts should note that disruptive behavior for the record, as well as any accommodations (such as use of contemporaneous video technology) made to preserve the rights of the defendant.

(☐) **[DEFENDANT NOT PRESENT – DISRUPTIVE BEHAVIOR]**
[DETAIL DEFENDANT'S DISRUPTIVE BEHAVIOR] Due to the persistent disruptive conduct of the offender, the Court found pursuant to Crim.R. 43(B) that the proceedings could not reasonably be conducted with the defendant present in the courtroom, and therefore ordered that the defendant be removed. The Court then proceeded with the hearing. **[NOTE ANY STEPS TAKEN TO PRESERVE RIGHTS OF DEFENDANT]**

[5]- [COUNSEL FOR DEFENDANT / WAIVER]
Note the presence or absence of defense counsel for the record, including whether the defendant has previously waived the defendant's right to counsel, whether the defendant did so at the hearing in question, and where standby counsel has been appointed to assist the defendant.

Ohio allows for standby counsel to be appointed by the trial court, in its discretion, when a defendant has waived the right to counsel. The role of standby counsel is to assist the defendant should the defendant request it. If at any point it is decided the defendant no longer wishes to represent themselves or is otherwise incapable, standby counsel can step in to present a defense in the case. However, the Court has cautioned repeatedly against what is commonly known as "hybrid representation," or allowing standby counsel to participate alongside a pro se defendant. Hybrid representation is seen- as problematic for a variety of reasons; it can cause confusion in how to manage courtroom proceedings and can usurp the defendant's right to represent themselves in the proceeding. Courts choosing to appoint standby counsel should be clear as to the role and duties standby counsel is being appointed to fulfill. For more information on standby counsel, see *State v. Martin*, 103 Ohio St.3d 385, 2004-Ohio-5471, and *State v. Hackett*, 164 Ohio St.3d 74, 2020-Ohio-6699.

(☐) **[DEFENDANT HAS COUNSEL]**
Counsel for the defendant, **[NAME]**, **[WAS PRESENT/APPEARED BY VIDEO]**.

(☐) **[PRO SE DEFENDANT]**
Defendants have a sixth amendment right to waive the right to counsel and represent themselves. The request must be unequivocal, and the trial court must conduct an inquiry to insure the defendant is aware of the consequence of giving up the right to counsel and of the "dangers and disadvantages of self-representation" – including specific facts and circumstances about the defendant's situation or charges that affect the decision to waive counsel. The request and waiver inquiry must take place on the record pursuant to Crim.R. 22, and in "serious offenses" (felonies), that waiver must also be in writing pursuant to Crim.R. 44.

(☐) **[PRIOR WAIVER]**
At a hearing on **[DATE]**, the defendant requested to waive the right to counsel and represent themselves. The Court conducted an inquiry and found that waiver to be knowingly, intelligently, and voluntarily made.

(☐) **[STANDBY COUNSEL PREVIOUSLY APPOINTED]**
Standby counsel for the defendant, **[NAME]**, **[WAS PRESENT/APPEARED BY VIDEO]**.

(☐) **[WAIVER AT THE HEARING]**
The defendant expressed on the record a request to represent themselves in the proceedings. The Court then conducted an inquiry into the reasons thereof and made the defendant aware of the benefits of having counsel and the dangers and disadvantages of proceeding pro se. After the inquiry, the Court found that the defendant was making a knowing, intelligent, and voluntary waiver of the right to counsel, and allowed the defendant to proceed without representation. This waiver was memorialized in writing after the inquiry on the record.

(☐) **[STANDBY COUNSEL APPOINTED AT HEARING]**
The defendant having waived the right to be represented by counsel, The Court discussed the appointment of stand-by counsel with the defendant, and the court appointed standby counsel **[NAME]** in this case **[AT THE DEFENDANT'S REQUEST/ON ITS OWN MOTION]**.

[6]- [STATE'S REPRESENTATIVE]

(☐) **[STATE'S REPRESENTATIVE]**
The State of Ohio, as represented by **[NAME] [WAS PRESENT / APPEARED BY VIDEO]**.

[7]- [HEARING RECORDED]

(☐) **[HEARING RECORDED]**
The hearing took place **[ENTIRELY BY REMOTE VIDEOCONFERENCING] / [IN PART BY REMOTE VIDEOCONFERENCING] / [IN PART BY TELEPHONE CONFERENCING] / [ENTIRELY BY TELEPHONE CONFERENCING].**
The proceedings were recorded by **[NAME OF REPORTER] / [ELECTRONIC RECORDING SYSTEM]**.

[8]- [INTERPRETER QUALIFICATION]
Language for use when interpreter is necessary at the sentencing hearing. For additional information about interpreters, see the Supreme Court of Ohio's Court Interpreter Bench Notes.

The Court had previously inquired and found, pursuant to R.C. 2311.14 and Sup.R. 88, that a **[LANGUAGE]** interpreter was necessary to assist the defendant in understanding the proceedings. The **[CERTIFIED/PROVISIONALLY QUALIFIED/REGISTERED/LANGUAGE-SKILLED]** interpreter **[NAME]** **[WAS/HAD BEEN PREVIOUSLY]** appointed, was sworn on the record, and interpreted for the defendant.

[9]- [VICTIM INQUIRY]
In crimes involving a victim, the victim/victim's representative has the right to be present during any public proceeding, other than grand jury, and victim/victim's representative and victim's attorney has the right to be heard by the court at any proceeding in which any right of the victim is implicated.

(☐) **[VICTIM PRESENT]**
The **[VICTIM(S)/VICTIM REPRESENTATIVE(S)]** was/were present at the hearing and were given the opportunity to be heard.

(☐) **[VICTIM PRESENT - VIRTUALLY]**
The **[VICTIM(S)/VICTIM REPRESENTATIVE(S)]** was/were present at the hearing virtually and was/were given the opportunity to be heard.

(☐) **[VICTIM NOT PRESENT]**

The **[VICTIM(S)/VICTIM REPRESENTATIVE(S)]** was/were not present at the hearing. The Court asked the prosecutor all of the following:

(i) Whether the victim and victim's representative, if the victim or victim's representative requested notifications, were notified of the time, place, and purpose of the court proceeding;

(ii) To disclose to the court any and all attempts made to give each victim and victim's representative, if applicable, notice;

(iii) Whether the victim or victim representative were advised that the victim and victim's representative had a right to be heard at the court proceeding;

(iv) Whether the victim and victim representative were conferred with pursuant to section 2930.06 of the Revised Code.

The Court determined that the hearing may proceed as the prosecutor informed the court that the victim and victim's representative, if the victim or victim's representative requested notifications, were notified of the time, place, and purpose of the court proceeding and that the victim or victim's representative had a right to be heard at the court proceeding, and any and all attempts to give each victim and victim's representative, if applicable, notice. The prosecutor shall inform the court of the victim's and victim's representatives, if applicable, position on the matter before the court, if the position is known to the prosecutor.

[10]- [ALLOCUTION, PARTY STATEMENTS, AND CONSIDERATIONS]

Language regarding the court giving the defendant the opportunity for allocution, along with the opportunity for the state to address the court, as well as the considerations the court has made prior to imposing sentence. The initial language differs based on whether or not the defendant is represented. The concluding paragraph appears regardless of which option is selected.

(☐) **[DEFENSE COUNSEL PRESENT]**
The Court gave defense counsel an opportunity to speak and present mitigation on the defendant's behalf, personally addressed the defendant, and provided the defendant an opportunity for allocution.

(☐) **[PRO SE DEFEDNANT]**
The Court personally addressed the defendant, and provided the defendant an opportunity for allocution.

(☐) **[PROSECUTING ATTORNEY]**
The Court gave the prosecuting attorney an opportunity to address the court.
(☐) The State deferred to the court regarding specific sentencing recommendations.

(MANDATORY LANGUAGE)
Having considered all statements in mitigation as well as the statements of the parties, any presentence investigation, any victim impact statement and/or other statement from the victim or victim's representative, as well as the principles and purposes of sentencing in R.C. 2929.11, the seriousness and recidivism factors in R.C. 2929.12, and all other relevant sentencing statutes, the Court pronounced sentence on the defendant as follows.

CONVICTIONS & FINDINGS

This section uses a chart to illustrate the counts the defendant has been found guilty of as well as findings the court may need to make before imposing sentence. Please note that the Uniform Sentencing Entry was constructed with an assumption that a separate entry will be prepared journalizing the disposition for each count – e.g. an entry of guilty plea.

[11]- [DISPOSITION]

This section of the entry begins with an eight-column chart detailing the charges for which the defendant was convicted (from left to right in chart). *Columns highlighted in grey indicate that when no data is entered, the column will not appear in the final, published version of the entry*.

Recognizing that counts may be added or amended prior to sentencing, the Disposition chart now includes a "Instrument/Type" column to detail where the count originated and if it has changed in any way since originally filed. This would include noting if a specification to the count has changed since the indictment. Specifications that were amended during the case would fall under the "amended" category, specifications for which a defendant was found not guilty would fall under the lesser included offense category, and those amended/dismissed pursuant to a plea would fall under the "stipulated lesser" category.

The columns in the Disposition chart are as follows:

1. The charging instrument and type of charge. Codes for other charge types:
   a. **IND** – Defendant convicted of charge as indicted.
      i. **IND - AM** – Amended from indicted charge/specification.
      ii. **IND - STLIO** – Stipulated Lesser of indicted charge/specification.
      iii. **IND - LIO** – Lesser included offense of indicted charge/specification
   b. **BOI** – Defendant convicted of charge in Bill of Information
      i. **BOI - AM** – Amended from charge/specification in Bill of Information.
      ii. **BOI - STLIO** – Stipulated Lesser of charge/specification in Bill of Information.
      iii. **BOI - LIO** – Lesser included offense of charge/specification in Bill of Information.
   c. **COM** – Defendant convicted of charge in Complaint
      i. **COM - AM** – Amended from complaint's charge/specification.
      ii. **COM - STLIO** – Stipulated Lesser of charge/specification in complaint.
      iii. **COM - LIO** – Lesser included offense of charge/specification in complaint.
2. The count numbers should be referenced as they originally appeared in the charging instrument, even if the counts were re-numbered prior to jury consideration (any such renumbering of counts will be noted as part of the verdict upon trial entry).
3. The statutory offense code - e.g. 2913.02(A)
4. The name of the offense - e.g. Theft
5. The offense level described simply as F# - e.g. F5
6. The method by which the disposition occurred - e.g. guilty plea, bench trial, jury trial
7. The date of the plea or verdict in MM/DD/YYYY format - e.g. 02/01/2020
8. Any specifications attached to the count, by specification number (if multiple specifications per count), name and code section - e.g. 3-year Firearm 2941.145. This column is highlighted in grey to indicate that when no specifications are present in the case, the column will not appear in the final, published version of the entry.

[12]- [JUVENILE BINDOVER – MANDATORY OR DISCRETIONARY]

In cases where the offender was under the age of 18 at the time of the offense and is bound over to adult court, Courts should use the following template language in the sentencing entry.

Pursuant to R.C. 2152.121, when a youth aged 16 or 17 at the time of the offense and subject to a mandatory bindover pursuant to R.C. 2151.12(A)(2)(a)(i) [R.C. 2152.02(BB) Category One offense] or (A)(1)(b)(ii) [R.C. 2152.02(CC)] Category Two offense committed with a firearm] is before the court for sentencing, the court must determine if the offense the offender has been convicted of or pleaded guilty to would still subject the defendant to a mandatory bindover. This typically occurs in cases where the offender has been found guilty of a lesser offense or has entered a plea to a charge other than that to which the offender was bound over. If the court finds under those circumstances that the bindover would have been discretionary, it must then impose a sentence and then order that sentence stayed and the case transferred back to juvenile court for additional determinations as to the amenability of the offender.

For additional information on the juvenile bindover process, see the Supreme Court of Ohio's Youth in Adult Court Bench Card

(☐) **[JUVENILE BINDOVER]**

As the offense in question occurred before the defendant's eighteenth birthday, jurisdiction in this case was transferred to this court as the result of a **[MANDATORY/DISCRETIONARY]** juvenile bindover in **[NAME]** County Juvenile Court on **[DATE OF ENTRY CERTIFYING BINDOVER]**.

(☐) **[DEFENDANT GUILTY OF MANDATORY BINDOVER OFFENSE]**
As the defendant was age **[SIXTEEN/SEVENTEEN]** at the time of the offense, and was subject to a mandatory bindover for a **[CATEGORY ONE OFFENSE/CATEGORY TWO OFFENSE COMMITTED WITH A FIREARM]**, pursuant to R.C. 2152.121 this Court further finds that the offender was found guilty of an offense subject to mandatory bindover in Count **[NUMBER]** and jurisdiction will remain with the Common Pleas Court for sentencing.

(☐) **[DEFENDANT FOUND GUILTY OF DISCRETIONARY BINDOVER OFFENSE]**
As the defendant was age **[SIXTEEN/SEVENTEEN]** at the time of the offense, and was subject to a mandatory bindover for a **[CATEGORY ONE OFFENSE/CATEGORY TWO OFFENSE COMMITTED WITH A FIREARM]**, pursuant to R.C. 2152.121 this Court further finds that the offender was found guilty of an offense subject to discretionary bindover in Count **[NUMBER]** and therefore orders the sentence imposed in this case stayed and the case transferred back to **[NAME]** County Juvenile Court for additional hearings as to the amenability of the offender for rehabilitation within the juvenile system.

[13]- [SERIOUS MENTAL ILLNESS FINDING – DEFENDANT INELIGIBLE FOR CAPITAL PUNISHMENT]

With the passage of 2021 Am.Sub.H.B. No. 136 (effective April 12, 2021) Ohio law now prohibits imposition of the death penalty for individuals who suffered from a statutorily defined "serious mental illness" at the time of the commission of the capital offense. R.C. 2929.025 governs how the defendant may raise the issue and request an evaluation and pretrial hearing on the issue. The burden is on the defendant to prove by a preponderance of the evidence that the defendant were suffering from one of the specified illnesses at the time of the offense, and that the illness significantly impaired the defendant's capacity to exercise rational judgment in either conforming the defendant's behavior to legal requirements or appreciating the nature, consequences, or wrongfulness of the defendant's conduct. If proven, the Court must find that the defendant is not eligible for a sentence of death.

When the defendant has been found ineligible for the penalty and the indictment alleges a capital specification under R.C. 2929.04(A)(5) of a prior conviction, that specification must still be presented to the jury, trial judge, or 3 judge panel for consideration of the prior conviction. If proven beyond a reasonable doubt, that specification may impact the sentencing pursuant to R.C. 2929.022(A)(2)(b). To that end, the first sample entry above deals with memorializing the Court's findings after a hearing on the issue.

A finding of serious mental illness would alleviate the need for use of a capital case specific uniform sentencing entry, and the following language should be added to the standard uniform sentencing entry indicating that the finding had been made and noting any relevant sentencing consequences. Use the following language in such circumstances, supplemented as necessary with case specific facts.

> Count(s) **[NUMBER]** were indicted with capital specifications under R.C. 2929.04, and the defendant alleged and successfully proved the defendant was suffering from a serious mental illness at the time of the offense(s) and that the illness significantly impaired the defendant's capacity to exercise rational judgment in relation to the person's conduct with respect to either conforming the defendant's conduct to the requirements of law or appreciating the nature, consequences, or wrongfulness of the defendant's conduct. **[SUPPLEMENT WITH CASE SPECIFIC FINDINGS]**. Therefore, this Court found at a hearing on **[DATE]** that the defendant was not eligible for the death penalty in this case.

[14]- [MERGER OF OFFENSES]

Courts must consider the issue of merger regardless of whether community control or prison terms are being imposed. If the issue of merger is raised, the Court should conduct a hearing and address the issue on the record to determine what, if any, counts may merge. This analysis occurs prior to sentencing, as the defendant does not receive a sentence on merged counts. As such, the section memorializing the Court's decision on merger is located before the sentences are formally imposed.

The language of the entry eschews the formal language of R.C. 2941.25 "allied offenses of similar import" as the Ad Hoc Committee felt that the term "merger" better reflects the language used by practitioners throughout the state. Courts involved in a merger analysis should supplement the language below with specific findings.

NOTE: Both optional sections – [MERGER APPLIES] and [MERGER DOES NOT APPLY] – could be used.

(☐) **[MERGER APPLIES]**

(☐) The Court finds that Counts **[NUMBERS]** merge under R.C. 2941.25 for purposes of final conviction and sentence.

The State elected to proceed on Count **[NUMBER]** and therefore a final conviction and sentence is hereby entered on Count[s] **[NUMBER]** only.

(REPEAT AS NECESSARY)

(☐) The Court finds that merger under R.C. 2941.25 does not apply to any other counts.

(☐) **[MERGER DOES NOT APPLY]**

(☐) The Court finds that Counts **[NUMBERS]** do not merge under R.C. 2941.25 for purposes of final conviction and sentence. ***(REPEAT AS NECESSARY)***

(☐) The Court finds that merger under R.C. 2941.25 does not apply to any counts.

[15]- [MERGER OF SPECIFICATIONS]

A court generally may not impose additional prison terms for multiple specifications of the same type for offenses committed as part of the same act, transaction, scheme, or plan – though specific language varies by type of specification, as listed below.

"Acts or transaction" and "scheme or plan" are understood as having the same meaning as under Crim.R.8(A) considerations of joinder. "Transaction" has been interpreted in the specification context to mean a "series of continuous acts bound together by time, space, and purpose, and directed toward a single objective" " *State v. Wills*, 69 Ohio St.3d 690, 1994-Ohio-417, 635 N.E.2d 370 (1994). More recently, the Supreme Court of Ohio in *State v. Dean*, 146 Ohio St. 3d 106, 2015-Ohio-4347, 54 N.E.2d 80 (2015) found that specifications for offenses "[committed on] different days and at different locations and involved sperate victims" did not require merger under this section. For a recent summary of appellate holdings on this issue, see *State v. Williams*, 2020-Ohio-1368 (1st Dist.) at paragraphs 16-17.

Prohibitions against imposition of multiple specifications include:

- Multiple firearm specifications under R.C. 2941.141, 2941.144, or 2941.145 – [R.C. 2929.14(B)(1)(b]
  - Not more than one prison term for felonies committed as part of the same act or transaction, except as provided in R.C. 2929.14(B)(1)(g) – When the defendant is convicted of two or more specified felonies, and those convictions include firearm specifications, the court **must** impose prison terms for each of the two most serious specifications for which the offender is convicted, and may, in its discretion, impose prison terms for any and all remaining specifications.
  - Note that R.C. 2941.141(B) and (E), R.C. 2941.144(B) and (E), and R.C. 2941.145(B) and (E), prohibit these specifications stacking with each other on a given felony count.
  - Note offense exclusions in R.C. 2929.14(B)(1)(e)
- Multiple drive-by shooting specifications under R.C. 2941.146 [R.C. 2929.14(B)(1)(c)(iii)]
  - Can only impose one such specification for felonies committed as part of the same act or transaction.
  - Mandatory that court impose a prison term for a 2929.14(B)(1)(a) specification as well, if conditions satisfied.
  - Note offense exclusions in R.C. 2929.14(B)(1)(e)
- Multiple body armor specifications under R.C. 2941.1411 [R.C. 2929.14(B)(1)(d)]
  - Not more than one prison term for felonies committed as part of the same act or transaction.
  - Not precluded from imposing this additional prison term if a prison time for a R.C. 2929.14(B)(1)(a) or R.C. 2929.14(B)(1)(c) spec is also imposed.
- Multiple specifications for discharge of a firearm at a peace or corrections officer under R.C. 2941.1412 [R.C. 2929.14(B)(1)(f)(iii) – the court must impose two of the specifications, and has discretion to impose any other such specifications]
  - If a prison term is imposed for a R.C. 2929.1412 specification, the court **may not** impose a prison term for a firearm specification (2941.141, 2941.144, 2941.145) or a drive-by shooting specification (2941.146)
- Multiple repeat violent offender specifications under R.C. 2941.149 [R.C. 2929.14(B)(2)(c) – offenses committed at the

same time or as part of the same act or event are considered one offense]

- Multiple peace officer/BCI investigator victim specifications under R.C. 2941.1414 [R.C. 2929.14(B)(5)]
  - Cannot impose more than one prison term for felonies committed as part of the same act.
- Multiple specifications for 3 or more OVI offense convictions under R.C. 29414.1415 [R.C. 2929.14(B)(6]
  - Cannot impose more than one prison term for felonies committed as part of the same act.
- Multiple human trafficking specifications under R.C. 2941.1422 [R.C. 2929.14(B)(7)(b)]
  - Cannot impose more than one prison term for felonies committee as part of the same act, scheme, or plan.
- Multiple 6-year specifications for use of an accelerant resulting in permanent serious disfigurement or permanent substantial incapacity under R.C. 2941.1425 [R.C. 2929.14(B)(9)(b)].
  - Cannot impose more than one prison term for felonies committed as part of the same act.
- Multiple 6-year specifications for permanent disabling harm to a victim under 10 under R.C. 2941.1426 [R.C. 2929.14(B)(10)]
  - Cannot impose another other additional prison terms on the offender relative to the same offense.
- Multiple MDO specifications for fentanyl-related compounds under R.C. 2941.1410 [R.C. 2929.14(B)(11)]
  - Cannot impose more than one prison term for felonies committee as part of the same act.
- Multiple Violent Career Criminal specifications under R.C. 2941.1424 [R.C. 2929.14(K)(1)]
  - Cannot impose more than one prison term under R.C. 2929.14(K)(1) and 2929.14(B)(2)(a)(RVO spec) for felonies committed as part of the same act or transaction. "Merger" of these specifications with an RVO spec are handled in the RVO Specification section.

Cases with multiple firearm specifications may require consideration of both merger of specifications under R.C. 2929.14(B)(1)(b) and whether the sentencing court chooses to run any of the specifications concurrently under R.C. 2929.14(B)(1)(g).

Use the following language to supplement the record regarding the sentences imposed for specifications. *State v. Bollar*, 2022-Ohio-4370, the Supreme Court held that cumulative prison terms for firearm specifications were allowed as part of the same act.

(☐) **[FIREARM SPECIFICATION MERGER / CONSECUTIVE ANALYSIS]**

(☐) **[FIREARM SPECIFICATIONS MERGED]** ***(REPEAT AS NECESSARY)***

Pursuant to R.C. 2929.14(B)(1)(b) the Court hereby finds that that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were** committed as part of the same act or transaction and as such will only impose one prison term for those specifications.

(☐) **[FIREARM SPECIFICATIONS NOT MERGED]** ***(REPEAT AS NECESSARY) (CAN USE BOTH)***

Pursuant to R.C. 2929.14(B)(1)(b) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were not** committed as part of the same act or transaction and as such will impose prison terms for each of those specifications.

(☐) **[R.C. 2929.14(B)(1)(g) – FIREARM SPECIFICATIONS NOT MERGED – OPTIONAL, ADDITIONAL TERMS]** ***(REPEAT AS NECESSARY) (CAN USE BOTH)***

Pursuant to R.C. 2929.14(B)(1)(g) the defendant being before the court for two or more felonies, one of which is Aggravated Murder, Murder, Attempted Aggravated Murder, Attempted Murder, Aggravated Robbery, Felonious Assault, or Rape, with a firearm specification attached to two or more of said felonies, the Court shall impose a mandatory, consecutive prison term for two most serious Specifications **[NUMBERS]** and:(☐) **[2929.14(B)(1)(g)** ***(REPEAT AS NECESSARY) (CAN USE BOTH)*** Pursuant to that statute, the Court **will** impose a mandatory, consecutive prison term for Specification(s) **[NUMBER(S)]**.

(☐) **[2929.14(B)(1)(g)** ***(REPEAT AS NECESSARY) (CAN USE BOTH)***

Pursuant to that statue, the Court **will not** impose a prison term for Specification(s) **[NUMBER(S)]**.

[MULTIPLE FIREARM SPECIFICATIONS]

Language for use when there are multiple firearm specifications per count. R.C. 2941.141(B) and (E), R.C. 2941.144(B) and (E), and R.C. 2941.145(B) and (E), prohibit firearm specifications stacking with each other on a given felony count. Note that the code is silent as to which specification the courts should impose a prison term for.

(☐) **[MULTIPLE FIREARM SPECIFICATIONS**

Pursuant to statute, the Court is precluded from imposing more than one prison term for a firearm specification relative to the same felony, and as such will only impose a prison term for one such firearm specification per applicable count.

(☐) **[DRIVE-BY SPECIFICATION MERGER**

(☐) **[DRIVE-BY SPECIFICATIONS MERGED]** ***(REPEAT AS NECESSARY)***

Pursuant to R.C. 2929.14(B)(1)(c)(iii) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were** committed as part of the same act or transaction and as such will only impose one mandatory, consecutive prison term for those specifications.

(☐) **[DRIVE-BY SPECIFICATIONS NOT MERGED]** ***(REPEAT AS NECESSARY)(CAN USE BOTH)***

Pursuant to R.C. 2929.14(B)(1)(d) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were not** committed as part of the same act or transaction and as such will impose mandatory, consecutive prison terms for each of those specifications.

(☐) **[BODY ARMOR SPECIFICATION MERGER]**

(☐) **[BODY ARMOR SPECIFICATION MERGED]** ***(REPEAT AS NECESSARY)***

Pursuant to R.C. 2929.14(B)(1)(d) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were** committed as part of the same act or transaction and as such will only impose one mandatory, consecutive prison term for those specifications.

(☐) **[BODY ARMOR SPECIFICATIONS NOT MERGED]*(REPEAT AS NECESSARY)(CAN USE BOTH)***

Pursuant to R.C. 2929.14(B)(1)(d) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were not** committed as part of the same act or transaction and as such will impose mandatory, consecutive prison terms for each of those specifications.

(☐) **[DISCHARGE OF FIREARM AT A PEACE OFFICER SPECIFICATION MERGER]**

(☐) **[DISCHARGE OF A FIREARM AT A PEACE OFFICER SPECIFICATIONS – DISCRETIONARY MERGER]** ***(REPEAT AS NECESSARY)(MUST IMPOSE TWO SPECIFICATIONS, DISCRETION AS TO REMAINING)***

Pursuant to R.C. 2929.14(B)(1)(f)(iii) the Court must hereby imposes a mandatory, consecutive prison term on Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]**.

(☐) **[ATTENDANT FIREARM SPECIFICATIONS]*(REPEAT AS NECESSARY)(CAN USE BOTH)***

Pursuant to R.C. 2929.14(B)(1)(f)(iii) the Court **may not** impose a prison term for Specifications **[NUMBER(S)]** to Count(s) **[NUMBER(S)]**.

(☐) **[PEACE OFFICER / BCI INVESTIGATOR SPECIFICATION MERGER]**

(☐) **[PEACE OFFICER / BCI INVESTIGATOR VICTIM SPECIFICATIONS MERGED]*(REPEAT AS NECESSARY) (CAN USE BOTH)***

Pursuant to R.C. 2929.14(B)(5) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were** committed as part of the same act and as such will only impose one mandatory, consecutive prison terms for those specifications.

(☐) **[PEACE OFFICER / BCI INVESTIGATOR VICTIM SPECIFICATIONS NOT MERGED]** ***(REPEAT AS NECESSARY)(CAN USE BOTH)***
Pursuant to R.C. 2929.14(B)(5) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were not** committed as part of the same act and as such will impose mandatory, consecutive prison terms for each of those specifications.

(☐) **[OVI SPECIFICATION MERGER]**

(☐) **[OVI SPECIFICATIONS MERGED]*****(REPEAT AS NECESSARY)***
Pursuant to R.C. 2929.14(B)(6) the Court hereby finds that that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were** committed as part of the same act and as such will only impose one mandatory, consecutive prison term for those specifications.

(☐) **[OVI SPECIFICATIONS NOT MERGED]*****(REPEAT AS NECESSARY)(CAN USE BOTH)***
Pursuant to R.C. 2929.14(B)(6) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were not** committed as part of the same act and as such will impose mandatory, consecutive prison terms for each of those specifications.

(☐) **[HUMAN TRAFFICKING SPECIFICATION MERGER]**

(☐) **[HUMAN TRAFFICKING SPECIFICATIONS MERGED]*****(REPEAT AS NECESSARY)***
Pursuant to R.C. 2929.14(B)(7)(b) the Court hereby finds that that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were** committed as part of the same act and as such will only impose one mandatory, consecutive prison term for those specifications.

(☐) **[HUMAN TRAFFICKING SPECIFICATIONS NOT MERGED]*****(REPEAT AS NECESSARY)(CAN USE BOTH)***
Pursuant to R.C. 2929.14(B)(7)(b) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were not** committed as part of the same act and as such will impose mandatory, consecutive prison terms for each of those specifications.

(☐) **[ACCELERANT SPECIFICATION MERGER]**

(☐) **[ACCELERANT SPECIFICATIONS MERGED]*****(REPEAT AS NECESSARY)***
Pursuant to R.C. 2929.14(B)(9)(b) the Court hereby finds that that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were** committed as part of the same act and as such will only impose one mandatory, consecutive prison term for those specifications.

(☐) **[ACCELERANT SPECIFICATIONS NOT MERGED]** ***(REPEAT AS NECESSARY) (CAN USE BOTH)***
Pursuant to R.C. 2929.14(B)(9)(b) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were not** committed as part of the same act and as such will impose mandatory, consecutive prison terms for each of those specifications.

(☐) **[PERMANENT DISABLING HARM SPECIFICATIONS MERGER]**

(☐) **[PERMANENT DISABLING HARM SPECIFICATIONS]** ***(REPEAT AS NECESSARY)***
Pursuant to R.C. 2929.14(B)(10) the defendant having been found guilty of a R.C. 2910.1426 permanent disabling harm specification in Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** the Court will impose the required additional 6-year mandatory, consecutive prison term and no other additional prison terms for that offense.

(☐) **[MDO – FENTANYL RELATED COMPOUND SPECIFICATION MERGER]**

(☐) **[MDO – FENTANYL RELATED COMPOUND SPECIFICATIONS MERGED]** ***(REPEAT AS NECESSARY)***
Pursuant to R.C. 2929.14(B)(11) the Court hereby finds that that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were** committed as part of the same act and as such will only impose

one mandatory, consecutive prison term for those specifications.

(☐) **[MDO – FENTANYL RELATED COMPOUND NOT MERGED]** ***(REPEAT AS NECESSARY) (CAN USE BOTH)***
Pursuant to R.C. 2929.14(B)(11) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were not** committed as part of the same act and as such will impose mandatory, consecutive prison terms for each of those specifications.

(☐) **[VIOLENT CAREER CRIMINAL SPECIFICATION MERGER]**

(☐) **[VIOLENT CAREER CRIMINAL SPECIFICATIONS MERGED]** ***(REPEAT AS NECESSARY)***
Pursuant to R.C. 2929.14(K)(1) the Court hereby finds that that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were** committed as part of the same act and as such will only impose one mandatory, consecutive prison term for those specifications.

(☐) **[VIOLENT CAREER CRIMINAL SPECIFICATIONS NOT MERGED]*****(REPEAT AS NECESSARY)(CAN USE BOTH)***
Pursuant to R.C. 2929.14(K)(1) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** **were not** committed as part of the same act and as such will impose mandatory, consecutive prison terms for each of those specifications.

[16]**- [R.C. 2929.11 AND 2929.12 FACTORS]**
In keeping with the spirit of the USE as a template document, Courts wishing to detail considerations of the R.C. 2929.11 purposes of sentencing, or the R.C. 2929.12 seriousness and recidivism factors may supplement the entry with the court's desired language here. Case specific considerations are always able to be added to the USE template language. The statutory provisions are listed here for reference.

(☐) **[PURPOSES & PRINCIPLES OF SENTENCING R.C. 2929.11]**
In fashioning the sentence(s) in this case, the Court has considered the need to protect the public from future crime by the defendant and others, to punish the defendant, and to promote the defendant's effective rehabilitation while using the minimum sanctions to accomplish those purposes without imposing an unnecessary burden on state or local government resources. This includes the need for incapacitation, deterrence, rehabilitation of the defendant, and restitution to the victim and/or the public. This sentence is commensurate with, and not demeaning to, the seriousness of the defendant's conduct and its impact on the victim, consistent with sentences for similar crimes by similar offenders, and is in no way based the defendant's race, ethnicity, gender, or religion.

(☐) **SERIOUSNESS AND RECIDIVISM FACTORS 2929.12 (GENERAL)**
The Court has considered R.C. 2929.12 and has weighed the factors which indicate the defendant's conduct is more or less serious than that normally constituting the offense(s) charged as well as the factors which would indicate that the defendant is more or less likely to commit future crimes.

(☐) **SERIOUSNESS AND RECIDIVISM FACTORS 2929.12 (SPECIFIC FACTORS)**
The court has weighed the following R.C. 2929.12 seriousness and recidivism factors in imposing the sentence in this case:

(☐) **OFFENDER'S CONDUCT MORE SERIOUS [R.C. 2929.12(B)]**
The Court believes this conduct is more serious than that normally constituting the offense because:

(☐) That the injury(ies) caused in this case were exacerbated by the physical or mental condition or age of the victim.
(☐) That the victim(s) suffered serious physical, psychological, or economic harm.
(☐) That the defendant held public office or position of trust related to the offense.
(☐) That the defendant's occupation, elected office, or profession obliged the offender to prevent the offense or to bring those committing it to justice.

(☐) That the defendant's professional reputation or occupation, elected office, or profession facilitated the offense or is likely to influence others' conduct.
(☐) That the defendant's relationship with the victim facilitated the offense.
(☐) That the defendant acted for hire or as part of organized criminal activity.
(☐) That the defendant was motivated by prejudice based on race, ethnicity, gender, sexual orientation, or religion.
(☐) In this **[DOMESTIC VIOLENCE/ASSAULT]** case, the defendant was a parent or custodian, the victim was a family or household member, and the offense was committed in the vicinity of one or more children other than the victim.
(☐) **[OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

(☐) **OFFENDER'S CONDUCT LESS SERIOUS [2929.12(C)]**
The Court believes this conduct is less serious than that normally constituting the offense because:
(☐) Of the extent to which the victim induced and/or facilitated the offense.
(☐) The defendant acted under strong provocation.
(☐) The defendant did not cause or expect to cause physical harm to person or property.
(☐) Substantial grounds exist to mitigate the defendant's conduct, even if those grounds do not constitute a defense.
(☐) **[OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

(☐) **OFFENDER'S RECIDIVISM MORE LIKELY [R.C. 2929.12(D)]**
The Court believes the defendant is more likely to commit future crimes as:
(☐) The offense(s) was/were committed while the defendant was on bail, awaiting sentence, on felony community control or post-release control, or after post-release control had been unfavorably terminated.
(☐) The defendant has a history of criminal convictions or juvenile delinquency adjudications.
(☐) The defendant has not responded favorably to sanctions previously imposed in adult or juvenile court.
(☐) The defendant shows pattern of alcohol/drug use related to offense and doesn't acknowledge it or refuses treatment.
(☐) The defendant shows no genuine remorse.
(☐) **[OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

(☐) **OFFENDER'S RECIDIVISM LESS LIKELY [2929.12(E)]**
The Court believes the defendant is less likely to commit future crimes as:
(☐) The defendant has no prior juvenile delinquency adjudication and/or no prior adult conviction.
(☐) The defendant has led a law-abiding life for a significant number of years.
(☐) The offense was committed under circumstances unlikely to recur.
(☐) The defendant shows genuine remorse.
(☐) **[OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

(☐) **OFFENDER'S VETERAN STATUS [R.C. 2929.12(F)]*(SELECT IF DEFENDANT IS A VETERAN)***
The Court has considered the defendant's military service record pursuant to R.C. 2929.12(F).

(☐) **MILITARY SERVICE CONSIDERATIONS**
[OPEN TEXT FIELD FOR JUDGE TO SHOW HOW THE DEFENDANT'S MILITARY SERVICE AFFECTED SENTENCING CONSIDERATIONS]

(☐) **CONTRIBUTING FACTOR TO OFFENSE**

The Court notes that the offender has an emotional, mental, or physical condition traceable to the offender's service that was a contributing factor to the offender's commission of the offense or offenses. **[OPEN TEXT FIELD FOR JUDGE TO DETAIL CONSIDERATIONS]**

(☐) **OTHER RELEVANT FACTORS**

[FREE TEXT SPACE FOR COURTS TO LIST ANY OTHER FACTORS CONSIDERED IN FASHIONING SENTENCE]

(☐) **RESULTS OF RISK ASSESSMENT TOOL *(OPTIONAL)***

Courts that consider the result of a validated risk/needs assessment tool in fashioning a sentence may choose to indicate in the entry such consideration.

(☐) **RESULTS OF RISK ASSESSMENT TOOL**

The Court has considered the results of **[NAME],** a validated risk assessment tool, in fashioning the sentence in this case. **[OPEN TEXT FIELD FOR COURT TO DETAIL ASSESSMENT INFORMATION]**

[17]- [JUVENILE BINDOVER SENTENCING CONSIDERATIONS]

In cases where the offender was under the age of 18 at the time of the offense and is bound over to adult court, special sentencing considerations have been made part of R.C. 2929.19(B) requirements at the sentencing hearing when imposing a prison term, consistent with the Supreme Court's decision in *State v. Patrick,* Slip Opinion No. 2020-Ohio-6803, decided December 22, 2020. The Supreme Court held that failure to expressly consider the defendant's age as a sentencing factor, constituted cruel and unusual punishment. *State v. Morris,* Slip Opinion No. 2022-Ohio-4609, decided December 23, 2022. Courts are required to make specified considerations in fashioning a sentence for juvenile offenders. Include language regarding the following mitigating factors when imposing sentence on a juvenile bindover case to reflect the courts considerations of the offenders age-related mitigation considerations, and the impact on the sentencing decisions in the case of those considerations.

(☐) **AGE-RELATED MITIGATION [R.C. 2929.19(B)(1)(b)]**

The Court has considered the following as it relates to the defendant and the sentence imposed:

The chronological age of the offender at the time of the offense and that age's hallmark features, including intellectual capacity, immaturity, impetuosity, and a failure to appreciate risks and consequences;

The family and home environment of the offender at the time of the offense, the offender's inability to control the offender's surroundings, a history of trauma regarding the offender, and the offender's school and special education history;

The circumstances of the offense, including the extent of the offender's participation in the conduct and the way familial and peer pressures may have impacted the offender's conduct;

Whether the offender might have been charged and convicted of a lesser offense if not for the incompetencies associated with youth, such as the offender's inability to deal with police officers and prosecutors during the offender's interrogation or possible plea agreement or the offender's inability to assist the offender's own attorney; and

Examples of the offender's rehabilitation, including any subsequent growth or increase in maturity during confinement.

[18]- [COMMUNITY CONTROL FOR NON-VIOLENT F4'S, F5'S, AND DIV.B DRUG OFFENSES – R.C. 2929.13(B)(1)]

R.C. 2929.13(B) mandates that non-violent felonies of the fourth degree as well as "Division B" drug offenses be sentenced to community control under the circumstances delineated in (B)(1)(a). Where (B)(1)(a) does not apply, (B)(1)(b) provides the sentencing court discretion to impose a prison term where certain findings are made. Those circumstances and findings are laid out with check-boxes for the sentencing court to select from below:

(☐) **[COMMUNITY CONTROL MANDATORY]**

The Court finds that a community control sanction is required under R.C. 2929.13(B)(1)(a) because the defendant does not have a prior conviction for a felony offense, the most serious charge before the court is a felony of the fourth or fifth degree, and the defendant has not been convicted for a misdemeanor offense of violence in the two years prior to the offense being sentenced.

(☐) **[COMMUNITY CONTROL NOT MANDATORY – R.C. 2929.13(B)(1)(a) FACTORS]**
The Court finds that a community control sanction is not required under R.C. 2929.13(B)(1)(a) because:

(☐) The defendant has a prior conviction for a felony offense, or;

(☐) **[PRIOR CONVICTION INFORMATION]**
The Court finds the defendant was previously convicted of **[DETAIL PRIOR CONVCITION(S)]**.

(☐) The most serious charge before the court is not a felony of the fourth or fifth degree, or;

(☐) The defendant has been convicted for a misdemeanor offense of violence in the two years prior to the offense being sentenced.

(☐) **[PRIOR CONVICTION INFORMATION]**
The Court finds the defendant was previously convicted of **[DETAIL PRIOR CONVCITION(S)]**.

NOTE: Some appellate jurisdictions have held that convictions for multiple F4/F5 offenses in the same indictment render R.C. 2929.13(B)(1)(a) inapplicable. If this is the case in your jurisdiction, use language below:

(☐) The defendant is convicted of or pleading guilty to more than one felony of the fourth or fifth degree, rendering R.C. 2929.13(B)(1)(a) inapplicable per **[LOCAL APPELLATE DECISION]**

(☐) **[DISCRETIONARY COMMUNITY CONTROL – R.C. 2929.13(B)(1)(b) FACTORS]**
The Court further finds the record supports application of a prison sentence under R.C. 2929.13(B)(1)(b) because:

(☐) The defendant committed the offense while having a firearm on or about the defendant's person or under the defendant's control.

(☐) The defendant caused physical harm to another person while committing the offense.

(☐) The defendant violated a term of the conditions of bond as set by the court.

(☐) The offense is a sex offense that is a F4 or F5 violation of any provision of R.C. 2907.

(☐) In committing the offense, the defendant attempted to cause or made an actual threat of physical harm to a person with a deadly weapon.

(☐) In committing the offense, the defendant attempted to cause or made an actual threat of physical harm to a person, and the defendant previously was convicted of an offense that caused physical harm to a person.

(☐) The defendant held a public office or position of trust, and the offense related to that office or position; the defendant's position obliged the defendant to prevent the offense or to bring those committing it to justice; or the defendant's professional reputation or position facilitated the offense or was likely to influence the future conduct of others.

(☐) The defendant committed the offense for hire or as part of an organized criminal activity.

(☐) The defendant at the time of the offense was serving, or the defendant previously had served, a prison term.

(☐) The defendant committed the offense while under a felony community control sanction, while on probation, or while released from custody on a bond or personal recognizance.

[19]- [TCAP]
In counties participating in the Targeted Community Alternatives to Prison (TCAP) program, use the following language:

(☐) **[TCAP RESTRICTED]**
The Court further finds that pursuant to R.C. 2929.34(B)(3)(c-d) TCAP does apply and hereby orders that any term of incarceration imposed on the defendant will be served at a local detention facility.

(☐) **[DEFENDANT BEING PLACED ON COMMUNITY CONTROL]**
If the defendant is placed on community control with a reserved prison term, and the defendant is later revoked or has community control terminated, TCAP may no longer apply and the defendant may be required to serve incarceration in prison depending on the circumstances at the time of that sentencing.

(☐) **[NOT TCAP RESTRICTED]**
The Court further finds that the defendant is not TCAP restricted:

(☐) Pursuant to R.C. 2929.34(B)(3)(d)(i) the felony of the fourth or fifth degree in this case is: **[COURT SHOULD PICK APPLICABLE CONDITION(S)]**

(☐) An offense of violence as defined in R.C. 2901.01,
(☐) A sex offense under R.C. Chapter 2907,
(☐) A violation of R.C. 2925.03,
(☐) An offense for which a mandatory prison term is required.

(☐) Pursuant to R.C. 2929.34(B)(3)(d)(ii) the defendant previously has been convicted of or plead guilty to a felony offense of violence, as defined in R.C. 2901.01.

(☐) **[PRIOR CONVICTION INFORMATION]**
The Court finds the defendant was previously convicted of **[DETAIL PRIOR CONVICTION(S)]**.

(☐) Pursuant to R.C. 2929.34(B)(3)(d)(iii) the defendant previously has been convicted of or plead guilty to any felony sex offense under R.C. Chapter 2907.

(☐) **[PRIOR CONVICTION INFORMATION]**
The Court finds the defendant was previously convicted of **[DETAIL PRIOR CONVICTION(S)]**.

(☐) Pursuant to 2929.34(B)(3)(d)(iv) the defendant's sentence in this case is required to be served concurrently to another sentence that is required to be served in an institution under the control of the department of rehabilitation and correction.

(☐) **[CONCURRENT SENTENCE INFORMATION]**
This sentence will run concurrently to a prison term in **[DETAIL APPLICABLE CASE(S)]**.

(☐)

[20]- [F3 AND DIVISION C DRUG OFFENSES]

Pursuant to 2929.13(C) there is generally no presumption for prison or community control for felonies of the third degree and "Division C" drug offenses, other than the purposes and principles of sentencing in R.C. 2929.11 and 2929.12. Use the following language:

(☐) Pursuant to 2929.13(C) the Court finds there is no presumption relative to Count(s) **[NUMBER]** and has considered the purposes and principles of sentencing in R.C. 2929.11 and the seriousness and recidivism factors in R.C. 2929.12 in fashioning the sentence(s) on these count(s).

[21]- [PRISON PRESUMPTION]

Non-mandatory felonies of the first and second degree, along with several F3 offenses, carry a presumption that imposition of a prison term is necessary to comply with the R.C. 2929.11 purposes and principles of felony sentencing. A non-exhaustive list of such offenses may be found in R.C. 2929.13(D):

1. Non-mandatory F1 and F2 offenses;
2. Felony drug offenses where specified by statute in R.C. Chapter 2925, 3719 (controlled substance regulations), and 4729 (pharmacist regulations), including those F3 drug offenses enhanced by proximity of the offense to a school or juvenile (see the Sentencing Commission's Drug Offense Quick Reference Guide); as well as
3. Third degree felony theft of firearm R.C. 2913.02(B)(4), certain Gross Sexual Imposition offenses R.C. 2907.05(A)(4) or (B), or Importuning R.C. 2907.07(F).

Offenses which carry a presumption in favor of a prison term but are not included in R.C. 2929.12(D)(1) include:

1. Theft of a firearm [R.C. 2913.02(B)(4)]
2. F3 Importuning [R.C. 2907.07(F)(2)]
3. F5 Importuning [R.C. 2907.07(F)(3)]

Pursuant to R.C. 2929.13(D)(2), a presumption in favor of a prison term may be overcome by the sentencing court if certain two specific findings are made:

1. **"**A community control sanction or a combination of community control sanctions would adequately punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a lesser likelihood of recidivism outweigh the applicable factors under that section indicating a greater likelihood of recidivism." [R.C. 2929.13(D)(2)(a)]
2. "A community control sanction or a combination of community control sanctions would not demean the seriousness of the offense, because one or more factors under section 2929.12 of the Revised Code that indicate that the offender's conduct was less serious than conduct normally constituting the offense are applicable, and they outweigh the applicable factors under that section that indicate that the offender's conduct was more serious than conduct normally constituting the offense." [R.C. 2929.13(D)(2)(b)]

Note that (D)(2) does not apply to the presumption in favor of prison for F3 GSI in violation of R.C. 2907.05(A)(4) or (B).

If the presumption in favor of a prison term laid out in R.C. 2929.13 or R.C. Chapter 2925 is overcome by the sentencing court, the state has a right to appeal the decision pursuant to R.C. 2953.08(B)(1).

Use the following language for presumptive prison offenses. The first checkbox indicates the counts for which there is a presumption, after which the judge may select language indicating the presumption is or is not overcome:

(☐) **[PRISON PRESUMPTION]**
There is a presumption in favor of a prison sentence on Count[s] **[NUMBER]**.

(☐) **[PRISON PRESUMPTION OVERCOME]** ***(COURT MAY SELECT BOTH OPTIONS, ONLY FOR DIFFERENT COUNTS)***
The Court finds on Count[s] **[NUMBER]** this presumption is overcome and that a community control sanction or combination of community control sanctions will adequately punish defendant and protect the public from future crime because the applicable factors under R.C. 2929.12 indicating a lesser likelihood of recidivism outweigh the applicable factors indicating a greater likelihood of recidivism, and does not demean the seriousness of the offense because one or more factors under R.C. 2929.12 indicating that the defendant's conduct was less serious than conduct normally constituting the offense and outweigh the factors indicating the conduct was more serious than conduct normally constituting the offense. **[COURTS MAY DETAIL REASONS FOR THESE FINDINGS]**

(☐) **[PRISON PRESUMPTION NOT OVERCOME]** ***(COURT MAY SELECT BOTH OPTIONS, ONLY FOR DIFFERENT COUNTS)***
The Court finds on Count[s] **[NUMBER]** the presumption is not overcome and that a community control sanction or combination of community control sanctions will not adequately punish defendant and protect the public from future crime because the applicable factors under R.C. 2929.12 indicating a lesser likelihood of recidivism do not outweigh the applicable factors indicating a greater likelihood of recidivism, and would demean the seriousness of the offense because one or more factors under R.C. 2929.12 indicating that the defendant's conduct was more serious than conduct normally constituting the offense and outweigh the factors indicating the conduct was less serious than conduct normally constituting the offense. **[COURTS MAY DETAIL REASONS FOR THESE FINDINGS]**

[22]- [MANDATORY SENTENCES]
A prison sentence may be made mandatory in one of two ways – by operation of law, where the code itself dictates that a prison term must be imposed, and/or due to the defendant's criminal history. More information regarding mandatory sentences may be found at page 8 of the Sentencing Commission's Felony Sentencing Reference Guide.

Note that penalty enhancements other than a defendant's prior conviction must be specified in the indictment, proven beyond a reasonable doubt and/or plead to.

Mandatory prison terms imposed under R.C. 2929.13(F) – either by operation of law or due to the defendant's prior convictions – are generally not eligible for many types of release or reduction of the prison term. Always refer to RC 2929.13(F), the specific release or reduction statute, or the relevant statutory sentence provision to check whether a particular type of release or reduction is possible.

Felony offenses with corresponding firearm specifications require the trial court to impose a prison sentence on both the underlying offense as well as the firearm specification. *State v. Logan*, Slip Opinion No. 2025-Ohio-1772.

(☐) **[MANDATORY BY OPERATION OF LAW]**
A sentence made mandatory by operation of law may either specify a penalty or range from which the judge must select a prison term, or the law may specify the term that must be imposed. For sentences that are mandatory by operation of law, courts may wish to include the following language in addition to the notation in the prison imposed chart:

> The Court finds that a prison term is mandatory by operation of law pursuant to **[CODE SECTION]** for Count(s) **[NUMBER(S)]** and/or Specification **[NUMBER(S)]** to Count **[NUMBER(S)]** (***ALLOW TO REPEAT SPECIFICATIONS AS NECESSARY)***

(☐) **[MANDATORY SENTENCES DUE TO PRIOR CONVICTIONS]**
Some sentences are made mandatory due to the defendant's prior convictions. See R.C. 2929.13(F)(6) (Aggravated Murder, Murder, F1, and F2 convictions) and R.C. 2929.13(F)(7) (F3 offenses that are either a violation of R.C. 2903.04 Involuntary Manslaughter or an attempted F2 offense of violence and involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person) and use the following language in these cases:

> The Court finds that, pursuant to **[R.C. 2929.13(F)(6)] / [R.C. 2929.13(F)(7)]** the sentences on Count(s) **[NUMBERS]** is made mandatory due to the defendant's prior conviction(s) for **[DETAIL PRIOR CONVICTION(S)].**

[23]- [JOINT RECOMMENDATION / AGREED UPON SENTENCE]
If the court wishes to detail any joint recommendation or agreed upon sentence, use the following language.

(☐) **[JOINT RECOMMENDATION]**
The Court noted the joint recommendation of the parties that the defendant be sentenced to **[DETAIL JOINT RECOMMENDATION FROM DISPOSITION FORM-PLEA ENTRY].**

(☐) **[AGREED UPON SENTENCE]**
The Court agreed upon the sentence that was jointly recommended by the parties and authorized by law that the defendant be sentenced to **[DETAIL AGREED UPON SENTENCE FROM DISPOSITION FORM-PLEA ENTRY].**

[24]- [MULTIPLE COUNTS – CONSECUTIVE / CONCURRENT SENTENCING]

[MANDATORY CONSECUTIVE SENTENCES – COUNTS]
Several felony offenses (e.g. R.C. 2921.331 Failure to Comply), while not mandatory prison terms, are required be run consecutive to other counts by operation of law when a prison term is imposed. These are listed under "Sentencing Considerations & Advisements – Section E. Consecutive Prison Terms" in the Sentencing Commission's Felony Sentencing Quick Reference Guide. Use the following language with regard to these offenses:

> (☐) **[MANDATORY CONSECUTIVE SENTENCES – COUNTS]*(REPEAT AS NECESSARY)***
> The Court finds that pursuant to **[R.C. 2929.14(C)(2)] / [R.C. 2929.14(C)(3)]** that the prison term imposed on Count(s) **[NUMBER(s)]** shall be served consecutively by operation of law.

[JOINTLY RECOMMENDED / AGREED UPON CONSECUTIVE SENTENCES - COUNTS]
Pursuant to *State v. Sergent*, 148 Ohio St.3d 94, 2016-Ohio-2696 Courts are not required to make the R.C. 2929.14(C)(4)

findings when consecutive sentences have been jointly recommended by the parties.

(☐) **[JOINT RECOMMENDATION FOR CONSECUTIVE SENTENCES – COUNTS]**

Pursuant to the joint recommendation of the parties, the prison term(s) imposed on Count(s) **[NUMBER]** shall be served consecutively to the prison term(s) on Count(s) **[NUMBER]**. ***(REPEAT AS NEEDED)***

(☐) **[AGREED UPON SENTENCE FOR CONSECUTIVE SENTENCES - COUNTS]**

Pursuant to the agreed upon sentence, the prison term(s) imposed on Count(s) **[NUMBER]** shall be served consecutively to the prison term(s) on Count(s) **[NUMBER]**. ***(REPEAT AS NEEDED)***

[DISCRETIONARY CONSECUTIVE SENTENCE FINDINGS]

If the sentencing court wishes to order that counts within the indictment be served consecutively, use the following language to make the requisite findings in the entry, selecting those statutory factors that apply. Courts may supplement this language with further explanation

(☐) **[DISCRETIONARY CONSECUTIVE SENTENCE FINDINGS]**

Pursuant to R.C. 2929.14(C)(4) the court orders that consecutive sentences are made necessary to protect the public from future crime or to punish the defendant, and that consecutive sentences are not disproportionate to the seriousness of the defendant's conduct and to the danger the defendant poses to the public, and because:

(☐) The defendant committed one or more of the offenses while awaiting trial or sentencing or was under a sanction imposed pursuant to R.C 2929.16, 2929.17, or 2929.18, or was under post- release control for a prior offense.

(☐) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the defendant's conduct.

(☐) The defendant's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the defendant.

SENTENCE

The second section of the entry details the imposition of a prison sentence or a term of community control. Each of the two sections contains a chart detailing the prison term either imposed or reserved for each count, as well as other factors relevant to the sentence. The charts in this section do not require that the name of the offense or the statutory code sections be repeated – all offenses are referred to by count number and can be referenced with the conviction chart above.

[25]- [INCARCERATION IMPOSED]

This chart details when incarceration is being imposed and is distinct from residential sanctions of community control. The columns detail (from left to right):

1. The count number of the offense
2. The type of sentence being imposed – e.g. minimum term, definite term, or life term, or jail term <u>in the case of a misdemeanor offense. Local incarceration imposed as part of a community control sentence is imposed in the [COMMUNITY CONTROL] section of the entry below. Local incarceration on a felony charge must be part of a residential sanction of community control, and should be noted in that section. TCAP sentences to be served locally are definite terms.</u>
3. The length of the term being imposed for the offense. Life without parole (LWOP) sentences can indicate n/a here. Life terms should be entered by selecting "LIFE" as the type of term, then entering the number of years until the defendant is eligible for parole. This will export as "with parole eligibility after X years"
4. Whether the term is a mandatory term – a yes/no indication.
5. The number of any counts to which the offense will run concurrently, if any.
6. The number of any counts to which the offense will run consecutively, if any.
7. Any specifications for which a prison term is being imposed, or those for which a different penalty (eg

Sexually Violent Predators) is mandated.
8. Whether the specification will run concurrently per findings above.
9. Whether the specification will run consecutively per findings above.
10. The non-life felony indefinite aggregate minimum term in the case – only necessary if there are multiple non-life felony indefinite terms are run consecutively.
11. The non-life felony indefinite maximum term imposed in the case – MANDATORY if any non-life felony indefinite minimum term is imposed.
12. The "stated prison term" in the case – this is a "global" maximum advisement. This would include specifications and is not required by law. Courts are only legally required to impose a legal sentence on each count, and a non-life felony indefinite maximum term if any qualifying offenses are present. However, sentencing judges often wish to inform a defendant of "how long the defendant will *actually* serve" and this row provides the opportunity for courts to do so.

[26]- **[SPECIFICATION CHART]**

Where a case involves specifications to one or more counts, a separate chart will be inserted following the prison imposed chart detailing those specifications. The Ad Hoc Committee felt that a separate chart was necessary given the number of issues that can arise with multiple specifications to the same count, multiple counts with specifications, and issues of merger of specifications under R.C. 2929.14(B)(1)(b). The specification chart is made up of 6 columns (from left to right):

1. The count number of the offense
2. The specification number in the indictment
3. The specification name and code section – e.g. Firearm R.C. 2941.145
4. The prison term imposed on the specification.
5. Whether the specification has merged. If merger is checked, no prison term can be imposed
6. The count number and specification number of any specifications to which the specification will run consecutively.

Specifications run consecutively by operation of law pursuant to R.C. 2929.14(C)(1). Regarding the consecutive/concurrent specifications, the issue of merger of specifications under R.C. 2929.14(B)(1(b) and (g) is addressed in instruction 17, where necessary.

Finally, the specification chart includes a final row for the Court to indicate the sum of all consecutive specification terms imposed. This number of years is added to the consecutive terms imposed for the underlying offenses and is reflected in the stated prison term in the prison imposed chart.

COUNT #	SPECIFICATION #	SPECIFICATION NAME AND CODE SECTION	PRISON TERM	MERGED	CONSEC TO
				(☐)	(☐)
				(☐)	(☐)
SUM OF CONSECUTIVE TERMS FOR SPECIFICATIONS (add to stated prison term above)					

Courts wishing to supplement the chart with additional text may use the following language:

(☐) **[SPECIFICATION TERM IMPOSED]** ***(REPEAT AS NECESSARY)*** For Specification **[NUMBER OF SPECIFICATION]** to Count **[NUMBER]**, the defendant shall serve an additional **[TERM]** of mandatory and consecutive imprisonment pursuant to **[CODE SECTION]**

(☐) **[MDO / RVO / VCC]**

Having been convicted of a **[REPEAT VIOLENT OFFENDER/MAJOR DRUG OFFENDER/VIOLENT CAREER CRIMINAL/]** specification in Count **[NUMBER]**, the defendant is sentenced to an additional term of **[NUMBER OF YEARS]** beyond the basic prison term listed above for the underlying offense.

[27]- [JUVENILE BINDOVERS – PAROLE ELIGIBILITY]

In cases where the offender was under the age of 18 at the time of the offense and is bound over to adult court, special sentencing provisions are in place in statute following the passage of 2021 Sub.S.B. No. 256. Juveniles may no longer be sentenced to life without the possibility of parole, and juveniles facing extended sentences are eligible for parole after certain statutory periods of time based on the nature of the juvenile's convictions. That eligibility is as follows below.

For reference, "Aggravated Homicide Offense" is defined in R.C. 2967.132(A)(1) "as any of the following that involved the purposeful killing of three or more persons, when the offender is the principal offender in each offense: (1) the offense of aggravated murder, or (2) any other offense or combination of offenses that involved the purposeful killing of three or more persons."

"Homicide Offense" is defined in R.C. 2967.132(A)(2) as "the offense of murder, voluntary manslaughter, involuntary manslaughter, or reckless homicide or the offense of aggravated murder that is not an aggravated homicide offense."

"Principal Offender" is not currently defined by statute as it relates to these provisions. As with the Violent Offender Database considerations, Ohio Jury Instructions CR 503.01 regarding Aggravated Murder may provide guidance – *(N) PRINCIPAL OFFENDER. In order to find that the defendant was the PRINCIPAL OFFENDER in the aggravated murder, you must find that he/she (was the actual killer) (personally performed every act constituting the offense charged).*

(☐) **[NON-HOMICIDE OFFENSES]**

As the defendant was under the age of 18 at the time of the offense(s), the defendant will be eligible for parole after having served eighteen (18) years, unless the conviction allows for earlier consideration.

(☐) **[ONE OR MORE HOMICIDE OFFENSES THAT ARE NOT "AGGRAVATED HOMICIDE OFFENSES]**

As the defendant was under the age of 18 at the time of the offense(s), and the defendant has been convicted of one or more homicide offenses that are not aggravated homicide offenses the defendant will be eligible for parole after having served twenty-five (25) years.

(☐) **[TWO OR MORE HOMICIDE OFFENSES THAT ARE NOT "AGGRAVTED HOMICIDE OFFENSES]**

As the defendant was under the age of 18 at the time of the offense(s), and the defendant has been convicted of two or more homicide offenses that are not aggravated homicide offenses *and* as the court further finds that the defendant was the principal offender in two or more of those offenses, the defendant will be eligible for parole after having served thirty (30) years.

(☐) **[AGGRAVATED HOMICIDE OFFENSES]**

The offender will be eligible for parole in accordance with the sentence for the offense or offenses.

[28]- [REPEAT VIOLENT OFFENDER SPECIFICATIONS

Ohio sentencing law includes a specification in R.C. 2929.149 for Repeat Violent Offenders (RVO), defined in R.C. 2929.01(CC) as individuals who are being sentenced for aggravated murder, murder, an F1 or F2 offense of violence, or an F1 or F2 attempt of one of those offenses, who have one or more prior convictions for the same or substantially equivalent offenses. The specification provides for an additional definite prison term selected by the sentencing judge of between 1-10 years in prison to be served consecutively and prior to the underlying offense. Depending on the defendant's number of prior convictions, the trial court either has discretion to impose the additional prison term on the specification (Discretionary RVO Specs) or an additional term from the range is required by law (Mandatory RVO Specs). Sentencing provisions for RVO specifications are set forth in R.C. 2929.14(B)(2). When sentencing on RVO specifications, trial courts must state the court's findings for the imposed sentence for the record pursuant to R.C. 2929.14(B)(2)(e). An additional prison term imposed for the RVO specification is not subject to reduction and must be served consecutively and prior to the sentence for the underlying offense pursuant to R.C. 2929.14(B)(2)(d).

When an offender has fewer than 3 prior RVO-type convictions in the preceding 20 years, sentencing on the RVO specification is governed by R.C. 2929.14(B)(2)(a). The trial court has discretion whether to impose additional time for the specification, and imposing that additional term requires **both** that the trial court impose the longest (non-LWOP) prison term available for the offense as well as additional findings set forth in R.C. 2929.14(B)(2)(a)(i-iv).

When an offender has 3 or more prior RVO-type convictions in the past 20 years, RVO sentencing is mandatory under R.C. 2929.14(B)(2)(b). The trial court **must** impose **both** the longest (non-LWOP) prison term available for the offense itself and must also impose an additional prison term selected from the 1-10 year range.

Note that if the underlying offense is a felony of the second degree, the trier of fact must make a finding that the offense involved either resulted in serious physical harm to a person or involved an attempt or threat to do so (subsection iii) and that two or more offenses committed as part of the same act or event are considered one offense for RVO purposes under R.C. 2929.14(B)(2)(c).

Finally, pursuant to R.C. 2929.14(K)(1) a prison sentence may not be imposed for both a Repeat Violent Offender specification and a Violent Career Criminal specification for offenses committed as part of the same act or transaction. Language is provided to reflect the Court's consideration of that statute in imposing sentence in those circumstances.

(☐) **[MANDATORY RVO SPEC – PRIOR CONVICTIONS]**
The defendant stands convicted of a repeat violent offender specification to Count(s) **[NUMBER(S)]** and **DOES/DOES NOT]** have 3 or more prior convictions for qualifying RVO offenses within the past twenty years.

(☐) **[MANDATORY RVO SPEC – MERGER OF PRIOR CONVICTIONS]**
The Court notes that pursuant to R.C. 2929.14(B)(2)(c) that one or more of the prior repeat violent offender offenses were committed at the same time or as part of the same act or event and as such are considered one offense.

(☐) **[MANDATORY RVO SPEC – ADDITIONAL TERM IMPOSED]** ***(REPEAT AS NECESSARY)***
Having found the defendant to have 3 prior RVO qualifying offense convictions in the preceding twenty years, the Court has imposed the longest prison term authorized for the underlying offense and imposes an additional prison term of **[NUMBER OF YEARS BETWEEN 1 AND 10]** for the repeat violent offender specification to Count **[NUMBER]** pursuant to R.C. 2929.14(B)(2)(a).

(☐) **[DISCRETIONARY RVO SPEC – ADDITIONAL TERM IMPOSED]** ***(REPEAT AS NECESSARY)***
The defendant stands convicted of a repeat violent offender specification to Count **[NUMBER]**. The Court has imposed the longest prison term authorized for the underlying offense, and hereby finds pursuant to R.C. 2929.14(B)(2)(a)(iv) that prison term is inadequate to punish the offender as the applicable R.C. 2929.12 factors indicating a higher likelihood of recidivism outweigh those indicating a lesser likelihood:

(☐) **OFFENDER'S RECIDIVISM MORE LIKELY [R.C. 2929.12(D)]**
The Court believes the defendant is more likely to commit future crimes as:
- (☐) The offense(s) was/were committed while the defendant was on bail, awaiting sentence, on felony community control or post-release control, or after post-release control had been unfavorably terminated.
- (☐) The defendant has a history of criminal convictions or juvenile delinquency adjudications.
- (☐) The defendant has not responded favorably to sanctions previously imposed in adult or juvenile court.

(☐) The defendant shows pattern of alcohol/drug use related to offense and doesn't acknowledge it or refuses treatment.
(☐) The defendant shows no genuine remorse.
(☐) **[OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

(☐) **OFFENDER'S RECIDIVISM LESS LIKELY [2929.12(E)]**
The Court believes the defendant is less likely to commit future crimes as:
(☐) The defendant has no prior juvenile delinquency adjudication and/or no prior adult conviction.
(☐) The defendant has led a law-abiding life for a significant number of years.
(☐) The offense was committed under circumstances unlikely to recur.
(☐) The defendant shows genuine remorse.
(☐) **[OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

The Court further finds pursuant to R.C. 2929.14(B)(2)(a)(iv) that the prison term imposed for the underlying offense demeans the seriousness of the offense as the R.C. 2929.12 factors indicating the defendant's conduct is more serious are present and outweigh any applicable factors indicating the conduct is less serious:

(☐) **OFFENDER'S CONDUCT MORE SERIOUS [R.C. 2929.12(B)]**
The Court believes this conduct is more serious than that normally constituting the offense because:
(☐) That the injury(ies) caused in this case were exacerbated by the physical or mental condition or age of the victim.
(☐) That the victim(s) suffered serious physical, psychological, or economic harm.
(☐) That the defendant held public office or position of trust related to the offense.
(☐) That the defendant's occupation, elected office, or profession obliged the offender to prevent the offense or to bring those committing it to justice.
(☐) That the defendant's professional reputation or occupation, elected office, or profession facilitated the offense or is likely to influence others' conduct.
(☐) That the defendant's relationship with the victim facilitated the offense.
(☐) That the defendant acted for hire or as part of organized criminal activity.
(☐) That the defendant was motivated by prejudice based on race, ethnicity, gender, sexual orientation, or religion.
(☐) In this **[DOMESTIC VIOLENCE/ASSAULT]** case, the defendant was a parent or custodian, the victim was a family or household member, and the offense was committed in the vicinity of one or more children other than the victim.
(☐) **[OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

(☐) **OFFENDER'S CONDUCT LESS SERIOUS [2929.12(C)]**
The Court believes this conduct is less serious than that normally constituting the offense because:
(☐) Of the extent to which the victim induced and/or facilitated the offense.
(☐) The defendant acted under strong provocation.
(☐) The defendant did not cause or expect to cause physical harm to person or property.
(☐) Substantial grounds exist to mitigate the defendant's conduct, even if those grounds do not constitute a defense.
(☐) **[OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

The Court therefore **DOES** impose an additional prison term of **[NUMBER OF YEARS BETWEEN 1 AND 10]**. for the repeat violent offender specification to Count **[NUMBER]** pursuant to R.C. 2929.14(B)(2)(a).

(☐) **[DISCRETIONARY RVO SPEC – ADDITIONAL TERM NOT IMPOSED]*(REPEAT AS NECESSARY)***
The defendant stands convicted of a repeat violent offender specification to Count **[NUMBER]**. The Court has determined that the prison term imposed for the underlying offense is adequate to punish the offender as the applicable R.C. 2929.12 factors indicating a lesser likelihood of recidivism outweigh those indicating a higher likelihood:

(☐) **OFFENDER'S RECIDIVISM MORE LIKELY [R.C. 2929.12(D)]**
The Court believes the defendant is more likely to commit future crimes as:

(☐) The offense(s) was/were committed while the defendant was on bail, awaiting sentence, on felony community control or post-release control, or after post-release control had been unfavorably terminated.
(☐) The defendant has a history of criminal convictions or juvenile delinquency adjudications.
(☐) The defendant has not responded favorably to sanctions previously imposed in adult or juvenile court.
(☐) The defendant shows pattern of alcohol/drug use related to offense and doesn't acknowledge it or refuses treatment.
(☐) The defendant shows no genuine remorse.
(☐) **[OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

(☐) **OFFENDER'S RECIDIVISM LESS LIKELY [2929.12(E)]**
The Court believes the defendant is less likely to commit future crimes as:

(☐) The defendant has no prior juvenile delinquency adjudication and/or no prior adult conviction.
(☐) The defendant has led a law-abiding life for a significant number of years.
(☐) The offense was committed under circumstances unlikely to recur.
(☐) The defendant shows genuine remorse.
(☐) **[OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

The Court further finds pursuant to R.C. 2929.14(B)(2)(a)(iv) that the prison term imposed for the underlying offense does not demean the seriousness of the offense as the R.C. 2929.12 factors indicating the defendant's conduct is less serious are present and outweigh any applicable factors indicating the conduct is more serious:

(☐) **OFFENDER'S CONDUCT MORE SERIOUS [R.C. 2929.12(B)]**
The Court believes this conduct is more serious than that normally constituting the offense because:

(☐) That the injury(ies) caused in this case were exacerbated by the physical or mental condition or age of the victim.
(☐) That the victim(s) suffered serious physical, psychological, or economic harm.
(☐) That the defendant held public office or position of trust related to the offense.
(☐) That the defendant's occupation, elected office, or profession obliged the offender to prevent the offense or to bring those committing it to justice.
(☐) That the defendant's professional reputation or occupation, elected office, or profession facilitated the offense or is likely to influence others' conduct.
(☐) That the defendant's relationship with the victim facilitated the offense.
(☐) That the defendant acted for hire or as part of organized criminal activity.
(☐) That the defendant was motivated by prejudice based on race, ethnicity, gender, sexual orientation, or religion.
(☐) In this **[DOMESTIC VIOLENCE/ASSAULT]** case, the defendant was a parent or custodian, the victim was a family or household member, and the offense was committed in the vicinity of one or more children other than the victim.
(☐) **[OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

(☐) **OFFENDER'S CONDUCT LESS SERIOUS [2929.12(C)]**
The Court believes this conduct is less serious than that normally constituting the offense because:

(☐) Of the extent to which the victim induced and/or facilitated the offense.
(☐) The defendant acted under strong provocation.
(☐) The defendant did not cause or expect to cause physical harm to person or property.

(☐) Substantial grounds exist to mitigate the defendant's conduct, even if those grounds do not constitute a defense.
(☐) **[OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

The Court therefore DOES NOT impose an additional prison term for the repeat violent offender specification to Count **[NUMBER]** pursuant to R.C. 2929.14(B)(2)(a).

(☐) **RVO AND VIOLENT CAREER CRIMINAL SPECIFICATIONS MERGED [R.C. 2929.14(K)(1)]** ***(REPEAT AS NECESSARY)***
Having imposed a sentence for a Repeat Violent Offender specification in Count(s) **[NUMBER(S)]** Specification(s) **[NUMBER(S)]**, pursuant to R.C. 2929.14(K)(1) the Court will not impose a sentence for the Violent Career Criminal Specification in Count(s) **[NUMBER(S)]** Specification(s) **[NUMBER(S)]** as the Court finds that those offenses were committed as part of the same act or transaction.

(☐) **RVO AND VIOLENT CAREER CRIMINAL SPECIFICATIONS NOT MERGED [R.C. 2929.14(K)(1)]** ***(REPEAT AS NECESSARY)***
Having imposed a sentence for a Repeat Violent Offender specification in Count(s) **[NUMBER(S)]** Specification(s) **[NUMBER(S)]**, pursuant to R.C. 2929.14(K)(1) the Court will impose a sentence for the Violent Career Criminal Specification in Count(s) **[NUMBER(S)]** Specification(s) **[NUMBER(S)]** as the Court finds that those offenses were not committed as part of the same act or transaction.

[29]- [MULTIPLE CASES – CONSECUTIVE / CONCURRENT SENTENCING]

Use the following language where the Court is aware of other active cases pending against the defendant and wishes to make an order for how those sentences are to be served in relation to each other:

(☐) **[MULTIPLE CASES – CONCURRENT]**

The Court orders that the sentence in this case shall be served **concurrently** to Case **[NUMBER] [SPECIFY IF DIFFERENT JURISDICTION].** ***(REPEAT AS NEEDED)***

(☐) **[MULTIPLE CASES – CONSECUTIVE]**
If the sentencing court wishes to order separate cases be served consecutively, use the following language to make the requisite findings in the entry and to order the sentence to be served consecutive to the other cases.

(☐) **[DISCRETIONARY CONSECUTIVE SENTENCE FINDINGS]*(NEED TO REPEAT IF USED FOR COUNTS)***
Select those statutory factors that apply. Courts may supplement this language with further explanation.

Pursuant to R.C. 2929.14(C)(4) the court orders that consecutive sentences are made necessary to protect the public from future crime or to punish the defendant, and that consecutive sentences are not disproportionate to the seriousness of the defendant's conduct and to the danger the defendant poses to the public, and because:

(☐) The defendant committed one or more of the offenses while awaiting trial or sentencing or was under a sanction imposed pursuant to R.C 2929.16, 2929.17, or 2929.18, or was under post- release control for a prior offense.
(☐) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the defendant's conduct.
(☐) The defendant's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the defendant.

The Court orders that the sentence in this case shall be served consecutively to Case [NUMBER] [SPECIFY IF DIFFERENT JURISDICTION]. **(REPEAT AS NECESSARY)**

(☐) **[MULTIPLE CASES – SPECIFICATIONS]**
Courts may wish to order that a sentence containing specifications be served concurrently to a sentence in another case. However, certain specifications require that the sentence must be served consecutively to any other prison terms imposed [see, e.g., R.C. 2929.14(C)(1)(a)]. This issue is highlighted by the Supreme Court of Ohio's decision in *State ex rel. Fraley v. ODRC*, 161 Ohio St.3d 209, 2020-Ohio-4410. Courts should use the following language to distinguish these types of specifications and sentences:

By operation of law, the specifications to Count(s) **[NUMBER(s)]** in this case shall be served consecutively to the sentence in Case **[NUMBER] [SPECIFY IF DIFFERENT JURISDICTION].**

(☐) **[JOINTLY RECOMMENDED CONSECUTIVE SENTENCES – CASES]**
Pursuant to *State v. Sergent*, 148 Ohio St.3d 94, 2016-Ohio-2696 Courts are not required to make the R.C. 2929.14(C)(4) findings when consecutive sentences have been jointly recommended by the parties.

(☐) **[JOINT RECOMMENDATION FOR CONSECUTIVE SENTENCES – CASES]*(REPEAT AS NECESSARY)***
Pursuant to the joint recommendation of the parties, the sentence in this case shall be served consecutively to Case **[NUMBER] [SPECIFY IF DIFFERENT JURISDICTION].**

[30]- [ORDER OF SENTENCES]
Courts can structure the specific order where sentences will be served, when not otherwise dictated by law (e.g. specifications) with the following language:

(☐) **[ORDER OF SENTENCES]**
The Court also orders that the counts in this case will be served in the following order: **[DETAIL ORDER OF SENTENCES BY COUNT]**

[31]- [NON-LIFE FELONY INDEFINITE SENTENCING]
For cases involving non-life felony indefinite sentencing qualifying offenses (F1 and F2 offenses committed after March 22, 2019) use the following language to clearly state the maximum term involved in the case, as well as language indicating the defendant has been advised of indefinite sentencing procedures on the record as required by law. For additional information on non-life felony indefinite sentencing, see the Sentencing Commission's SB201 Indefinite Sentencing Quick Reference Guide.

(☐) **[NON-LIFE FELONY INDEFINITE SENTENCING]**
Counts **[NUMBER]** are qualifying offenses subject to indefinite sentencing and the defendant has been sentenced to a minimum term on each qualifying count as detailed above

(☐) **[NON-LIFE FELONY INDEFINITE TERM SUMMATION] [Single Count]**
Having imposed the minimum term[s] on Count **[NUMBER]** the Court further sentences the defendant to a maximum term of **[THAT MINIMUM TERM + 50% of ITSELF]** pursuant to R.C. 2929.144(B)(1).

(☐) **[NON-LIFE FELONY INDEFINITE TERM SUMMATION] [Multiple Counts / Indefinite terms run Concurrently]**
Having imposed the minimum term[s] on Count[s] **[NUMBER]**
(☐) and definite terms on Count[s] **[NUMBER]**
and having ordered all prison terms in the case to run concurrently, the Court further sentences the defendant to a maximum term of imprisonment in this case of **[THE LONGEST MINIMUM TERM IMPOSED FOR THE MOST SERIOUS QUALIFYING FELONY + 50% OF THAT TERM]** pursuant to R.C. 2929.144(B)(3).

(☐) **[NON-LIFE FELONY INDEFINITE TERM SUMMATION] [Multiple Counts / Indefinite terms run Consecutively)**
Having imposed the minimum term[s] on Count[s] **[NUMBER]**
(☐) and definite terms on Count[s] **[NUMBER]**
And having ordered Counts [NUMBER] to be run consecutively, the Court further sentences the defendant to an aggregate minimum term of **[SUM OF ALL CONSECUTIVE MINIMUM AND DEFINITE TERMS]** and a maximum term of **[THE SUM OF ALL CONSECUTIVE MINIMUM AND DEFINITE TERMS + 50% OF THE LONGEST MINIMUM OR DEFINITE TERM IMPOSED FOR THE MOST SERIOUS FELONY BEING SENTENCED]** pursuant to R.C. 2929.144.

[NON-LIFE INDEFINITE SENTENCING NOTIFICATIONS] ***(MANDATORY IF OPTION ABOVE IS SELECTED)***
R.C. 2929.19(B)(2)(c) **requires** Courts to notify defendants sentenced to a non-life felony indefinite term of the procedures of indefinite sentencing and the fact that the defendant was notified should be memorialized in the sentencing entry with the following language. Also note that R.C. 2929.19(B)(2)(c)(i) as written contains language that may be confusing to defendants who are facing a mandatory term on the defendant's 2019 Am.Sub.S.B. No. 201 qualifying offense. Mandatory terms and sexually oriented offenses are not eligible for earned reduction of the minimum prison term, and that language in (B)(2)(c)(i) relating to the "presumed earned early release date" should be omitted in those circumstances.

[NON-LIFE FELONY INDEFINITE TERM SUMMATION]
Pursuant to R.C. 2929.19(B)(2)(c), having imposed a non-life felony indefinite prison term, the Court advised the defendant on the record of the indefinite sentencing procedures. The Court explained on the record that:

(i) It is rebuttably presumed that the offender will be released from service of the sentence on the expiration of the minimum prison term imposed as part of the sentence or on the offender's presumptive earned early release date (if applicable), as defined in
R.C. 2967.271, whichever is earlier;

(ii) That the department of rehabilitation and correction may rebut the presumption described in R.C. 2929.19(B)(2)(c)(i) if, at a hearing held under R.C. 2967.271, the department makes specified determinations regarding the offender's conduct while confined, the offender's rehabilitation, the offender's threat to society, the offender's restrictive housing, if any, while confined, and the offender's security classification;

(iii) That if, as described in R.C. 2929.19(B)(2)(c)(ii), the department at the hearing makes the specified determinations and rebuts the presumption, the department may maintain the offender's incarceration after the expiration of that minimum term or after that presumptive earned early release date for the length of time the department determines to be reasonable, subject to the limitation specified in R.C. 2967.271;

(iv) That the department may make the specified determinations and maintain the offender's incarceration under the provisions described in R.C. 2929.19(B)(2)(c)(i) and (ii) more than one time, subject to the limitation specified in R.C. 2967.271;

(v) That if the offender has not been released prior to the expiration of the offender's maximum prison term imposed as part of the sentence, the offender must be released upon the expiration of that term.

[32]- **[RISK REDUCTION]**
Use the following language to indicate the Court's decision regarding a risk reduction sentence after considering whether the defendant is eligible for and agrees to such a sentence under R.C. 2929.143(A):

The defendant **[IS/IS NOT]** recommended for a risk reduction sentence per R.C. 2929.143

[33]- **[COMMUNITY CONTROL IMPOSED]**
Am.Sub. H.B. 110, the 2021-2022 State Budget Bill (effective 09/30/21) makes changes to R.C. 2929.19(B)(4) and R.C. 2929.15(B)(3) regarding the notifications required at the sentencing hearing when a defendant is placed on community control. Judges no longer are required to indicate a specific prison term that will be imposed. Instead, the court must "indicate the range from which the prison term may be imposed as a sanction for the violation, which shall be the range of prison

terms for the offense that is specified pursuant to R.C. 2929.14."

Courts are required to have a pre-sentence investigation (PSI) completed prior to sentencing a defendant to community control, unless specifically waived by the parties, in every felony case. A language selection regarding the PSI is provided at the beginning of the Community Control Imposed section.

When imposing a term of community control in lieu of a prison term, the court will first state the term of community control and then detail the reserved sentence range for each count in the community control imposed chart. This chart contains 9 columns, referencing each offense by count number as detailed in the conviction chart above. *Cells shaded in grey will not appear in the final entry if no data is entered.*

The columns detail (from left to right):

1. The count number of the offense
2. The length of the community control supervision on each count, expressed in months or years.
3. The reserved sentence range for a definite sentencing offense, as specified under R.C. 2929.14, including what type of term is reserved – A definite term from the range of between 6-12 months for a F5. *As noted above, a specific reserved prison term is no longer required after 09/30/21 and the court should state the range of definite terms available for the offense.*
4. The reserved sentence range for a non-life felony indefinite sentencing offense, as specified under R.C. 2929.14, including what type of term is reserved – e.g. an indefinite minimum term of between 2-8 years for a F2. When an indefinite range is entered into the chart, courts **must** also use the non-life felony indefinite maximum term advisement below. *As noted above, a specific reserved prison term is no longer required after 09/30/21 and the court should state the range of indefinite minimum terms available for the offense.*
5. The number of any counts to which the reserved prison term will run concurrently, if any. This column is optional, as offenses run concurrently by operation of law, but provides courts the ability to select counts to run concurrently.
6. The number of any counts to which the reserved prison term will run consecutively, if any. See the note on *State v. Howard* below for additional information on reserved consecutive sentences. This column is optional, as notice of the potential imposition of consecutive sentences on each count is sufficient under *Howard*, but provides courts the ability to select which counts to run consecutively.
7. Whether a mandatory fine is attached to the count – a yes/no indication.
8. The amount of fine imposed for the count. Other considerations around fines including ability to pay considerations are detailed later in the entry.
9. Any residential sanction imposed by the court pursuant to R.C. 2929.16 – e.g. 180 jail sanction or a term in a Community Based Correctional Facility (CBCF). This will also be listed as a community control residential sanction, whether in the language of the entry or an attached form.

In *State v. Howard*, 162 Ohio St.3d 314, 2020-Ohio-3195, the Supreme Court held that when placing a defendant on community control, the sentencing court needs to inform the defendant that consecutive terms would be imposed in the event of revocation, but need not make the R.C. 2929.14(C) consecutive sentence findings until the reserved prison term is imposed following a revocation hearing. Those findings will **always** be required at the time of revocation and imposition of the reserved prison sentence, but at the initial placement on community control, notice of reserved consecutive sentences will suffice. Note that an indication of *specific* counts that will run consecutively may limit the courts options upon violation – R.C. 2929.15(B)(3) continues to limit the length of prison terms available upon revocation of community control to that stated at the initial sentencing hearing. Put simply, a court that says "Counts 1 and 2 will run concurrently to each other but consecutively to Count 3" when reserving a sentence may be estopped from running those counts in another manner at a later revocation hearing.

Courts are only legally required to state the range of prison terms for each offense, and to indicate that counts may be run consecutively. There is no legal requirement that the judge give a "global" maximum sentence advisement – or the sum of all terms to be run consecutively. Courts may do so on the record, but no row is provided in the USE as it is not legally required. This "global" maximum is different from the necessary advisement on a non-life felony indefinite maximum term as described below.

A space is after the chart for the court to list any conditions/sanctions of community control, or to reference an attached sheet detailing those conditions. The Uniform Sentencing Entry package includes a Sample Community Control Sanctions form.

Courts should include any payment plans/requirements for financial sanctions as part of the list of community control sanctions.

Community Control violations are handled in a separate entry.

(☐) **[COMMUNITY CONTROL IMPOSED]**

(☐) **[THE COURT HAS CONSIDERED THE PRESENTENCE INVESTIGATION.]**
(☐) **[THE PRESENTENCE INVESTIGATION WAS WAIVED BY THE PARTIES.]**
(☐) **[NO PSI ORDERED *(MISDEMEANOR ONLY)*]**
The Court has considered the factors in R.C. 2929.13, finds the defendant amenable to available community control sanctions, and sentences the defendant to a term of **[NUMBER] [MONTHS/YEARS]** community control supervision on each count as listed below, to run concurrently. The period of community control will include the conditions and sanctions **[AS LISTED BELOW] [AS LISTED ON ATTACHED FORM]**. The defendant is ordered to report forthwith to the **[PROBATION SERVICES PROVIDER]**. The Court reserves the right pursuant to R.C. 2929.15 to modify the conditions of community control, to extend the period of supervision, or to impose more restrictive sanctions if the defendant is found to be in violation of community control.

The defendant was informed that if any conditions of a community control sanction are violated or if the defendant violates a law or leaves the state without the permission of the court or the defendant's probation officer, the sentencing court may impose a longer time under the same sanction, may impose a more restrictive sanction or may impose a prison term as detailed below:

COUNT #	LENGTH OF COMM CONTROL	SENTENCE RANGE DEFINITE	SENTENCE RANGE INDEFINITE MINIMUM

(☐) [CONSECUTIVE SENTENCE POSSIBILITY]
The defendant was also informed that the Court may impose consecutive sentences at a future revocation hearing.

[34]- [NON-LIFE FELONY INDEFINITE MAXIMUM TERM]
If the presumption in favor of prison has been overcome on a non-life felony indefinite sentencing qualifying offense, Courts must advise the defendant of a single potential maximum term of imprisonment in addition to the minimum term(s) and any definite term(s) imposed in the event community control is revoked. As this maximum term cannot be calculated without specific terms being imposed and concurrent/consecutive decisions being made, Courts should inform the defendant of the additional length of the maximum term that could be imposed if the longest minimum term were imposed – an additional 5.5 years if the highest charge is a qualifying F1, or an additional 4 years if the highest charge is a qualifying F2. The below language can be used to reflect that advisement in the entry.

(☐) **[NON-LIFE FELONY INDEFINITE MAXIMUM TERM]**
Count(s) **[NUMBER(S)]** are qualifying offenses subject to indefinite sentencing and the defendant has been informed of the applicable range of minimum terms as set forth in R.C. 2929.14 on each qualifying count. The defendant has also been informed that the defendant would also be sentenced to an indefinite maximum prison term in this case as calculated as set forth in R.C. 2929.144.

[35]- [RESIDENTIAL SANCTIONS]
Courts may order community residential sanctions per R.C. 2929.16 as conditions of community control. Residential sanctions rise to the level of "confinement" and should not be confused with in-patient treatment which can be ordered as a nonresidential sanction in the next section. Residential sanctions include, but are not limited to the options below. A court may use any or all of these sanctions as part pf community control. Courts may choose to allow limited release from residential sanction for specified purposes as detailed in R.C. 2929.16(B), though these conditions may be part of a residential facility's program structure. Language is also provided for counties with a minimum security jail facility per 2929.16(D) and/or a county jail industry program per R.C. 2929.16(C).

A local jail sanction may not exceed 6 months pursuant to R.C. 2929.16(A)(2), except that F-4 OVI convictions may serve up to one year per R.C. 2929.16(A)(3).

Non-violent felonies of the fourth and fifth degree may serve any jail term imposed as a residential sanction in a minimum-security jail when appropriate per R.C. 2929.16(D).

The Court imposes the following residential sanction(s) pursuant to R.C. 2929.16(A):
(☐) A term of up to six (6) months at **[NAME OF COMMUNITY BASED CORRECTIONAL FACILITY]**
(☐) A **[LENGTH (DAYS)]** term of incarceration at **[NAME OF JAIL FACILITY]**
(☐) The defendant is approved for participation in **[NAME OF JAIL TREATMENT PROGRAM]**
(☐) A term at **[NAME OF HALFWAY HOUSE FACILITY]**
(☐) **[LENGTH (DAYS)** (optional)
(☐) A term at **[NAME OF ALTERNATIVE RESIDENTIAL FACILITY]**
(☐) **[LENGTH (DAYS)** (optional)

(☐) Having ordered the above residential sanction, the Court authorizes the defendant's limited release under R.C. 2929.16(B) to:
(☐) Seek or maintain employment
(☐) Receive education and/or training
(☐) Receive treatment
(☐) Having ordered the above term in local jail, the Court specifies that the defendant may serve the term in a minimum security jail if found appropriate by the jail administrator.
(☐) The Court orders that the defendant **[MAY/MAY NOT]** be considered for the county jail industry program.

[36]- [NONRESIDENTIAL SANCTIONS]
Below are the nonresidential sanctions named by statute in R.C. 2929.17. This list is not exhaustive, as the sentencing court has broad discretion to fashion community control sanctions so long as the sanctions are reasonably related to the goals of community control and do not unnecessarily infringe on the defendant's liberty – see *State v. Jones*, 49 Ohio St.3d 51, 550 N.E.2d 469 (1990). The sentencing court must order the conditions of community control, and can only add additional or more restrictive conditions once a violation of community control has been found.

Note that if any nonresidential sanction is imposed, the Court must impose the condition that defendant follow all laws and not leave the state without permission pursuant to R.C. 2929.15(A)(1) – hence, that sanction is not "optional" and has no checkbox.

House Arrest is defined in R.C. 2929.01(P). Courts may choose to impose one or more of the R.C. 2929.17(B) sanctions for a set term or until further order of the court.

Pursuant to R.C. 2929.17(C) courts may impose up to five hundred hours of community service.

Note that victim-offender mediation requires prior approval from the victim per R.C. 2929.17(L). Also note that R.C. 2929.17(N) counseling for offenders convicted of R.C. 2919.25 Domestic Violence or of felonious assault, aggravated assault, or simple assault where the victim was a family or household member and the offense was committed in the vicinity of non-victim children of whom the defendant or victim is a parent or guardian. Where defendant was convicted of R.C. 2907.04 Unlawful Sexual Conduct with a Minor and defendant was under age 21 at the time of the offense, sex offender treatment under R.C. 2929.17(O) and R.C. 2950.16 may be ordered.

The Court may wish to make payment of those sanctions a condition of the defendant's community control supervision, and may do so here, but the imposition of said financial sanctions is covered in a separate section below.
The Court imposes the following nonresidential sanction(s) pursuant to R.C. 2929.17:

Pursuant to R.C. 2929.17(A) the defendant must follow all local, state, and federal laws and ordinances, and may not leave the state without the permission

(☐) of the Court
(☐) of the defendant's probation officer

(☐) A term of day reporting on community control for **[LENGTH (DAYS) / UNTIL FURTHER ORDER OF THE COURT]**
(☐) A term of
- (☐) **[ELECTRONIC MONITORING]**
  - (☐) for **[LENGTH (DAYS) / UNTIL FURTHER ORDER OF THE COURT]**
- (☐) **[CONTINUOUS ALCOHOL MONITORING]**
  - (☐) for **[LENGTH (DAYS) / UNTIL FURTHER ORDER OF THE COURT]**
- (☐) **[HOUSE ARREST]**
  - (☐) **[ADDITIONAL CONDITIONS OF HOUSE ARREST]**
  - (☐) for **[LENGTH (DAYS) / UNTIL FURTHER ORDER OF THE COURT]**

(☐) That the defendant perform **[AMOUNT]** hours of community service.
(☐) Having considered the substance abuse assessment of the defendant by a treatment professional, a term of treatment at **[NAME OF TREATMENT PROVIDER] [COURT MAY SPECIFY SECURITY LEVEL]**
(☐) The defendant will abstain from the use of **[DRUGS / ALCOHOL / BOTH].**
(☐) The defendant will be subject to drug and alcohol monitoring, including random drug testing.
(☐) The defendant will abide by the following curfew: **[COURT MAY SPECIFY HOURS]**
(☐) The defendant will obtain and/or maintain employment, or be involved in full-time education or job training.
(☐) The defendant will participate in victim-offender mediation.
(☐) The defendant will complete the following assessment(s) and comply with all treatment recommendations:
- (☐) **Substance Abuse**
- (☐) **Mental/Behavioral Health**
- (☐) **Anger Management**
- (☐) **[SPECIFY OTHER TYPE]**

(☐) The defendant will participate in Alcoholics Anonymous/Narcotics Anonymous or other 12-step group meetings.
(☐) The defendant will attend **[NUMBER] [PER MONTH / WEEK]** and will provide attendance verification to the probation department.
(☐) A license violation report.
(☐) The defendant will participate in counseling pursuant to R.C. 2929.17(N).
(☐) The defendant will participate in a certified sex offender treatment program pursuant to R.C. 2929.17(O) and R.C. 2950.16.
(☐) The defendant will comply with any and all orders of any other court with relation to the Child Support Enforcement Agency.

(☐) Stay away from and have no contact in person or by any means with **[VICTIM, LOCATION, OR OTHER]** as a condition of community control.
(☐) The defendant will set up an installment payment plan for all court-ordered financial sanctions imposed below.
(☐) **[SPECIFY OTHER CONDITIONS]**

[37]- [COURTESY SUPERVISION / INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION]
An offender may have community control supervision transferred to another county where the defendant resides (courtesy supervision) pursuant to R.C. 2301.28, or, under certain circumstances, to another state pursuant to the Interstate Compact for Adult Offender Supervision pursuant to R.C. 5149.21.

More information on the Interstate Compact for Adult Offender Supervision may be found via the bench book on the topic and information about potential transfer issues in a white paper published by the group.

(☐) **[COURTESY SUPERVISION]**
As the defendant is a resident of **[NAME OF COUNTY]** the Court hereby orders the defendant's community control supervision transferred to that county, subject to this Court's continuing jurisdiction pursuant to R.C. 2301.28.

(☐) **[INTERSTATE COMPACT]**
As the defendant is a resident of **[NAME OF STATE]** and at the defendant's request, the Court hereby orders the probation department to submit an application to the Ohio Interstate Compact Office for the defendant's supervision to be transferred to **[NAME OF STATE]**.

[38]- [JOINT RECOMMENDATION ACCEPTED / AGREED UPON SENTENCE IMPOSED]
Where a joint recommendation of the parties or an agreed upon sentence is adopted as the sentence of the court, insert this language to supplement the record in case of an appeal:

The stated prison term imposed in this case is authorized by law and was recommended jointly by the defendant and the prosecution in the case pursuant to R.C. 2953.08(D)

[39]- [POST-RELEASE CONTROL]
All defendants must be notified pursuant to R.C. 2929.19(B)(2)(d & e) of post-release control (PRC) obligations at sentencing both on the record and in the entry. The decision by the Supreme Court in *State v. Grimes*, 151 Ohio St.3d 19, 2017-Ohio-2927 does not distinguish between sentencing to community control or to prison – it holds that court's must notify the defendant orally of post-release control obligations at "the sentencing hearing" and that the entry must include whether that post-release control is mandatory or discretionary, its duration, a statement that PRC will be administered by the Adult Parole Authority, and the potential consequences of any violation.

The lengths of PRC terms were amended with passage of Am.Sub.H.B. 110, effective 09/30/2021. All felony sex offenses remain subject to a mandatory 5 year term of PRC. Other mandatory terms of post-release control – those for felonies of the first and second degree, as well as felonies of the third degree which are offenses of violence, have had the applicable term of PRC reduced and made indefinite. The remaining felonies of the third, fourth, and fifth degree have had the discretionary term of PRC reduced from three years to two years.

When sentencing a non-sex offense F1 or F2, or an F3 offense of violence, the court should inform the defendant of the mandatory minimum term of post-release control, and of the maximum term of post-release control. Selection by the trial judge of a specific term of post-release control from that range should be avoided, as the amount of time served under PRC sanctions has historically been under the discretion of the parole board, as authorized in R.C. 2967.28.

[POST-RELEASE CONTROL]

(☐) **[POST-RELEASE CONTROL (SINGLE COUNT/LONGEST TERM JURISDICTION)]**

As a result of the conviction(s) in this case and the imposition of a prison sentence, and pursuant to R.C. 2967.28, the defendant **[WILL/MAY]** be subject to a period of post-release control of:

(☐) **ANY felony sex offense –** Five years.
(☐) **F1 offense –** A mandatory minimum 2 years, up to a maximum of 5 years.
(☐) **F2 offense –** A mandatory minimum 18 months PRC, up to a maximum of 3 years.
(☐) **F3 offense of violence –** A mandatory minimum 1 year PRC, up to a maximum of 3 years.
(☐) **All other F3, F4, and F5 offenses –** Up to 2 years of PRC at the discretion of the Parole Board.

The Adult Parole Authority will administer post-release control pursuant to R.C. 2967.28, and the defendant has been advised that if the defendant violates post-release control, the Parole Board may impose a prison term as part of the sentence of up to half of the stated prison term or stated minimum term originally imposed upon the defendant in nine-month increments. If, during the period of the releasee's post-release control, the releasee serves as a post-release control sanction the maximum prison time available as a sanction, the post-release control shall terminate.

If while on post-release control the defendant is convicted of a new felony, the sentencing court will have authority to terminate the post-release control and order a consecutive prison term of up to the greater of twelve months or the remaining period of post-release control.

Note that pursuant to R.C. 2967.28(G) when a defendant is subject to parole and post-release control, or to multiple periods of post-release control the term of supervision will be the period of supervision that expires last as determined by the parole board. However, jurisdictions are split as to whether, at sentencing, the defendant must be informed of the term of post-release control the defendant could potentially face on each individual count. Courts in those jurisdictions requiring an advisement on each count should repeat the following language as necessary in the first line of the PRC section:

(☐) **[POST-RELEASE CONTROL (MULTIPLE COUNTS)]**
As a result of the conviction for:

(☐) A Felony sex offense in Count(s) **[NUMBER(S)]** the defendant will be subject to a 5-year term of post-release control.
(☐) A Felony of the First Degree in Count(s) **[NUMBER(S)]** the defendant will be subject to a minimum 2-year term of post-release control, up to a maximum 3 years
(☐) A Felony of the Second Degree in Count(s) **[NUMBER(S)]** the defendant will be subject to a minimum 18-month term of post-release control, up to a maximum 3 years
(☐) A Felony of the Third Degree that is an offense of violence in Count(s) **[NUMBER(S)]** the defendant will be subject to a minimum 1-year term of post-release control, up to a maximum 3 years.
(☐) A Felony of the Third, Fourth, or Fifth Degree in Count(s) **[NUMBER(S)]** the defendant may be subject up to a maximum 2 years of post-release control at the discretion of the parole board.

Upon release from prison, the defendant will be supervised for the period of supervision which expires last. All periods of post-release control run concurrently.

The Adult Parole Authority will administer post-release control pursuant to R.C. 2967.28, and the defendant has been advised that if the defendant violates post-release control, the Parole Board may impose a prison term as part of the sentence of up to half of the stated prison term or stated minimum term originally imposed upon the defendant in nine-month increments. If, during the period of the releasee's post-release control, the releasee serves as a post-release control sanction the maximum prison time available as a sanction, the post-release control shall terminate.

If while on post-release control the defendant is convicted of a new felony, the sentencing court will have authority to terminate the post-release control and order a consecutive prison term of up to the greater of twelve months or the remaining period of post-release control.

[40]- **[OFFENDER ON TRANSITIONAL / POST-RELEASE CONTROL AT TIME OF A NEW FELONY OFFENSE]**
When a defendant commits a new felony offense while on post-release control, R.C. 2929.141 provides the sentencing court in the new felony case with additional sentencing options. The sentencing court in the new felony case may terminate the defendant's community control, and either:

R.C. 2929.141(A)(1): impose an additional, consecutive prison term of either the greater of 12 months OR the defendant's remaining time on PRC reduced by any prison term imposed by the Parole Board as a sanction for violating PRC.
R.C. 2929.141(A)(2): impose sanctions under R.C. 2929.15-18 (community control sanctions, residential or nonresidential and financial sanctions) to run either concurrently or consecutively to any community control sanctions imposed for the new felony.

The statute provides the "new felony" sentencing court jurisdiction over this PRC sentence regardless of where the defendant's PRC case originated. Court's imposing a prison term of the length of the remaining time on PRC should account for the period of PRC originally imposed, the time the defendant has spent under PRC supervision, as well as any prison terms imposed by the parole board for violating PRC.

Note that pursuant to *State v. Bishop,* 156 Ohio St.3d 156, 2018-Ohio-5132, the Court in the new felony must inform the defendant of this potential consequence at the time of the plea in order to sentence under R.C. 2941.141. Use the following language in this circumstance:

(☐) **[OFFENDER ON POST-RELEASE CONTROL AT TIME OF NEW FELONY OFFENSE]**
The Court, having found the defendant to have been on post-release control supervision at the time of the commission of the felony **[OFFENSE/OFFENSES]** in this case, hereby orders the post-release control terminated and:
(☐) **[PRISON IMPOSED]**
the defendant is ordered to serve **[PRISON TERM]** consecutively to the prison term in this case.
(☐) **[COMMUNITY CONTROL IMPOSED]**
That the defendant serve a **[COMMUNITY CONTROL SANCTION / COMMUNITY RESIDENTIAL SANCTION / NONRESIDENTIAL SANCTION] [CONCURRENTLY/CONSECUTIVELY]** to the community control sanctions in this case.

The statute also provides a similar sentencing option when the defendant committed the new felony while on transitional control (R.C. 2967.26) following release from prison. The court may impose an additional, consecutive prison term of not more than 12 months for committing the new offense while on transitional control. Use the following language to impose that additional term:

(☐) **[OFFENDER ON TTRANSITIONAL CONTROL AT TIME OF NEW FELONY OFFENSE]**
The Court, having found the defendant to have been on released from prison on transitional control at the time of the commission of the felony **[OFFENSE/OFFENSES]** in this case, hereby orders the defendant to serve an additional **[PRISON TERM NOT TO EXCEED 12 MONTHS]** consecutively to any prison term imposed in this case.

[FINANCIAL SANCTIONS GENERALLY]
As noted below, pursuant to R.C. 2929.19(B)(5) the sentencing court must consider the defendant's ability to pay when imposing certain financial sanctions under R.C. 2929.18 or R.C. 2929.32. If necessary, the court may hold a hearing on the defendant's ability to pay under R.C. 2929.18(E). Those sanctions requiring an ability to pay consideration are noted below.

See the Supreme Court of Ohio's Collection of Court Costs & Fines in Adult Court for more information. Please note the language below can be further supplemented with payment schedules, apportionment, or other orders within the discretion of the Court.

Each jurisdiction retains the discretion to prioritize what order any financial sanctions, court costs, or fees are to be paid. Should the sentencing Court wish to do so, supplement the financial sanctions sections with that order of prioritization.

[41]- **[COURT COSTS AND FEES]**

The sentencing court is obligated under R.C. 2947.23 to impose the costs of prosecution and any jury fees, commonly referred to as court costs. The Court retains discretion and jurisdiction to waive, suspend, or modify payment of those costs and fees under R.C. 2947.23(C). The Supreme Court held that there is no legislative requirement to consider a defendant's ability to pay when imposing the costs of prosecution and jury fees under R.C. 2947.23. See *State v. Taylor*, 161 Ohio St.3d 319, 2020-Ohio-3514. The decision to waive, modify, or suspend payment of those costs of prosecution may be made with consideration of the defendant's ability to pay, and as such that language has been included in the waiver option.

NOTE - The Court must consider the defendant's present and future ability to pay in imposing any other financial sanction under R.C. 2929.18 and any fine imposed pursuant to R.C. 2929.32. See R.C. 2929.19(B)(5).

Pursuant to the decision in *State v. Taylor,* Slip Opinion No. 2020-Ohio-6786, appointed counsel fees are civil in nature and not part of the criminal sentence imposed for the offense. The Court noted in its holding that best practice would be to impose this fee using a separate entry, or to include language indicating the fee is civil in nature. That language is provided below.

(☐) **[COURT COSTS / FEES IMPOSED]**

The Court orders that the defendant shall pay the cost of prosecution and any jury fees permitted pursuant to R.C. 2947.23, **[INCLUDING $[AMOUNT] to [ENTITY]/AS DETERMINED BY THE CLERK OF COURTS].**

(☐) **[COMMUNITY SERVICE IN LIEU OF COSTS – FUTURE ORDER]**

If the defendant fails to pay that judgment or fails to timely make payments towards that judgment under a payment schedule approved by the Court, the Court may order the defendant to perform community service until the judgment is paid or until the Court is satisfied that the defendant is in compliance with the approved payment schedule.

If the Court orders the defendant to perform the community service, the defendant will receive credit upon the judgment at the specified hourly credit rate of **[$ AMOUNT NOT LESS THAN FEDERAL MINIMUM WAGE]** per hour of community service performed, and each hour of community service performed will reduce the judgment by that amount.

(☐) **[COMMUNITY SERVICE IN LIEU OF COSTS – ORDER]**

The Court orders that the defendant may perform **[AMOUNT NOT MORE THAN 40]** hours per month of community service until the judgment is paid or until the Court is satisfied that the defendant is in compliance with the approved payment schedule. The defendant will receive credit upon the judgment at a specified hourly credit rate of **[$ AMOUNT NOT LESS THAN FEDERAL MINIMUM WAGE]** per hour of community service performed, and each hour of community service performed will reduce the judgment by that amount.

(☐) **[COURT COSTS / FEES WAIVED]**

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court orders that the costs of prosecution and any jury fees in this case shall be waived.

(☐) **[APPOINTED COUNSEL FEES] (unless separate form used)**

NOTE: In *State v. Taylor*, Slip Opinion No. 2020-Ohio-6786, decided December 22, 2020, the Ohio Supreme Court held that while it is best practice for the court to state its ability to pay findings on the record, the findings need not be explicitly made pursuant to statute when imposing appointed counsel fees. The Court further held that appointed counsel fees are not costs and should not be included as part of the defendant's sentence. Best practice would be to impose appointed counsel fees by separate entry, but the Court also opined that if fees are assessed in the sentencing entry it should be noted that they are a civil assessment. A separate entry is available as part of the USE "Good Civics" entry package. Use the following language if not imposing appointed counsel fees via a separate entry:

The Court finds pursuant to R.C. 2941.51(D) that the defendant is able to pay some or all of the costs the defendant's legal representation in this case and orders the defendant to pay **$[AMOUNT]** to **[ENTITY]**. Pursuant to the decision in *State v. Taylor,* Slip Opinion No. 2020-Ohio-6786 this fee is civil in nature and not part of the criminal sentence imposed for the offense(s) in this case.

(☐) **[COSTS OF SUPERVISION] R.C. 2929.18(A)(5)(a)(i) (requires ability to pay consideration)**

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court finds pursuant to R.C. 2929.18 that the defendant is able to pay some or all of the costs of supervision in this case and orders the defendant:

(☐) To pay **$[AMOUNT]** to **[ENTITY]**.
(☐) To pay **$[AMOUNT]** to **[ENTITY]** on a monthly basis.

(☐) **[CONFINEMENT COSTS] R.C. 2929.18(A)(5)(a)(ii) and (b) (requires ability to pay consideration)**

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court finds pursuant to R.C. 2929.18 that the defendant is able to pay some or all of the costs of the defendant's confinement in this case and orders the defendant:

(☐) To pay **$[AMOUNT]** to **[ENTITY]**.
(☐) To pay **$[AMOUNT]** to **[ENTITY]** on a monthly basis.

(☐) **[COSTS OF TRANSPORTATION]**

This order to pay will include the cost of transporting the defendant to confinement.

(☐) **[COSTS OF IMMOBILIZING / DISABLING DEVICE] R.C. 2929.18(A)(5)(a)(iii) (requires ability to pay consideration)**

The Court finds that defendant has been convicted of an arson offense, and subsequently held a hearing to determine the amount of costs incurred in investigating and prosecuting the offense in this case pursuant to R.C. 2929.71. Upon the record of the Court and any evidence presented, the Court finds by a preponderance of the evidence that the following costs were incurred in the arson investigation in this case and that the offender has assets available for reimbursement purposes, and therefore orders that the defendant pay **$[AMOUNT]** to **[ENTITY]**. ***(repeat as necessary)***

(☐) To pay **$[AMOUNT]** to **[ENTITY]**.
(☐) To pay **$[AMOUNT]** to **[ENTITY]** on a monthly basis.

(☐) **[REIMBURSEMENT FOR CONTROLLED SUBSTANCE TEST] R.C. 2925.511**

The Court finds that defendant has been convicted of a drug abuse offense, and subsequently held a hearing to determine the amount of cost incurred in having tests conducted to confirm the presence of a controlled substance in this case pursuant to R.C. 2925.511. Upon the record of the Court and any evidence presented, the Court orders that the defendant pay **$[AMOUNT]** to **[ENTITY]**.

(☐) **[REIMBURSEMENT FOR ARSON INVESTIGATION COSTS] R.C. 2929.71 (requires ability to pay consideration)**

The Court finds that defendant has been convicted of an arson offense, and subsequently held a hearing to determine the amount of costs incurred in investigating and prosecuting the offense in this case pursuant to R.C. 2929.71. Upon the record of the Court and any evidence presented, the Court finds by a preponderance of the evidence that the following costs were incurred in the arson investigation in this case and that the offender has assets available for reimbursement purposes, and therefore orders that the defendant pay **$[AMOUNT]** to **[ENTITY]**. ***(repeat as necessary)***

[42]- **[RESTITUTION]**

A victim is entitled to restitution under Ohio Constitution, Article I, Section 10a(7). Courts may order this restitution as part of the sentence in a case. **If restitution is contested by the defendant or victim, the Court *must* hold a hearing on the matter** pursuant to R.C. 2929.18(A)(1). Once the court has determined the amount of restitution, if any, by a preponderance of the evidence use the following language to memorialize the order in the entry. Please note the language below can be further supplemented with payment schedules, apportionment, or other orders within the discretion of the Court. When legislative enactment of the provisions of Article I, Section 10a takes place, this language and instruction will be updated to reflect any changes to the restitution statutes.

The Court must consider the defendant's present and future ability to pay in making a restitution order pursuant to R.C. 2929.19(B)(5). Courts should conform to the holdings in local appellate districts as to the scope of that consideration and the necessary record in the entry.

(☐) **[RESTITUTION ORDERED]**
[BY STIPULATION OF THE PARTIES / HAVING HELD A RESTITUTION HEARING PURSUANT TO R.C. 2929.18] and having considered the defendant's present and future ability to pay, the defendant is ordered to make restitution in the amount of **$[AMOUNT]** to **[ENTITY]**. **(repeat as necessary) [IF HEARING IS NECESSARY, COURT SHOULD DETAIL EVIDENCE CONSIDERED AND FINDINGS MADE]**
This order of restitution by the Court can be converted to a civil judgment and collected by the victim through a civil action.

(☐) **[RESTITUTION ORDERED – Prison Imposed]**
[BY STIPULATION OF THE PARTIES / HAVING HELD A RESTITUTION HEARING PURSUANT TO R.C. 2929.18] and having considered the defendant's present and future ability to pay, the defendant is ordered to make restitution in the amount of $[AMOUNT] to **[ENTITY]**. **(repeat as necessary) [IF HEARING IS NECESSARY, COURT SHOULD DETAIL EVIDENCE CONSIDERED AND FINDINGS MADE]**

It is further ordered that the payment of restitution will be monitored by the Adult Parole Authority and that all payments of restitution shall be made to the Clerk of Courts on behalf of the victim. The Clerk of Courts is further ordered to disburse any restitution collected to the victim. This order of restitution is a Judgment in favor of the victim and against the defendant. Said victim, pursuant to this Judgment, may bring any action to collect said debt as provided for in R.C. 2929.18(D), and/or may accept payment pursuant to a payment schedule that will be determined and monitored by the Adult Parole Authority.

(☐) **[RESTITUTION NOT ORDERED]**
Having held a restitution hearing pursuant to R.C. 2929.18 and having considered the defendant's present and future ability to pay, the Court does not order restitution as to Count **[NUMBER]**, due to the following: **[DETAIL EVIDENCE CONSIDERED AND FINDINGS MADE] (repeat as necessary)**

[43]- [FINES]
Columns are provided for fines to be imposed in both the prison imposed and community control charts above. If any fine is imposed, the court must assess the defendant's present and future ability to pay pursuant to R.C. 2929.19(B)(5) and note that consideration in the entry with the language below. Please note the language below can be further supplemented with payment schedules, apportionment, or other orders within the discretion of the Court.

(☐) **[FINES ORDERED]**
Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court finds that the defendant is able to pay a fine, and imposes a fine as listed below.

COUNT	MANDATORY FINE	AMOUNT OF FINE IMPOSED	FINE WAIVED Y/N
	(☐)		
	(☐)		

Language regarding any affidavit of indigency is included in this section. This language may be re-used or referenced with regard to other financial sanctions. Note the filing of an affidavit in the entry for the record if one is filed.

(☐) **[FINES NOT ORDERED / WAIVED]**

(☐) **[AFFIDAVIT OF INDIGENCY]**
The defendant has filed an affidavit of indigency with the court.

(☐) **[INABILITY TO PAY]** ***(repeat as necessary if specific count chosen)***
Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court finds that the defendant is indigent or otherwise is unable to pay and orders that the fine(s) **[ON COUNT #] / [IN THIS CASE]** be waived.

(☐) **[FINES NOT ORDERED]** ***(repeat as necessary if specific count chosen)***
Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court will not order a fine **[ON COUNT #] / [IN THIS CASE]**.

NOTE: Community service may be ordered toward credit for payment of fines in felony cases under R.C. 2951.02(B) if the defendant requests the opportunity and the court finds the defendant financially unable to pay the fines. See that section for the requirements if the defendant requests this option and include the language regarding community service from the Costs & Fees instruction above.

[44]- [OTHER FINANCIAL SANCTIONS]
Language for use in ordering financial sanctions not covered above. Courts must notify the parties and hold a hearing if the amount is not agreed to, and consider the defendant's ability to pay before ordering the sanction.

(☐) **[OTHER FINANCIAL SANCTIONS]**
[BY AGREEMENT OF THE PARTIES / BY ORDER OF THE COURT] and having considered the defendant's present and future ability to pay, the defendant is ordered to pay a financial sanction in the amount of **$[AMOUNT]** to **[ENTITY]**. ***(REPEAT AS NECESSARY)***

[IF HEARING IS NECESSARY, COURT SHOULD DETAIL EVIDENCE CONSIDERED AND FINDINGS MADE]

[45]- [LICENSE SUSPENSION / POINTS ASSESSED]
Where a license suspension is imposed, note that suspension for the record. Courts wishing to indicate in the sentencing entry the number of points being assessed for a given offense may also do so with the language below.

Note that R.C. 4510.36(B) requires the sentencing court to report this information to the Ohio Bureau of Motor Vehicles via a separate form. A copy of that form can be found here: Ohio BMV Report of Convictions. A list of violations subject to BMV reporting is hosted at the Ohio BMV website here: Ohio Revised Code Offense & Conviction Code List.

The defendant's driver's license **will** be suspended for a period of **[TERM]** beginning on **[DATE]**. This is a **[CLASS_______/UNCLASSIFIED]** suspension. The Clerk is ordered to report this information to the Bureau of Motor Vehicles.

(☐) **[POINTS ON LICENSE]** ***(REPEAT AS NECESSARY)***
As a result of the conviction in **[COUNT NUMBER]** the defendant **will** have **[NUMBER OF POINTS]** assessed against the defendant's driver's license.

(☐) **[LICENSE NOT BEING SUSPENDED]**
The Court **will not** impose a driver's license suspension in this case.

[46]- [FORFEITURE]
Forfeiture specifications found in the disposition chart should be disposed of here, as well as forfeitures which are agreed upon by the parties.

Where property other than contraband or proceeds obtained from the offense are subject to a forfeiture specification, the Court must decide of the proportionality of the forfeiture under R.C. 2981.09 under a clear and convincing evidence standard.

(☐) **[FORFEITURE]** ***(REPEAT AS NECESSARY)***
Pursuant to the **[R.C. 2941.1417(A) SPECIFICATION(S) /AGREEMENT OF THE PARTIES]** the defendant shall forfeit interest in **[PROPERTY]** to **[ENTITY]** to be disposed of pursuant to R.C. 2981.12.

(☐) **[NON-CONTRABAND PROPERTY]**

(☐) **[NON-CONTRABAND/PROCEEDS – FORFEITURE PROPORTIONATE]**
The Court finds that, pursuant to R.C. 2981.09, the forfeiture of **[PROPERTY]** is/are proportionate to the offense(s) committed.

(☐) **[NON-CONTRABAND / PROCEEDS – FORFEITURE NOT PROPORTIONATE]**
The Court finds that, pursuant to R.C. 2981.09, the of **[PROPERTY]** is/are not proportionate to the offense(s) committed, and the property will not be subject to forfeiture.

[47]- [PROPERTY DISPOSITION]
Disposition of property other than contraband or property subject to forfeiture should be limited to agreement of the parties. Courts should insert the agreed-upon language here.

[48]- [BOND]
Courts may need to use the court's own language for non-standard bond orders, such as returning posted property to owner.

(☐) **[BOND]**
The defendant's bond is ordered **[RELEASED / TERMINATED / CONTINUED / FORFEITED / FREE TEXT ENTRY]**.

[49]- [DISMISSED COUNTS / SPECIFICATIONS]
Where counts and/or specifications are not otherwise disposed of at the time of the plea, note any dismissed

counts and/or specifications for the record in the sentencing entry. Note that any dismissal by the court pursuant to Crim.R.48 requires that the court state its findings and reasons for the dismissal on the record. Optional language for those findings is provided below.

(☐) **[DISMISSED COUNTS]**
The court hereby dismisses Count(s) **[NUMBER(S)] [PURSUANT TO THE PLEA / BY AGREEMENT OF THE PARTIES / AT THE STATE'S REQUEST / BY ORDER OF THE COURT PURSUANT TO CRIMINAL RULE 29 / BY ORDER OF THE COURT PURSUANT TO RULE 48]**.

(☐) **[DISMISSED SPECIFICATIONS]**
The court hereby dismisses Specification **[NUMBER]** to Count **[NUMBER] [PURSUANT TO THE PLEA / BY AGREEMENT OF THE PARTIES / AT THE STATE'S REQUEST / BY ORDER OF THE COURT PURSUANT TO CRIMINAL RULE 29 / BY ORDER OF THE COURT PURSUANT TO RULE 48]**. ***(REPEAT AS NECESSARY)***

(☐) **[CRIM.R.48 DISMISSAL FINDINGS]**
Count(s) **[NUMBER(S)]** are being dismissed **[STATE FINDINGS OF FACT AND REASONS FOR DISMISSAL]**.

[50]- [REMAND / CONVEY]
Language for courts who do not prepare a separate conveyance entry.

(☐) **[REMAND / CONVEY]**
The defendant is remanded to the custody of **[ENTITY]** to await transport to **[FACILITY].** The Clerk of Courts shall issue a warrant directed to the Sheriff of **[NAME]** County, Ohio, to convey the said Defendant to the custody of **[LOCAL FACILITY / THE OHIO DEPARTMENT OF REHABILITATION AND CORRECTION]**.

[51]- [JAIL TIME CREDIT]
Courts must award credit for time served awaiting trial while being held for the case in question. If the case is being terminated for time served, indicate so in this section.

Recently the Department of Rehabilitation and Correction has announced its intention to amend Ohio Adm.Code 5120-2-04 addressing how confinement credit will be applied towards a sentence to reflect the changes in 2019 Am.Sub.S.B. No. 201 and the Ohio Supreme Court decisions in *State ex rel. Fraley v. Ohio Dep't of Rehab. & Corr.*, 161 Ohio St.3d 209, 2020-Ohio-4410 and *State v. Henderson*, 161 Ohio St.3d 285, 2020-Ohio-4784. The onus will be on the sentencing court to calculate appropriate jail time credit. Courts must ensure that this calculation does not include any days that the defendant spent in DRC custody on other offenses pursuant to R.C. 2929.19(B)(2)(g)(i).
DRC will also assume that the jail time credit on consecutive sentences has not been duplicated, so courts must also take care to ensure entries on cases run consecutively reflect where the jail credit is to be assigned, so as to avoid double counting. Best practice is for courts to track jail time credit internally to ensure proper credit is applied.
Finally, DRC will be instructing all inmates who claim errors in jail time credit to file motions in the sentencing court to seek redress.

ALSO NOTE: The September 2020 Ohio Supreme Court decision in *State v. Reed*, 162 Ohio St.3d 554, 2020-Ohio-4255 held that a defendant is not entitled to jail time credit for postconviction house arrest or electronic home monitoring."

Use the following language for jail time credit:

(☐) **[STIPULATION]**

The parties have stipulated to **[NUMBER]** days of jail time credit on **[COUNT(S) # / CASE]**. ***(REPEAT AS NECESSARY)***

[JAIL TIME CREDIT] **(*MANDATORY REGARDLESS OF WHETHER THE STIPULATION BOX IS CHECKED)***
The Court orders the defendant be granted **[NUMBER]** days of jail time credit on **[COUNT(S) # / CASE]** up to and including date of sentencing and excluding conveyance time. ***(REPEAT AS NECESSARY)***

[52]**- [REGISTRATION OFFENSES]**
Use the following language with regard to any registration offenses for which the defendant was convicted. This is in addition to the necessary notification forms provided by BCI or the Ohio Attorney General's Office.

(☐) **[SEX OFFENDER]**
The Court finds pursuant to R.C. 2950.01 that as a result of these convictions the defendant is a Tier **[NUMBER]** Sex Offender and has been given written and oral notice of responsibilities to register as a Sex Offender pursuant to R.C. 2950.04.

The Court explained from the written notice of registration duties that the defendant will be required to register in person with the sheriff of the county in which the defendant establishes residency within three days of coming into that county. The defendant will also be required to register in person with the sheriff of the county in which they establish a place of education or employment immediately upon coming into that county. If the defendant establishes a place of education or place of employment in another state but maintains a residence in Ohio, the defendant will also be required to register in person with the sheriff or other appropriate official in that other state immediately upon coming into that state. The defendant will also be prohibited under R.C. 2950.034(A) from residing within 1,000 feet of any school, preschool, or child day care center.

The defendant was also informed that they must provide notice of the defendant's intent to establish residence, employment, or education to the sheriff in that county at least 20 days prior to the change and within 3 days of changing employment, and are required to report any international travel to the sheriff no less than twenty-one days prior to travel. Written notice must be provided in person, within 3 days of any change in vehicle information, email addresses, internet identifiers or telephone numbers registered to or used by the defendant to the sheriff with whom the defendant has most recently registered. As a result of this conviction, the defendant will be classified as a:

(☐) **[TIER I SEX OFFENDER]**
And will be required to comply with these requirements and address verification in person every twelve months for a period of fifteen years.

(☐) **[TIER II SEX OFFENDER]**
and will be required to comply with these requirements and address verification in person every one-hundred and eighty days for a period of twenty-five years.

(☐) **[TIER III SEX OFFENDER]**
and will be required to comply with these requirements and address verification in person every ninety days for life. There will also be notification to the victim and the community whenever the defendant registers or changes address.

The defendant was also informed that failure to comply with these registration duties may result in criminal prosecution.

(☐) **[CHILD VICTIM ORIENTED OFFENDER] (may be combined with sex offender)**

The Court finds pursuant to R.C. 2950.01 that as a result of these convictions the defendant is a Tier **[NUMBER]** Child Victim Offender and has been given written and oral notice of responsibilities to register as a Child Victim Offender pursuant to R.C. 2950.04.

The Court explained from the written notice of registration duties that the defendant will be required to register in person with the sheriff of the county in which residency is established within three days of coming into that county. The defendant will also be required to register in person with the sheriff of the county in which a place of education or employment is established immediately upon coming into that county. If the defendant establishes a place of education or place of employment in another state but maintain a residence in Ohio, the defendant will also be required to register in person with the sheriff or other appropriate official in that other state immediately upon coming into that state. The defendant will also be prohibited under R.C. 2950.034(A) from residing within 1,000 feet of any school, preschool, or child day care center.

The defendant must also provide notice of intent to establish residence, employment, or education to the sheriff in that county at least 20 days prior to the change and within 3 days of changing employment, and the defendant is required to report any international travel to the sheriff no less than twenty-one days prior to travel. The defendant must also provide written notice in person, within 3 days of any change in vehicle information, email addresses, internet identifiers or telephone numbers registered to or used by the defendant to the sheriff with whom they have most recently registered. As a result of this conviction, the defendant will be classified as a:

(☐) **[TIER I CHILD VICTIM OFFENDER]**
And will be required to comply with these requirements and address verification in person every twelve months for a period of fifteen years.

(☐) **[TIER II CHILD VICTIM OFFENDER]**
and will be required to comply with these requirements and address verification in person every one-hundred and eighty days for a period of twenty-five years.

(☐) **[TIER III CHILD VICTIM OFFENDER]**
and will be required to comply with these requirements and address verification in person every ninety days for life. There will also be notification to the victim and the community whenever the defendant registers or changes address.

The defendant was also informed that failure to comply with these registration duties may result in criminal prosecution.

(☐) **[COMMUNITY NOTIFICATION]**
NOTE: A limited number of appellate courts have held that the defendant must be informed of the community notification provisions under the defendant's registration status on the record and in the sentencing entry. If this is the case in your jurisdiction, supplement this language with acknowledgment of the notification.

(☐) **[COMMUNITY NOTIFICATION ORDERED]**
The Court finds pursuant to R.C. 2950.11(F)(1) that as the defendant is a Tier III Sex Offender/Child Victim Oriented offender, the defendant shall be subject to community notification provisions as a part of the defendant's registration duties.

(☐) **[COMMUNITY NOTIFICATION NOT ORDERED]**
The Court finds, after consideration of the factors set forth in R.C. 2950.11(F)(2) that the defendant would not have been subject to the community notification provisions as they existed prior to January 1, 2008, and as such is not subject to community notification as part of the defendant's registration duties.

(☐) **[ARSON OFFENDER]**
The Court finds pursuant to R.C. 2909.14 that as a result of these convictions the defendant is an arson offender, and the defendant was given a written and oral notice of duties to register as an Arson Offender per R.C. 2909.14.

(☐) **[VIOLENT OFFENDER DATABASE]**
NOTE: Defendant's convicted of offenses qualifying them for the Violent Offender Database must be informed of the defendant's rights to contest the imposition of enrollment duties **prior** to the sentencing hearing. For further information, see the Sentencing Commission's Violent Offender Database Guide.

(☐) **[PRINCIPAL OFFENDER – STIPULATION]**
The parties having stipulated that the offender was the principal offender in a qualifying offense, the Court finds pursuant to R.C. 2903.41 that the offender was the principal offender and is a Violent Offender subject to a duty to enroll in the Violent Offender Database upon release. The defendant has been given written and oral notice of enrollment duties as a Violent Offender pursuant to R.C. 2903.42(C).

(☐) **[PRINCIPAL OFFENDER – COURT FINDING]**
The Court finds pursuant to R.C. 2903.41 that the offender was the principal offender in a qualifying offense and is a Violent Offender subject to a duty to enroll in the Violent Offender Database upon release. The defendant has been given written and oral notice of enrollment duties as a Violent Offender pursuant to R.C. 2903.42(C).

(☐) **[NOT PRINCIPAL OFFENDER STIPULATION – COURT FINDS OFFENDER MUST ENROLL]**
The parties have stipulated that the offender was not the principal offender in a qualifying offense for the Violent Offender database, and the Court has found the same. However, after consideration of all the factors in RC 2903.42(A)(4)(a)(i-iv), the Court finds that the offender was convicted of a qualifying offense and is a Violent Offender subject to a duty to enroll in the Violent Offender Database upon release. The defendant has been given written and oral notice of enrollment duties as a Violent Offender pursuant to R.C. 2903.42(C).

(☐) **[NOT PRINCIPAL OFFENDER – COURT FINDS OFFENDER MUST ENROLL]**
After a hearing conducted pursuant to R.C. 2903.42(A)(4)(a) the defendant has proven by a preponderance of the evidence that the defendant was not the principal offender in the Violent Offender Database qualifying offense. After consideration of all the factors in RC 2903.42(A)(4)(a)(i-iv), the Court finds that the offender was convicted of a qualifying offense and is a Violent Offender subject to a duty to enroll in the Violent Offender Database upon release. The defendant has been given written and oral notice of enrollment duties as a Violent Offender pursuant to R.C. 2903.42(C).

(☐) **[NOT PRINCIPAL OFFENDER – COURT FINDS OFFENDER NEED NOT ENROLL]**
After a hearing conducted pursuant to R.C. 2903.42(A)(4)(a) the defendant has proven by a preponderance of the evidence that the defendant was not the principal offender in the Violent Offender Database qualifying offense. After consideration of all the factors in RC 2903.42(A)(4)(a)(i-iv), the Court finds that the presumption of enrollment has been rebutted and that the defendant is NOT subject to a duty to enroll in the Violent Offender Database upon the defendant's release.

[53]- **[DNA COLLECTION]**
Defendants who commit a felony offense as well as certain misdemeanor offenses, must submit a DNA sample for inclusion in the Combined DNA Index System (CODIS) if that sample was not collected at the time of arrest, arraignment, or first appearance. At sentencing, courts must order such defendants to report to the sheriff or chief

of police in the defendant's jurisdiction and to submit to the DNA collection process. The sample is then forwarded to the Bureau of Criminal Investigation and Identification by law enforcement.

(☐) **[DNA COLLECTION]**
If the defendant has not yet submitted a DNA sample as required by R.C. 2901.07, the defendant is ordered to report to **[ENTITY]** to provide that sample within twenty-four hours.

[54]- [FINGERPRINTING]
Pursuant to R.C. 2301.10 and R.C. 109.60, if not done at arrest, arraignment, or first appearance the defendant must be ordered by the court at sentencing to be fingerprinted by the sheriff or chief of police in the defendant's jurisdiction.
Those fingerprints are then forwarded to the Bureau of Criminal Investigation and Identification by law enforcement. See the Supreme Court of Ohio's guidance on this issue for additional information.

(☐) **[FINGERPRINTING]**
If the defendant has not yet been fingerprinted in this case as required by R.C. 2301.10, the defendant is ordered to report to **[ENTITY]** to be fingerprinted within twenty-four hours.

[55]- [BCI / LEADS / NICS REPORTING]
Courts must report criminal case disposition and several other types of information to the Bureau of Criminal Investigation (BCI) and/or the Ohio Law Enforcement Automated Data System (LEADS). Data submitted through these reports is then included in various law enforcement and public information databases including in the National Instant Criminal Background Check System (NICS). Responsibilities for such reporting are shared between local courts and clerk's offices.

See the Supreme Court of Ohio's guidance on required reporting. The following types of data must be reported:

- Final disposition of criminal cases.
- Orders for mental health evaluation or treatment for offenses of violence [R.C. 2929.44 and Sup. R. 95]
- Not Guilty by Reason of Insanity (NGRI) or incompetency findings, and orders for conditional release of such defendants [R.C. 2945.402 and Sup. R. 95].
- Sex/Child Victim Offender registration, Arson Offender registration, and/or Violent Offender Database enrollment.
- Court orders granting relief from a firearm disability.
- Court orders a modifying or vacating of a sentence.
- Orders sealing or expunging criminal convictions.
- Charges not being filed as shared by the Prosecuting Attorney.
- Protection orders issued by the court pursuant Sup.R. 10 in conjunction with the Clerk of Court.
- Capias/Warrants issued in conjunction with the Clerk of Courts and local law enforcement pursuant to Crim.R. 9(A).

(☐) **[BCI / LEADS / NICS REPORTING]**
All necessary information regarding the final disposition and orders made in this case will be reported to the Ohio Bureau of Criminal Investigation and Identification and/or the Law Enforcement Automated Data System. **[COURT MAY DETAIL SPECIFIC ITEMS BEING REPORTED]**.

[56]- [CIVIL RIGHTS / FIREARM DISABILITIES]
Optional language regarding loss of certain civil rights and firearm disabilities to be inserted at the judge's discretion.

(☐) **[CIVIL RIGHTS / FIREARM DISABILITIES]**

(☐) **[CIVIL RIGHTS LOST]**

Defendant is informed that incarceration for a felony renders them incompetent to serve as a juror or to hold an office of honor, trust or profit, and the defendant will be unable to vote during incarceration for a felony offense pursuant to R.C. 2961.01, and the defendant will need to re-register to vote with the local board of elections upon release.

(☐) **[POSITIONS OF PUBLIC TRUST – CRIMES OF MORAL TURPITUDE]**

Pursuant to R.C. 2961.02 conviction for a felony theft offense or offense that involves fraud, deceit or theft disqualifies the defendant from holding public office, a position of public employment or serving as a volunteer with a state agency, political subdivision or certain private entities.

(☐) **[STATE FIREARM DISABILITY – FELONY OFFENSE OF VIOLENCE OR DRUG OFFENSE]**

Defendant was informed of the defendant's disability to own or possess a firearm based on the conviction for a felony offense of violence or a felony drug offense pursuant to R.C. 2923.14.

(☐) **[FEDERAL FIREARM DISABILITY – FELONY OFFENSES]**

The Court informed the Defendant that under federal law, a person convicted of a felony cannot lawfully possess a firearm pursuant to 18 U.S.C. 922(g)(1).

[57]- **[APPEAL RIGHTS]**

Note that Crim.R. 32 requires notification of appellate rights upon conviction for "a serious offense." Best practice is to notify defendant of appellate rights in every felony case. While some defendants may waive the right to appeal pursuant to the plea agreement, several members of the Ad Hoc Committee report a significant number of appeals being heard after pleas under R.C. 2953.08.

Additional information on the standards and guidance for appointed counsel reimbursement can be found in the Office of the Ohio Public Defender Standards and Guidelines (revised September 2021) and information on the required qualifications for appointed counsel by case type can be found on the Ohio Public Defender's website and in OAC 120-1- 10.

The defendant was notified of rights to appeal per Crim.R. 32 as well as the defendant's right to have counsel appointed for them and a transcript of all proceedings provided to them at no cost if the defendant is determined to be indigent and unable to afford counsel.

(☐) **[APPELLATE COUNSEL TO BE APPOINTED – SEPARATE ENTRY]**

The defendant having indicated the defendant's desire to appeal this case, the Court will appoint counsel to represent the defendant on appeal.

(☐) **[APPELLATE COUNSEL APPOOINTED]**

The defendant having indicated the defendant's desire to appeal this case, the Court hereby appoints **[NAME]** to represent the defendant on appeal.

[58]- **[STAY OF EXECUTION / APPELLATE BOND]**

Courts may grant a stay of the execution of a criminal sentence for a bailable offense pending an appeal of the conviction or sentence pursuant to R.C. 2949.02 and Ohio App.R.8. The defendant must give the court written notice of intent to file an appeal or to apply for leave to file an appeal. Execution of the sentence would then be suspended for a fixed amount of time set by the judge, who may also release the defendant on bail provided that the conviction is not for an offense prohibited by R.C. 2949.02(B). Note the special restrictions on stays for appeals to the Supreme Court of Ohio and in capital cases in R.C. 2953.09.

(☐) **[STAY OF EXECUTION OF SENTENCE DENIED]**
The Court hereby denies the defendant's request for stay of execution of the sentence in this case.

(☐) **[STAY OF EXECUTION OF SENTENCE GRANTED]**
Having received written notice of the defendant's intent to file an appeal or to apply for leave to appeal the defendant's convictions, the Court hereby grants a stay of execution of the sentence in this case for a period of **[LENGTH OF TIME]**. The defendant is ordered to appeal without delay and to abide by the following conditions:

(☐) **[BOND CONTINUED]**
Pursuant to R.C. 2937.011(G), the current bond imposed on the defendant is continued pending disposition of the appeal.

(☐) **[APPELLATE BOND GRANTED]**
The Court hereby imposes the following bond and conditions for the defendant's release pending disposition of the appeal **[DETAIL BOND AND CONDITIONS].**

(☐) **[APPELLATE BOND DENIED]**
The Court hereby denies the defendant any release on bond pending the disposition of the appeal.

(☐) **[PROHIBITED OFFENSE]**
The Court finds that bond pending appeal is prohibited as one of the convictions in question is subject to life imprisonment or is otherwise prohibited pursuant to R.C. 2949.02(B).

OHIO
CRIMINAL SENTENCING COMMISSION

COMMISSION OPERATING GUIDELINES

These Operating Guidelines are issued by the Ohio Criminal Sentencing Commission ("Commission") pursuant to R.C. 181.21(B) and apply to the operation of the Commission to assist in exercising the responsibilities established for the Commission under sections 181.21 through 181.27 of the Ohio Revised Code. These guidelines are intended to establish consistent standards and expectations in undertaking its duties and responsibilities. References to administrative policies in these guidelines refer to the Administrative Policies of the Supreme Court of Ohio.

I. General Provisions

(A) **Officers.** The Commission shall select a Vice-Chairperson and any other necessary officers. In the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson.

(B) **Commission Meetings.** The full Commission shall meet at least once per calendar quarter, at the call of the Chair or on the written request of eight or more of its members.

(C) **Commission Actions.** Members of the Commission shall strive for consensus on recommendations concerning criminal justice policy, procedure or legislative proposals. Official actions of the Commission will be recorded by roll call vote and dissenting opinion(s) noted or by voice vote at the discretion of the Chairperson or Vice-Chairperson if the Vice-Chairperson presides over the meeting. A roll call vote must be taken for the purpose of entering into executive session.

(D) **Meetings Open.** Meetings of the Commission and any committees shall be open to the public pursuant to R.C. 121.22.

II. Member Attendance

(A) **Requirement.** For a fully effective Commission, a Commission member shall make a good faith effort to attend, in person, each Commission meeting.

(B) **Participation by video conference or other electronic means.** ~~-~~Pursuant to R.C. 121.221, the Commission adopts the following policy permitting the Commission to hold, and members of the Commission to attend, meetings by means of video conference or any other similar technology:

(1) Meetings shall not be held by means of video conference or any other similar

technology if either of the following apply:

(a) The meeting involves a vote to approve a major non-routine expenditure.

(b) The meeting involves a vote to approve a significant hiring decision.

(2) Each Commission member may only attend one Commission meeting by means of video conference or any other similar technology per calendar year. Any Commission member participating in this manner more than once per calendar year shall be considered absent at each subsequent meeting during the immediate calendar year.

(3) The Commission shall provide notification of meetings held by means of video conference or any other similar technology to the public, to the media that have requested notification of a meeting, and to the parties required to be notified of a meeting at least seventy-two hours in advance of the meeting by reasonable methods by which any person may determine the time, location, agenda of the meeting, and the manner by which the meeting will be conducted, except in the event of an emergency requiring immediate official action. In the event of an emergency, the Commission shall immediately notify the news media that have requested notification or the parties required to be notified of a hearing of the time, place, and purpose of the meeting or hearing.

(4) The Commission shall provide the public access to a meeting held by means of video conference or any other similar technology, commensurate with the method in which the meeting is being conducted. The Commission shall ensure that the public can observe and hear the discussions and deliberations of all the members of Commission, whether the member is participating in person or electronically. Members of the Commission shall have a sufficient internet or other electronic connection to allow the member to be seen and heard clearly and shall be visible at all times.

(5) All votes taken in a meeting held by means of video conference or any other similar technology shall be taken by roll call vote unless there is a motion for unanimous consent, and the motion is not objected to by a member of the Commission. If a vote is taken unanimously, the Commission shall provide the public with information on how the members of the public body voted, including any Commission members who abstained from voting.

(6) Any member of the Commission who intends to attend a meeting by means of video conference or other similar electronic technology shall

DRAFT

notify the chairperson of that intent not less than forty-eight hours before the meeting, except in the case of an emergency.

(7) If, upon the notification of an upcoming meeting of the Commission, and not later than forty-eight hours before the meeting, the greater of at least ten per cent of the members of the Commission or two members of the Commission, notifies the chairperson that an item in the agenda must be acted upon at a meeting conducted fully in person, upon the chairperson's acknowledgment of receipt of the notification, the Commission shall take action on the item of the agenda only at a meeting conducted fully in person.

(C) **Replacement designee.** Designees for the individual Commission members specified in R.C.181.21 shall be treated as Commission members for purposes of attendance, quorum, and voting. Other Commission members may request for an alternate individual to attend meetings; however, those alternates will not take the place of actual member for purposes of attendance, quorum, or voting.

(D) **Nonattendance.** If a Commission member misses three consecutive meetings of the full Commission pursuant to R.C. 3.17, the chairperson or executive director may recommend to the appointing authority that the member relinquish the member's position on the Commission.

III. Commission Meeting Voting

(A) **Procedure.** Commission members in attendance at a Commission meeting may vote on any motion properly before the Commission. Members may abstain from a vote if they have a conflict, noting their abstention for the record.

(B) **Quorum.** Sixteen members of the combined membership of the Commission constitute a quorum, and the votes of a majority of the quorum present shall be required to validate any action of the Commission.

(C) **Proxy voting.** Pursuant to Operating Guideline II(C), a Commission member may not vote by proxy unless the proxy vote is cast by a replacement designee specified under R.C. 181.21(A). If the statutory member and the replacement designee both attend a meeting, only the statutory member may vote.

IV. Minutes

(A) Minutes shall be kept at every Commission meeting and distributed to the members for review and approval at the next meeting.

DRAFT

(B) Minutes shall, at a minimum, record any votes taken on motions by the Commission, including a notation of those members in opposition to and abstaining from such motion.

V. Parliamentary Authority

(A) The rules contained in the current edition of *Robert's Rules of Order Newly Revised* (*http://www.robertsrules.com/*) shall govern the Commission in all cases in which they are applicable and in which they do not conflict with State law and regulations; these Operating Guidelines; and any rules, procedures, or official action the Commission may adopt.

VI. Ethics

(A) **Compensation.** Pursuant to R.C. 181.21 and R.C. 181.22 Commission members shall serve without compensation, but each member shall be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's official duties on the commission. In order for non-Commission members serving on standing or ad hoc committees to receive reimbursement, they must be appointed by the Commission Chair, Vice-Chair, or standing committee chair and they must appear on the standing or ad hoc committee roster.

(B) **Ethics.** Commission members have the duty to file any disclosures required of them.

VII. Standing and Ad Hoc Committees

(A) **Creation.** The Commission hereby creates the following standing committees: Adult Criminal Justice committee and the Juvenile Justice committee, by vote of the Commission at the May 18, 2023 meeting. A Personnel committee is hereby created as a standing committee with the adoption of these Operating Guidelines. The Commission may form additional standing committees by formal vote. The Commission may also form ad hoc committees it believes necessary to complete its work. Ad Hoc committees shall be created by the Commission by formal vote and will also be dissolved by the Commission by formal vote when the Commission determines the Ad Hoc committee has completed its work and/or at the time final recommendations are presented to the Commission.

(B) **Chairpersons.** Each standing committee shall select a Chairperson and Vice-Chairperson who shall be Commission members. Chairpersons and Vice-Chairpersons shall serve in their capacity for a term not exceeding two years.

DRAFT

Chairpersons and Vice-Chairpersons shall be permitted to serve no more than two consecutive terms in their respective capacities. Ad Hoc committees created will select a chairperson in consultation with the Standing Committee Chairperson, Vice-Chairperson or Director of the Commission.

(C) **Membership.** Any standing or ad hoc committee created should consist of Commission members and other persons who the Standing Committee Chairperson, Vice-Chairperson, or Director of the Commission believe will assist in a full exploration and vetting of the specific issues under the review of the committee. Standing committee members and Ad Hoc committee members must be appointed by the Commission's Chair, Vice-Chair, or the Standing Committee Chairperson. The Commission will maintain member rosters for all Standing Committee and Ad Hoc committees. The Personnel committee will consist of three members, and all three must be members of the Commission.

(D) **Voting.** All appointed members to a standing and/or ad hoc committee including non-Commission members, may vote on any motion properly before the (standing or ad hoc) committee.

VIII. Office Operations

(A) **Duties of the Executive Director.** In addition to the duties outlined in the position description, statute, and those determined by the Commission, the Executive Director manages the following day-to-day duties of the Commission Office, including:

(1) **Purchase Requisitions.** Upon completion of a Purchase Requisition, including obtaining the necessary quotes and certifications according to the process directed by the Director of Fiscal Resources, the Executive Director shall indicate approval of the purchase upon determining the justification for the purchase is sufficient and the requirements of this policy have been met for all purchases $2,500 or less.

- **Signature Authority.** The Executive Director requesting the purchase shall sign all contracts and purchase approvals not requiring the approval of the Commission and signature of the Chair.

(2) **Approval of Timesheets.** Each pay period, the Executive Director shall submit the time sheet completed by every employee, as described in Administrative Policy 13, to the Office of Human Resources. The Executive Director shall acknowledge reviewing the information contained on the form by approving it.

DRAFT

(3) **Approval of Employee Leave.** An employee shall prepare a request for leave and follow all procedures as listed in the Supreme Court of Ohio's Administrative Policy 12.

(4) **In-state travel.** A staff member shall obtain prior approval from the Executive Director to travel in-state at Commission expense while on Commission business with anticipated expenses equaling $1,500 or less. Prior approval may be given verbally and may be of a continuing nature, except when an employee wishes to attend a continuing education conference, seminar, or workshop, in which case the employee shall complete a Travel and Conference Approval Form. Approval for travel costs greater than $1,500 must be approved by the Commission, in the same manner as out-of-state travel, as described below. The Executive Director may approve their own in-state travel, within the limits listed here.

(B) **Duties of the Commission.** The Commission shall vote on operations matters concerning the office and the staff of the Commission and the Executive Director in certain instances, as outlined below. "Approval of the Commission" as discussed in this section refers to a majority vote of a quorum of the Commission:

(1) **Purchase Requisitions over $2,500.** Upon completion of a Purchase Requisition, including obtaining the necessary quotes and certifications according to the process directed by the Director of Fiscal Resources, the matter should be brought to the next meeting of the Commission for approval. A majority vote of a quorum of the Commission shall approve a purchase upon determining the justification for the purchase is sufficient, fiscal responsibility has been demonstrated, and the requirements of the policy of the Director of Fiscal Resources has been demonstrated, for all purchases greater than $2,500.

(2) **Out-of-state travel.** All staff members and Commission members, including the Executive Director, shall obtain prior written approval from the Commission to travel out-of-state at Commission expense while on Commission business. The procedure to obtain approval shall occur in the following order:

- The staff member shall complete a Travel and Conference Approval Form and attach a copy of the notice, agenda, course description, or letter of invitation relating to the meeting, conference, seminar, or workshop the employee will attend and reasonable estimates of reimbursable expenses the employee expects to incur;

DRAFT

DRAFT

- The Executive Director shall indicate approval of the travel as appropriate Commission business by signing the form;

- The Director of Fiscal Resources shall indicate the availability of funds to reimburse the employee for travel expenses by signing the form;

- The Commission shall indicate approval with a majority vote of a quorum of the Commission in favor of the travel. The Chair shall indicate this approval of the travel by signing the form.

(3) **Authority of the Chair**. The Commission delegates approval to the Chair for the following matters:

- **Executive Director leave requests.** The Executive Director may present a request for leave—vacation leave, personal leave, family and medical leave, adoption or childbirth leave, unpaid leave, poll worker leave, compensatory time, sick leave, bereavement leave, court leave, or military leave—to the Chair for approval. The Chair shall indicate approval by approving the leave through the Supreme Court of Ohio system.

- **Approval of Executive Director time sheets.** Each pay period the Executive Director shall complete a timesheet consistent with Administrative Policy 13 and submit it for review and approval of the Chair.

(4) **Signature Authority.** Where the approval of the Commission is necessary as described above, this approval shall be documented in the Minutes and indicated on appropriate forms and contracts with the signature of the Chair.

(C) **Personnel Actions.** The Executive Director shall work together with the Commission's Personnel committee and the Commission on the matter of personnel actions, as described below:

(1) **Hiring of Commission Staff.** The Executive Director will lead the hiring process for the replacement or addition of Commission staff members, not including an Executive Director, according to the following procedures:

- The Executive Director shall present a job announcement and position description to the Commission for approval prior to its posting. Approval of the Commission is indicated with a majority vote of a quorum;

- The Executive Director and members of the Commission's Personnel committee will review applications received and select the candidates for a first-round interview;

- A minimum of two rounds of interviews are held, with the panel containing the Executive Director, member of Commission staff, the Supreme Court of Ohio's Director of Human Resources or the director's designee, and one or more members of the Commission's Personnel committee. Other persons may serve on an interview team, including outside consultants or experts, if appropriate;

- The Executive Director, in consultation with the Personnel committee and staff of the Office of Human Resources, shall select the most qualified applicant for the position vacancy without regard to race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or non-disqualifying disability pursuant to Adm. P. 5 (Equal Employment Opportunity);

- The Executive Director shall present the recommended candidate to the Commission for appointment, approval indicated with the majority vote of a quorum.

(2) **Hiring of the Executive Director.** The Personnel committee, in partnership with the Chairperson or Vice-Chairperson, will lead the hiring of an Executive Director, according to the following procedures:

- The Chair of the Personnel committee shall present a job announcement and position description to the Commission for approval prior to its posting. Approval of the Commission is indicated with a majority vote of a quorum;

- Members of the Commission's Personnel committee will review applications received and select the candidates for a first-round interview;

- A minimum of two rounds of interviews are held, with the panel containing the Personnel committee, the Supreme Court of Ohio's Director of Human Resources or the director's designee. Other persons may serve on an interview team, including additional members of the Commission, or outside consultants or experts, if appropriate;

- The Personnel committee in consultation with the Chairperson or Vice-Chairperson of the Commission and staff of the Office of Human

DRAFT

Resources, shall select the most qualified applicant for the Executive Director without regard to race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or non-disqualifying disability pursuant to Administrative Policy 5 (Equal Employment Opportunity);

- The Chair of the Personnel committee shall present the recommended candidate to the Chairperson or Vice-Chairperson of the Commission for approval;

- Upon approval, the Chairperson or Vice-Chairperson shall present the recommended candidate to the Commission for appointment, approval indicated with the majority vote of a quorum.

(3) **Employee corrective action, dismissal, or demotion.** The Executive Director has the authority to take corrective action against an employee whose job performance is deemed unsatisfactory or who engages in misconduct, consistent with Administrative Policy 21.

- If, by the judgment of the Executive Director, verbal and written reprimands do not sufficiently address the issue, the Executive Director shall refer the matter to the Personnel committee for investigation and/or further corrective action including but not limited to: suspension, reduction in pay, demotion, or dismissal.

(4) **Allegations of misconduct by the Executive Director.** If there are allegations of misconduct against the Executive Director, or their job performance is deemed unsatisfactory, the matter shall be brought to the Personnel committee of the Commission. The Personnel committee shall take the following action:

- Investigate alleged misconduct and/or job performance concerns;

- Consult with the Attorney General's office for legal advice as necessary;

- If corrective action is deemed necessary based on the investigation, bring a recommendation for corrective action to the Commission including but not limited to: verbal or written reprimand, suspension, reduction in pay, demotion, or dismissal;

- The Commission may take corrective action considered appropriate in view of the nature, frequency, and severity of the misconduct or unsatisfactory job performance and other relevant factors.

DRAFT

(5) **Employee compensation.** The Personnel committee shall work with the Executive Director to establish appropriate salary ranges for Commission staff based on the analysis of the compensation of similar positions.

- At the last Commission meeting of each fiscal year, the Personnel committee shall recommend a cost-of-living salary adjustment for Commission staff to the Commission. Approval of this recommendation is indicated by a majority vote of a quorum of the Commission.

(6) **Americans with Disabilities Act (ADA) and Family Medical Leave Act (FMLA) requests for accommodations and/or leave.** The personnel committee shall work with the Executive Director to address ADA and FMLA requests. The committee will present a recommendation to the Commission, approval indicated with the majority vote of a quorum of the Commission.

IX. Amendment of Operating Guidelines

(A) The Operating Guidelines may be amended at any full meeting of the Commission by the votes of a majority of the quorum present, provided that the amendment was submitted in writing in advance of the full Commission meeting as approved by the chairperson, vice-chairperson or executive director.

X. Effective Date

(A) These Operating Guidelines are effective upon adoption.

DRAFT

OHIO
CRIMINAL SENTENCING COMMISSION

R.C. 181.27 Impact Report

2025

An Ohio Criminal Sentencing Commission Report

December 2025

DRAFT

Ohio Criminal Sentencing Commission

Chief Justice Sharon L. Kennedy, Chair
Melissa A. Knopp, Esq., Executive Director

Ohio Criminal Sentencing Commission

Chief Justice Sharon L. Kennedy, Supreme Court of Ohio, Chair
Darren Shulman, City Attorney, City of Upper Arlington, Vice Chair
Director Amy Ast, Ohio Department of Youth Services
Brooke M. Burns, Office of the Ohio Public Defender, Youth Defense Department
Director Annette Chambers-Smith, Ohio Department of Rehabilitation and Correction
Charles Chandler, Fredericktown Police Department
Judge Robert DeLamatre, Erie County Common Pleas Court, Juvenile Division
Judge Julia L. Dorrian, Ohio 10th District Court of Appeals
Lieutenant Kyle Erdeljac, Columbus Division of Police
Judge Timothy France, Coshocton Municipal Court
Sheriff John Hinton, Morrow County Sheriff's Office
Gwen Howe-Gebers, Henry County Prosecuting Attorney, Juvenile
Representative Latyna Humphrey, Ohio House of Representatives
Senator Catherine Ingram, Ohio Senate
Judge Kristen Johnson, Hancock County Common Pleas Court, Probate and Juvenile Divisions
Colonel Charles A. Jones, Superintendent, Ohio State Highway Patrol
Teri LaJeunesse, Victim Witness Division Director, Greene County Prosecutor's Office
Timothy Lanzendorfer, Attorney at Law, Ohio State Bar Association
Senator Nathan Manning, Ohio Senate
Charles T. "Chip" McConville, Knox County Prosecuting Attorney
Judge Stephen McIntosh, Franklin County Common Pleas Court
Elizabeth Miller, State Public Defender, Office of the Ohio Public Defender
Judge Jennifer Muench-McElfresh, Butler County Common Pleas Court
Judge Kyle Rohrer, Delaware Municipal Court
Judge Nick Selvaggio, Champaign County Common Pleas Court
Judge Helen Wallace, Montgomery County Common Pleas Court, Juvenile Division
Representative Josh Williams, Ohio House of Representatives
Commissioner Donnie Willis, Jackson County Commissioner
Judge Tyrone Yates, Hamilton County Municipal Court

Staff

Melissa A. Knopp, Esq., Executive Director
Michael Crofford, **M.Ed., LPC,** Research Specialist
William J. Davies, **Esq.**, Criminal Justice Counsel
Angela Kay Garvey, Coordinator
Emily S. Haynes, Esq., M.L.S., Criminal Justice Counsel
Todd Ives (Lead Author), MPA, Research Specialist
Alex T. Jones, Esq., Criminal Justice Counsel

DRAFT

Acknowledgements

This report is built upon the foundation of the first report on the impact of House Bill 1 (133rd General Assembly),[1] which was guided by input of the *House Bill 1 Workgroup*. The Commission would like to acknowledge the past contributions of that workgroup as well as members of the Commission's Data Committee for its thoughtful guidance and review of this report.

The commission would like to further extend its gratitude to the following organizations for their assistance in providing information or otherwise contributing to this report:

- Ohio Attorney General's Office
- Stepmobile | ezJustice – Ohio Community Supervision System

DRAFT

[1] Ohio Criminal Sentencing Commission, *HB1 Impact Study Report*, (January 2022), available at https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/HB1/impactStudyReport.pdf.

Table of Contents

DRAFT

DRAFT

DRAFT

Introduction

Governor DeWine signed House Bill 1 ("HB1") (133rd General Assembly) into law on January 7, 2021. [2] The law modified the following statutes:

- R.C. 109.11: Attorney General Reimbursement Fund.
- R.C. 2929.15: Community Control Sanctions; felony.
- R.C. 2951.041: Intervention in Lieu of Conviction.
- R.C. 2953.31 & 2953.32: Sealing of record of conviction or bail forfeiture; definitions and exceptions.
- R.C. 5119.93 & 5119.94: Initiation of proceedings and Examination of petitioner; hearing; notification of respondent; dispositions [Involuntary commitment to treatment in probate courts]

Additionally, the bill required the Ohio Criminal Sentencing Commission ("Commission") to biennially "study the impact" of these statutory changes and submit "a report that contains the results of the study and recommendations."[3]

In January 2021, the commission assembled a workgroup ("2021 HB1 Workgroup") composed of judges, prosecutors, defense attorneys, court administrators, probation officers, and state agency officials to design a study of the impact of HB1.[4] The initial HB1 Impact Study Report, submitted in early 2022, was designed to serve as the foundational report to establish the continuity of evaluation for future reports. Continuing this reporting structure, the Commission published the second impact study of HB1 in 2023.[5]

Report Structure

This impact analysis of HB1 is organized into five parts, based on the topics of the statutes addressed in the bill: (1) attorney general reimbursement fund,[6] (2) community control sanctions and technical violations,[7] (3) intervention in lieu of conviction ("ILC"),[8] (4) sealing of a record of conviction,[9] and (5) involuntary commitment to treatment for alcohol or drug abuse in probate courts.[10] Preceding these sections is a summary of recommendations and a discussion of the limitations of this study.

This report utilizes the framework set out by the original workgroup to approach the study of impact as consistent and standardized as possible to allow for the most direct comparison across study years that is practically achievable with the information available. As such, each of the five sections begins with a brief review of how HB1 changed each of the statutes. Following this information is a discussion of how the 2021 HB1 Workgroup defined the impact of these changes. The source(s) of information used to evaluate

[2] Am.Sub.H.B. No.1, 133 Ohio Laws.
[3] R.C. 181.27(B)
[4] See page 4 of *HB1 Impact Study Report* (January 2022) for a list of individuals on the workgroup and involved in the work of the report.
https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/HB1/impactStudyReport.pdf
[5] See https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/HB1/ISR2023.pdf
[6] R.C. 109.11
[7] R.C. 2929.15
[8] R.C. 2951.041
[9] R.C. 2953.31 and 2953.32
[10] R.C. 5119.93 and 5119.94

that impact is then discussed, followed by analysis of the available information, and recommendations where applicable.

Methodology

This report relies on information and data that is already collected and available at the statewide level. For the first time, this report relied solely on data that is readily available at the statewide level for the evaluation of record sealing and ILC, instead of collecting it at the individual court level. Notably, the analysis of aggregate data on the utilization of ILC statewide has made policy evaluation more accurate, complete, and effective. This marks the first time this report has published data on the statewide use of ILC, provided by the Ohio Community Supervision System. The Attorney General's Office continues to provide data on statewide record sealing orders and the Attorney General's Reimbursement Fund. This report represents the best effort to evaluate the policy impact of HB1, given the data available. It also relies on findings from the previous reports to inform conclusions.

DRAFT

R.C. 109.11 Attorney General Reimbursement Fund

Modifications to Ohio Revised Code Sections 109.11 from Ohio House Bill 1 (133rd General Assembly)

R.C. 109.11: Creates an attorney general reimbursement fund within the state treasury to be used for the expenses of the Attorney General (AG) to provide legal services and other services to the state. Also specifies that a portion of funds, as specified in R.C. 2953.32 go to the Bureau of Criminal Investigation for expenses related to sealing or expungement of records.

What changed?

$15 of every $50 record sealing application fee is earmarked to BCI for expenses related to the sealing or expungement of records. This represents a decrease in the amount of money that is routed to BCI (previously it was $20 of every application fee), however this statute clarifies that the $15 goes directly to BCI. Previously, the money was allocated to the GRF and then funded back to BCI, so it was not possible to track. This fund should help to offset expenses for the labor-intensive record sealing process.

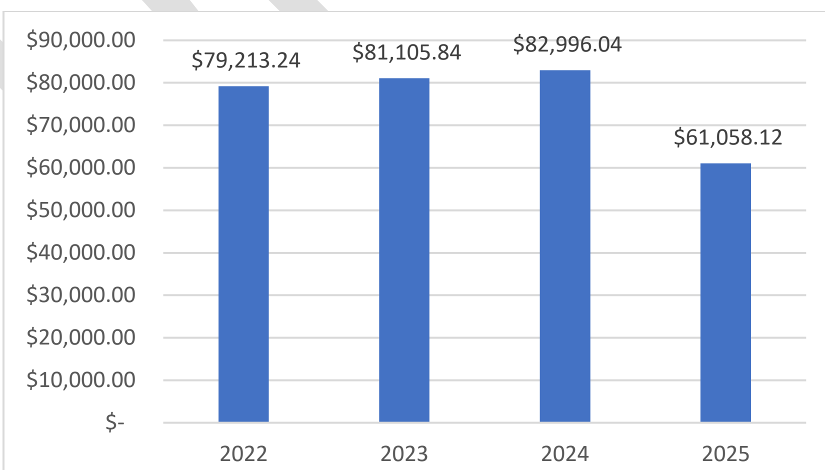
Impact

The intended impact of this statutory change is evident, to create a separate fund for the Bureau of Criminal Investigation (BCI) to help in the record-sealing process. Therefore, after HB1 we would expect to see a stable, independent fund at BCI exist year after year.

Data & Analysis

The Bureau of Criminal Investigation provided numbers on funds received related to the sealing of records. It is important to note that the finance report follows the fiscal year, rather than the calendar year. Beginning in late 2021, BCI started using a separate agency code to track record sealing funds. Figure 1 displays the BCI funds received from the record sealing application fee by fiscal year, from 2022 through 2025. Note that 2025 represents partial year data.

Figure 1. Record Sealing Funds Received by BCI by Fiscal Year.



Source: Attorney General's Office Bureau of Criminal Investigation

Conclusions

Given that, prior to HB1, the portion of the record sealing fee that BCI received went directly into the General Revenue Fund (GRF), these statutory changes did have the intended impact. Beginning in fiscal year 2021, there is a separate, stable fund within BCI to assist with the process of sealing and expungement of criminal convictions. Regarding this determination of impact, there are no further recommendations.

DRAFT

R.C. 2929.15 Community Control Sanctions and Technical Violations

Modifications to Ohio Revised Code 2929.15 from Ohio House Bill 1 (133rd General Assembly)

R.C. 2929.15: House Bill 1 modified provisions of law that capped the maximum prison sentence available for "technical violations" of community control for felonies of the fourth[11] and fifth degree at 180/90 days respectively. The bill mandates that a prison term imposed for a technical violation may not exceed the time the offender has left to serve on community control or the "suspended"[12] prison sentence. Further, the time spent in prison must be credited against the offender's remaining time under community control and against the "suspended" prison term in the case.

HB 1 also specifies that the court is not limited in the number of times it may sentence an offender to a prison term as a penalty for violation of a community control sanction or condition, violating a law, or leaving the state without permission. This provision applies to all levels of felonies and for both technical and non-technical violations, allowing for community control violators to be returned to community control after imposition of a prison term at the sentencing court's discretion. Offenders sentenced for a technical violation of community control for a fourth-degree felony or fifth degree felony must remain under community control supervision upon the defendant's release from prison, if any time remains on the supervision period.[13]

The budget bill passed June 30, 2021[14] included amendments to clarify parts HB 1. The suspended sentence language was amended to reserved sentence to be consistent with existing statutes. The Substitute bill also clarified that the length of time in prison was limited to the length of community control remaining if it was less than 180/90 days for fourth and fifth degree felonies respectively.

Lastly, HB 1 defined "technical violation" as a violation of the condition of community control sanction imposed for a felony of the fifth degree, or for a felony of the fourth degree that is not an offense of violence and is not a sexually oriented offense, and to which neither of the following apply:

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

(2) The violation consists of or includes the offender's articulated or demonstrated refusal to participate in the community control sanction imposed on the offender or any of its conditions, and the refusal

[11] Fourth degree felony offenses of violence and sexually oriented offenses are not subject to the technical violator caps under the bill.

[12] When an offender is placed on community control the trial court must select a "reserved" prison term from the range available for the offense; the term "suspended" has no meaning under the post-SB2 sentencing scheme. As passed by the Senate, Am.Sub Bill 110 replaces "suspended" with "reserved" prison term.

[13] HB1 also created RC 2929.15(B)(2)(c)(ii), which references an offender serving a community-control sanction as part of a "suspended prison sentence." As current law does not provide for any type of "suspended" prison sentence, that provision is amended in Am.Sub. HB 110 as passed by the Senate to instead reference "residential community control" sanctions – which include terms in jail, CBCF, alternative residential facilities, or halfway houses.

[14] Am.Sub.H.B. No 110, 134 Ohio Laws 627.

demonstrates to the court that the offender has abandoned the objective of the community control sanction or condition.

What Changed?

R.C. 2929.15 provided a definition of "technical violations," the absence of which led to a number of appeals and two Supreme Court of Ohio[15] decisions attempting to define the term. R.C. 2929.15 mandated a return to community control for those technical violators released from prison and provided courts with the option to do the same for both technical and nontechnical community control violators at all other felony levels. Historically, case law interpretations have held that prison sentences and community control are mutually exclusive options at the time of sentencing.

Impact

As identified by the 2021 workgroup, the changes to R.C. 2929.15 in HB1 (and subsequently in the 2021 budget bill) were intended to:

- Define and clarify what constitutes a technical violation of community control.
- Increase discretion regarding sanctions for community control violators by giving judges the ability to return an offender to community control.

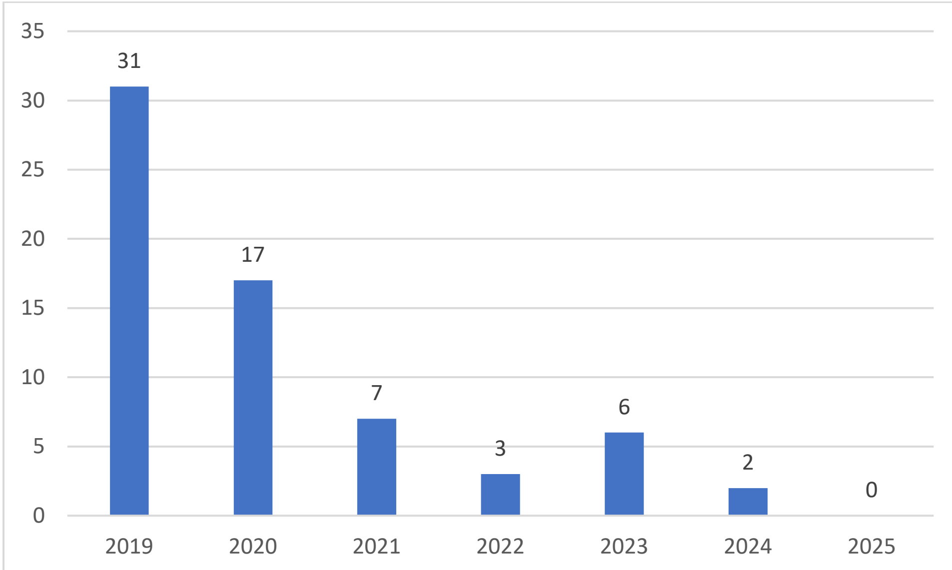
Therefore, if these statutory changes had the intended impact, we would expect a decrease in the number of appeals that address the classification of a community control violation as technical or non-technical because the definition is clarified in the statute. Regarding the intention to increase discretion, which is difficult to measure, however it can be assumed that if the statute gave judges more choices in what to do with a community control violator that it had the intended impact.

Data & Analysis

As analyzed in past reports, we tracked appellate cases in each of Ohio's twelve appellate courts. Original tracking terms asked for cases involving "technical violations," "technical violator" or consideration of divisions of R.C. 2929.15(B). Figure 2 has been updated to include two cases from 2024 and zero cases from 2025 (as well as two cases from 2023 not previously included). As was concluded in the 2023 Report, few cases have been appealed since the enactment of HB 1 that have argued the violations of community control have been technical violations. In these few cases, the appellate courts have used the statutory definition and have found that the violations were non-technical violations.[16]

[15] State v. Castner, 163 Ohio St. 3d 19, 2020-Ohio-4590, 167 N.E.3d 939; State v. Nelson 162 Ohio St. 3d 338, 2020-Ohio-3690, 165 N.E.3d 1110.
[16] For details on the post-HB1 appellate cases summarized by appellate district, please see Appendix A.

Figure 2. Ohio Appellate Decisions Involivng the Definition of "Technical Violations," by Year



Conclusions

As concluded in the 2023 version of this report, there are no recommendations regarding these changes. The statutory definition of "Technical Violations" has significantly reduced appeals and what few appeals discuss the definition, the cases are not being reversed. Therefore, we can conclude that the codification of the definition has had the intended impact of providing clarification for what constitutes a technical violation.

DRAFT

R.C. 2951.041 Intervention in Lieu of Conviction

Modifications to Ohio Revised Code Section 2951.041 from Ohio House Bill 1 (133rd General Assembly)

2951.041: If the court has reason to believe that a person charged with a crime had: drug or alcohol usage, mental illness, intellectual disability, victim of trafficking or compelling prostitution, the court may accept a request for ILC before a guilty plea. The bill grants a presumption of eligibility for intervention in lieu of conviction (ILC) to offenders alleging that drug or alcohol abuse was a factor in the commission of a crime. If an offender alleges that drug or alcohol usage was a factor leading to the offense, then the court must hold a hearing to determine if the offender is eligible for ILC. The bill requires the court to grant the request for ILC unless the court finds specific reasons why it would be inappropriate, and, if the court denies the request, the court is required to state the reasons in a written entry. If granted, the offender is placed under control of local probation, the Adult Parole Authority, other appropriate agency. The offender must, abstain from illegal drugs and alcohol, participate in treatment and recovery, submit to drug/alcohol testing, and other conditions imposed by the court.

What changed?

The bill broadens the scope of ILC, requiring that the court must, at a minimum, hold an eligibility hearing for each applicant that alleges drug or alcohol usage as a leading factor to the underlying criminal offense. Along with the presumption of ILC eligibility, the court must state the reasons for denial in a written entry. The bill also caps mandatory terms of an ILC plan at 5 years. The bill narrows ILC eligibility in one new way, making an offender charged with a felony sex offense ineligible for ILC (a violation of a section contained in Chapter 2907 of the Ohio Revised Code that is a felony). The court can continue to reject an ILC hearing if the offender does not allege alcohol or substance abuse was a leading factor to the criminal offense. F1-F3 offenses and offenses of violence remain ineligible for ILC.

SB 288, enacted in 2023, made a further change to R.C. 2951.041. This change allows for courts to use community-based correctional facilities for ILC.[17] Research conducted for the initial HB1 Impact Study Report suggests this is a codification of current practice, though respondents indicated it is rarely used—only used as a sanction of last resort or based on a high risk assessment score.[18] This bill also incorporated expungement of records for those successfully completing ILC as an option for courts.

Impact

As identified by the 2021 workgroup, the changes to R.C. 2951.041 in HB1 were intended to broaden the scope of ILC by presuming eligibility if drug or alcohol abuse was a factor in the offense and by requiring a written reason for denial. Therefore, if these statutory changes had the intended impact, after HB1 went into effect, we would expect an increase in ILC placements and a decrease in ILC denials.

[17] Am.Sub.S.B. No. 288, 134 Ohio Laws 267.

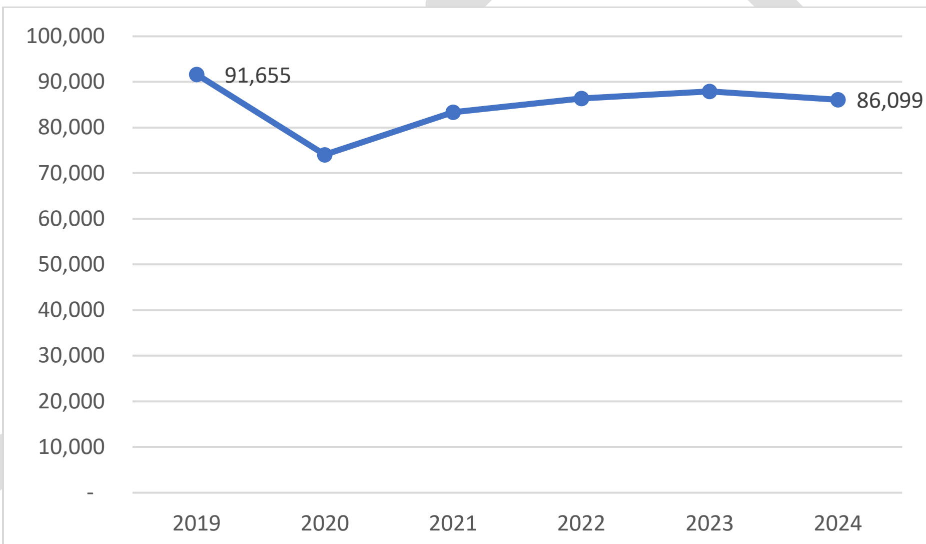
[18] See p. 58 of the *HB1 Impact Study Report,* (January 2022).

Data and Analysis

For the first time, this report employs data from the Ohio Community Supervision System (OCSS), provided by StepMobile, to show a more complete picture of ILC usage in the state. While the previous report was able to analyze data from only five reporting courts, this analysis is able to show data on up to 126 courts which use ILC.[19] Data from OCSS dates back to 2016, during which only five probation departments used the system. This report looks at 2019 through 2024, where 84 probation departments reported data through all five years. In 2025, 126 probation departments are using the system. In the future, the data will be more robust as more probation departments use the system.

First, for context, Figure 3 shows incoming cases among courts of common pleas. Figure 4 displays incoming cases among municipal and county courts. This gives an idea of case flow in the trial courts to inform the patterns in ILC usage.

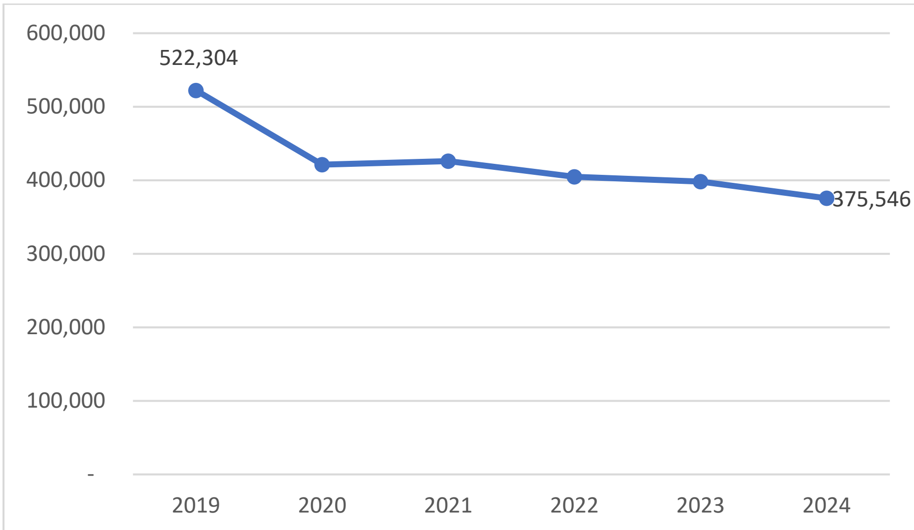
Figure 3. Incoming Criminal Cases, Courts of Common Pleas, 2019-2024



Source: Supreme Court of Ohio Case Management Section, State of Ohio Court Statistics

[19] See Appendix D: Jurisdictions Reporting ILC Data in the OCSS Probation Repository

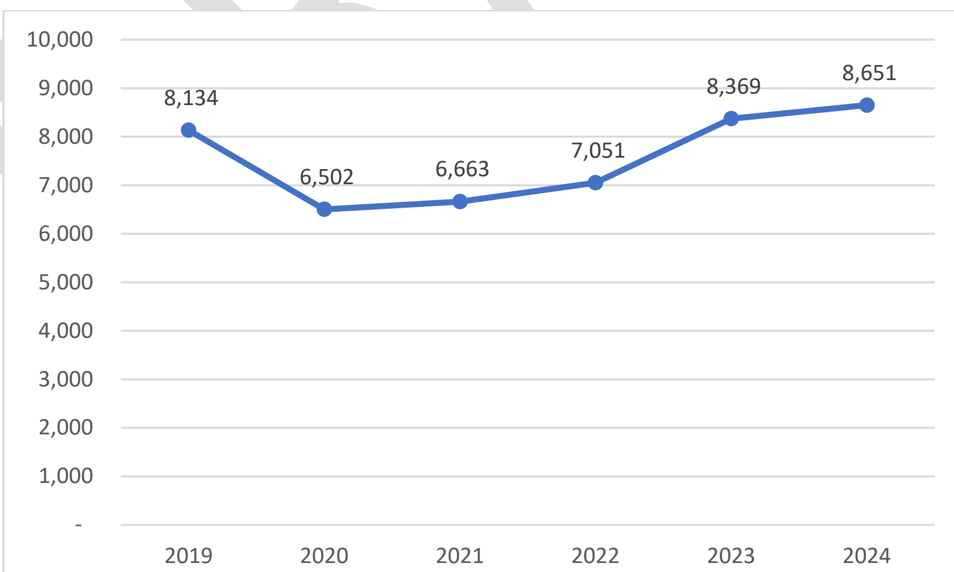
Figure 4. Incoming Criminal Cases, Municipal and County Courts, 2019-2024



Source: Supreme Court of Ohio Case Management Section, State of Ohio Court Statistics

Incoming criminal cases at the common pleas level remain slightly below pre-pandemic levels, while incoming cases at the municipal and county court level remain dramatically below pre-pandemic levels. Figure 5 displays the number of ILC cases started in each year, from 2019-2024.

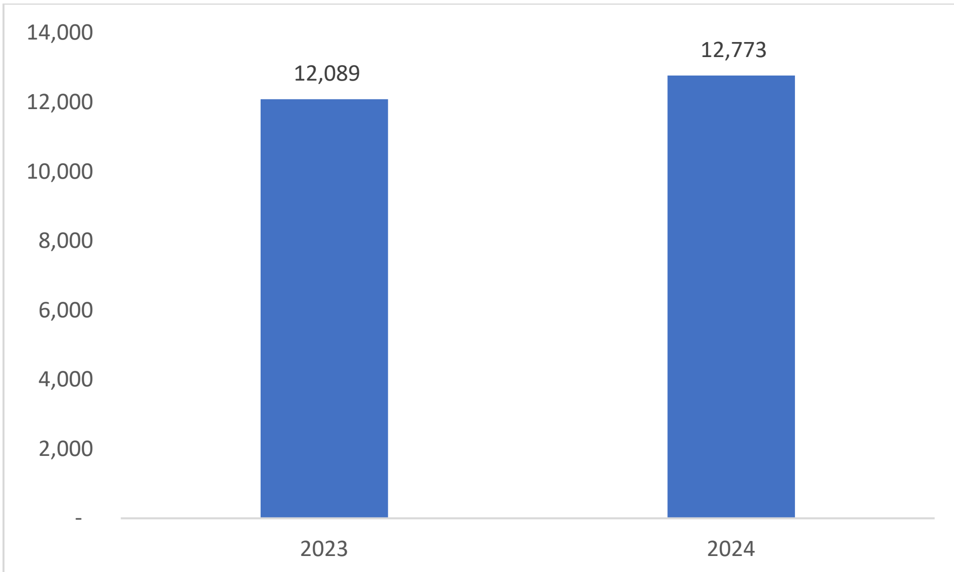
Figure 5: Total ILC Cases Started 2019-2024 (n=84)



Source: Ohio Community Supervision System | StepMobile

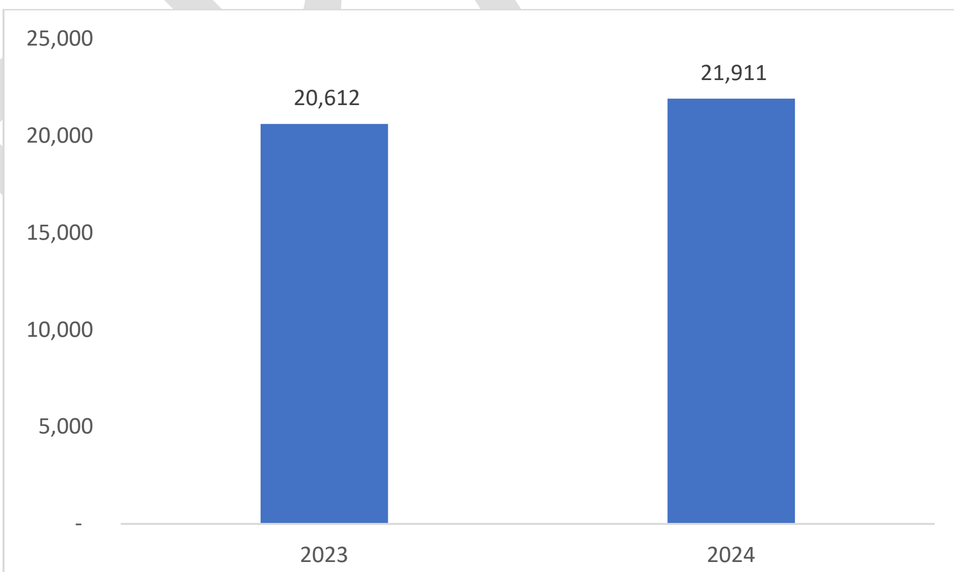
For 2023 and 2024, there were 92 probation departments reporting data, which gives a more complete picture of ILC usage, at the sacrifice of trends. Figure 6 displays the number of cases started from 2023 to 2024. Figure 7 shows the total number of active cases each year, from 2023 to 2024.

Figure 6. Total ILC Cases Started, 2023-2024 (n=92)



Source: Ohio Community Supervision System | StepMobile

Figure 7. Total ILC Cases Active in Given Year, 2023-2024 (n=92)



Source: Ohio Community Supervision System | StepMobile

Conclusions

The number of new ILC cases started to decline from 2019 to 2020 and slowly rebounded to pre-pandemic levels in 2023. 2024 saw the number of new ILC cases eclipse 2019 levels for the first time. This is notable as the number of incoming criminal cases for both municipal/county courts and courts of common pleas remains below 2019 levels. While court case flow has plateaued or decreased since 2020, ILC cases have steadily risen, indicating that it is possible HB1 contributed to increased use of ILC. It is worth noting, however, that qualitative research in the 2021 HB1 Report found that barriers still exist for utilizing ILC, even after the enactment of the bill.[20] Barriers noted from the qualitative analysis of the previous report include the time and resource-intensive nature of ILC, defendants' criminal histories rendering them unsuitable candidates for ILC, lack of treatment providers and assessors for ILC placement, and the existence of other robustly funded diversion programs that may be more tailored to a defendant's needs.

DRAFT

[20] See HB1 Impact Study Report (2022). Pgs. 49-74.
https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/HB1/impactStudyReport.pdf

R.C. 2953.31 & 2953.32 Sealing of a Record of Conviction

Modifications to Ohio Revised Code Sections 2953.31 and 2953.32 from Ohio House Bill 1 (133rd General Assembly)

2953.31: Outlines definitions for terms found in ORC 2953.31 through 2953.36, on the topic of the sealing of records of conviction, including specifying "eligible offender" for the purposes of record sealing. Eligible offenders may only seal eligible offenses, as listed in 2953.36.

2953.32: Identifies the timeline for offender eligibility, the considerations of courts and prosecutors, and the process of the courts for sealing a conviction or bail forfeiture record.

What changed?

2953.31:

Record Sealing offender eligibility expanded to include: (1) Unlimited sealing of convictions if all are felony four (F4), felony five (F5), or misdemeanors if none are offenses of violence or sex offenses; (2) up to two felony convictions, up to four misdemeanor convictions, or exactly two felonies and two misdemeanors.

2953.32:

Application for record sealing can now be made at the following times: The expiration of three years after final discharge of a felony three (F3); the expiration of one year after final discharge for an eligible F4, F5 or misdemeanor.

In late 2022, the General Assembly passed the "Revise the Criminal Law" Bill (SB288),[21] which modified Revised Code sections 2953.31 and 2953.32. These sections were further modified in the Biennial Budget Bill (HB33).[22] [23]

Impact

In the 2021 HB1 Impact Study Report, the work group identified the following as intended outcomes from the legislative changes to R.C. 2953.31 and 2952.32:

- Increase the number of individuals eligible for record sealing and to decrease the amount of time between the conclusion of their sanctions and eligibility in order to decrease barriers to employment.
- Reduce harm done by the "collateral consequences" of conviction, specifically regarding the access to employment, housing, public assistance, and education.

Therefore, if the changes in statute made by HB1 had the intended impact, we would expect an increase in record sealing motions after the enactment of HB1. Likewise, an increase in eligibility should also result in an increase in record sealing motions granted by the court. At this time there is no way to evaluate if these changes resulted in a reduction in harm of collateral consequences.

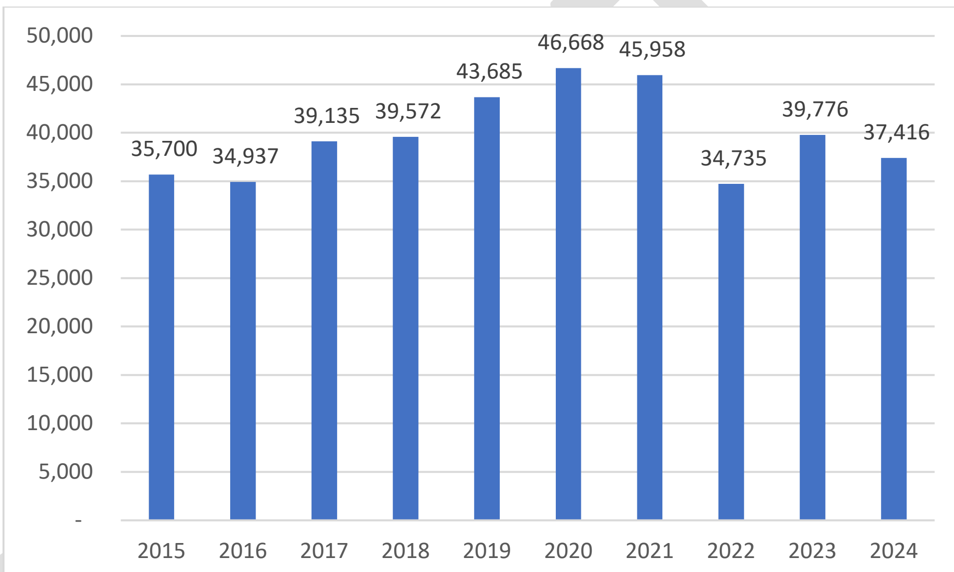
[21] Am. Sub.S.B. No. 288, 134 Ohio Laws 278.
[22] Am.Sub.H.B. No. 33, 135 Ohio Laws 876.
[23] For a summary of changes to R.C. 2953.31 and 2953.32 from SB288 and HB33, please see Appendix B

Data and Analysis

Currently, there is no central source in the state for tracking the number of requests for record sealing or, consequently, the number of motions filed for sealing that were granted or denied each year. This report relies on the Attorney General's Bureau of Criminal Investigation (BCI) to inform the number of orders to seal records each year.

The Attorney General's Bureau of Criminal Investigation serves as Ohio's crime lab and criminal-records keeper. Their office provided calendar year totals for record sealing/expungement orders it received from 2015-2024. Figure 8 reflects the number of requests received by BCI from local courts to seal/expunge records. These requests are submitted with a sealing order signed by a judge.

Figure 8. Number of Orders to Seal/Expunge Records Received by BCI, 2015-2024



Source: Attorney General's Office Bureau of Criminal Investigation

Conclusions

It is not immediately clear why record sealing/expunging orders are down from 2019-2021 levels. Without additional data from the courts, including information on applications and denials, it is difficult to draw conclusions. Both the 2022 and 2023 versions of this report found through quantitative and qualitative analysis that the expansion of record sealing through HB1 was achieving its goals.

R.C. 5119.93 & 5119.94 Involuntary Commitment to Treatment in Probate Courts

Modifications to Ohio Revised Code Sections 5119.93 and 5119.94 from Ohio House Bill 1 (133rd General Assembly)

5119.93: The process by which a spouse, relative, or guardian may file a petition in probate court to initiate proceedings for treatment of an individual suffering from alcohol and other drug abuse.

5119.94: Outlines the initiation of proceedings by the court after receiving a petition for involuntary commitment to treatment, including the respondent's right to a hearing and the requirement for the court to make an evidentiary finding on the necessity of treatment. Also includes consequences if a respondent fails to comply with court orders.

What changed?

5119.93:

The new legislation included more funding options for petitioners, including documentation that insurance would cover these costs, or other documentation that the petitioner or respondent will be able to cover some of the costs rather than the original requirement to pay the court 50 percent of treatment and exam costs. The legislation also removed the requirement of the petitioner to pay a filing fee under Sec. 5122.11.

The bill included the requirement that the petition be kept confidential. If the petition includes belief that respondent is suffering from opioid/opiate abuse, the petition shall include evidence of overdose and revival by opioid antagonist, overdose in a vehicle, or overdosing in presence of minor.[24] A physician who is responsible for admitting persons to treatment may complete the certificate, if they examine the respondent.

5119.94:

If evidence of an opioid use disorder is presented at the hearing in the form of overdose and revival by opioid antagonist, overdose in a vehicle, or overdosing in presence of minor, this satisfies the court's evidentiary requirement of clear and convincing evidence that the respondent may reasonably benefit from treatment. If treatment is ordered, the court must specify type of treatment, type of aftercare required, and the duration of aftercare (between three and six months). The court may order periodic mental health examinations to determine if treatment is necessary. HB1 removed the requirement that the respondent be given a physical examination by a physician within 24 hours of the hearing date. If a respondent does not complete treatment, they are in contempt of court and a summons may be issued. If the respondent fails to appear as directed in the summons, they may be transported to the previously ordered treatment facility or hospital for treatment. Costs of this transport are to be added to the costs of treatment.

[24] R.C. 5119.93(B)(7).

Impact

As identified by the 2021 workgroup, the changes to R.C. 5119.93 and 5119.94 in HB1 were intended to enable family members to get help for those with substance-use disorders when a respondent is in imminent danger. Largely, the changes hoped to accomplish this by making the options more financially accessible. The changes also gave courts enforcement power if the respondent did not complete ordered treatment.

Therefore, if these statutory changes had the intended impact, we would expect an increase in the number of individuals involuntarily committed to treatment.

Data & Analysis

The original statute allowing for involuntary commitment to treatment went into effect September 29, 2013.[25] In 2021, discussions with those in probate courts and members of the treatment community estimated that the total number of cases from this original statute were extremely low, ranging from five to fifteen total cases statewide in the preceding eight years.

The original report identified several barriers contributing to the limited use of involuntary commitment to treatment statutes. In sum, from the report, "the three most-discussed barriers were lack of available facilities, the effectiveness of involuntary treatment, and the cost of treatment."[26] While statutory changes in HB1 improved accessibility to involuntary commitment to treatment in several ways, notably: (1) allowing proof of insurance as payment for treatment and (2) the ability for judges to issue a warrant for those who leave treatment were identified as improvements by respondents, most of practitioners interviewed "saw the barriers to utilizing the statute as still too large to make an impact in substance use."[27]

In the 2023 report, an email correspondence was sent out to all probate judges soliciting feedback on their experience with the statute. In total, seven probate judges responded to the inquiry. Of those that responded, two judges stated that they had used the statute a combined total of three times since the passage of House Bill 1. The remaining five judges responded that the statute had not been used at all. Two of those judges had indicated that they had seen no filings before HB1.

For the 2025 report, another letter was issued to Ohio's probate judges, requesting information on the usage of involuntary commitment to treatment since the passage of HB1.[28] The Commission received responses from four probate courts. Due to the low number of petitions for involuntary commitment within counties, the statistics presented are kept anonymous to preserve confidentiality. Of the four responding courts, one provided data on involuntary commitments, but it could not be disaggregated for the usage of 5119.93 and 5119.94 commitments specifically. For the three reporting counties, 17 total petitions for involuntary commitment were filed since 2021. Of those, eight were issued, three were withdrawn, and six were dismissed. One county provided data ten years prior to HB1, reporting that there were seven applications from 2012 to 2021, with five dismissed, one withdrawn, and one issued. This

DRAFT

[25] See R.C. 5119.93 and 5119.94

[26] *HB1 Impact Study Report,* (January 2022) p. 86.

[27] *HB1 Impact Study Report,* (January 2022) p. 89.

[28] See Appendix C: Letter to Ohio's Probate Judges Concerning Involuntary Commitment to Treatment

county anecdotally reported that the HB1 changes likely helped address the issue of cost with involuntary commitment to treatment.

Conclusions

Including responses from the 2023 report, successful petitions for involuntary commitment to treatment since 2021 total to eleven. Without a baseline from pre-HB1, it is difficult to establish an impact. Based on anecdotal reports from before 2021, it appears the usage of this statute has increased in the last four years. Although the effect size is small, it is possible that these changes have had their intended impact. Without uniform data reporting on involuntary commitment to treatment, it is difficult to formally evaluate.

DRAFT

Overall Conclusions and Recommendations

This report marks the third study of the impacts of House Bill 1 (133rd General Assembly), enacted in 2021, as required by R.C. 181.27(B). These reports utilize a form of policy evaluation termed, "impact evaluation," where the objective is to determine whether or not a given public policy has achieved the intended set of objectives as envisioned by policymakers.[29] Analyses over the last four years have determined that the majority of the portions of the original bill have achieved their desired impact or have had limited impact, and therefore no longer require future study. Under the impact evaluation framework, the effect of the original House Bill 1 legislation has been demonstrated. There are portions of the bill that the General Assembly has continued to modify or may continue to alter in the future – namely record sealing and intervention in lieu of conviction (ILC). State policymakers can benefit from the Commission's ongoing monitoring of these policy changes.

The 2023 edition of this report recommended that, "The Commission should work with the General Assembly to clarify and provide guidance to the nature and structure of this report moving forward." In order to keep the Commission's statutory reports succinct, relevant, and impactful, we recommend that the reporting requirements in 181.27(B) be aligned with the needs of the General Assembly and existing reports the Commission already produces. To that end, we recommend sunsetting the impact analysis of the following provisions outlined in 181.27(B):

1. R.C. 109.11: Attorney General Reimbursement Fund

House Bill 1 succeeded in creating the Attorney General's reimbursement fund, and the Commission has reported on the amount collected each fiscal year. Beginning in fiscal year 2021, there has been a separate, stable fund within the Bureau of Criminal Investigation (BCI) to assist with the process of sealing and expungement of criminal convictions. This portion of the law had the intended impact, and the Attorney General maintains a record of the total amount of funds collected each year. There are no further impacts to be evaluated for this section of the report.

2. R.C. 2929.15 Community Control Sanctions and Technical Violations

R.C. 2929.15 provided a definition of "technical violations," the absence of which led to a number of appeals and two Supreme Court of Ohio decisions attempting to define the term. It also mandated a return to community control for those technical violators released from prison and provided courts with the option to do the same for both technical and non-technical community control violators at all other felony levels. Historically, case law interpretations have held that prison sentences and community control are mutually exclusive options at the time of sentencing.

There have been few cases appealed since the enactment of House Bill 1 that have argued the violations of community control have been technical violations. In those cases, the appellate courts have used the statutory definition and, in most cases, have found that the defendants' violations were non-technical violations. Based on the low number of appeals after the statutory changes, it appears that the codification of the definition of "technical violation" has had the intended impact of providing clarification for what

[29] Theodoulou, S. Z., & Kofinis, C. (2004). *The art of the game : understanding American public policy making*. Wadsworth/Thomson Learning.

DRAFT

constitutes a technical violation. There are no further recommendations regarding these changes or evaluating the impact of this statute.

3. R.C. 5119.93 & 5119.94 Involuntary Commitment to Treatment in Probate Courts

The changes to R.C. 5119.93 and 5119.94 in House Bill 1 were intended to enable family members to get help for those with substance-use disorders when a respondent is in imminent danger. Largely, the changes intended to accomplish this by making the options more financially accessible. The changes also gave courts enforcement power if the respondent did not complete ordered treatment.

The usage of involuntary commitment to treatment is not formally tracked by the probate courts. In previous reports, the Commission has relied on a survey of probate judges asking them about their use of the statute. Qualitative analysis found that the statutory changes to involuntary commitment in House Bill 1 largely did not address the barriers to the statute's usage. The Commission found that this statute has only been used a handful of times, both pre- and post- House Bill 1. The analysis of this statute is settled, and no impact has been found. Without further modifications to this statute, there is unlikely to be major impacts. If the Commission is to keep studying this statute, we recommend formal tracking of the usage of involuntary commitment to treatment.

Record Sealing and Intervention in Lieu of Conviction

The remaining portions of the R.C. 181.27(B) duties to study include monitoring R.C. 2951.041 – ILC and R.C. 2953.31/R.C. 2953.32 – sealing of a record of conviction. With data on record sealing readily available from the Attorney General's Office and intervention in lieu of conviction available from the Ohio Community Supervision System, reporting on these topics is achievable and of direct interest to policymakers in Ohio. We recommend that the Commission continue to monitor and report on both record sealing and ILC. Parallel to a formal policy impact analysis, monitoring the trends of these two policy topics can inform policymakers on the big picture view of how they operate. If major changes are enacted for record sealing or ILC, the Commission could study the specific impacts of this hypothetical legislation.

The Commission is statutorily required to produce a biennial Monitoring Report, as outlined in R.C. 181.25(A)(2), to monitor and report on the operation of the sentencing structure on the state. Monitoring the impact of changes to record sealing and ILC falls under the purview of the Commission's duties to study the sentencing structure. For this reason, we recommend that these two provisions of the Commission's 181.27(B) reporting duties could be included in the biennial Monitoring Report in lieu of a separate report.

Appendix A. Summary of Appellate Cases for the definition of "Technical Violations," 2022-2023

First District Court of Appeals

State v. Elliot, 2023-Ohio-1459. Decided May 3, 2023. Defendant was found guilty of nontechnical violations for failing to comply with court-ordered treatment and failing to pay restitution. The conditions were found to be nontechnical as they were tailored to address the defendant's misconduct. Therefore, the court was not limited by R.C. 2929.15(B)(1)(c)(ii) that it imposes a sentence of not more than 180 days.

State v. Collier-Green, 2023-Ohio-2143. While this decision was released in 2023, the Appellate court analyzed this case as the definition of technical violation not being in statute. However, the Supreme Court had provided a definition that was eventually codified in HB1, the Court analyzed the case and found that the violations were not technical violations and therefore, the sentencing court was not limited by 2929.15(B).

State v. Stroud, 2024-Ohio-933. Decided March 15, 2024. Defendant pled guilty to having violated his terms of community control. The violations included technical and non-technical violations. Because the violations included non-technical violations the sentencing court was not limited by R.C. 2929.15(B).

Second District Court of Appeals

State v. Parker, 2022-Ohio-1115. Decided April 1, 2022. Defendant was placed on community control for F4 Trespass in a Habitation and a misdemeanor count of criminal damaging and given conditions that included assessments and counseling for substance abuse, anger management, and mental health, as well as a requirement they adhere to state and federal law. The defendant was revoked and sent to prison after violations were filed for a domestic violence incident, failing to pay court costs, and failing to complete the required assessments. The Court found the violations were not technical in nature, finding the defendant's refusal to participate and new criminal offenses.

Third District Court of Appeals

State v. Everett, 2023-Ohio-1243. Decided April 17, 2023. Defendant was placed on community control for F5 Aggravated Possession of Drugs. Defendant absconded after only two weeks on community control. Defendant also refused to complete requested drug screen and had previous drug convictions in Michigan, where he absconded. Defendant's overall pattern of behavior and the cumulative effect of the violations demonstrated a failure to participate in his community control sanction as a whole.

State v. Wallace, 2023-Ohio-676. Decided March 6, 2023. Defendant was placed on community control for F4 Corrupting Another With Drugs. Defendant was found to have violated his Community Control by absconding and was revoked and sentenced to prison for 9 months. The Court of Appeals held that absconding was proven and that it was a nontechnical violation. The Court sustained the imposition of 9 months in prison.

State v. Crose, 2023-Ohio-880. Decided March 20, 2023. Crose was found to have violated her community control by not making herself available for supervision. The sentencing court found this to be a non-technical violation as did the Appellate Court. Due to the violation being non-technical, there was no R.C. 2929.15(B) limit.

Fourth District Court of Appeals

State v. Mehl, 2022-Ohio-1154. Decided March 29, 2022. Defendant was placed on community control for F2 burglary and was violated from community control several times, each with additional treatment conditions placed on the defendant. The defendant had community control revoked and a four-year prison term imposed, and while the defendant admitted the violations were not technical in nature, the Court engaged in a thorough analysis of the issue in the decision. Ultimately the sentence was upheld as not contrary to law.

Sixth District Court of Appeals

State v. Wodarski, 2022-Ohio-1428. Decided April 29, 2022. Defendant was place on community control for 3 F5s – Unauthorized Use of Motor Vehicle, Identity Fraud and Receiving Stolen Property. Defendant's community control was revoked for technical violations and the court sentenced defendant to 90 days on each felony and that the time was to run concurrent for a total of 270 days. Appellate court held that nothing in the statute precluded consecutive sentences and that the 90-day cap applies to each underlying felony conviction.

Eleventh District Court of Appeals

State v. Hogya, 2024-Ohio-639. Decided February 20, 2024. Defendant violated his terms of community control by abandoning the objectives of community control. Therefore, the violations were not technical, and the sentencing court was not limited by 2929.15(B).

Twelfth District Court of Appeals

State v. Demangone, 2023-Ohio-2522. Decided July 24, 2023. Defendant pled guilty to F4 Trespass in a Habitation. Defendant's community control was revoked, and he was sentenced to 18 months in prison. Defendant's actions demonstrated his refusal to participate in a community control condition that had been specifically tailored to his misconduct. Defendant's conduct demonstrated his refusal to participate in the imposed community control condition and this refusal demonstrated the defendant had abandoned the objective of his community control.

DRAFT

Appendix B: Statutory Changes in R.C. 2953.31 and 2953.32 Since HB1[30]

The most notable statutory changes since the inaugural HB1 report have been made to record sealing and record expungement. The bulk of these modifications were included in Senate Bill 288 (SB288),[31] which was signed at the end of 2022 and made effective in early 2023. However, further clarifications were made in House Bill 33, effective October 2023.[32] The sections below summarize the changes and specify the section or division of the revised code in which they are located.

For a more in-depth analysis of the current record sealing and expungement process, please see the [Adult Rights Restoration Guide](https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/judPractitioner/adultRightsRestoration.pdf).[33]

Definitions

"Sealing" a record means that the record is kept in a separate file, but not permanently deleted. All index records are, however, to be deleted. The proceedings are deemed not to have occurred.

To "expunge" a record means that the record should be destroyed, deleted, and erased so that the record is permanently irretrievable. This definition is located in 2953.31(B).

Fees

Filing fees for record sealing and expungement requests are capped at $50, regardless of the number of offenses the application seeks to seal or expunge. Local courts may collect an additional fee for sealing and expungement, but these costs are limited to $50.

There is also a change in how the funds are to be distributed: three-fifths of the fee collected are to be paid into the state treasury, with half of that amount going to the attorney general reimbursement fund. Two-fifths of the fee collected are to be paid into the general revenue fund of either the county or municipal corporation. These changes are found in R.C. 2953.32(D)(3).

Expanded Eligibility

Eligibility for record sealing and expungement was expanded under these pieces of legislation. While the definition of "eligible offender" is removed,[34] there are still lists of offenses that are excluded from sealing and expungement (see "Prohibited Offenses" below).

Regardless of how many convictions an offender has and the makeup of those convictions, all offenders are eligible to have records sealed, as long as the offense is eligible. Offenders are now eligible to have up

---

[30] Am.Sub.H.B. No. 1, 133 Ohio Laws. Effective April 12, 2021.
[31] Am.Sub.S.B. No. 288, 134 Ohio Laws.
[32] Am.Sub.H.B. No. 33, 135 Ohio Laws.
[33] Ohio Criminal Sentencing Commission and the Ohio Judicial Conference, *Adult Rights Restoration and Record Sealing,* (October 2023). Available at: https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/judPractitioner/adultRightsRestoration.pdf.
[34] Prior to the passage of SB288, this definition was located in R.C. 2953.31(A)(1).

to two felonies of the third degree sealed. The specific change with regard to the felonies of the third degree is found in R.C. 2953.32(A)(1)(g).

This legislation allows for any offender to request expungement of their sealed records. Minor misdemeanors are eligible to be expunged six months after final discharge. Misdemeanors are eligible to be expunged one year after final discharge. Felonies are eligible to be expunged ten years after the offense was eligible to be sealed. These changes are specified in R.C. 2953.32(B)(1).

Prohibited Offenses

These laws modified the list of offenses that are ineligible to be sealed or expunged. Most notably, these changes are: lowering the threshold for ineligible offenses based on victim age (from 16 years old to 13 years old), removing misdemeanor offenses of violence from a list of ineligible offenses, and adding domestic violence and violating a protection order as ineligible offenses. The changes also streamline the list of sexually oriented offenses that are ineligible by removing specific crimes and now states that offenders who committed sexually oriented offenses and were subject to R.C. Chapter 2950 are ineligible. This list of ineligible offenses is now found in R.C. 2953.32(A)(1)(a) through (f).

Timing of Hearing

After a request for sealing or expungement is made, courts are now required to set a hearing not less than forty-five days and not more than ninety days from the date the application was filed. This change is located in R.C. 2953.32(C).

When the request involves an offense with a victim, courts are now required to notify the prosecutor no less than 60 days prior to the hearing, as stated in R.C. 2930.171(A).

Prosecutor Requirements

Under the changes made by SB288, prosecutors are required to file a written objection with the court no later than thirty days prior to the sealing or expungement hearing date. Prosecutors are also required to provide a notice of the application and the date of the hearing to the victim of the offense. These changes are found in 2953.32(C).

Hearing Changes

Courts are now required to consider whether or not the victim objected and to consider the reasons against granting the application as specified by the victim in their objection. These are specified in R.C. 2953.32(D)(1)(3).

Governor's Pardons

Though not a change to R.C. 2953.31 or 2953.31, SB288 added R.C. 2953.33(C), which allows for the sealing and expunging of governor pardons. An offender granted an absolute and entire pardon, a partial pardon, or a pardon upon conditions precedent or subsequent can now apply for an order to seal. The application may be filed at any time after the absolute and entire pardon or partial pardon, and at any time after the conditions of a pardon upon conditions precedent or subsequent have been met.

Prosecutor Initiated Sealing

An additional change related to R.C. 2953.31 and R.C. 2953.32 now allows prosecutors to request sealing or expungement of a record. The prosecutor's request only applies to cases that pertain to a conviction of a low-level controlled substance offense (a fourth-degree or minor misdemeanor violation of Chapter 2925.). The procedures for this type of request, which are nearly identical to the procedures of an offender-initiated request (examples of differences include: addition of the option for an offender to object, allowing the court the discretion to waive the fee, and requirements for the prosecutor to notify the offender at their last known address or by any other means of contact) is found in R.C. 2953.39.

DRAFT

Appendix C: Letter to Ohio's Probate Judges Concerning Involuntary Commitment to Treatment

Dear Probate Judges:

In 2021, Ohio House Bill 1 (133rd GA) was enacted into law. Among other changes, the bill amended 5119.93 and 5119.94 to remove barriers to the use of involuntary commitment to treatment in probate courts. The original impact report, available online, details the changes to the Involuntary Commitment to Treatment statute for your reference.

This bill also requires the Ohio Criminal Sentencing Commission to study and report on the new law's impact. As Chair of the Ohio Sentencing Committee I am writing to you to ask whether you have seen any changes in the numbers of petitions for treatment filed.

If you have had experience with R.C. 5119.93 and 5119.94 petitions for court-ordered treatment since 2021, the Commission, in compliance with its duty under the law, would like to hear from you. Please contact the Commission to share your experience with the changed law via phone or email at 614.387.9305 or ocsc@sc.ohio.gov.

Staff can set up a brief meeting to receive feedback over the phone or virtually at your convenience. If written feedback on your experience is more efficient, please feel free to send it via email. I ask that you respond to this request by **Friday, August 29**.

On behalf of the Commission, thank you for your time and attention to this matter.

DRAFT

Appendix D: Jurisdictions Reporting ILC Data in the OCSS Probation Repository

Probation Department	County
Adams County Probation Department	Adams
Adult Parole Authority	
Allen County Adult Probation Department	Allen
Ashland County Adult Court Services	Ashland
Ashtabula County Common Pleas Adult Probation	Ashtabula
Ashtabula Eastern Western County Courts	Ashtabula
Ashtabula Municipal Court Probation	Ashtabula
Conneaut Municipal Court	Ashtabula
Athens County Municipal Court	Athens
Auglaize County Municipal Court	Auglaize
Belmont County Adult Probation	Belmont
Belmont County Eastern Division Probation	Belmont
Belmont County Northern Division Probation	Belmont
Belmont County Western Division Probation	Belmont
Brown County Court of Common Pleas	Brown
Brown County Municipal Court	Brown
Butler County Court of Common Pleas	Butler
Champaign County Common Pleas	Champaign
Champaign Municipal Adult Probation	Champaign
Clark County Common Pleas	Clark
Clark County Municipal Adult Probation	Clark
Columbiana County Adult Probation	Columbiana
Coshocton County Adult Probation	Coshocton
Crawford County Adult Probation	Crawford
Crawford County Municipal Court	Crawford
Lakewood Municipal Court	Cuyahoga
Rocky River Municipal Court	Cuyahoga
Darke County Adult Probation	Darke
Darke County Municipal Probation	Darke
Defiance County Adult Probation	Defiance
Defiance Municipal Court	Defiance
Delaware County Adult Probation	Delaware
Delaware County Municipal Court	Delaware
Sunbury Mayor's Court	Delaware
Erie County Adult Probation	Erie

Fairfield County Common Pleas Court	Fairfield
Fairfield County Municipal Court	Fairfield
Franklin County Adult Probation	Franklin
Franklin County Municipal Court	Franklin
Franklin Municipal Court	Franklin
Fulton County Adult Probation	Fulton
Gallia County Adult Probation	Gallia
Gallipolis Municipal Court	Gallia
Geauga County Adult Probation	Geauga
Fairborn Municipal Probation Department	Greene
Greene County Common Pleas	Greene
Xenia Municipal Adult Probation	Greene
Hamilton County Common Pleas Court	Hamilton
Findlay Municipal Court	Hancock
Hancock County Adult Probation Department	Hancock
Hardin County Community Corrections	Hardin
Hardin County Municipal Court	Hardin
Harrison County Community Corrections	Harrison
Napoleon Municipal Adult Probation	Henry
Highland County Probation Department	Highland
Holmes County Common Pleas	Holmes
Huron County Adult Probation	Huron
Jackson - Vinton County Adult Probation Department	Jackson
Jackson County Municipal Court	Jackson
Knox County Adult Court Services	Know
Mount Vernon Municipal Court	Know
Lake County Court of Common Pleas	Lake
Painesville Municipal Court	Lake
Willoughby Municipal Court Probation	Lake
Lawrence County Common Pleas	Lawrence
Licking County Adult Court Services	Licking
Licking County Municipal Court Adult Probation Department	Licking
Bellefontaine Municipal Court Probation	Logan
Logan County Pretrial Services	Logan
Elyria Municipal Court Probation	Lorain
Lorain County Adult Probation Department	Lorain
Lorain Municipal Court Probation	Lorain
Maumee Municipal Court	Lucas
Oregon Municipal Court Probation	Lucas
Sylvania Municipal Court Probation	Lucas

Toledo Municipal Court	Lucas
Mahoning County Common Pleas Court	Mahoning
Marion County Common Pleas Court	Marion
Marion County Sheriff	Marion
Marion Municipal Court	Marion
Marion Police Department	Marion
Medina County Adult Probation	Medina
Medina Municipal Court Adult Probation	Medina
Wadsworth Municipal Adult Probation	Medina
Meigs County Common Pleas	Meigs
Mercer County Adult Probation	Mercer
Miami County Court of Common Pleas	Miami
Miami County Municipal Court	Miami
Monroe County Adult Probation	Monroe
Monroe County Court Adult Probation	Monroe
Dayton Municipal Court	Montgomery
Kettering Municipal Court	Montgomery
Miamisburg Municipal Court	Montgomery
Montgomery County CPC	Montgomery
Montgomery County Municipal Courts, Eastern & Western Divisions	Montgomery
Vandalia Municipal Court	Montgomery
Morgan County Adult Probation	Morgan
Noble County Adult Probation	Noble
Circleville Municipal Court	Pickaway
Pickaway County Adult Probation	Pickaway
Pike County Common Pleas Court	Pike
Pike County Court 2 Probation	Pike
Portage County Adult Probation Department	Portage
Preble County Adult Probation	Preble
Putnam County Municipal	Putnam
Mansfield Municipal Court	Richland
Richland County Court Services	Richland
Chillicothe Municipal Court	Ross
Ross County Adult Probation	Ross
Fremont Municipal Court Probation	Sandusky
Sandusky County Court 1 Adult Probation	Sandusky
Sandusky County Court 2 Adult Probation	Sandusky
Scioto County Adult Probation	Scioto
Seneca County Common Pleas Court	Seneca
Tiffin-Fostoria Municipal Court	Seneca

Shelby Municipal Court	Shelby
Sidney Municipal Adult Probation	Shelby
Canton Municipal Court	Stark
Stark County Court Services	Stark
Trumbull County Adult Probation	Trumbull
New Philadelphia Municipal Adult Probation Department	Tuscarawas
Tuscarawas County Court of Common Pleas	Tuscarawas
Tuscarawas County Court Southern District	Tuscarawas
Marysville Municipal Court	Union
Union County Common Pleas	Union
Van Wert County Adult Probation Department	Van Wert
Van Wert Municipal Probation Department	Van Wert
Jackson - Vinton County Adult Probation Department	Vinton
Mason Municipal Adult Probation Department	Warren
Warren County Common Pleas Court Services	Warren
Warren Municipal Court	Warren
Marietta Municipal Court Probation	Washington
Washington County CPC Adult Probation	Washington
Wayne County Common Pleas Court	Wayne
Wayne County Courts	Wayne
Bryan Municipal Court Probation	Williams
Williams County Adult Probation	Williams
Bowling Green Municipal Court	Wood
Wood County Common Pleas Court	Wood
Upper Sandusky Municipal Court	Wyandot
Wyandot County Adult Probation	Wyandot

Agency and Available Data: Ohio Public Defender

Agency	What is collected	Collection Method	Public Dashboard or Reports?

Office of the Ohio Public Defender	• Appointed counsel costs
	  ○ Expert costs
	  ○ Transcript costs
	  ○ Fee bills
	  ○ Cost per certificate.
	• Public defender case load
	  ○ Public defender cost per case
	  ○ By county and court type
	• Operating budget
	  ○ By expense category and county
	• Expenditures
	  ○ General Revenue Fund
	  ○ Non-GRF / Non-federal funds
	  ○ Federal funds
	• Branch Office Cases
	  ○ Organized by county and case category
	• Death penalty cases.
	  ○ Organized by county
		• Data submitted by public defenders/non-profits via monthly reports
		• Appointed counsel submits attorney fees/expenses, expert costs, and transcripts via individual bills
			• Appointed Counsel and Public Defender Cost and Expense Reports available on website by year
			• Annual reports about budget and spending available on OPD website
			• Reports from 2010 – 2024 available

OHIO
CRIMINAL SENTENCING COMMISSION

Agency and Available Data: Ohio Public Defender

This explanatory document is designed to highlight the available data for analysis to inform policymakers pursuant to the Ohio Criminal Sentencing Commission's duty to study the comprehensive criminal sentencing structure in the state of Ohio. Among other duties, the Commission is to study the fiscal and other impact of the sentencing structure on the public defender and assigned counsel system, as well as review bills introduced in the general assembly that provide for a new criminal offense or that change the penalty for an existing criminal offense. As such, this primer is designed to understand data available at the statewide level for analysis as well as gaps in the data that would be useful for the duties of informing the general assembly and other policymakers.

06/16/25

OHIO
CRIMINAL SENTENCING COMMISSION

Agency and Available Data: Supreme Court of Ohio

Agency	What is collected	Collection Method	Public Dashboard or Reports?
The Supreme Court of Ohio **Case Management Section**	Caseload and Performance Statistics • Aggregate data is reported at the case level • Statistics are available for Courts of Appeals, Courts of Common Pleas, Municipal and County Courts, and Mayor's Courts • Select data on capital cases, and Certified Specialized Dockets	• Statistics are collected monthly (or quarterly, for probate courts and courts of appeals) from each judge and submitted to the Case Management Section of the Supreme Court of Ohio in accordance with Sup.R.37. Reporting forms are available to understand the types of data elements collected, a definition of case types, and the directions for reporting these statistics. • The case statistics reported to the Supreme Court are aggregate summaries, and the Supreme Court does not collect information on individual cases, except for capital cases subject to a motion for post-conviction relief. • Person-level data is reported monthly by each judge with a Certified Specialized Docket	• Interactive data dashboards are available on the Supreme Court of Ohio's Website. • Certified Specialized Dockets data are also collected and have been published in the Ohio Criminal Sentencing Commission's Monitoring Report.

This explanatory document is designed to highlight the available data for analysis to inform policymakers pursuant to the Ohio Criminal Sentencing Commission's duty to study the comprehensive criminal sentencing structure in the state of Ohio. Among other duties, the Commission is to study the fiscal and other impact of the sentencing structure on the court system, as well as review bills introduced in the general assembly that provide for a new criminal offense or that change the penalty for an existing criminal offense. As such, this primer is designed to understand data available at the statewide level for analysis as well as gaps in the data that would be useful for the duties of informing the general assembly and other policymakers.

OHIO
CRIMINAL SENTENCING COMMISSION

Agency and Available Data: Supreme Court of Ohio

Supreme Court of Ohio – Select Data Points Available at the Statewide Level

- Court of Appeals
    - Criminal appeals from Common Pleas, Municipal and County Courts
    - Capital cases
- Courts of Common Pleas
    - Criminal cases (no subtypes)
    - Delinquency (no subtypes)
    - Adult cases in juvenile court (no subtypes)
    - Juvenile traffic
- Municipal and County Courts
    - Felony (preliminary hearings)
    - Misdemeanors
    - O.V.I
    - Other traffic
- Mayor's Courts
    - Misdemeanors
    - O.V.I
    - Other traffic
- Caseload and Performance statistics
    - Incoming cases
    - Pending cases
    - Cases disposed, by manner
    - Clearance rates and age of active pending caseload
- Capital Cases
    - Post Conviction Relief Petitions (Sup.R. 39).
    - Notice of Filing of Capital Indictment (R.C. 2929.021)
    - Notice of Plea or Dismissal of Capital Indictment (R.C. 2929.21)
    - Appointment of Trial Counsel in a Capital Case (Appt.Count.R. 5.02 or 5.03)
    - Disposition of a Capital Case by Trial Court (App.Coun.R. 5.02 or 5.03)

- Certified Specialized Dockets under Sup.R. 36.20
    - Deidentified person level data
    - Referral
    - Risk assessment results
    - Admission status
    - Participation outcomes
    - Graduation rate
    - In-program recidivism

OHIO
CRIMINAL SENTENCING COMMISSION

DRAFT

Version 5: Sept. 11, 2025

Juvenile Appellate Project

Commission staff and interns reviewed the years 2015 through 2024 for juvenile appellate reversals to identify trends or patterns in the types of errors that result in reversals. This document discusses the following: total numbers and categories of all reversals by year; total numbers of the five most common categories of reversals by year; total numbers of reversals by district; total numbers of the five most common categories of reversals by district; the percentage of the five most common categories of reversals by district; and finally, the types of reversals are described in a narrative version for each year.

Published: ?? 2025

Appellate Districts and Corresponding Counties

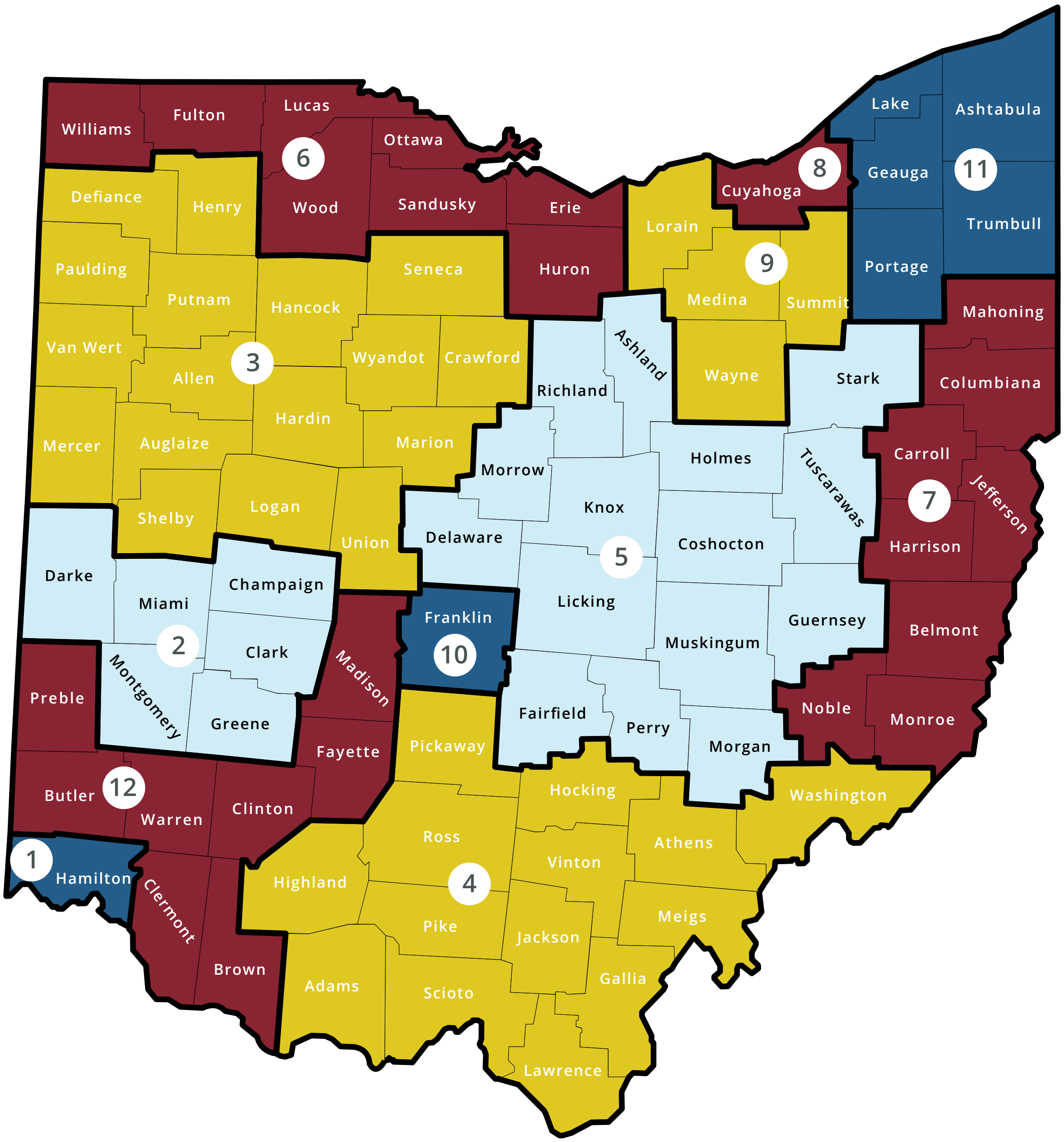


Table 1 in Appendix A shows the total numbers and categories of all reversals by year. Please note that given the small numbers of decisions resulting in reversals, these categories are not just related to sentencing but are comprehensive to give the reader an overall picture of appellate review of delinquency for the last ten years. Subsequent tables and charts drill down into more specific categories of reversals.

Figures 1 and 2 show the total reversals by year for the most common assignments of errors: confinement credit/jail-time credit, evidence, sex offender registration/classification, discretionary bindover and mandatory bindover. Reading the chart from left to right by year, the lightest color is 2015, and the darkest is 2024. While the relatively small numbers of cases make it difficult to show a statistical difference, it is clear from these charts that reversals pertaining to confinement credit/jail-time credit,[1] evidence and sex offender registration/classification are trending down. Discretionary bindover remains static, while mandatory bindover is trending upwards.

Figure 1. Total Reversals by Year (2015-2024)

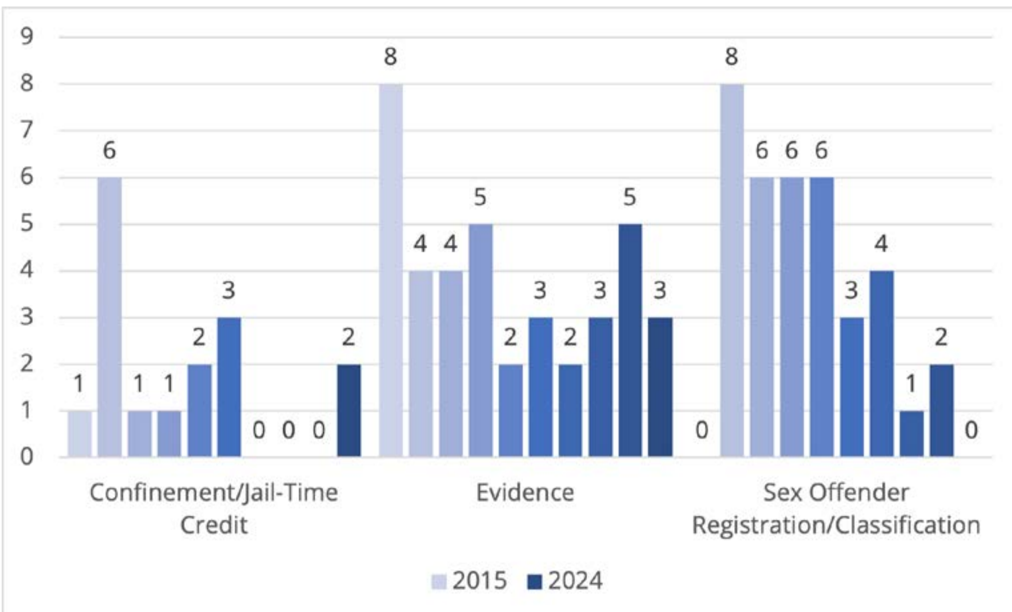


Figure 2. Total Reversals by Year (2015-2024)

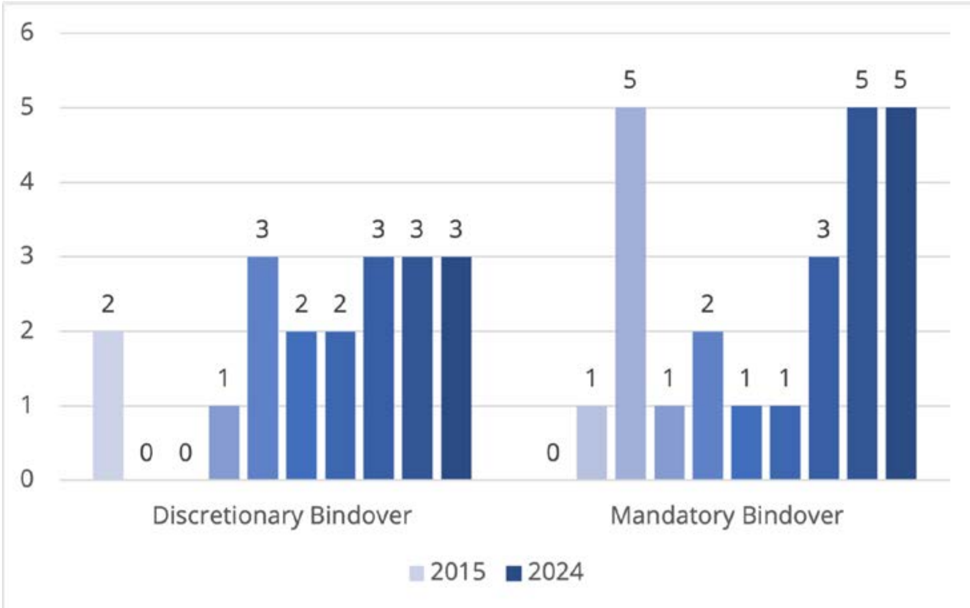
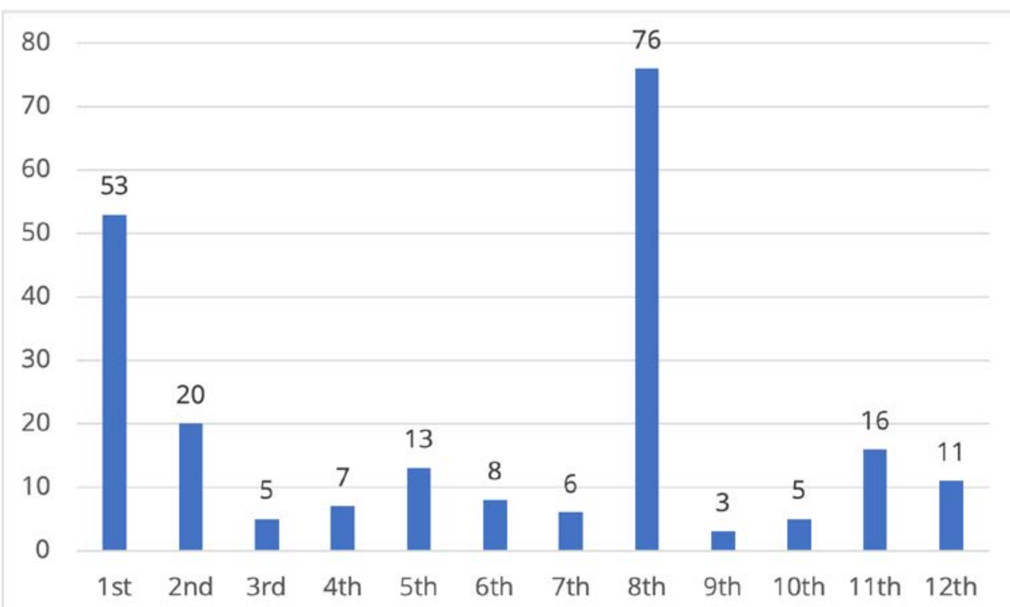


Figure 3 shows the total numbers of reversals but through the lens of each district. Note that First District (Hamilton) and the 8th District (Cuyahoga) are outliers for number of reversals. Hamilton County's 2025 population is estimated at 831,732, while Cuyahoga's is 1,225,089. Interestingly, although the 10th District (Franklin) is one of the lowest in terms of reversals, Franklin County's population is comparable to Cuyahoga County, at 1,334,729. More information and analysis are needed to determine the reasons behind this difference.

Figure 3. Total Reversals by District, All Years (2015-2024)



Figures 4-8 show the five most common categories of reversals. Although sex offender registration and classification reversals seem to have been an issue in the Fifth District, one trend to note is the consistently high numbers of reversals of the First and Eighth Districts.

Figure 4. Confinement/Jail-Time Credit Reversals by District, All Years (2015-2024)

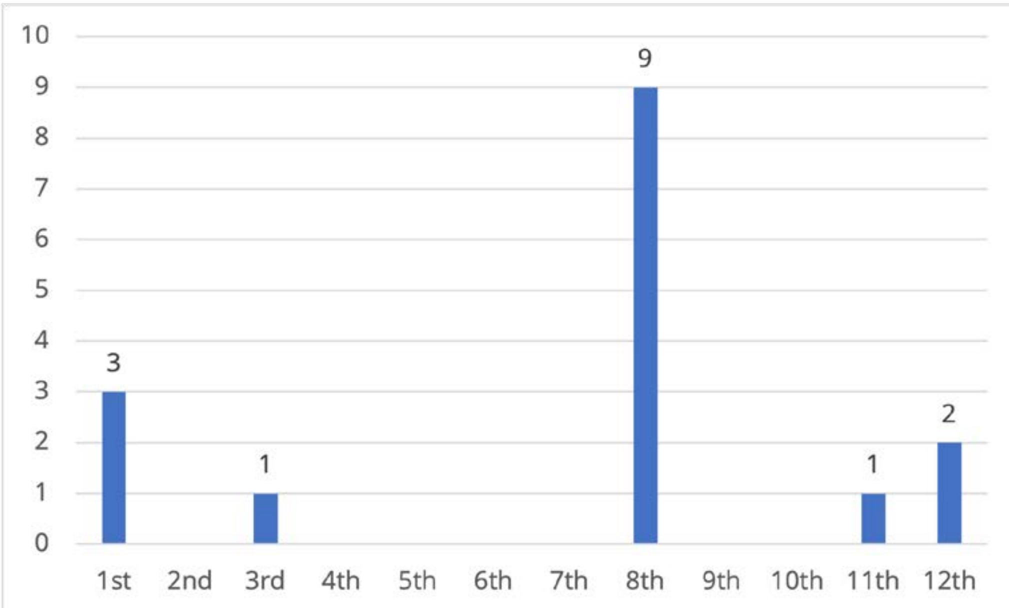


Figure 5. Evidence Reversals by District, All Years (2015-2024)

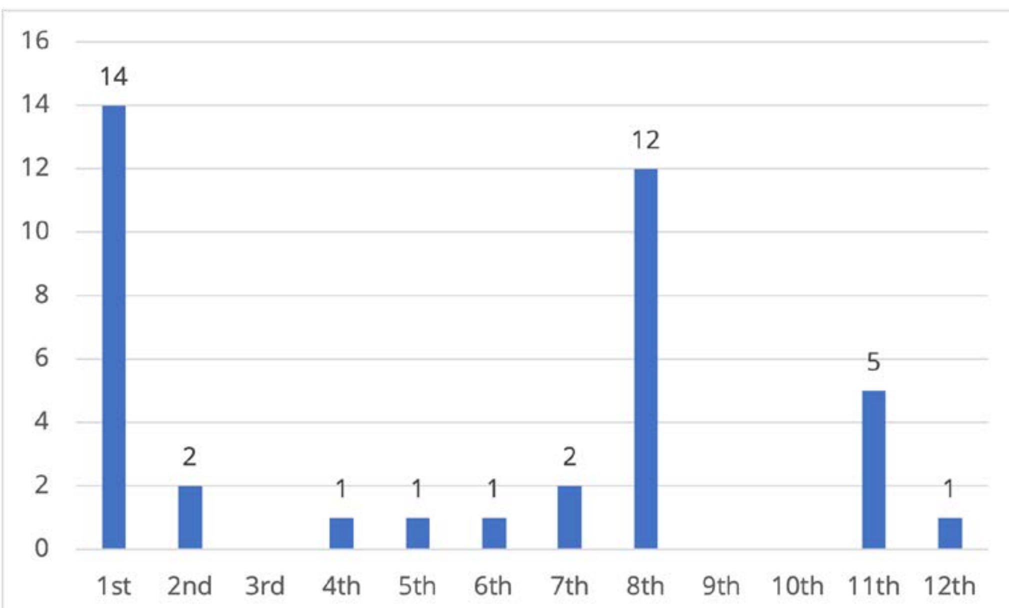


Figure 6. Sex Offender Registration/Classification Reversals by District, All Years (2015-2024)

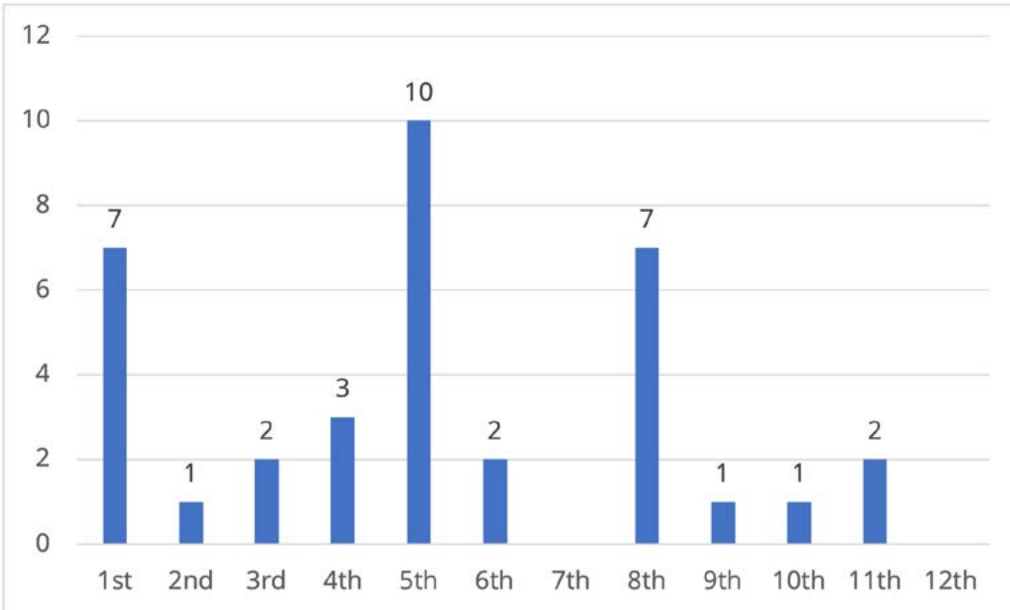


Figure 7. Discretionary Bindover Reversals by District, All Years (2015-2024)

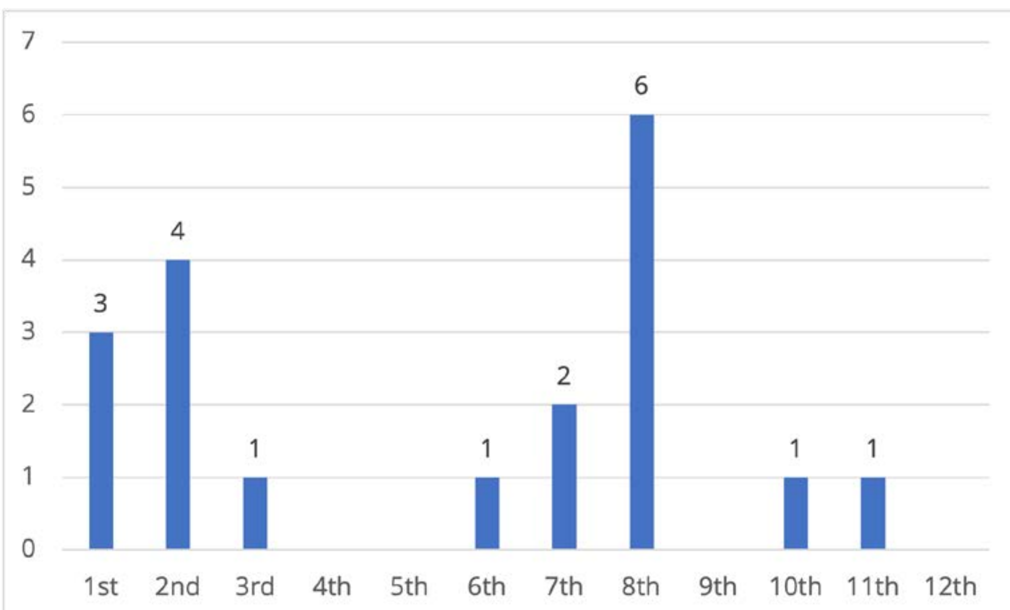
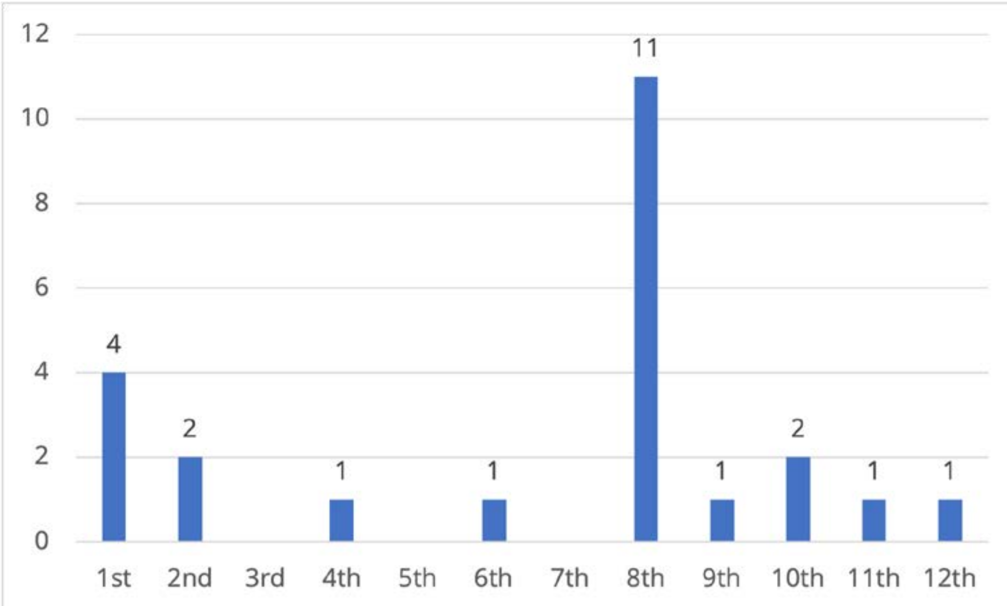


Figure 8. Mandatory Bindover Reversals by District, All Years (2015-2024)



Finally, Table 2 in Appendix B shows the percentage of each reversed appeal category by district. Darker values of green in the table shows higher percentages of reversals.

2015 Cases

The following pages provide more details and citations for reversals in a narrative version for each year. In 2015, 22 out of 61 delinquency cases were reversed/remanded (36%). The 22 cases were spread across the 1st, 2nd, 4th, 7th, 8th, 11th, and 12th Districts.

The most common assignment of error was sufficiency of evidence, with 8 of them being overturned. Specifically, these cases involved insufficient evidence of theft,[2] escape,[3] breaking and entering,[4] falsification of concealed carry,[5] traffic infractions,[6] secure facilities,[7] the admissibility of statements by victims to children and family services,[8] and gross sexual imposition.[9]

Other assignments of error were restitution,[10] Miranda Rights,[11] jurisdiction,[12] hearing issues,[13] discretionary bindover,[14] merger,[15] appointment of guardian ad litem,[16] and confinement/jail-time credit.[17]

2016 Cases

In 2016, 27 out of 72 delinquency cases were reversed/remanded (38%). The 27 cases were spread across the 1st, 2nd, 3rd, 4th, 5th, 8th, 10th, 11th, and 12th Districts.

The most common assignment of error was sex offender registration/classification, with 8 cases being overturned. Specifically, these cases involved the implementation of the Adam Walsh Act,[18] statutory factors for classifying the juvenile as a sex offender,[19] the age of the juvenile,[20] constitutionality of R.C. 2512.83(A),[21] jurisdiction over the juvenile,[22] secure or non-secure facilities,[23] and sufficiency of evidence.[24]

Other assignments of error were confinement/jail time credit,[25] sufficiency of evidence,[26] Juv. R. 40 (D) (4) (d),[27] escape from a secured facility,[28] mandatory terms[29] Juv. R. 29 (D),[30] merger,[31] hearing issues,[32] restitution,[33] and mandatory bindover.[34]

2017 Cases

In 2017, 32 out of 81 delinquency cases were reversed/remanded (40%). The 32 cases were spread across the 1st, 2nd, 3rd, 5th, 6th, 7th ,8th, and 11th Districts.

The most common assignment of error was sex offender registration/classification, with 6 cases being overturned. Specifically, these cases involved the age of the offender,[35] jurisdiction,[36] jail-time credit,[37] polygraph admission,[38] and accepting guilty pleas.[39]

Other assignments of error were confinement/jail-time credit,[40] mandatory bindover,[41]sufficiency of evidence,[42] imposing State v. Hand,[43] record sealing,[44] nunc pro tunc/clerical errors,[45] mandatory terms,[46] firearm specification,[47] Juv. R. 29 (D),[48] Juv. R. 29 (F) (1),[49] Juv. R. 22 (F),[50] jurisdiction,[51] and imposing a single term instead of multiple terms.[52]

2018 Cases

In 2018, 21 out of 67 delinquency cases were reversed/remanded (31%). The 21 cases were spread across the 1st, 2nd, 4th, 5th, 6th, 7th, 8th, 11th, and 12th Districts.

The most common assignment of error was sex offender registration/classification, with 6 cases being overturned. Specifically, these cases involved secure and nonsecure facilities,[53] the application of R.C. 2952.86,[54] incorrectly requiring registration with the county sheriff,[55] jurisdiction due to age of child,[56] and the authority of the court to enforce its prior no-contact order.[57]

Other assignments of error were sufficiency of evidence involving self-defense,[58] juvenile traffic offender,[59] Miranda Rights,[60] sexual act and force or restraint,[61] rape,[62] merger,[63] knowing, intelligent, and voluntary plea,[64] restitution,[65] SYO,[66] mandatory bindover,[67] Juv. R. 29 (D),[68] the court's mistaken belief that DYS could reduce a sentence,[69] discretionary bindover,[70] and confinement/jail-time credit.[71]

2019 Cases

In 2019, 27 out of 65 delinquency cases were reversed/remanded (42%). The 27 cases were spread across the 1st, 2nd, 4th, 5th, 6th, 8th, 9th, 10th, and 12th Districts.

The most common assignment of error was sex offender registration and classification, with 6 cases being overturned. Specifically, these cases involved the court not having the authority to hold a hearing,[72] timing of classification,[73] statutory factors not included on record,[74] and secure facilities.[75] Other common assignments of error were bindovers involving discretionary bindover and amenability,[76] reverse bindover,[77] and mandatory bindover R.C. 2152 procedures.[78]

Other assignments of error were abuse of discretion,[79] nunc pro tunc,[80] evidence,[81] Terry stop,[82] confinement credit,[83] Juv. R. 29 (D),[84] record sealing,[85] jurisdiction of out-of-state acts,[86] conceded error by the state in placing a child in an adult facility,[87] and restitution.[88]

2020 Cases

In 2020, 16 out of 56 delinquency cases were reversed/overturned (29%). The 16 cases were spread across the 1st, 2nd, 6th, 8th, 11th, and 12th Districts.

The most common assignments of error was sufficiency of evidence that involved burglary,[89] SYO,[90] and sex offender classification.[91]

Other assignments of error were sex offender registration and classification,[92] confinement/jail-time credit,[93] discretionary bindover,[94] mandatory bindover,[95] firearm specification,[96] speedy trial grounds,[97] Miranda Rights,[98] and nunc pro tunc/clerical errors.[99]

2021 Cases

In 2021, 17 out of 50 delinquency cases were reversed/remanded (34%). The 17 cases were spread across the 1st, 2nd, 4th, 5th, 8th, and 12th Districts.

The most common assignment of error was sex offender registration and classification, with 4 cases being overturned. Specifically, these cases involved the timing of classification[100] and hearing issues.[101]

Other assignments of error were discretionary bindover,[102] mandatory bindover,[103] evidence,[104] merger,[105] nunc pro tunc/clerical errors,[106] probation,[107] pleas,[108] and life imprisonment.[109]

2022 Cases

In 2022, 17 out of 44 delinquency cases were reversed/remanded (39%). The 17 cases were spread across the 1st, 2nd, 7th, 8th, 10th, 11th, and 12th Districts.

The most common assignment of error involved bindover, with 7 cases being overturned. Specifically, these cases involved discretionary bindover and amenability,[110] mandatory bindover and jurisdiction,[111] discretionary bindover and right to council,[112] mandatory bindover and right to council,[113] and reverse bindover and jurisdiction.[114]

Other assignments of error were evidence,[115] Miranda Rights,[116] inconsistent language with R.C. 2929.02 (B),[117] consecutive terms,[118] the age of the offender,[119] sex offender registration and classification,[120] and SYO issues related to speedy trial grounds[121] and the adult portion of the requirements not being met.[122]

2023 Cases

In 2023, 25 out of 55 delinquency cases were reversed/remanded (45%). The 25 cases were spread across the 1st, 3rd, 8th, 9th, 10th, 11th, and 12th Districts.

The most common assignment of error involved bindover, with 8 cases being overturned. Specifically, these cases involved mandatory bindover and evidence,[123] discretionary bindover and amenability,[124] mandatory bindover and reverse bindover jurisdiction,[125] and discretionary bindover and timing of dispositions.[126]

Other assignments of error that were overturned related to sufficiency of evidence,[127] record sealing,[128] sex offender registration and classification,[129] Terry Stop,[130] Miranda Rights,[131] consecutive terms,[132] SYO,[133] and Juv. R. 29 (D).[134]

2024 Cases

In 2024, 19 out of 54 delinquency cases were reversed/remanded (35%). The 19 cases were spread across the 1st, 2nd, 8th, 10th, and 12th Districts.

The most common assignment of error involved bindover, with 8 cases being overturned. Specifically, these cases involved mandatory bindover and evidence,[135] discretionary bindover and amenability,[136] discretionary bindover and nunc pro tunc,[137] and mandatory bindover and second evaluations.[138]

Other assignments of error that were overturned related to sufficiency of evidence,[139] confinement/jail-time credit,[140] restitution,[141] record sealing,[142] hearing issues,[143] subject matter jurisdiction/jurisdiction,[144] and the constitutionality of the weapons-under-disability statute.[145]

Appendix A

Table 1. Reversal Type by Year

Appeal Type	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	Total
Abuse of Discretion	0	0	0	0	3	0	0	0	0	0	3
Age of Offender	0	0	0	0	0	0	0	1	0	0	1
Applicability of State v. Patrick	0	0	0	0	0	0	1	0	0	0	1
Appointment of Guardian Ad Litem	1	0	0	0	0	0	0	0	0	0	1
Confinement/Jail-Time Credit	1	6	1	1	2	3	0	0	0	2	16
Consecutive Terms	0	0	0	0	0	0	0	1	2	0	3
Discretionary Bindover	2	0	0	1	3	2	2	3	3	3	19
Escape from Secure Facility	0	1	0	0	0	0	0	0	0	0	1
Evidence	8	4	4	5	2	3	2	3	5	3	39
Firearm Specification	0	0	1	0	0	1	0	0	0	0	2
Hearing Issues	1	1	0	0	0	0	0	0	0	1	3
Imposing Single Term	0	0	1	0	0	0	0	0	0	0	1
Imposing State v. Hand	0	0	4	0	0	0	0	0	0	0	4
Inconsistent Language	0	0	0	0	0	0	0	1	0	0	1
Jurisdiction	3	0	2	0	1	0	0	0	0	2	8
Juv R. 22 (F)	0	0	1	0	0	0	0	0	0	0	1
Juv R. 29 (D)	0	1	2	2	1	0	0	0	1	0	7
Juv R. 29 (F)(1)	0	0	1	0	0	0	0	0	0	0	1
Juv R. 40 (D)(4)(d)	0	1	0	0	0	0	0	0	0	0	1
Mandatory Bindover	0	1	5	1	2	1	1	3	5	5	24
Mandatory Terms	0	1	2	0	0	0	0	0	0	0	3
Merger	2	2	0	1	0	0	2	0	0	0	7
Miranda Rights	1	0	0	0	0	1	0	1	1	0	4
Miscellaneous	0	0	0	0	0	0	0	0	0	0	0
Mistaken Belief DYS Could Reduce a Sentence	0	0	0	1	0	0	0	0	0	0	1
Nunc Pro Tunc/Clerical Errors	0	0	1	0	3	1	3	0	0	0	8
Placing Child in Adult Facility	0	0	0	0	1	0	0	0	0	0	1
Pleas	0	0	0	1	0	0	1	0	0	0	2
Probation	0	0	0	0	0	0	1	0	0	0	1

Appeal Type	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	Total
Record Sealing	0	0	1	0	1	0	0	0	3	1	6
Restitution	3	1	0	1	1	0	0	0	0	1	7
Reverse Bindover	0	0	0	0	0	0	0	1	0	0	1
Sex Offender Registration/ Classification	0	8	6	6	6	3	4	1	2	0	36
Speedy Trial	0	0	0	0	0	1	0	0	0	0	1
SYO	0	0	0	1	0	0	0	2	2	0	5
Terms	0	0	0	0	0	0	0	0	0	0	0
Terry Stop	0	0	0	0	1	0	0	0	1	0	2
Weapons Under Disability Statute	0	0	0	0	0	0	0	0	0	1	1
Total	22	27	32	21	27	16	17	17	25	19	223

Appendix B

Table 2. Appeal Type by District, in Percentages

	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th
Confinement/Jail-Time Credit	18.8%	0.0%	6.3%	0.0%	0.0%	0.0%	0.0%	56.3%	0.0%	0.0%	6.3%	12.5%
Discretionary Bindover	15.8%	21.1%	5.3%	0.0%	0.0%	5.3%	10.5%	31.6%	0.0%	5.3%	5.3%	0.0%
Evidence	35.9%	5.1%	0.0%	2.6%	2.6%	2.6%	5.1%	30.8%	0.0%	0.0%	12.8%	2.6%
Mandatory Bindover	16.7%	8.3%	0.0%	4.2%	0.0%	4.2%	0.0%	45.8%	4.2%	8.3%	4.2%	4.2%
Sex Offender Registration/ Classification	19.4%	2.8%	5.6%	8.3%	27.8%	5.6%	0.0%	19.4%	2.8%	2.8%	5.6%	0.0%

This table illustrates the percentage of each reversed appeal type by district. The percentages are by the total row value. For example, 56.3% of all "Confinement/Jail-Time Credit" reversals come from the 8th district.

Endnotes

1 These cases reflect only the credit errors that had to be litigated in a court of appeals. The vast majority of credit errors are rectified through post-disposition proceedings often initiated by the filing of a motion for recalculation of confinement credit and/or jail time credit filed in the committing court.

2 In re D.L. 2015-Ohio-4747 (1st Dist.)

3 State v. Thomas. 2015-Ohio-187 (1st Dist.)

4 In re M.B. 2015-Ohio-1912 (1st Dist.)

5 State v. Hottenstein. 2015-Ohio-4787 (2nd Dist.)

6 In re K.S.F. 2015-Ohio-5592 (7th Dist.)

7 In re T.W. 2015-Ohio-5213 (11th Dist.)

8 In re CA. 2015-Ohio-4768 (8th Dist.)

9 In re R.A.H. 2015-Ohio-3342 (8th Dist.)

10 In re Z.N. 2015-Ohio-1213 (11th Dist.); In re T.C. 2015-Ohio-4384 (8th Dist.); State v. T.J. 2015-Ohio-2881 (2nd Dist.)

11 In re K.C. 2015-Ohio-1613 (1st Dist.)

12 In re H.C. 2015-Ohio-3676 (8th Dist.); In re C.G.S. 2015-Ohio-2386 (8th Dist.); State v. Cauthen. 2015-Ohio-272 (1st Dist.)

13 In re G.S.2015-Ohio-1285 (4th Dist.)

14 State v. Mack. 2015-Ohio-4148 (7th Dist.); State v. D.H. 2015-Ohio-3259 (2nd Dist.)

15 In re M.P.R. 2015-Ohio-3102 (12th Dist.); State v. Simon. 2015-Ohio-970 (12th Dist.)

16 In re D.R.B.2015-Ohio-3346 (8th Dist.)

17 In re J.K.S. 2015-Ohio-1312 (8th Dist.)

18 State v. Schulze, 2016-Ohio-470 (1st Dist.)

19 In re T.N., 2016-Ohio-7258 (3rd Dist.)

20 In re C.B., 2016-Ohio-4779 (5th Dist.); In re J.C., 2016-Ohio-5362 (4th Dist.)

21 In re R.H., 2016-Ohio-746 (3rd Dist.)

22 In re J.B., 2016-Ohio-98 (5th Dist.)

23 In re R.H., 2016-Ohio-7379 (5th Dist.)

24 In re D.S., 2016-Ohio-2810 (10th Dist.)

25 State v. Cockrell. 2016-Ohio-5797 (1st Dist.); State v. Curtis. 2016-Ohio-6978 (3rd District.); State v. Sampson. 2016-Ohio-4560 (8th Dist.); In re J.C.E. 2016-Ohio-7843 (11th Dist.); State v. Rice. 2016-Ohio-5372 (12th Dist.); In re M.P.R. 2016-Ohio-3107 (12th Dist.)

26 In re E.B. 2016-Ohio-1507 (1st Dist.); In re D.L. 2016-Ohio-5934 (8th Dist.); In re K.E.W. 2016-Ohio-7844 (11th Dist.); In re T.R.J. 2016-Ohio-7160 (11th Dist.)

27 In re N.D., 2016-Ohio-7620 (1st Dist.)

28 State v. Clark, 2016-Ohio-8508 (2nd Dist.)

29 State v. Smith, 2016-Ohio-7101 (2nd Dist.)

30 In re T.W., 2016-Ohio-8371 (5th Dist.)

31 In re R.A.H., 2016-Ohio-8301 (8th Dist.); In re A.G., 2016-Ohio-5616 (8th Dist.)

32 In re C.H., 2016-Ohio-4965 (8th Dist.)

33 In re M.A. 2016-Ohio-1161 (11th Dist.)

34 Turner v. Hooks. 2016-Ohio-3083 (4th Dist.)

35 In re S.J. 2017-Ohio-5499 (2nd Dist.)

36 In re B.H. 2017-Ohio-6966 (5th Dist.); In re R.D. 2017-Ohio-589 (5th Dist.)

37 State v. Golson. 2017-Ohio-4438 (8th Dist.)

38 In re L.M. 2017-Ohio-8067 (8th Dist.)

39 In re K.A. 2017-Ohio-6979 (8th Dist.)

40 In re A.M. 2017-Ohio-7624 (1st Dist.)

41 State v. D.F. 2017-Ohio-2882 (2nd Dist.); State v. Jones. 2017-Ohio-342 (6th Dist.); State v. Rosser. 2017-Ohio-5572 (8th Dist.); State v. Armstead-Williams. 2017-Ohio-1004 (11th Dist.); State v. Ferguson. 2017-Ohio-7930 (2nd Dist.)

42 In re J.B. 2017-Ohio-406 (6th Dist.); In re B.W. 2017-Ohio-9220 (7th Dist.); State v. Hunter. 2017-Ohio-4180 (8th Dist.); In re B.J.M. 2017-Ohio-8202 (11th Dist.)

43 State v. Jackson. 2017-Ohio-4197 (2nd Dist.); State v. Boyer. 2017-Ohio-4199 (2nd Dist.); State v. Ortiz. 2017-Ohio-9157 (8th Dist.); State v. Parker. 2017-Ohio-7484 (8th Dist.)

44 In re C.L. 2017-Ohio-2654 (11th Dist.)

45 In re J.T. 2017-Ohio-7723 (8th Dist.)

46 State v. Wilson. 2017-Ohio-7223 (2nd Dist.); State v. McComb. 2017-Ohio-4010 (2nd Dist.)

47 In re C.J. 2017-Ohio-4198 (2nd Dist.)

48 In re D.P. 2017-Ohio-606 (3rd Dist.); In re A.R. 2017-Ohio-8058 (8th Dist.)

49 In re D.D. 2017-Ohio-9021 (8th Dist.)

50 In re T.W. 2017-Ohio-8875 (8th Dist.)

51 State v. Rickard. 2017-Ohio-8614 (6th Dist.); State v. Baker. 2017-Ohio-7795 (7th Dist.)

52 State v. Delp. 2017-Ohio-8879 (8th Dist.)

53 In re H.M. 2018-Ohio-2201 (5th Dist.); In re O.P. 2018-Ohio-580 (8th Dist.)

54 In re D.F. 2018-Ohio-1792 (5th Dist.)

55 In re L.S. 2018-Ohio-5005 (6th Dist.)

56 In re L.N. 2018-Ohio-3982 (6th Dist.)

57 In re T.M. 2018-Ohio-2450 (11th Dist.)

58 In re B.M. 2018-Ohio-1733 (1st Dist.)

59 In re Z.E.N. 2018-Ohio-2208 (4th Dist.)

60 In re M.H. 2018-Ohio-4848 (8th Dist.)

61 In re T.W. 2018-Ohio-3275 (8th Dist.)

62 In re D.C. 2018-Ohio-163 (8th Dist.)

63 State v. Evans. 2018-Ohio-3129 (1st Dist.)

64 In re K.B. 2018-Ohio-1908 (4th Dist.)

65 In re B.K. 2018-Ohio-864 (2nd Dist.)

66 In re M.P. 2018-Ohio-5035 (8th Dist.)

67 State v. Strowder. 2018-Ohio-1292 (8th Dist.)

68 In re L.S. 2018-Ohio-4758 (6th Dist.); In re A.H. 2018-Ohio-364 (12th Dist.)

69 In re K.E. 2018-Ohio-3100 (7th Dist.)

70 State v. Carberry. 2018-Ohio-1060 (1st Dist.)

71 State v. Thomas. 2018-Ohio-4106 (8th Dist.)

72 In re I.B. 2019-Ohio-4489 (1st Dist.)

73 In re R.B. 2019-Ohio-3298 (1st Dist.); In re K.M.B. 2019-Ohio-4436 (4th Dist.)

74 In re M.W. 2019-Ohio-4564 (5th Dist.); In re J.E. 2019-Ohio-4587 (5th Dist.)

75 In re P.C. 2019-Ohio-2603 (9th Dist.)

76 In re D.J. 2019-Ohio-288 (1st Dist.); In re J.L.S. 2019-Ohio-4173 (10th Dist.)

77 State v. Weaver. 2019-Ohio-2477 (6th Dist.)

78 In re M.J. 2019-Ohio-1651 (8Th Dist.); State v. Grant. 2019-Ohio-3561 (9th Dist.)

79 In re T.M. 2019-Ohio-4552 (1st Dist.)

80 In re C.N. 2019-Ohio-179 (8th Dist.); State v. Smith. 2019-Ohio-4671 (8th Dist.); State v. Strowder. 2019-Ohio-4573 (8th Dist.)

81 In re C.W. 2019-Ohio-5262 (1st Dist.); In re C.I.R. 2019-Ohio-335 (12th Dist.)

82 In re J.C. 2019-Ohio-4815 (1st Dist.)

83 In re K.M.P. 2019-Ohio-4551 (1st Dist.); In re A.S. 2019-Ohio-1362 (8th Dist.)

84 In re A.Y. 2019-Ohio-2589 (2nd Dist.)

85 In re C.M. 2019-Ohio-2446 (8th Dist.)

86 In re O.V. 2019-Ohio-4628 (12th Dist.)

87 In re D.P. 2019-Ohio-2752 (8th Dist.)

88 In re A.S. 2019-Ohio-2558 (1st Dist.)

89 In re D.O. 2020-Ohio-6862 (1st Dist.)

90 In re O.M. 2020-Ohio-5433 (8th Dist.)

91 In re J.W. 2020-Ohio-4065 (8th Dist.)

92 In re T.R. 2020-Ohio-4445 (1st Dist.); In re S.N. 2020-Ohio-3958 (1st Dist.); In re T.B. 2020-Ohio-5389 (11th Dist.)

93 In re C.H. 2020-Ohio-5188 (8th Dist.); In re A.T. 2020-Ohio-5191 (8th Dist.); State v. Harris. 2020-Ohio-4303 (8th Dist.)

94 State v. Nicholas. 2020-Ohio-3478 (2nd Dist.); State v. Philpot. 2020-Ohio-104 (8th Dist.)

95 State v. Jackson. 2020-Ohio-80 (1st Dist.)

96 In re J.M. 2020-Ohio-5498 (1st Dist.)

97 In re T.G. 2020-Ohio-2764 (6th Dist.)

98 In re A.L. 2020-Ohio-4061 (8th Dist.)

99 State v. Kimbrough. 2020-Ohio-3175 (8th Dist.)

100 In re D.F. 2021-Ohio-3109 (4th Dist.); In re E.S. 2021-Ohio-3722 (5th Dist.)

101 In re D.R. 2021-Ohio-1797 (1st Dist.); In re Z.M. 2021-Ohio-1492 (8th Dist.)

102 In re T.S. 2021-Ohio-1889 (1st Dist.); In re D.M.S. 2021-Ohio-1214 (2nd Dist.)

103 In re J.R. 2021-Ohio-2272 (8th Dist.)

104 In re R.B. 2021-Ohio-3749 (1st Dist.); In re D.M. 2021-Ohio-354 (5th Dist.)

105 In re B.J. 2021-Ohio-3926 (8th Dist.); In re L.S. 2021-Ohio-3353 (8th Dist.)

106 State v. Converse. 2021-Ohio-1274 (1st Dist.); In re J.K.O. 2021-Ohio-1215 (2nd Dist.); State v. Smith. 2021-Ohio-2982 (12th Dist.)

107 In re N.S. 2021-Ohio-427 (1st Dist.)

108 In re J.L. 2021-Ohio-3823 (8th Dist.)

109 State v. Watson. 2021-Ohio-1361(5th Dist.)

110 State v Ellis. 2022-Ohio-147 (2nd Dist.); In re S.G. 2022-Ohio-897 (7th Dist.)

111 State v. Macklin. 2022-Ohio-4400 (8th Dist.); State v. Lewis. 2022-Ohio-2357 (8th Dist.)

112 State v. J.R. 2022-Ohio-1664 (8th Dist.)

113 State v. Taylor. 2022-Ohio-2877 (10th Dist.)

114 State v. Hollie. 2022-Ohio-872 (12th Dist.)

115 In re J.H. 2022-Ohio-3987 (1st Dist.); In re D.C. 2022-Ohio-4086 (8th Dist.); State v. Nicholson. 2022-Ohio-2037 (8th Dist.)

116 In re S.W. 2022-Ohio-854 (1st Dist.)

117 State v. Miree. 2022-Ohio-3664 (8th Dist.)

118 State v. Jones. 2022-Ohio-4202 (8th Dist.)

119 In re E.J.W. 2022-Ohio-4215 (8th Dist.)

120 In re C.P. 2022-Ohio-4087 (8th Dist.)

121 In re C.C. 2022-Ohio-2264 (8th Dist.)

122 In re J.P. 2022-Ohio-2102 (11th Dist.)

123 In re M.T. 2023-Ohio-2140 (1st Dist.); In re K.B. 2023-Ohio-1644 (1st Dist.); In re I.S. 2023-Ohio-3975 (8th Dist.); In re B.A.T. 2023-Ohio-3366 (8th Dist.)

124 State v. Bush. 2023-Ohio-4473 (3rd Dist.); State v. Carter. 2023-Ohio-4310 (8th Dist.)

125 State v. McCray. 2023-Ohio-4814 (1st Dist.)

126 In re D.L. 2023-Ohio-4029 (11th Dist.)

127 In re J.A. 2023-Ohio-4388 (1st Dist.); In re S.J. 2023-Ohio-3441 (1st Dist.); In re J.C. 2023-Ohio-3074 (1st Dist.); In re D.W. 2023-Ohio-3887 (8th Dist.); In re O.E. 2023-Ohio-1946 (11th Dist.)

128 In re S.S. 2023-Ohio-4197 (1st Dist.); In re I.J. 2023-Ohio-2024 (1st Dist.); In re L.P. 2023-Ohio-949 (1st Dist.)

129 In re S.D. 2023-Ohio-3039 (1st Dist.); In re A.B. 2023-Ohio-1047 (8th Dist.)

130 In re J.T. 2023-Ohio-2695 (1st Dist.)

131 In re D.T. 2023-Ohio-4832 (9th Dist.)

132 State v. Turner. 2023-Ohio-2874 (8th Dist.); In re K.D. 2023-Ohio-699 (10th Dist.)

133 In re S.H. 2023-Ohio-2543 (11th Dist.); In re S.I.G. 2023-Ohio-2912 (12th Dist.)

134 In re D.P. 2023-Ohio-3120 (11th Dist.)

135 In re J.C. 2024-Ohio-5918 (8th Dist.); State v. Scott. 2024-Ohio-975 (8th Dist.); In re H.R. 2024-Ohio-739 (8th Dist.); In re C.J.H. 2024-Ohio-1233 (12th Dist.)

136 State v. T.S. 2024-Ohio-4898 (8th Dist.); State v D.T. 2024-Ohio-4482 (8th Dist.)

137 State v. Walker. 2024-Ohio-729 (8th Dist.)

138 State v. S.B. 2024-Ohio-2080 (10th Dist.)

139 In re D.B. 2024-Ohio-3391 (1st Dist.); In re L.M. 2024-Ohio-2974 (1st Dist.); In re G.E. 2024-Ohio-1074 (2nd Dist.)

140 State v. Perryman. 2024-Ohio-4587 (8th Dist.); In re L.A. 2024-Ohio-3107 (8th Dist.)

141 In re K.C. 2024-Ohio-5081(1st Dist.)

142 In re L.B. 2024-Ohio-1255 (1st Dist.)

143 State v. Lavender. 2024-Ohio-229 (1st Dist.)

144 In re E.K. 2024-Ohio-5291 (1st Dist.); In re D.A. 2024-Ohio-2975 (1st Dist.)

145 State v. Ware. 2024-Ohio-4655 (1st Dist.)

OHIO
CRIMINAL SENTENCING COMMISSION

DRAFT

Version 3: Sept. 9, 2025

Juvenile Disposition Benchcard

Juvenile courts determine whether a juvenile offender is subject to mandatory or discretionary transfer (bindover), mandatory or discretionary serious youthful offender, or traditional juvenile court jurisdiction.

Dispositions of Delinquent Juvenile Offenders and Juvenile Traffic Offenders: Overriding Purposes (R.C. 2152.01)

R.C. Chapter 2152 addresses the disposition of delinquent juvenile offenders and juvenile traffic offenders. The overriding purposes are to provide for the care, protection, and mental and physical development of children subject to this chapter, protect the public interest and safety, hold the offender accountable for the offender's actions, restore the victim, and rehabilitate the offender.

These purposes shall be achieved by a system of graduated sanctions and services. Dispositions shall be reasonably calculated to achieve these overriding purposes, commensurate with and not demeaning to the seriousness of the delinquent child's or the juvenile traffic offender's conduct and its impact on the victim, and consistent with dispositions for similar acts committed by similar delinquent children and juvenile traffic offenders.

Courts shall not base the disposition on the race, ethnic background, gender, or religion of the delinquent child or juvenile traffic offender.

Published: ?? 2025

Transfers to Adult Court, Serious Youthful Offenders, and Traditional Juvenile Dispositions

Offense level	Ages 16 and 17 (DT eligible)	Ages 14 and 15 (DT eligible)	Ages 12 and 13 (not DT eligible)	Ages 10 and 11 (not DT eligible)
Category 1: Aggravated Murder; Murder; Attempted Aggravated Murder; Attempted Murder	MT R.C. 2152.10(A)	If prior commitment to Department of Youth Services for Category 1 or 2 offense, then MT. R.C. 2152.10(A) Otherwise, MSYO. For agg. murder or murder, see R.C. 2152.11(B)(1). For attempted agg. murder or attempted murder, see R.C. 2152.11(C)(1).	DYSO. For agg. murder or murder, see R.C. 2152.11(B)(2). For attempted agg. murder or attempted murder, see R.C. 2152.11(C)(2).	DSYO. For agg. murder or murder, see R.C. 2152.11(B)(2). For attempted agg. murder or attempted murder, see R.C. 2152.11(C)(2).
Category 2 *: F-1 offenses, excluding kidnapping; F-2 offense of Aggravated Arson	If prior commitment to Department of Youth Services for Category 1 or 2 offense and/or firearm was displayed, brandished, indicated or used in the act, then MT. R.C. 2152.10(A)(2). But see State v. Hanning, 89 Ohio St.3d 86 (2000) (only child who possessed firearm subject to mandatory bind over) Otherwise, MSYO. F-1, see R.C. 2152.11(D)(1). F-2, see R.C. 2152.11(E).	DSYO. F-1, see R.C. 2152.11(D)(2)(b). F-2, see R.C. 2152.11(E)(1).	DSYO. F-1, see R.C. 2152.11(D)(2)(c). F-2, see R.C. 2152.11(E)(2).	DSYO. F-1, see R.C. 2152.11(D)(2)(d). F-2, see R.C. 2152.11(E)(3).
F-1 Enhanced	If offense of violence other than above and an act that is enhanced by the factors in either R.C. 2152.11(A)(1) or (A)(2) or (A)(3), then MSYO. Otherwise, DSYO. R.C. 2152.11(D).	DSYO. R.C. DSYO 2152.11(D)(2)(a).	DYSO. R.C.2152.11(D)(2)(c).	DSYO. R.C. 2152.11(D)(2)(d).
F-1 Not Enhanced	DSYO. R.C. DSYO 2152.11(D)(2)(a).	DSYO. R.C. 2152.11(D)(2)(b).	TJ. R.C. 2152.11(D)(3).	TJ. R.C. 2152.11(D)(3).
F-2 Enhanced	DSYO. R.C. 2152.11(E)(1).	DSYO. R.C. 2152.11(E)(1).	DSYO. R.C. 2152.11(E)(2).	TJ. R.C. 2152.11(D)(2).
F-2 Not Enhanced	DSYO. R.C. 2152.11(E)(1).	DSYO. R.C. 2152.11(E)(1).	TJ. R.C. 2152.11(E)(3).	TJ. R.C. 2152.11(E)(3).
F-3 Enhanced	DSYO. R.C. 2152.11(F)(1).	DSYO. R.C. 2152.11(F)(2).	TJ. R.C. 2152.11(F)(3).	TJ. R.C. 2152.11(F)(3).
F-3 Not Enhanced	DSYO. R.C. 2152.11(F)(1).	TJ. R.C. 2152.11(F)(3).	TJ. R.C. 2152.11(F)(3).	TJ. R.C. 2152.11(F)(3).
F-4/F-5 Enhanced	DSYO. R.C. 2152.11(G)(1).	TJ. R.C. 2152.11(G)(2).	TJ. R.C. 2152.11(G)(2).	TJ. R.C. 2152.11(G)(2).
F-4/F-5 Not Enhanced	TJ. R.C. 2152.11(G)(2).	TJ. R.C. 2152.11(G)(2).	TJ. R.C. 2152.11(G)(2).	TJ. R.C. 2152.11(G)(2).

Key:

MT: Mandatory Transfer *(must be bound over to adult court upon a finding of probable cause)*

DT: Discretionary Transfer *(may be bound over to adult court upon a finding of probable cause and amenability)*

MSYO: Mandatory Serious Youthful Offender *(mandatory blended sentence upon a finding of probable cause)*

Category 1 Offenses (R.C. 2152.02) are: Aggravated Murder, R.C. 2903.01; Murder, R.C. 2903.02; Attempted Aggravated Murder, R.C. 2923.02; and Attempted Murder, R.C. 2923.02.

* Category 2 Offenses (R.C. 2152.02) are: Voluntary Manslaughter, R.C. 2903.03; Kidnapping, R.C. 2905.01; Rape, R.C. 2907.02; Aggravated Arson, R.C. 2909.02; Aggravated Robbery, R.C. 2911.01; Aggravated Burglary, R.C. 2911.11; and Involuntary Manslaughter, R.C. 2903.04, as F-1.

Offense of Violence: Offenses of violence are listed in R.C. 2901.01(A)(9).

Mandatory Transfer (MT)

A Mandatory Transfers (MT) is based on the age of the child at the time of the offense and whether the offense was a Category 1 or 2 offense. Additional factors of prior commitment to the Ohio Department of Youth Services for Category 1 or 2 offenses and firearms that come into play based on the age of the child. [R.C. 2152.10.]

Discretionary Transfer (DT)

If the child is not subject to MT, a Discretionary Transfer (DT) is based on if the child is 14 or older at the time of the offense, the level of felony, and additional enhancement factors.

Courts shall follow R.C. 2152.12 procedures: investigate and weigh specific factors for and against discretionary transfer and state on the record the factors considered and weighed.

Serious Youthful Offender (SYO)

A Serious Youthful Offender (SYO) sentence entails both a traditional juvenile disposition and an adult sentence, which is stayed pending successful completion of the traditional juvenile disposition. Only certain juveniles are eligible for such a “blended” sentence. SYO status can be either mandatory or discretionary, depending on the offense charged, the child’s age at time of offense, and any applicable enhancement.

Enhanced Acts

R.C. 2152.10 lists factors considered when determining whether a juvenile alleged to be delinquent is subject to mandatory or discretionary transfer to adult court.

R.C. 2152.11(A) describes additional factors, distinct from the R.C. 2152.10 factors, that enhance a delinquent act and subject the juvenile to a more restrictive disposition.
Those factors are:

- (A)(1) Offense of violence;
- (A)(2) Firearms;
- (A)(3) Prior commitment to the Department of Youth Services for aggravated murder, murder, a felony of the first or second degree if committed by an adult, or an act that would have been a felony of the third degree and an offense of violence if committed by an adult.

Sentencing for Mandatory or Discretionary Serious Youthful Offenders, or Traditional Juvenile Dispositions (R.C. 2152.13)

If the juvenile is subject to a MSYO sentence, the court must impose the adult term, except for sentences of death and life without parole; impose one or more traditional juvenile dispositions; and stay the adult sentence pending completion of the traditional juvenile dispositions. [R.C. 2152.13(D)(1)]

If the juvenile is subject to a DSYO sentence, the court may impose the adult term if it finds, given the nature and circumstances of the act and the child’s history, that the time, security level, and resources available in the juvenile system alone are not adequate to give a reasonable expectation that the overriding purposes will be met [R.C. 2152.13(E)(2)]. The court must impose the adult term, except for sentences of death and life without parole; impose one or more traditional juvenile dispositions; and stay the adult sentence pending completion of the traditional juvenile dispositions. [R.C. 2152.13(D)(2)(a)]

If a TJ, the court may impose one or more traditional juvenile dispositions. [R.C. 2152.13(D)(2)(b)]

For more in depth guidance, please see the Supreme Court of Ohio’s Juvenile Justice Bench Card: Youth in Adult Court, and the Ohio Sentencing Commisison’s Felony Sentencing Bench Card.

Terms for Commitment to Department of Youth Services [R.C. 2152.16]

Offense	Minimum Terms	Maximum Term
Felony 3, 4, and 5 or underage purchase of firearm	6 months	Age 21
Felony 2	1 year	Age 21
Felony 1 (category 2) except certain statutory rapes, felonious sexual penetration, and aggravated burglary	1 to 3 years	Age 21
Felony 1 (non-category)	1 year	Age 21
Attempted aggravated murder/attempted murder	6 to 7 years	Age 21
Aggravated murder/attempted murder	No minimum	Age 21

Additional Time for Certain Specifications [R.C. 2152.17]

The journal entry should be as specific as possible regarding these specifications to ensure that the Department of Youth Services understands how the sentence should run. Specifications can be served consecutive to and prior to underlying offense, and the entry may specify the order in which they are to be served. For example, (A) or (B) time should be served prior to (C). Finally, multiple specifications may not exceed 5 years.

Specification Type	Base	Years for Specification	Maximum Commitment
Had firearm during offense	Discretionary	Additional 0 to 1 year	Age 21
Body armor used	Discretionary	Additional 0 to 2 years	Age 21
Had and displayed, used, brandished, or indicated possession of a firearm	Mandatory	Additional 1 to 3 years	Age 21
Had automatic or silenced firearm	Mandatory	Additional 1 to 5 years	Age 21
Drive by shooting	Mandatory	Additional 1 to 5 years	Age 21
Gang involvement	Mandatory	Additional 1 to 3 years	Age 21
Shot at police/corrections officer	Mandatory	Additional 1 to 5 years	Age 21
Certain aggravated vehicular homicide	Mandatory	Additional 1 to 3 years	Age 21
Accomplice who furnished, used, or disposed of firearm	Same commitment terms as the principal		
Accomplice who did not furnish, use, or dispose of firearm	Discretionary	Additional 0 to 1 year	Age 21

Fine Schedule [R.C. 2152.20, R.C. 2152.21, and R.C. 4513.99]

Offense	Maximum Fine
No seat belt: passenger	$20
No seat belt: driver	$30
Most traffic	$50
Most unclassified/minor misdemeanor	$50
Misdemeanor 4	$100
Misdemeanor 3	$150
Misdemeanor 2	$200
Misdemeanor 1	$250
Unclassified felony	$300
Felony 5	$300
Felony 4	$400
Felony 3	$750
Felony 2	$1,000
Felony 1	$1,500
Aggravated murder or murder	$2,000

Invoking the Adult Sentence (R.C. 2152.14)

The prosecutor can file a motion to invoke the adult portion of the dispositional sentence based on multiple factors. If the prosecutor declines or fails to file a motion to invoke within a reasonable time, the department of youth services or the supervising probation department may also file a motion to invoke.

If the prosecutor declines a request to file a motion that was made by the juvenile court under R.C. 2152.14 (B) or fails to act on a request from the court under that division within a reasonable time, the juvenile court may hold the hearing described in division (D) of this section on its own motion.

The alleged violator has right to: receive notice of grounds; be present; nonwaivable counsel; be advised of procedures; give evidence, including on mental illness or developmental delay; and an open hearing.

If the committing juvenile court considers the motion, it must do so at a hearing.

Juvenile Records for Ohio Department of Rehabilitation and Correction

If available and permitted to be included, these records can accompany a journal entry for a person who was under 18 when the offense was committed. As young people enter the prison system, this information is used by appropriate Ohio Department of Rehabilitation and Correction (DRC) staff to determine programming, education, and mental health treatment. It is recommended to ask the young person and/or their parent or guardian to sign a release of information to transfer this information to DRC and appropriately redact information if necessary.

Records That Can Be Sent to DRC:

- Juvenile court records
- Department of Youth Services records (ex: institutional and/or parole records)
- School records (ex: transcripts)
- IEP/504 Plan/FBA/BIP/Health Plan
- Community support and/or extracurricular activities
- Children services records
- Records from other counties and/or placements where the young person resided/lived (ex: residential placements and/or hospitalizations)
- Parent/legal guardian/custodian and/or foster care information
- Evaluations/assessments
- Medical records (ex: immunizations, traumatic brain injury, and/or seizure information)
- Mental health records
- Detention and/or jail records
- Other documents that provide information about the young person's treatment, medical, and/or mental health needs

Acknowledgments

Many thanks to Judge Thomas Lipps, retired, and Judge Helen Wallace for their invaluable assistance and use of their guides.

OHIO
CRIMINAL SENTENCING COMMISSION

DRAFT

Version 3: Sept. 9, 2025

Juvenile Justice and the Ohio Criminal Sentencing Commission

This resource gives an overview of the legal landscape of juvenile justice in Ohio. Part 1 discusses the differences between adult and juvenile justice system goals. Part 2 outlines the beginnings of the juvenile justice system. Part 3 shows the United States' Supreme court cases involving juvenile justice, while Part 4 covers the Ohio juvenile justice jurisprudence. Part 5 is a timeline for legislative reform. Subsections discuss legislative reform from 1969 to 1995, the creation of the Ohio Criminal Sentencing Commission and Commission process, the 1996 requirement that the Commission draft a comprehensive juvenile plan, and the Juvenile Committee process. Commission recommendations are outlined in Part 6. Subsections a through q break out those recommendations by year. Part 7 addresses the statutory elimination of the Juvenile Committee of the Commission. Part 8 outlines the reestablishment of the Juvenile Committee and gives the Committee's recommendations and work to date. Finally, Part 9 concludes by reiterating the competing goals of juvenile justice and the role of the Commission as a unique and expert sounding board for juvenile justice reform.

Published: ?? 2025

1. Juvenile Justice is Different than Adult Criminal Justice

Children in the Ohio juvenile justice system are treated differently than adults in felony sentencing, known as the Ohio criminal justice system. "The purposes of felony sentencing are to protect the public from future crime by the offender and others, to punish the offender, and to promote the effective rehabilitation of the offender using the minimum sanctions that the court determines accomplish those purposes without imposing an unnecessary burden on state or local government resources." R.C. 2929.11(A) In contrast, the juvenile justice system is founded on the idea that children who commit crimes need rehabilitation in the form of care, education and protection.[1] Ohio juvenile justice focuses on graduated sanctions and services to "provide for the care, protection, and mental and physical development of children; protect the public interest and safety; "hold the offender accountable for the offender's actions; "restore the victim;" and "rehabilitate the offender."[2] Today, juvenile courts use child development, sociology and psychology to help identify needs. Child-serving state and local entities play vital roles in supporting the courts in the care, education and protection of delinquent children, particularly educational, child welfare, and behavioral health systems.

2. Establishment of Juvenile Justice in Ohio: 1900s to 1966

This distinction between children and adults is a relatively new phenomenon. Both nationally and in Ohio, children who committed crimes prior to the early 1900s were tried, convicted, and punished in the adult system. Reformers at the time argued that the adult system was failing children. They wanted the focus to not be on whether the child committed the crime, but on how best to help the child.[3] Juvenile courts emerged out of this desire to shift the focus from punitive to rehabilitative, with the first juvenile court established in 1899 in Cook County, Illinois.

Ohio was an early pioneer in juvenile courts. In 1902, Cleveland Solicitor Newton Baker was appalled by the condition of young offenders in city jails alongside adults. He and Cleveland YMCA secretary Glenn Shurtleff[4] studied the issues, volunteered as probation officers,[5] and established the Cuyahoga County Juvenile Court in 1902 as the second juvenile court in the United States.[6] The court found "employment for neglected juveniles under 16, appointed guardians, operated a boarding home, and established the Cleveland Boys School [in] Hudson (1903). In 1904 the court was given the power to impose fines on adults, and in 1908 contributing adults could be punished by a fine and jail sentence. In 1913 jurisdictional age was raised to 18."[7]

---

1 Yeomans Salvador, *Ohio Juvenile Law,* §1.2, 2, (2022).

2 R.C. 2152.01.

3 Mack, The Juvenile Court, 23 Harv. L. Rev. 104,107(1909).

4 CUYAHOGA COUNTY JUVENILE COURT | Encyclopedia of Cleveland History | Case Western Reserve University

5 Juvenile Division - Cuyahoga County Court of Common Pleas

6 95 Ohio Laws 785 (1902).

7 CUYAHOGA COUNTY JUVENILE COURT | Encyclopedia of Cleveland History | Case Western Reserve University

By 1906, Ohio had a statewide juvenile justice system.[8] The emphasis on rehabilitation meant that juveniles did not have the same procedural rights as adults. Accordingly, the Standard Juvenile Court Act of 1937 put in place standard juvenile court practices that differed from adult criminal practices, including the ability of juvenile courts to proceed without juvenile protections such as the right to counsel,[9] the privilege against self-incrimination, trial by jury or the right to bail.[10]

"The traditional arguments were offered to support these decisions: juvenile proceedings "are civil in nature and not criminal" and are "for the purpose of correction and rehabilitation and not for punishment."[11] "Motivated by a humanitarian impulse, the law prohibits the use of Juvenile Court proceedings, or of proof developed thereon, against a child in any other court to discredit him or to mark him as one possessing a criminal history."[12] "The philosophy … is not to consider the child … a criminal but rather to take him in hand for the purpose of protecting him from evil influences. The state thus becomes the *parens patriae* of the child on the theory that he needs protection, care and training."[13]

3. United States Supreme Court Juvenile Justice Jurisprudence

The Ohio juvenile justice landscape changed in 1966, when for the first time the United States Supreme Court decided a juvenile court case: *Kent v. U.S.*[14] *Kent* requires due process and fair treatment in cases involving the transfer of a child to adult court, a process Ohio now calls "bindover." *In re Gault*, decided a year later in 1967, along with various other United States Supreme Court cases revolutionized procedural aspects of juvenile court proceedings, including the right to counsel,[15] the privilege against self-incrimination,[16] the reasonable doubt standard,[17] double jeopardy,[18] and the unconstitutionality of the death penalty,[19] and mandatory life sentence without parole.[20]

---

8 97 Ohio Laws 561 (1904); 98 Ohio Laws 314 (1906); 99 Ohio Laws 192 (1908).

9 Cope v. Campbell, 175 Ohio St. 47

10 Yeomans Salvador, *Ohio Juvenile Law*, §1.6,18, (2022), citing Cope v. Campbell, 175 Ohio St. 475 (1964), State v. Shardell, 107 Ohio App. 338 (8th Dist. 1958), In re Darnell, 173 Ohio St. 335 (1962), and State v. ex rel Peaks v. Allman, 51 Ohio op. 321 (Ct. App. 2s. Dist. 1952).

11 Yeomans Salvador, *Ohio Juvenile Law*, §1.6, 18, (2022).

12 Yeomans Salvador, *Ohio Juvenile Law*, §1.6, 18, (2022), citing *Malone v. State*, 130 Ohio St. 3d 267 (1936).

13 Yeomans Salvador, *Ohio Juvenile Law*, §1.6, 18, (2022), citing *State v. Shardel*l, 107 Ohio App. 338 (8th Dist. 1958).

14 Yeomans Salvador, *Ohio Juvenile Law*, §1.6, 18, (2022).

15 Yeomans Salvador, *Ohio Juvenile Law*, §1.4, 6, (2022), discussing *In re Gault,* 387 U.S. 1, 13 (1967).

16 *Id.*

17 Yeomans Salvador, *Ohio Juvenile Law*, §1.4, 7, (2022), discussing *In re Winship*, 397 U.S. 1358 (1970).

18 Yeomans Salvador, *Ohio Juvenile Law*, §1.4, 8, (2022), discussing *Breed v. Jones*, 421 U.S. 519 (1975).

19 Yeomans Salvador, *Ohio Juvenile Law*, §1.4, 13, (2022), discussing *Roper v. Simmons*, 543 U.S. 551 (2005).

20 Yeomans Salvador, *Ohio Juvenile Law*, §1.4, 145, (2022) discussing *Miller v. Alabama*, 567 U.S. 460 (2012).

4. Supreme Court of Ohio Juvenile Justice Jurisprudence

Ohio responded to *In re Gault* with a major overhaul of the Juvenile Code in 1969.[21] In 1969, the Supreme Court of Ohio upheld the right to counsel, declined to require trial by jury, and emphasized that the privacy of juvenile proceedings is one of many safeguards created to preserve the reputation of children.[22] Other due process considerations followed. The juvenile's waiver of counsel was discussed in 2007, with specific findings required by the trial court such as the child's age, education, intelligence, background and parental involvement in the case.[23]

The Court has addressed juvenile sex offender registration. In 2012, the Supreme Court of Ohio held that the automatic, mandatory lifetime classification of juvenile sex offenders is unconstitutionally cruel and unusual punishment.[24] Classification after age 21 was struck down,[25] but not the imposition of a registration and notification requirement that continues beyond the jurisdictional age of 21.[26]

The Court has also addressed mandatory and discretionary transfer (bindover). The Court has held that Ohio's mandatory bindover scheme does not violate equal protection or due process,[27] but the state must provide credible evidence of every element of an offense to support a finding that probable cause exists to believe that the juvenile committed the offense before ordering mandatory transfer.[28] Additionally, the Court has held that facts presented to a juvenile court in a discretionary transfer must persuade the court that the juvenile is not amenable to care or rehabilitation in the juvenile system.[29]

The Court has also held that juveniles are entitled to credit against commitment for the entire period of predisposition confinement credit.[30] Finally, the Court held that the Open Court provision of the Ohio Constitution prohibits closing a juvenile delinquency proceeding to the public without making an individualized determination balancing the interests at stake.[31]

Even with various due process considerations, juvenile justice in Ohio is still distinct from the adult system. In 2000, the Ohio Supreme Court wrote that the "juvenile justice system is grounded in the legal doctrine of *parens patriae*, meaning the state has the power to act as a provider of protection to those unable to care

---

21 Yeomans Salvador, *Ohio Juvenile Law*, §1.7, 20, (2022), citing *Willey*, Ohio's Post-Gault Juvenile Court Law, 3 Akron L. Rev. 152 (1970).

22 *In re Agler,* 19 Ohio St.2d 70, 249 N.E.2d 808 (1969).

23 *In re C.S.,* 115 Ohio St.3d 267 (2007).

24 *In re C.P.,* 131 Ohio St.3d 513 (2012).

25 *State ex. rel Jean Baptiste v. Kirsch,* 134 Ohio St.3d 421 (2012).

26 *In re D.S.,* 146 Ohio St.3d 182 (2016).

27 *State v. Aalim,* 150 Ohio St.3d 489 (2017).

28 *State v. Iacona,* 93 Ohio St.3d 83 (2001).

29 *State v. Nicholas,* 171 Ohio St.3d 278 (2022).

30 *In re D.S.,* 148 Ohio St.3d 390 (2016)

31 *State ex rel Cincinnati Enquirer v. Bloom,* 177 Ohio St. 3d 174 (2024)

for themselves."[32] In 2007, the Supreme Court wrote:

Although some suggest that [the due process] changes, and the revisions to the juvenile delinquency laws themselves, indicate a criminalization of juvenile law, we have found, that the General Assembly has adhered to the core tenets of the juvenile system even as it has made substantive changes to the Juvenile Code in a get-tough response to increasing juvenile caseloads, recidivism, and the realization that the harms suffered by victims are not dependent upon the age of the perpetrator …. We, too, abide by the principles that underlie the founding of the juvenile courts, but we do so with pragmatism and an understanding of modern realities."[33] As a consequence, a "balanced approach is necessary to preserve the special nature of the juvenile process while protecting procedural fairness."[34]

5. Ohio Juvenile Justice Legislative Reform

a. 1969 to 1995

The General Assembly has addressed juvenile justice at various times. In 1980, the category of unruly child was adopted: habitual truant, or a child of compulsory school age who is absent without excuse for a specific number of days. A repeat habitual truant was a delinquent child, and subject to the juvenile court. R.C. 2151.011(B)(17) and R.C. 2152.02(F)(4).

Later legislative changes in 1981 resulted in moving the responsibility and funding of programs related to unruly children and those facing what would be misdemeanors from state to local control. "The resources of the state were restricted to delinquent-felons, who were thought to require a more secure setting for treatment and rehabilitation, as well as for the protection of the public."[35]

In response to perceptions of rising juvenile crime, in 1995, the General Assembly reduced the minimum age for transfer to the adult court from fifteen to fourteen, mandated transfer under specific circumstances, and increased the minimum terms of commitment to DYS for specific offenses.[36]

b. Establishment of the Ohio Criminal Sentencing Commission, 1990

The Ohio Criminal Sentencing Commission was established by the 118th General Assembly with the enactment of Senate Bill 258 in 1990. Under R.C. §181.23 through R.C. §181.25, the Commission is charged with recommending and assisting the general assembly with developing, evaluating, implementing, and reviewing existing sentencing guidelines, processes, and procedures to create a sentencing structure and policy for Ohio that is designed to achieve fairness in sentencing and to enhance public safety by attaining certainty in sentencing, deterrence, and a reasonable use of correctional facilities, programs, and services.

Chaired by the Chief Justice of the Supreme Court of Ohio, the Commission is a multi-disciplinary body that brings together experts from and provides resources to all three branches of government. The Commission reviews proposed legislation, conducts research on sentencing structures in Ohio, and drafts biennial reports analyzing the impact of sentencing policies on communities, correctional facilities, and the justice system.

32 Yeomans Salvador, *Ohio Juvenile Law*, §1.6, 19, (2022), citing State v. Hanning, 89 Ohio St. 3d 86, 88 (2000).

33 Yeomans Salvador, *Ohio Juvenile Law*, §1.6, 19-20, (2022), citing In re C.S., 115 Ohio St.3d 267, 276 (2007).

34 Yeomans Salvador, *Ohio Juvenile Law*, §1.6, 20, (2022), citing State v. D.H., 120 Ohio St. 3d 540, 549 (2009).

35 Yeomans Salvador, *Ohio Juvenile Law*, §1.7, 21, (2022).

36 Yeomans Salvador, *Ohio Juvenile Law*, §1.7, 22, (2022), citing 1995 H.B. 1, eff. January 1, 1996.

The Commission is committed to advancing a just and fiscally responsible criminal justice system that meets the needs of Ohioans.

Members are appointed by the Governor and serve without compensation. Prior to focusing on juvenile justice, the Commission submitted reports on felony, misdemeanor, and traffic offender sentencing to the General Assembly.

The Commission Process

Under then Chief Justice Thomas Moyer, the Commission met at least monthly, in person for a full day, often including working dinners. Multiple retreats to state lodges complimented these Columbus meetings. Chief Justice Moyer led the robust discussions as a facilitator, never weighing in on substantive issues but encouraging members to keep disagreement civil and productive.

Both the Commission and staff were committed to transparency and community involvement. Meeting minutes captured discussions almost verbatim to document just how extensively members deliberated on the issues. Staff members drafted statutory language for members to review at nearly every meeting, visited and contacted courts throughout Ohio to gather needed data and information, and drafted numerous reports in response to member questions and concerns.

General Assembly Tasked the Ohio Criminal Sentencing Commission with Comprehensive Plan for Juvenile Justice, 1996

In 1996, the General Assembly, through H. B. 591, expanded the Commission to 31 members and tasked it with the first comprehensive review of Ohio's juvenile justice system since its creation nearly a century before. H.B. 591 created the Commission's Juvenile Committee and requested the Commission:

- Review statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions;
- Review State and local resources;
- Recommend a comprehensive plan that:
  - Assisted in managing resources;
  - Fostered rehabilitation, public safety, sanctions, accountability, and other reasonable goals;
  - Provided greater certainty, proportionality, uniformity, fairness, and simplicity, while retaining reasonable judicial discretion; and
  - Helped restore victims of juvenile offenses.
- Assist the General Assembly in implementing and monitoring these proposals.

Much like the Commission had done in studying and developing a comprehensive plan for adult court, the Commission worked with experts and stakeholders in the juvenile justice system. The General Assembly expanded the membership of the Commission to accommodate the juvenile duties that were being asked of the Commission. The Commission then created subcommittees to examine aspects of the juvenile system, focusing on delinquency, unruly children, juvenile traffic offenders, resources, competency, records and confidentiality, and victim's rights.

Subcommittees

Delinquency Subcommittee

The subcommittee was charged with developing a system of procedures for determining when a child is delinquent and how the delinquent child's case should be terminated. In addition, the committee was charged with creating a system of sanctions and services to redress the wrong done to the victim, the risk of danger borne by the public, and the needs of the delinquent child. The subcommittee proposed a system which provides additional dispositional options for juvenile judges and procedural protections for children accused of high-level "felony" offenses.

Unruly Child Subcommittee

The subcommittee developed a more narrowly tailored definition of "unruly child" that comported with current societal mores and problems, hoping to reduce the vagueness present in unruly cases at the time. The subcommittee also discussed tangential issues, such as updating the parental responsibility statute and utilizing secure detention for some chronic offenders.

Juvenile Traffic Offender Subcommittee

The subcommittee proposed several small changes in current juvenile traffic law. Some of the changes proposed were 1) a juvenile rule change permitting no contest pleas, 2) a juvenile rule addition permitting payment of first-time traffic offenses that do not cause accidents via a juvenile traffic bureau, and 3) the adoption of new adult rules on suspension points and ranges.

Resources Subcommittee

The subcommittee was charged with putting a price tag on the proposed juvenile system. Subcommittee members projected how the new disposition scheme would affect DYS, DRC, and local courts. The subcommittee also worked on projecting how much certain systemic changes, such as a new juvenile competency statute or jury trials for accused Serious Youthful Offenders, would cost.

Competency Subcommittee

This subcommittee developed a competency statute to be used for accused juveniles. The subcommittee worked on the procedure by which a child may be found incompetent, the system within which the child may attain competency (once determined incompetent), and the kinds of incompetence that will be given countenance in juvenile court (e.g., by virtue of mental health, developmental delay, or age).

Records and Confidentiality

This subcommittee attempted to project the impact the delinquency proposal would have on the overarching confidentiality provisions in juvenile court. The committee considered including a refinement of fingerprinting and photographing procedures, a clarification of the expungement/sealing statute, and a determination as to whether certain juvenile offenders' records should be presumptively "open."

Victims' Rights

The subcommittee discussed how to implement Megan's Law (Sex Offender Registration and Notification) into juvenile courts. The General Assembly was in the process of discussing sex offender registration in H.B. 3, so the subcommittee focused on possible amendments or ways to implement H.B. 3 changes.

The Juvenile Committee Process[37]

In developing their recommendations, the Juvenile Committee met for more than forty days over a 30-month period. Chaired by Judge H. J. Bressler, the Committee looked at changes in other states and sought out perspectives of practitioners inside and outside of Ohio. The Committee heard from experts in child development and juvenile competency. Members visited a Department of Youth Services facility in Circleville and discussed offenses, deterrence, and sentencing options with juvenile offenders. The Committee traveled to detention facilities in Hamilton and Butler Counties. The group also visited two alternative schools in Butler County.

While votes on individual details were seldom unanimous, over two-thirds of the Committee supported each major policy decision. Commission staff drafted proposed language for Committee consideration, as well as various reports to inform and guide discussion. The Committee reported out to the Commission throughout the process, with the Commission providing vigorous discussion and guidance to the Committee.

---

37 Ohio Criminal Sentencing Commission, *A Proposed Plan for Juvenile Sentencing*, 13 (Fall, 1999), https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/sentencingRecs/juvenile_senttencing.pdf (accessed July 16, 2025).

6. Commission Recommendations

a. A Plan for Juvenile Sentencing (S.B. 179, 123rd General Assembly, 1999)

In 1998, the General Assembly, through HB 484, extended the deadline for the Commission to submit a comprehensive plan to October 1, 1999. Accordingly, in the Fall of 1999, the Commission approved the comprehensive plan titled *A Proposed Plan for Juvenile Sentencing*.[38] The Plan proposed to drop the minimum age for DYS commitment from 12 to 10, added jury trial rights, created a juvenile traffic bureau, created a mechanism for competency in juvenile court, standardized community sanctions, allowed for community notice of sex offender registration when appropriate, provided for a new chapter to capture unruly children who disobey court orders, provided enhanced parental responsibility for contributing to juvenile delinquency or unruliness, and provided estimates for both fiscal and population impacts of the proposed changes. The Plan would reduce the number of mandatory bindovers to the adult court but introduced three new ideas to Ohio law: blended ("Serious Youthful Offenders") sentences; extended jurisdiction; and discretionary bindover.[39]

In 1999, the 123rd General Assembly passed S.B. 179, incorporating most of A Plan for Juvenile Sentencing. S.B. 179's effective date was delayed from its passage in 1999 to take effect on January 1, 2002. The reason for the delay was to allow time for training.40 S.B. 179 moved bindovers, dispositions for juvenile delinquency (both felonies and misdemeanors) and juvenile traffic offenses to a new chapter of the revised code, Chapter 2152. It increased options available to juvenile courts in delinquency cases. Abuse, neglect, dependency, and unruly cases remained under Chapter 2151.

The Commission created the S.B. 179 Outline[41] to educate practitioners on the new R.C. 2152 and the various changes to the juvenile justice system. The Commission, through its staff, also conducted training, and spoke at conferences about the changes to the juvenile system. S.B. 179 Quick Reference Guide[42] was also created to condense the changes into a 2-page document.

---

38 Ohio Criminal Sentencing Commission, *A Proposed Plan for Juvenile Sentencing* (Fall, 1999), https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/sentencingRecs/juvenile_senttencing.pdf (accessed July 16, 2025).

39 Ohio Criminal Sentencing Commission, *A Proposed Plan for Juvenile Sentencing, 14-17* (Fall, 1999), https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/sentencingRecs/juvenile_senttencing.pdf (accessed July 16, 2025).

40 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2, (December 14, 2000), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/summaries/SB179_Manual _Outline.pdf.

41 Ohio Criminal Sentencing Commission S.B. 179 Outline (June 2001), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/summaries/SB179_OutlineManual _Outline.pdf. https://www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/sentencingRecs/juvenile_senttencing.pdf (accessed July 16, 2025).

42 Ohio Criminal Sentencing Commission, *S.B. 179 Quick Reference Guide* (June, 2001), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/summaries/SB179_Quick_Referecne_Guide.pdf.

b. Clean-up of Comprehensive Plan (H.B. 393, 124th General Assembly, 2002)

The Commission worked with the General Assembly to draft H.B. 393, clean-up legislation to address mechanical issues identified in S.B. 179. The 124th General Assembly passed Sub. H.B. 393 in March of 2002. Issues included serious youthful offender sentencing, juvenile sex offender registration, body armor specifications, records and confidentiality, unruly children, and DYS release authority.[43]

c. 15-Month Review of Comprehensive Plan (No Bill, 2003)

In 2003, the Commission did a 15-month look back on S.B. 179 to determine whether legislative fixes, or judicial training were needed.[44]

d. Serious Youthful Offenders and Juvenile Traffic Offenders Review (No Bill. 2004)

In 2004, the Commission had in depth discussions regarding a serious youthful offender report by Delaware County Juvenile Judge Hejmanowski[45]. Also in 2004, the Commission discussed juvenile traffic offender issues.[46]

e. Juvenile Sexual Offenders (No Bill, 2006)

In 2006, the Commission studied juvenile sexual offender issues in the context of federal statutory changes.[47]

f. Juvenile Sexual Offenders, Serious Youthful Offenders, Competency and Bindovers (No Bill, 2007)

In 2007, the Commission studied issues related to bindovers,[48] serious youthful offenders,[49] juvenile competency[50] and juvenile sexual offenders.[51]

---

43 *HB 393 (Juvenile Sentencing Refinements)* (no date) https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/summaries/hb393_summary.pdf.

44 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Agenda,1, (March 20, 2003).

45 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Agenda, 1, (May 20, 2004).

46 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 6, (March 20, 2003), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2003/03202003.pdf.

47 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 4, (June 15, 2006), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2006/061506.pdf.

48 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 8, (February 15, 2007), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2007/021507.pdf.

49 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 4, (January 18, 2007), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2007/010807.pdf.

50 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 8, (February 15, 2007), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2007/021507.pdf.

51 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 9, (June 14, 2007), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2007/061407.pdf.

g. Juvenile Sexual Offenders and Juvenile Restitution (No Bill, 2008)

In 2008, the Commission studied juvenile sexual offenders[52] and juvenile restitution issues.[53]

h. Juvenile Sexual Offenders, Sexting and Texting while driving (No Bill, 2009)

In 2009, the Commission studied juvenile sexting[54] and juvenile texting while driving.[55]

i. Bindover, Deterrence, RECLAIM in the adult system, and Possibility of Eliminating the Juvenile Committee (No Bill, 2010)

In 2010, the Commission learned of new national research around the lack of deterrence that the possibility of bindover made to the juvenile offender.[56] Using the judicial RECLAIM model in the adult system was also discussed at some length.[57] RECLAIM is "a funding initiative which encourages juvenile courts to develop or purchase a range of community-based options to meet the needs of each juvenile offender or youth at risk of offending. By diverting youth from Ohio Department of Youth Services (DYS) institutions, courts have the opportunity to increase the funds available locally through RECLAIM."[58]

j. Probation Training for Juvenile Restitution, Juvenile Sexual Offender and Juvenile Competency (2012, H.B. 86, 129th General Assembly, 2012)

In 2012, the Commission discussed the need for changes to probation officer training regarding restitution in juvenile cases.[59] In addition, juvenile sexual offender registration was discussed, since a recent case by the Ohio Supreme Court struck down the lifetime registration for juvenile Tier III offenders as cruel and unusual punishment and a violation of due process.[60] Finally, H.B. 86 included language around juvenile competency issues the Commission recommended in 2000.[61]

52 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (July 17, 2008), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2008/071708.pdf.

53 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 11, (November 19, 2009), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2009/111909.pdf.

54 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2-3, (April 16, 2009), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2009/041609.pdf.

55 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2, (April 16, 2009), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2009/041609.pdf.

56 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 6-8, (July 15, 2010), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2010/071510.pdf.

57 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 9-10, (September 16, 2010), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2010/091610.pdf.

58 https://dys.ohio.gov/courts-and-community/reclaim

59 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 7-8, (March 15, 2012), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2012/031512.pdf.

60 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2, (April 12, 2012), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2012/041212.pdf.

61 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 6, (January 19, 2012), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2012/011912.pdf.

k. H.B. 86's Interagency Task Force on Mental Health and Juvenile Justice findings; RECLAIM in the adult system (No Bill, 2013)

DYS led a discussion about DYS conditions and H.B. 86's Interagency Task Force on Mental Health and Juvenile Justice findings and resulting changes in the DYS system.[62] ODRC led a discussion about a pilot program using the judicial RECLAIM model in the adult system.[63]

l. Proposal to transform the Commission into the Ohio Criminal Justice Commission; Appellate review of juvenile life sentences (No Bill, 2014)

In 2014, Chief Justice Maureen O'Connor announced a proposal for expanding the focus of the Commission into a more comprehensive entity to help all the state's justice system partners to combat crime in an interrelated and multi-dimensional way, including juvenile justice. This would involve replacing the current Sentencing Commission with a new Ohio Criminal Justice Commission in its place.[64] In addition, the Appellate Review Workgroup recommended that a 20-year review would be available for juvenile offenders who were given life by an adult court.[65]

m. Juvenile Costs and Fees, DYS Presentation, and Mandatory Life Without Parole (No Bill, 2015)

In 2015, the Commission approved the following as Commission priorities: juvenile extended sentence review, mandatory shackling of juvenile offenders, mandatory and discretionary transfer (bindover), mandatory sentences in the juvenile justice system, juvenile court costs and fines, and juvenile confinement credit.[66]

The Commission approved draft statutory changes to R.C. 2152.20, making changes regarding juvenile costs and fees.[67]

The Commission also approved a statutory revision to R.C. 2152.18 regarding confinement credit for juvenile offenders.[68] Proposed changes to R.C. 2152.18 eliminated language that would not apply in the juvenile system, gave credit for any time a juvenile is confined, and allowed the juvenile court to have continuing jurisdiction to consider confinement credit disputes.[69]
The bill was introduced as S.B. 63 in the 132nd General Assembly in 2017 and was referred to the Judiciary Committee. However, there was no further activity on the bill.

62 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2-7, (January 17, 2013), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2013/011713.pdf.

63 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2-3, (November 21, 2013), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2013/112013.pdf.

64 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3-5, (February 20, 2014), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2014/022014.pdf.

65 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 8, (October 23, 2014), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2014/102314.pdf.

66 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 9-10, (March 19, 2015), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2015/031915.pdf.

67 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (August 20, 2015), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2015/082015.pdf.

68 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2-3, (November 19, 2015), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2015/111915.pdf.

69 Juvenile Confinement Credit Memo, Summary of Confinement Credit Proposal (FINAL), 2015 Year in Review.

The Commission approved juvenile life without parole proposed language[70] and worked with the General Assembly.[71] As a result, S.B. 272 was introduced to the General Assembly in 2016 and referred to the Judiciary Committee. However, there was no further activity on the bill. Similarly, H.B. 521 of the 131st General Assembly was passed by the House yet had no further activity. Finally, similar language was included with Substitute S.B. 256 passed in 2021 by the 133rd General Assembly.

The Commission also heard from DYS about offense admission data, serious youth offenders, mandatory sentencing, early releases, recidivism, and reentry.[72]

Senator Bill Seitz sent an inquiry to the Commission regarding California law S.B. 260, which addresses life without parole for juvenile offenders, and asked whether Ohio should consider something similar. After extensive discussion, the Commission decided to tell Senator Seitz that it had no objection to considering the type of proposal utilized in California for juvenile offenders with sentences of life without parole.[73]

Finally, the Commission made further revisions to R.C. 2152.20 regarding restitution in juvenile cases.[74]

n. Bindover (No Bill, 2016)

In 2016, the Commission also reviewed R.C. 2152.10 and 2152.12 to identify ways to improve the current system of juvenile transfer (bindover) to adult court.[75] The proposed statutory changes approved by the Commission[76] would eliminate the mandatory transfer of juveniles to adult court for crimes, making all transfer decisions discretionary with the trial court, and combine the factors considered by a judge in determining whether or not to transfer a juvenile to adult court to ensure that decisions are made based upon the offender's conduct and condition and not a simple weighing of factors. This was introduced in S.B. 64 of the 132nd General Assembly and referred to the Judiciary Committee. Similarly, H.B. 394 of the 132nd General Assembly was introduced and referred to the House Criminal Justice Committee. There was no further activity with either bill.

In addition, the Committee decided not to pursue revisions to Juvenile Sexual Offender laws,[77] but focus instead on probation, sexting, and sentence (dispositional) structure.[78]

70 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2-3, (November 19, 2015), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2015/111915.pdf.

71 Summary of Juvenile Life without Parole (JLWOP) Proposal

72 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3-7, (January 15, 2015), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2015/011515.pdf.

73 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 7-8, (January 15, 2015), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2015/011515.pdf.

74 Summary of Costs, Fees, and Restitution Proposal

75 Summary of Bindover Proposal, 2016.

76 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 2, (September 22, 2016), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2016/092216.pdf.

77 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 5, (March 15, 2016), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2016/031516.pdf.

78 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (December 15, 2016), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2016/121516.pdf.

o. Juvenile Traffic Offenders 2017 (No Bill, 2017)

In 2017, the Commission approved a revision to RC 2152.19 to clarify that at the time of sentencing, the suspension of a driver's license is discretionary.[79] Representative Rezabek noted he has the language drafted but hasn't yet identified a bill for it.[80] The Commission unanimously voted to advance the recommendation of revision.[81]

p. Juvenile Delinquency (No Bill, 2018)

In 2018, the Committee discussed the best approach to systemic juvenile probation reform and the collection/analysis of juvenile justice data.[82] Additionally, the Committee voted to seek funding for a proposed study of juvenile sentencing practices in Ohio. A small workgroup was formed to look for revenue streams to cover the cost of the study, estimated to be approximately $60,000.[83]

q. School Safety Funding (No Bill, 2019)

In 2019, the Commission approved a policy statement on school safety initiative funding as advisory since a quorum was not present.[84]

7. Juvenile Committee Eliminated from Enabling Statute R.C. 181.21(D) and 181.26

In 2020, S.B.331 of the 133rd General Assembly was the culmination of the work of the General Assembly's Sunset Review Committee. S.B. 331 repealed both R.C. 181.21(D) and R.C. 181.26 from the Ohio Revised Code. These code sections statutorily mandated a standing Juvenile Justice Committee within the Ohio Criminal Sentencing Commission and delineated the Juvenile Justice Committee's duties and responsibilities.

The amendment to S.B. 331 that eliminated the Juvenile Justice Committee was first introduced during the lame duck session of the 133rd General Assembly. The bill was first introduced on 6/24/2020, passed in the Senate on 12/2/2020, passed in the House on 12/17/2020, and the Senate concurred with the House amendment on 12/18/2020. The amendment was introduced by the House State and Local Government Committee on 12/8/2020, a mere ten days before the bill was formally passed. Former Director Sara Andrews completed a Sunset Review Committee Questionnaire and offered testimony in support of her response contained in that questionnaire. The elimination of the Juvenile Justice Committee is not mentioned or discussed in either the questionnaire or in the written testimony document. Aside from one Ohio Legislative Service Commission summary document, there was no public mention or discussion of the elimination of the Juvenile Justice Committee in the General Assembly record.

---

79 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (September 21, 2017), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2017/092117.pdf.

80 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (September 21, 2017), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2017/092117.pdf.

81 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (September 21, 2017), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2017/092117.pdf.

82 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 4, (March 15, 2018), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2018/031518.pdf.

83 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 1, (September 27, 2018), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2018/092718.pdf

84 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (March 3, 2019), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2019/032119.pdf.

The only public mention or discussion of the elimination of the Juvenile Justice Committee at an Ohio Criminal Sentencing Commission meeting was on 12/17/2020, the same day the bill passed in the House.

8. Juvenile Committee Reestablished

After a few years absence, the Juvenile Committee was reconstructed and began meeting in 2023. Chaired initially by Judge Hellen Wallace of the Montgomery Country Juvenile Court and currently by Judge Robert DeLamatre of Erie County Juvenile Court, the Committee worked with the 135th General Assembly to reintroduce the juvenile language into the Commission enabling statutes, R.C. 181.21 and 181.26 in 2024 with H.B. 310 of the 135th General Assembly.

To date, the Committee has discussed potential priorities, confinement credit issues, youth transfer to adult prison (bindover), juvenile data, and judicial resource needs. The Committee has given feedback to the General Assembly on proposed bills involving juvenile justice matters, i.e. Representative Williams bill H.B. 314, 135th General Assembly, regarding transfer to adult court (bindover).[85] The Committee and Commission have also approved an unconstitutional code memo regarding R.C. 2152.86 which was sent to the General Assembly in 2024.86 Finally, the 2025 Monitoring Sentencing Reform Report now includes juvenile justice data.[87]

Current work includes drafting judicial resources for dispositions, including DYS term commitments, fines, nonlegal records for bindovers, and a section aiding judges determining between traditional juvenile dispositions, transfers and serious youthful offenders. A ten-year review of juvenile appellate cases is also under consideration, as is this juvenile history.

9. Conclusion

Juvenile justice is a balancing act between often competing goals of providing for the care, protection, and mental and physical development of children; protecting the public interest and safety; “holding the offender accountable for the offender’s actions; “restoring the victim;” and “rehabilitating the offender.”[88] The Commission’s breadth of expertise and commitment to the deliberative process is an exceptional asset in Ohio. The Commission serves in a unique position between the three branches of government, legislative, judicial and executive, providing research, data, and expertise in crafting judicial justice matters to the betterment of all Ohioans.

85 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (February 15, 2024), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2024/021524.pdf.

86 Ohio Criminal Sentencing Commission, Ohio Criminal Sentencing Commission Minutes, 3, (May 16, 2024), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/minutes/2024/051624.pdf.

87 Ohio Criminal Sentencing Commission,2025 Monitoring Sentencing Reform Report (2025), https:www.supremecourt.ohio.gov/docs/Boards/Sentencing/resources/HB1/MonitoringSentencingReform_2025.pdf

88 R.C. 2152.01.

LEGISLATIVE UPDATE

September 2025

OHIO
CRIMINAL SENTENCING COMMISSION

Ohio Criminal Sentencing Commission

Chief Justice Sharon L. Kennedy, Supreme Court of Ohio, Chair
Darren Shulman, City Attorney, City of Upper Arlington, Vice Chair
Director Amy Ast, Ohio Department of Youth Services
Brooke M. Burns, Office of the Ohio Public Defender, Youth Defense Department
Director Annette Chambers-Smith, Ohio Department of Rehabilitation and Correction
Charles Chandler, Fredericktown Police Department
Judge Robert DeLamatre, Erie County Common Pleas Court, Juvenile Division
Judge Julia L. Dorrian, Ohio 10th District Court of Appeals
Lieutenant Kyle Erdeljac, Columbus Division of Police
Judge Timothy France, Coshocton Municipal Court
Sheriff John Hinton, Morrow County Sheriff's Office
Gwen Howe-Gebers, Henry County Prosecuting Attorney, Juvenile
Representative Latyna Humphrey, Ohio House of Representatives
Senator Catherine Ingram, Ohio Senate
Judge Kristen Johnson, Hancock County Common Pleas Court, Probate and Juvenile Divisions
Colonel Charles A. Jones, Superintendent, Ohio State Highway Patrol
Teri LaJeunesse, Victim Witness Division Director, Greene County Prosecutor's Office
Timothy Lanzendorfer, Attorney at Law, Ohio State Bar Association
Senator Nathan Manning, Ohio Senate
Charles T. "Chip" McConville, Knox County Prosecuting Attorney
Judge Stephen McIntosh, Franklin County Common Pleas Court
Elizabeth Miller, State Public Defender, Office of the Ohio Public Defender
Judge Jennifer Muench-McElfresh, Butler County Common Pleas Court
Judge Kyle Rohrer, Delaware Municipal Court
Judge Nick Selvaggio, Champaign County Common Pleas Court
Judge Helen Wallace, Montgomery County Common Pleas Court, Juvenile Division
Representative Josh Williams, Ohio House of Representatives
Commissioner Donnie Willis, Jackson County Commissioner
Judge Tyrone Yates, Hamilton County Municipal Court

Staff

Melissa A. Knopp, Esq., Executive Director
Michael Crofford, **M.Ed., LPC,** Research Specialist
William J. Davies, **Esq.**, Criminal Justice Counsel
Angela Kay Garvey, Coordinator
Emily S. Haynes, Esq., M.L.S., Criminal Justice Counsel
Todd Ives, MPA, Research Specialist
Alex T. Jones, Esq. (Lead Author), Criminal Justice Counsel

OHIO
CRIMINAL SENTENCING COMMISSION

Legislative Update

September 2025

Consistent with R.C. 181.23 through 181.26, the Ohio Criminal Sentencing Commission ("Commission") staff regularly monitors, analyzes, and summarizes all bills that are introduced in the General Assembly that provide for new criminal offenses, change the penalty of any criminal offense, impact the sentencing or juvenile disposition structure in Ohio, and impact the number and type of offenders who are imprisoned or committed to the custody of the Department of Youth Services. Additionally, the Commission staff monitors, analyzes, and summarizes all bills that impact the provisions outlined in R.C. 181.27.

UPCOMING LEGISLATIVE SESSIONS:

House: Sept. 30th (if needed), Oct. 1st, Oct. 8th, Oct. 15th, Oct. 22nd, Oct. 29th

Senate: Sept. 30th (if needed), Oct. 1st, Oct. 8th, Oct. 15th, Oct. 22nd, Oct. 29th

Table of Contents

136th General Assembly

- Enacted House and Senate Bills -

House Bill 96 (Stewart)
Make state operating appropriations for FY 2026-27 (State Budget Bill)
Status: Enacted

House Bill 96 (HB 96), the state's FY 2026-27 operating budget, was signed by Governor DeWine on June 30th, 2025. While Governor DeWine did issue 67 line-item vetoes, the following provisions related to the Commission's statutory duties remained and are effective immediately.

R.C. 2917.211 Dissemination of image of another person – HB 96 creates the new offenses of Nonconsensual Dissemination of Fabricated Sexual Images and Nonconsensual Creation of Fabricated Sexual Images, both felonies of the fourth degree. Offenders with prior convictions under this section are subject to the felony of the third-degree penalty level.

R.C. 2921.13 Falsification – HB 96 adds statements "made to the department of children and youth in connection with the Ohio adoption grant program for the purpose of qualifying for or obtaining an adoption grant" to the list of false statements that, when made, constitute the offense of falsification.

R.C. 2921.36 Illegal conveyance – HB 96 adds a new provision specifying that the offense of illegal conveyance is a felony of the third degree if the offender is an officer or employee of the department of rehabilitation and correction or the department of youth services or a contractor or employee of a contractor providing services to either of those departments

R.C. 2151.356 Sealing of juvenile court records – HB 96 adds language requiring courts to find that the harm to the person in having the records pertaining to their case disclosed is not outweighed by the potential benefits to the public in having access to those records prior to issuing an order sealing juvenile records.

136th General Assembly

The bills outlined below are listed in the order of their introduction and summarized as introduced. Bills that provide for new criminal offenses, change the penalty for existing criminal offenses, or impact sentencing are listed first, followed by an "Other Bills of Interest" section.

- Recently Introduced House and Senate Bills –

House Bill 417 (Plummer, Young)
Regards animal abuse offenses and penalties
Status: In House Public Safety Committee
Proponents: Testimony not yet provided
Opponents: Testimony not yet provided

House Bill 417 (HB 417) was introduced on August 19, 2025. The bill creates new R.C. 955.55, which prohibits offenders convicted of any felony animal abuse offense from subsequently owning, possessing, having custody of, or residing in a residence with any dog. New R.C. 955.55 also prohibits offenders convicted of any misdemeanor animal abuse offense from owning, possessing, having custody of, or residing in a residence with any dog for a period of two years after their release from incarceration or, if the person is not incarcerated, from the date that the person was convicted or plead guilty. Offenders who violate either of these new prohibitions are guilty of a misdemeanor of the first degree.

The bill also creates a new R.C. 959.131 section prohibiting persons from knowingly treating a companion animal corpse in a way that would outrage reasonable community sensibilities. This new offense is a misdemeanor of the first degree on a first offense and a felony of the fifth degree on a second of subsequent offense. Additionally, offenders convicted of this new offense are required to undergo psychological evaluations or counseling in addition to any other criminal penalty.

House Bill 425 (Hoops)
Prohibit trespass and unauthorized recording by drones
Status: In House Transportation Committee
Proponents: Testimony not yet provided
Opponents: Testimony not yet provided

House Bill 425 (HB 425) was introduced on August 28, 2025. The bill creates 6 new R.C. 4561.54 offenses related to the operation of unmanned aerial vehicle systems. Each new offense is a misdemeanor of the fourth degree.

New R.C. 4561.54:

(A) No person, without privilege to do so, shall knowingly operate an unmanned aerial vehicle system in the air space above the land or premises of another.

(B) No person, without privilege to do so, shall recklessly operate an unmanned aerial vehicle system in the air space above the land or premises of another when a notice against unauthorized access to such land or premises is given through one of the following:

(1) Actual communication to the person;

(2) A notice that is posted in a manner reasonably calculated to come to the attention of potential intruders;

(3) By fencing or another form of enclosure manifestly designed to restrict access.

(C) No person, without privilege to do so, shall negligently continue to operate an unmanned aerial vehicle system in the air space above the land or premises of another after being given a direct notification to leave that air space by the owner or occupant of the property.

(D) No person, without privilege to do so, shall knowingly use an unmanned aerial vehicle system to videotape, film, photograph, broadcast, stream, capture audio, or otherwise record another person, in a place where that person has a reasonable expectation of privacy.

(E) No person, without privilege to do so, shall knowingly use an unmanned aerial vehicle system to videotape, film, photograph, broadcast, stream, capture audio, or otherwise record another person's private property, including any animals or objects on another person's private property.

(F) No person, without privilege to do so, shall knowingly use an unmanned aerial vehicle system to deploy any substance, material, projectile, or object.

House Bill 457 (Daniels, Williams)
Regards penalties for politically motivated criminal offenses
Status: Introduced
Proponents: Testimony not yet provided
Opponents: Testimony not yet provided

House Bill 457 (HB 457) was introduced on September 17, 2025. The bill creates a new R.C. 2941.1428 specification applicable to felony offenses of violence that are politically motivated. The new specification provides for the imposition of varying degrees of mandatory prison terms pursuant to new R.C. 2929.14(B)(2). This new mandatory prison term shall be the maximum prison term allowed for the underlying offense and an additional mandatory prison term of ten years.

The bill also modifies R.C. 2903.01 Aggravated Murder by prohibiting persons from purposely causing the death of an elected official (new R.C. 2903.01(G)) or by purposely causing the death of another person if the offender's motivation for the killing is based on political affiliation, association, belief, or ideology, whether or not the offender was mistaken as to that motivation (new R.C. 2903.01(H)).

House Bill 459 (Gross, Williams)
Enact Katelyn's Law
Status: Introduced
Proponents: Testimony not yet provided
Opponents: Testimony not yet provided

House Bill 459 (HB 459) was introduced on September 17, 2025. The bill creates the new R.C. 2941.1427 specification providing for a mandatory 5-year prison term or, if the offender is a juvenile, a mandatory commitment to the custody of the department of youth services for not less than one and not more than three years. This new specification applies to offenders that move or removed human remains to prevent the discovery of an unlawful act, the discovery of the death, the discovery of the cause of death, or the discovery of the human remains.

The bill also creates the new R.C. 29221.322 offense of Moving or Removing Human Remains, a felony of the third degree with a presumption of prison. This new offense prohibits any person, unless otherwise authorized by law, from purposely moving or removing human remains for any of the following purposes: 1) to prevent the discover of an unlawful act; 2) to prevent the discovery of the death; 3) to prevent the discovery of the cause of death; or 4) to prevent the discovery of the human remains.

Senate Bill 242 (Johnson)
Regards the sale of used catalytic converters
Status: Introduced
Proponents: Testimony not yet provided
Opponents: Testimony not yet provided

Senate Bill 242 (SB 242) was introduced on July 30, 2025. The bill creates the R.C. 2913.02 new offense of Theft of a Catalytic Converter, a felony of the fifth degree. For offenders with previous convictions for violations of Chapter 2911. or Chapter 2913., Theft of a Catalytic Converter is a felony of the fourth degree. The bill also creates the R.C. 2913.51 new offense of Receiving a Stolen Catalytic Converter, also a felony of the fifth degree. Again, for offenders with prior convictions for violations of Chapter 2911. or Chapter 2913., Receiving a Stolen Catalytic Converter is a felony of the fourth degree.

- Pending House Bills -

House Bill 5 (Williams, Willis)
Enact the Repeat Offender Act
Status: Passed House; In Senate Judiciary Committee
Proponents: Buckeye Firearms Association, Attorney General Dave Yost
Opponents: Ohio Prosecuting Attorneys Association, Fraternal Order of Police Ohio, Office of the Ohio Public Defender, Ohio Association of Chiefs of Police

House Bill 5 (HB 5) was introduced on January 23rd, 2025. HB 5 modifies the penalties for the R.C. 2923.13 offense of having weapons while under disability. Generally, the bill reduces the offense level from the felony of the third-degree level to the felony of the fourth-degree level; offenders who have prior convictions under this section remain subject to the felony of the third-degree penalty level. Violations of division (A)(2) of this section (offenders indicted for or previously convicted of a felony offense of violence) also remain subject to the felony of the third degree penalty level, with the addition of a presumption in favor of a prison term; division (A)(2) offenders who have prior convictions under this section are subject to the felony of the second degree penalty level.

HB 5 increases the mandatory prison terms for some firearm specifications and creates a new specification and mandatory 5-year prison term for offenders who discharge a firearm while committing an offense.

Additionally, HB 5 creates a new repeat offender classification requiring a mandatory 3-, 4-, or 5-year prison term for offenders classified as repeat offenders. The bill defines a “repeat offender” as an offender who is being sentenced for committing a violation of either having weapons under disability or a felony offense of violence and the present offense involved a firearm AND the offender has previously been convicted of or pleaded guilty to one or more having weapons under disability offense(s) or felony offense(s) of violence and the prior offense(s) involved a firearm.

House Bill 20 (Hall, Plummer)
Prohibit harassing or impeding an emergency service responder
Status: In House Public Safety Committee
Proponents: Fraternal Order of Police of Ohio, Ohio Attorney General, Ohio Professional Fire Fighters Association, Ohio Association of Chiefs of Police, Ohio Prosecuting Attorneys Association, Ohio Fire Chief’s Association
Opponents: ACLU of Ohio

House Bill 20 (HB 20) was introduced on January 27th, 2025. HB 20 creates the new R.C. 2927.31 misdemeanor of the first-degree offense of harassing an emergency service responder. This new offense prohibits an offender from knowingly harassing an emergency service responder who is engaged in the lawful performance of a legal duty when the offender has received a warning from the emergency service responder not to approach and the offender has approached or remained within 14 feet of the emergency service responder after having received the warning. The bill creates two definitions for “harass” under this new section. First, as engaging in a course of conduct that causes substantial emotion distress to, and interferes with, an emergency service responder performing a legal duty and the conduct is directed at an emergency service responder. Second, as interrupting, disrupting, hindering, impeding, or interfering with an emergency service responder's ability to lawfully perform a legal duty.

House Bill 36 (Stewart, Plummer)
Add nitrogen hypoxia as a method of execution
Status: In House Judiciary Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

House Bill 36 (HB 36) was introduced on February 3rd, 2025. Among other related revised code changes, the bill adds nitrogen hypoxia as a method of execution for persons upon whom a death sentence was imposed.

House Bill 47 (Williams, Santucci)
Enact the Human Trafficking Prevention Act
Status: In House Judiciary Committee
Proponents: Ohio Domestic Violence Network, Ohio Right to Life, Collaborative to End Human Trafficking, Akron Children's Hospital, Ohio Attorney General
Opponents: Testimony Not Yet Provided

House Bill 47 (HB 47) was introduced on February 4th, 2025. The bill increases the special victim class for the R.C. 2905.01 offense of kidnapping to include all persons under the age of eighteen. HB 47 also increases the penalty for kidnapping offenses committed under circumstances where the victim was kidnapped for the purpose of engaging in sexual activity or involuntary servitude and specifies that such offenders shall be sentenced to an indefinite prison term consisting of a minimum term of 25 years and a maximum term of life imprisonment. Additionally, the bill increases the penalty for R.C. 2905.02 abduction offenses committed under circumstances where the victim was abducted and held in a condition of involuntary servitude or where the offender committed the offense with sexual motivation and increases the penalties for R.C. 2905.32 trafficking in persons offenses.

House Bill 72 (Schmidt, Mathews)
Prohibit public funding for lethal injection drugs; death penalty
Status: In House Judiciary Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

House Bill 72 (HB 72) was introduced on February 10th, 2025. Among other statutory changes, HB 5 abolishes the death penalty in Ohio and states that no funds of the state or any political subdivision thereof shall be expended for the purpose of executing a death sentence through the use of lethal injection drugs.

House Bill 79 (Roemer, Miller)
Increase penalty for assault if the victim is a sports official
Status: In House Judiciary Committee
Proponents: Ohio High School Athletic Association
Opponents: Ohio Prosecuting Attorneys Association

House Bill 79 (HB 79) was introduced on February 10th, 2025. The bill adds sports officials to the list of special victim classes for assault offenses. To qualify as a special victim, the sports official must be engaged in their official duties at the time of the offense, or the offense must be committed in retaliation for an action taken by the sports official when they were engaged in their official duties. Under the bill, assaults of this type are misdemeanors of the first degree and require courts to impose mandatory fines of $1,500 and 40 hours of community service, in addition to other penalties allowed by law. When the offender has previously been convicted of assault with a qualifying sports official as the victim, the offense is a felony of the fifth degree. The bill also creates statutory definitions for “sports official” and “sports event”.

House Bill 82 (Click, Johnson)
Regards traffic offenses in construction zones
Status: In House Public Safety Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

House Bill 82 (HB 82) was introduced on February 11th, 2025. HB 82 creates new R.C. 4511.993 which requires additional penalties for certain traffic offenses if the offense is committed in a construction zone. Under the bill, for violations of these delineated offenses that occur in a construction zone, offenders are required to complete a driver safety course within 30 days of the conviction. For offenders who, within the previous five years, have been penalized once under this new section, the bill requires a 90-day driver’s license suspension. Offenders with two or more violations in a construction zone within the previous five years are subject to a 1-year driver’s license suspension.

House Bill 84 (Demetriou, Williams)
Enact the Innocence Act
Status: In House Technology and Innovation Committee
Proponents: Catholic Conference of Ohio, Collaborative to End Human Trafficking, Ohio Attorney General, Center for Christian Virtue
Opponents: Testimony Not Yet Provided

House Bill 84 (HB 84) was introduced on February 11th, 2025. The bill creates four new offenses: failure to verify age of person accessing materials that are obscene or harmful to juveniles, use of false identifying information to access materials that are obscene or harmful to juveniles, nonconsensual dissemination of fabricated sexual images, and nonconsensual creation of fabricated sexual images.

House Bill 88 (Abrams, Plummer)
Regards drug trafficking, human trafficking, fentanyl
Status: In House Judiciary Committee
Proponents: Ohio Association of Chiefs of Police, Ohio Prosecuting Attorneys Association, Fraternal Order of Police, Ohio State Highway Patrol, Ohio Task Force Commanders Association, Jack Quehl Foundation
Opponents: ACLU of Ohio, Office of the Ohio Public Defender

House Bill 88 (HB 88) was introduced on February 11th, 2025. HB 88 creates the new R.C. 2905.321 offense of participating in an organization or operation for trafficking in persons, a felony of the first degree. The bill also extensively modifies R.C. 2925.03 (Trafficking, aggravated trafficking in drugs). The bill increases the existing third-degree felony offense level for trafficking in cocaine to the second-degree felony offense level and increases the existing second-degree felony offense level for trafficking in cocaine to the first-degree felony offense level. The bill increases the existing fourth-degree felony offense level for trafficking in heroin to the second-degree felony offense level, increases the existing third-degree felony offense level for trafficking in heroin to the first-degree felony offense level, and increases the existing second-degree felony offense level for trafficking in heroin to the first-degree felony offense level. The bill increases the existing fifth-degree felony offense level trafficking in a fentanyl-related compound to the second-degree felony offense level, increases the existing fourth-degree felony offense level for trafficking in a fentanyl-related compound to the first-degree felony offense level, increases the existing third-degree felony offense level for trafficking in a fentanyl-related compound to the first-degree felony offense level, and increases the existing second-degree felony offense level for trafficking in a fentanyl-related compound to the first-degree felony offense level. The bill creates the new offense of trafficking in methamphetamine. The bill creates a new specification applicable to indictments for R.C. 2903.04 (Involuntary manslaughter) when the victim's death was consistent with opioid overdose or when a fentanyl-related compound was present in the victim's body in lethal amounts, this new specification carries a mandatory 5-year prison term.

House Bill 110 (Thomas, Williams)
Increase the penalty for repeat voyeurism
Status: In House Judiciary Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

House Bill 110 (HB 110) was introduced on February 18th, 2025. HB 110 modifies the R.C. 2907.08 voyeurism penalty structure and states that offenders who have previously been convicted of or pleaded guilty to two or more violations of this section are subject to the felony of the third-degree penalty level on subsequent offenses.

House Bill 111 (Miller, K., Creech)
Impose additional fine for high-speed drivers
Status: In House Public Safety Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

House Bill 111 (HB 111) was introduced on February 18th, 2025. For speeding offenses exceeding 30 miles per hour over the statutory or posted speed limit, HB 111 requires courts to impose a fine that is $200 more than the usual amount imposed for that violation. Under the bill, indigent offenders are excluded from being subject to this new additional $200 fine.

House Bill 132 (Craig, Miller, M.)
Enact Philip Wigal's Law
Status: In House Judiciary Committee
Proponents: Ohio Association of Professional Fire Fighters, County Engineers Association of Ohio, Buckeye State Sheriffs Association, Ohio Association of Chiefs of Police
Opponents: Testimony Not Yet Provided

House Bill 132 (HB 132) was introduced on February 24th, 2025. HB 132 increases the financial penalties for R.C. 4511.213 failing to slow down or change lanes when approaching specified stationary vehicles offenses and increases the financial penalties for both R.C. 2903.06 vehicular homicide and R.C. 2903.08 vehicular assault offenses resulting from the commission of the offense of failing to slow down or change lanes when approaching specified stationary vehicles.

House Bill 168 (Williams, Brennan)
Regards motivation or purpose to commit criminal child enticement
Status: In House Judiciary Committee
Proponents: Ohio Prosecuting Attorneys Association
Opponents: Testimony Not Yet Provided

House Bill 168 (HB 168) was introduced on March 12, 2025. The bill modifies the exiting R.C. 2905.05 offense of criminal child enticement by requiring that the offender act with either sexual motivation or an unlawful purpose.

House Bill 203 (Hall, Williams)
Enact Aspen Runnel's Law
Status: In House Judiciary Committee
Proponents: N/A
Opponents: Testimony Not Yet Provided

House Bill 203 (HB 203) was introduced on March 26, 2025. HB 203 increases the penalties for both vehicular manslaughter and vehicular assault offenses committed within active school zones when the victim is in the active school zone at the time of the offense. For vehicular manslaughter offenses, the penalty level is increased to the felony of the fourth-degree level. For vehicular assault offenses, the penalty level is increased to the felony of the fifth-degree level. HB 203 also enhances the penalty for any traffic offense that is committed while in an active school zone by, generally, doubling the usual fine amount for those offenses.

House Bill 208 (Lorenz)
Enact the Courtroom Employee Protection Act
Status: In House Judiciary Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

House Bill 208 (HB 208) was introduced on March 31, 2025. HB 208 increases the R.C. 2903.13 assault penalty for offenses committed against a victim who is a judge, magistrate, prosecutor, or court official or employee. Under the bill, assault offenses committed against these victims are felonies of the fourth degree and the court may impose a fine of up to $7,500.

House Bill 210 (Roemer, Plummer)
Regards the sale of used catalytic converters
Status: In House Public Safety Committee
Proponents: Ohio Association of Chiefs of Police, Ohio Automobile Dealers Association, National Insurance Crime Bureau, Ohio Wholesale Marketers Association
Opponents: Recycled Materials Association

House Bill 210 (HB 210) was introduced on March 31, 2025. Under the bill, offenders who commit R.C. 2913.02 theft offenses are subject to the felony of the fifth-degree penalty level if the property stolen is a catalytic converter. Additionally, if such offenders have previously been convicted of a violation of R.C. 2911. or 2913., theft of a catalytic converter is a felony of the fourth degree. The bill also creates the new R.C. 2913.51 offense of receiving a stolen catalytic converter, also a felony of the fifth degree. Offenders who are convicted of receiving a stolen catalytic converter are also subject to the felony of the fourth-degree penalty level if they have previously been convicted of a violation of R.C. 2911. or 2913.

House Bill 211 (Humphrey, Williams)
Require consideration of caretaker status in criminal cases
Status: In House Judiciary Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

House Bill 211 (HB 211) was introduced on March 31, 2025. HB 211 requires a presentence investigation report to include information about the offender's status as the primary caretaker of a child when the offender files a motion that includes evidence of their status as the primary caretaker of a child. Under the bill, if that information is contained in a presentence investigation report, courts shall consider the offender's status as the primary caretaker of a child before imposing sentence. Additionally, if a hearing is held pursuant to a motion for Intervention in Lieu of Conviction (ILC), HB 211 allows offenders the opportunity to file a motion with the court that includes evidence that the offender is the primary caretaker of a child and, if the court determines that evidence is accurate, the court shall consider that fact in determining the offender's eligibility for ILC.

House Bill 236 (Williams)
Regards crimes committed while masked or disguised
Status: Introduced
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

House Bill 236 (HB 236) was introduced on April 15, 2025. The bill modifies the R.C. 2917.02 offense of aggravated riot by creating a felony of the fifth-degree offense when the offender participates in an aggravated riot and is wearing a mask or disguise. Additionally, offenders who participate in an aggravated riot with purpose to commit or facilitate an offense of violence while wearing a mask or disguise are subject to the felony of the third-degree penalty level. HB 211 creates the new R.C. 2917.10 offense of masked harassment, a misdemeanor of the first degree. This new offense prohibits a person from purposely harassing, intimidating, abusing, or threatening another person while wearing a mask or other device that hides or conceals the person's face or identity for the purpose of placing another person or group in reasonable fear of physical harm or mental distress. Additionally, the bill creates a new specification of wearing a mask or disguise and requires an additional one-year prison term for offenders convicted of a felony offense and that new specification.

House Bill 249 (King, Williams)
Enact the Indecent Exposure Modernization Act
Status: Introduced
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

House Bill 249 (HB 249) was introduced on April 29, 2025. HB 249 modifies R.C. 2907.09 public indecency by prohibiting persons from recklessly exposing their private area unless the person is a woman who is breastfeeding and the private area that is exposed is the woman's breast. Additionally, the bill creates the new offense of unlawful adult cabaret performance. This new offense prohibits a person, with knowledge of its character or content, from recklessly engaging in an adult cabaret performance in a location other than an adult cabaret. The bill includes a statutory definition for an adult cabaret performance:

> "Adult cabaret performance" means a performance in a location other than an adult cabaret where minors may be present, that is harmful to juveniles or obscene, regardless of whether or not the performance is for consideration, and that features any of the following: (i) Topless dancers; (ii) Go-go dancers; (iii) Exotic dancers; (iv) Strippers; (v) Performers or entertainers who exhibit a gender identity that is different from the performer's or entertainer's biological sex using clothing, makeup, prosthetic or imitation genitals or breasts, or other physical markers; (vi) Other similar performers or entertainers who provide entertainment that appeals to a prurient interest.

House Bill 252 (Click, Bird)
Modify offenses of burglary, breaking and entering, and trespass
Status: In House Judiciary Committee
Proponents: Ohio Prosecuting Attorneys Association
Opponents: Office of the Ohio Public Defender

House Bill 252 (HB 252) was introduced on April 30th, 2025. HB 252 removes the "by force, stealth, or deception" element language from the following offenses: R.C. 2911.11 Aggravated Burglary, R.C. 2911.12 Burglary and Trespass in a Habitation When a Person is Present, and R.C. 2911.13 Breaking and Entering

House Bill 282 (Williams)
Add immigration status as required factor for sentencing, bail
Status: In House Judiciary Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

House Bill 282 (HB 282) was introduced on May 20th, 2025. HB 282 adds the following factor to R.C. 2929.12(B) that courts must consider as indicating that the offender's conduct is more serious than conduct normally constituting the offense: "the offender's immigration status, and whether the offender is unlawfully present in the United States or has a current or previous federal immigration detainer."

Additionally, HB 282 requires courts to consider "the offender's immigration status, and whether the offender is unlawfully present in the United States or has a current or previous federal immigration detainer" when determining the length of the community control sanction or combination of community control sanctions imposed pursuant to R.C. 2929.15

As it relates to misdemeanor sentencing, the bill also modifies R.C. 2929.22 and R.C. 2929.25 and requires courts to consider "the offender's immigration status, and whether the offender is unlawfully present in the United States or has a current or previous federal immigration detainer" when imposing a period of incarceration or community control sanctions or combination of community control sanctions.

House Bill 296 (Miller, M.)
Delay offender financial sanctions until 180 days after release
Status: In House Judiciary Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

House Bill 296 (HB 296) was introduced on May 20th, 2025. HB 296 modifies existing law and prohibits courts from requiring offenders to pay outstanding court-assessed fines, fees, financial sanctions, or costs during either the 180 days following the offender's release from a sentence of imprisonment of one year or more or during the 180 days following the offender's completion of a period of transitional control. The bill states that the 180-day delay does not apply to restitution.

House Bill 305 (Deeter, Williams)
Enact Logan's Law
Status: In House Judiciary Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

House Bill 305 (HB 305) was introduced on May 27th, 2025. HB 305 creates the new R.C. 2925.03 offense of Trafficking in Pressed Pill Fentanyl. The penalty range for this new offense ranges from the felony of the third-degree level to the felony of the first-degree level.

House Bill 343 (Lorenz)
Regards delinquent adjudications for felony theft or vandalism
Status: In House Judiciary Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

House Bill 343 (HB 343) was introduced on June 10th, 2025. HB 343 requires a mandatory period of secure confinement at a department of youth services facility for certain juvenile offenders who are adjudicated delinquent for committing acts that are felony violations of either R.C. 2913.02 Theft or R.C. 2909.05 Vandalism. Juvenile offenders subject to this mandatory period of secure confinement at a department of youth services facility must be at least 14 years of age and have two or more prior adjudications for felony theft or vandalism offenses. The bill specifies the mandatory minimum period of confinement based on the felony offense level of the adjudication.

House Bill 345 (LaRe)
Increase the penalties for voyeurism
Status: In House Judiciary Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

House Bill 345 (HB 345) was introduced on June 10th, 2025. HB 345 increases the penalties for R.C. 2907.08 Voyeurism offenses. The existing misdemeanor of the second-degree offense level is increased to the felony of the fifth-degree level, the existing misdemeanor of the first-degree offense level is increased to the felony of the fifth-degree level, and the existing felony of the fifth-degree offense level is increased to the fourth-degree level. Additionally, the bill specifies that offenders who have prior convictions under this section are subject to the next highest offense level on subsequent convictions.

House Bill 372 (Abrams, Plummer)
Enact the Larry Henderson Act
Status: Introduced
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

House Bill 372 (HB 372) was introduced on June 23rd, 2025. HB 372 modifies existing law and provides that the penalty for aggravated murder is death or life without the possibility of parole if the victim is a peace officer, prosecutor, first responder, or military member. In so doing, the bill modifies R.C. 2903.01 Aggravated Murder by substituting “peace officer” for the existing “law enforcement officer” special victim class and adding “prosecutor” as a special victim.

House Bill 393 (Click, Brewer)
Require certain facilities assist inmates in obtaining ID cards
Status: Introduced
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

House Bill 393 (HB 393) was introduced on July 9th, 2025. HB 393 requires community-based correctional facilities to provide inmates with assistance in obtaining state identification cards prior to their release.

- Pending Senate Bills -

Senate Bill 5 (Brenner, Huffman)
Expedite unauthorized occupant removal; prohibit fraudulent deeds
Status: In Senate Judiciary Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

Senate Bill 5 (SB 5) was introduced on January 22nd, 2025. The bill modifies the R.C. 2909.07 offense of criminal mischief by prohibiting persons from unlawfully detaining, occupying, or trespassing upon a residential dwelling and causing at least one thousand dollars in damage to the dwelling; under the bill, offenders who cause such damage are subject to the felony of the second-degree penalty level. SB 5 also creates the new R.C. 2913.53 offense of title fraud. The new offense of title fraud is a misdemeanor of the first degree if the offender knowingly presents to another person a false document purporting to be a valid lease agreement, deed, or other instrument conveying real property. The new offense is a felony of the first degree if the offender knowingly lists or advertises residential real property that the purported seller has to legal title or authority to sell or knowingly rents or leases residential real property that the purported owner has no lawful ownership in to another person.

Senate Bill 16 (Wilson)
Establish road rules around distressed stationary vehicles
Status: In Senate Transportation Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

Senate Bill 16 (SB 16) was introduced on January 22nd, 2025. SB 16 modifies existing R.C. 4511.213 approaching stationary public safety vehicle displaying emergency light. The bill adds “vehicle in distress” to the list of vehicles that drivers of motor vehicles must proceed with due caution around or changes lanes when passing. SB 16 defines “vehicle in distress” as any disabled vehicle that is indicating its disability pursuant to R.C. 4513.28, as any vehicle near which a fuse, flare, or other emergency sign is displayed, and as any vehicle that is displaying flashing emergency or hazard lights.

Senate Bill 64 (Cutrona)
Increase penalties for companion animal cruelty offenses
Status: In Senate Judiciary Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

Senate Bill 64 (SB 64) was introduced on February 4th, 2025. The bill increases the penalty level for cruelty to companion animal offenses. Generally, existing misdemeanor offenses increase one penalty level (misdemeanor of the second-degree offenses increase to misdemeanor of the first-degree offenses, misdemeanor of the first-degree offenses increase to fifth degree felony offenses). Additionally, existing fifth degree felony offenses increase to third degree felony offenses. For violations of existing R.C. 959.131, SB 64 also requires courts to impose a mandatory prison or jail term that is the maximum term allowed for the degree of the offense.

Senate Bill 97 (Craig, Wilson)
Double fines for failing to yield to a funeral procession
Status: In Senate Transportation Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

Senate Bill 97 (SB 97) was introduced on February 10th, 2025. For violations of existing R.C. 4511.451, SB 97 requires courts to impose a fine of two times the usual amount imposed for failing to yield the right of way to a funeral procession.

Senate Bill 98 (Craig, Weinstein)
Prohibit firearm possession – certain domestic violence offenses
Status: In Senate Judiciary Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

Senate Bill 98 (SB 98) was introduced on February 10th, 2025. SB 98 adds persons charged with or convicted of misdemeanor of the first-degree domestic violence to the list of disabilities under R.C. 2923.13 having weapons while under disability offenses.

Senate Bill 124 (Craig, Patton)
Increase assault penalty if victim is a transit system operator
Status: In Senate Judiciary Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

Senate Bill 124 (SB 124) was introduced on February 25th, 2025. SB 124 adds operators of an Ohio transit system bus or Ohio transit system rail car or a contracted employee providing those services to the list of special victims under R.C. 2903.13 assault. Under the bill, assaults against this special victim class are felonies of the fifth degree for first offenses and felonies of the fourth degree if the offender has committed any prior assault or homicide offense against the new special victim class. The bill also increases the penalty level for evading the payment of the known fares of a public transportation system under existing R.C. 2917.41 from the misdemeanor of the fourth-degree penalty level to the misdemeanor of the second-degree penalty level.

Senate Bill 185 (Blessing)
Revise dog law, including dangerous and vicious dogs
Status: Introduced
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

Senate Bill 185 (SB 185) was introduced on April 29, 2025. SB 185 modifies many aspects of existing dog registration laws and existing laws regarding dangerous or vicious dogs. The bill creates new requirements for owners, keepers, or harborers of vicious or dangerous dogs. Additionally, the bill regulates owners, keepers, or harborers who fail to present a valid dangerous dog registration, fail to obtain a dangerous dog registration, fail to affix a tag identifying the dog as a dangerous or vicious dog, or fail to ensure that the dangerous or vicious dog wears a collar and tag at all times. Owners, keepers, or harborers that fail to comply with any of the delineated requirements are subject to penalties ranging from simple fines to misdemeanor of the third-degree penalties. The bill also creates a new minor misdemeanor prohibition against recklessly owning, keeping, or harboring a dog that is wearing a fictitious, altered, or invalid registration tag.

Senate Bill 188 (Patton)
Regards failure to comply with an order of law enforcement
Status: In Senate Judiciary Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

Senate Bill 188 (SB 188) was introduced on April 29th, 2025. SB 188 modifies the existing R.C. 2921.331 Failure to Comply section by prohibiting persons from taking "a position in a physical location that prevents immediate access by any law enforcement officer and refuse or resist orders to exit the location, or comply with other lawful order or direction, when that person knows or reasonably should know that the law enforcement officer is attempting to apprehend the person in connection to an alleged felony offense or misdemeanor offense of violence." This new offense is, generally, a felony of the third degree. If, in taking "a position in a physical location" as described, the offender creates a risk of serious physical harm to any person, indicates to the law enforcement officer that they have a weapon, or prevents a third party from safely leaving the physical location, the offense is a felony of the second degree.

OHIO
CRIMINAL SENTENCING COMMISSION

- Other Pending Bills of Interest –

House Bill 29 (Humphrey, John)
Regards inmates' access to feminine hygiene products and showers
Status: In House Government Oversight Committee
Proponents: Ohio Justice & Policy Center, Planned Parenthood Advocates of Ohio, Office of the Ohio Public Defender
Opponents: Testimony Not Yet Provided

House Bill 29 (HB 29) was introduced on January 28th, 2025. Among other changes, HB 29 requires county and municipal correctional facilities and state correctional institutions housing female inmates to provide inmates experiencing a menstrual cycle with an adequate supply of feminine hygiene products at no cost to the inmates. Additionally, the bill prohibits those facilities or institutions from denying access to feminine hygiene products and requires those facilities or institutions to provide inmates experiencing menstruation with a minimum of one hot shower per day.

Senate Bill 55 (Manning)
Regards operating under the influence of marihuana, OVI evidence
Status: In Senate Judiciary Committee
Proponents: Ohio Bar Association, Americans for Prosperity - Ohio
Opponents: DUID Victim Voices

Senate Bill 55 (SB 55) was introduced on January 28th, 2025. SB 55 makes numerous revised code changes relating to marijuana concentrations for Operating Vehicle Under the Influence of Alcohol or Drugs (OVI) offenses. The bill removes from the OVI law the sections involving per se violations relating to prohibited measurements of marijuana metabolites and adds an evidentiary standard that may be used by the trier of fact to infer that the operator of a vehicle is under the influence of marijuana.

House Bill 177 (Williams, Tims)
Allow motion for new trial, other relief based on new evidence
Status: In House Judiciary Committee
Proponents: Testimony Not Yet Provided
Opponents: Testimony Not Yet Provided

House Bill 177 (HB 177) was introduced on March 17, 2025. HB 177 creates pathways for potential post-conviction relief for offenders who produce newly discovered evidence that, were it to be considered at a new trial, would establish a strong probability of a different result at trial. For motions filed seeking post-conviction relief of this type, the bill creates a pre-hearing judicial review process by which courts determine whether the motion is patently frivolous. If a court makes the pre-hearing finding that a motion of this type is patently frivolous, the court shall dismiss the motion.

Senate Bill 179 (Johnson)
Verify veteran status of imprisoned individuals
Status: In Armed Services, Veterans Affairs and Public Safety Committee
Proponents: Ohio State Bar Association, Ohio Justice & Policy Center
Opponents: Testimony Not Yet Provided

Senate Bill 179 (SB 179) was introduced on April 23, 2025. SB 179 creates a process by which the department of rehabilitation and correction, county and municipal jails, community-based correctional facilities, courts of common pleas, municipal and county courts, departments of probation, and pre-trial diversion programs must verify the veteran status of each individual served by the institution or entity. If an individual is verified as a veteran, those institutions or entities must note the individual's status as a veteran on all appropriate records and assist the individual in contacting the available local veteran-related services.

House Judiciary Committee

Roster – 136th General Assembly

Representative Jim Thomas (Jackson Township), *Chair*

Representative D.J. Swearingen (Huron), *Vice Chair*

Representative Eric Synenberg (Beachwood), *Ranking Member*

Representative Jamie Callender (Concord)

Representative Ismail Mohamed (Columbus)

Representative Mike Odioso (Green Township)

Representative Scott Oelslager (North Canton)

Representative Phil Plummer (Dayton)

Representative Brian Stewart (Ashville)

Representative Adam Matthews (Lebanon)

Representative Beryl Piccolantonio (Gahanna)

Representative Desiree Tims (Tims)

*Representative Josh Williams (Sylvania Township)

* Designates Commission member

House Public Safety Committee

Roster – 136th General Assembly

Representative Cindy Abrams (Harrison), *Chair*

Representative Kevin D. Miller (Newark), *Vice Chair*

Representative Cecil Thomas (Cincinnati), *Ranking Member*

Representative Juanito O. Brent (Cleveland)

Representative Darnell T. Brewer (Cleveland)

Representative Rodney Creech (West Alexandria)

Representative Haraz N. Ghanbari (Perrysburg)

Representative Thomas Hall (Madison Township)

*Representative Latyna M. Humphrey (Columbus)

Representative Jeff LaRe (Violet Township)

Representative Diane Mullins (Hamilton)

Representative Phil Plummer (Dayton)

Representative Bernard Willis (Springfield)

* Designates Commission member

Senate Judiciary Committee

Roster – 136th General Assembly

*Senator Nathan H. Manning (North Ridgeville), *Chair*

Senator Michele Reynolds (Canal Winchester), *Vice Chair*

Senator Paula Hicks-Hudson (Toledo), *Ranking Member*

Senator Louis W. Blessing (Colerain Township)

Senator Al Cutrona (Canfield)

Senator Theresa Gavarone (Bowling Green)

Senator Kent Smith (Euclid)

* Designates Commission member

OHIO
CRIMINAL SENTENCING COMMISSION

DRAFT

Version 1: Sept. 17, 2025

Appellate Report: Adult Sentencing 2022 To 2024

This report is the culmination of numerous externs and staff members reviewing appellate decisions that were made between 2022 and 2024 that concerned sentencing issues. The report includes several charts that break down the number of appeals, the appeals with sentencing issues and whether error was found. This report uses a broad definition of "error found" to include all cases that are reversed or remanded back to the trial court. This report also discusses the assignments of error that resulted in cases being reversed or remanded.

Based on the overall number of criminal appeals compared with those with sentencing issues, sentencing courts are more often getting it done correctly. Looking at the number of sentencing-based appeals compared to those cases that are reversed/remanded, there are areas that can be identified for improvement. This report highlights the assignments of error that indicate what the courts are getting wrong.

Published: ?? 2025

The Ohio Criminal Sentencing Commission would like to thank the following externs/interns for their contributions to the research and analysis that is included in this report:

Nina Kim

Eli Newman

Tim Giessner

Heath Findley

Alyssa Kimbler

Ty Kiatathikom

Kasey Redding

Makenzie Shiller

Cassidy Triplett

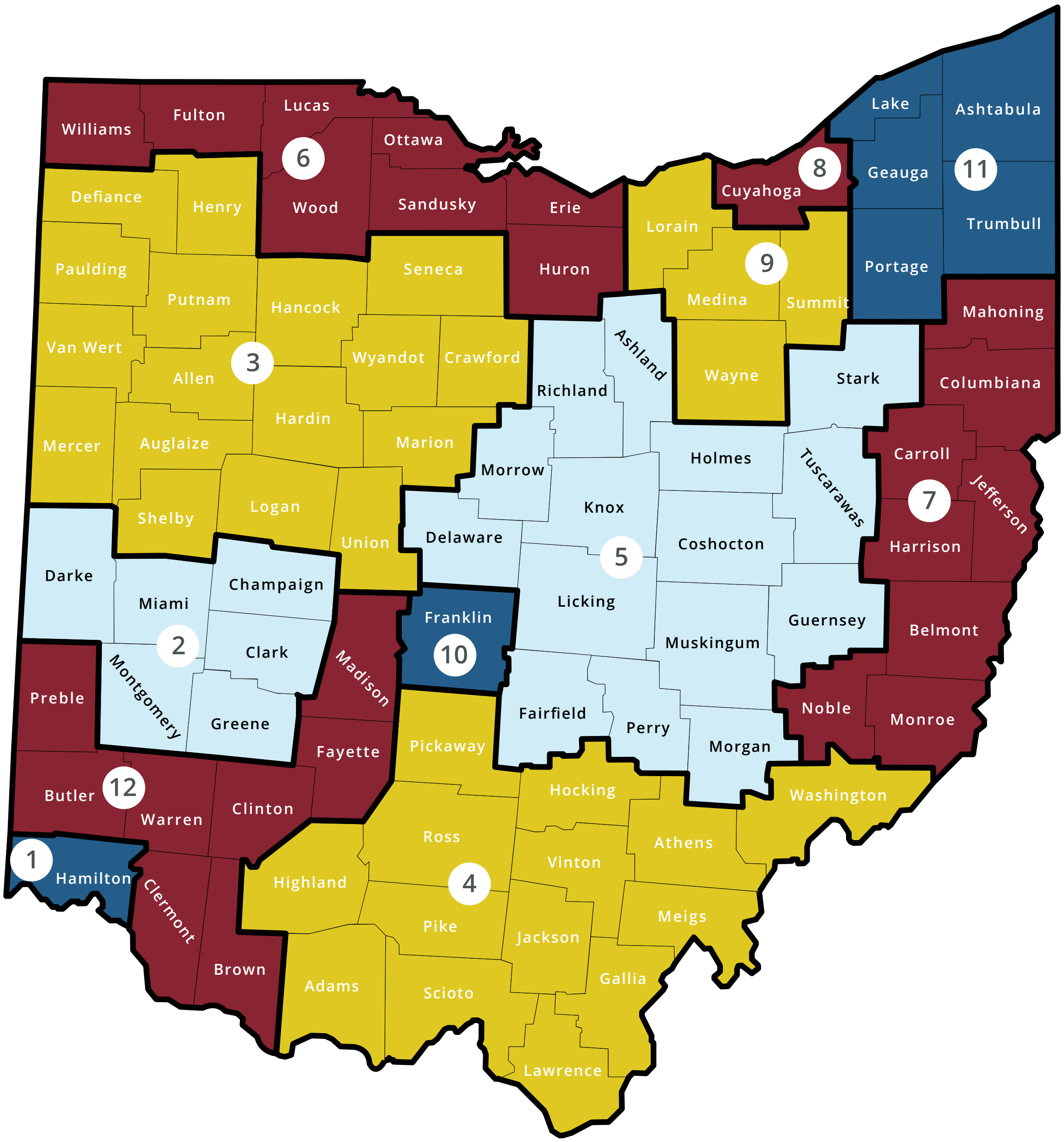
Brenna Schaffer

Lauren Diaz

David Haines

Isabella Bonville

Appellate Districts
1980 – Present



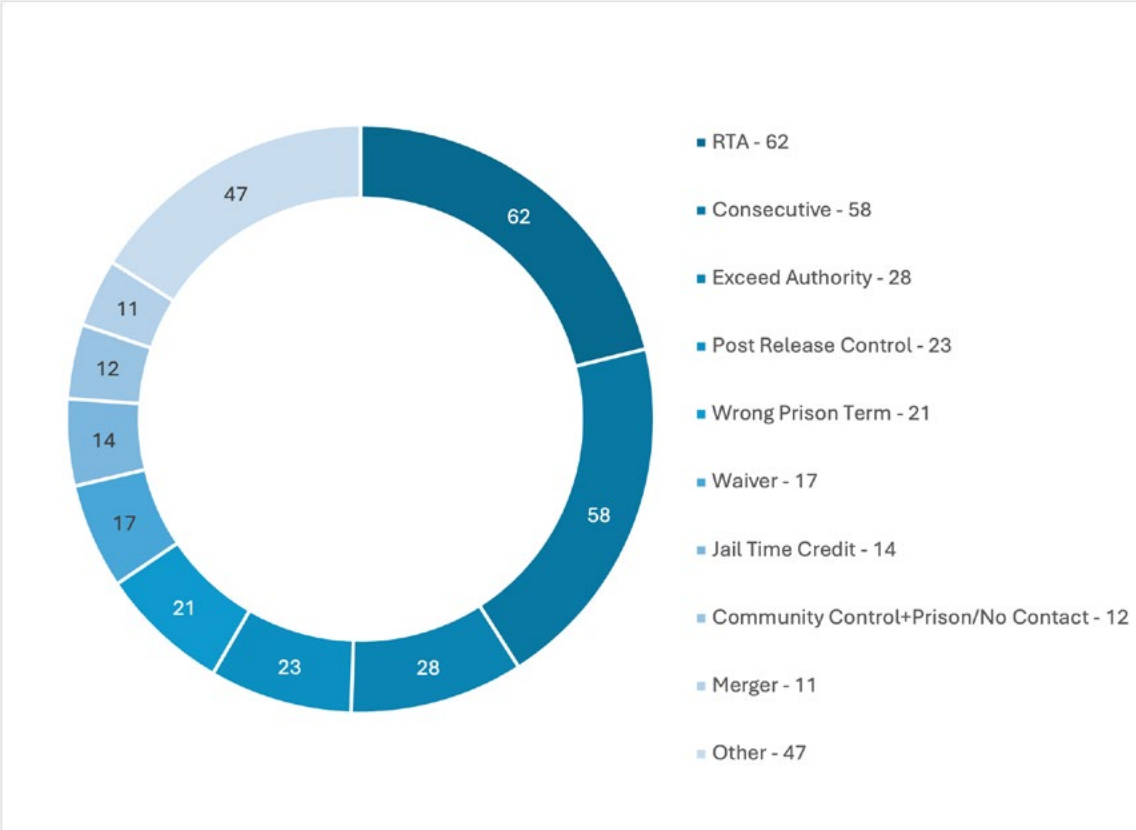
Analysis

Upon review of the appeals with sentencing issues between 2022 and 2024, table 1 lists the assignments of error that resulted in reversal of a case in order from most to least. Figure 1 illustrates the top nine errors with a tenth category of "other" which encompasses the remaining errors. Under each subtopic, the assignments of error are broken down further into what the appellate decisions were reversing for and why it fell under that particular subtopic. . Appellate decisions by year and district are included in Appendix A.

Table 1. Assignments of Error Resulting in Reversal, 2022 - 2024

Assignments of Error	2022	2023	2024	TOTAL
Indefinite Sentencing (RTA)	35	17	10	62
Consecutive Sentneces	23	21	14	58
Exceed Authority	2	9	17	28
Post Release Control	11	6	6	23
Wrong Prison Term	9	2	10	21
Waiver	4	7	6	17
Jail Time Credit	5	5	4	14
Community Control/Prison	8	3	1	12
Merger	3	3	5	11
Appointed Counsel Fees	1	5	1	7
Violent Offender Database	2	2	2	6
Felony instead of Misdemeanor	1	4	0	5
Not Follow SC Mandate	2	1	1	4
Restitution	2	1	1	4
Firearm Spec - Mandatory	1	1	1	3
Failure To Control – Mandatory	1	1	1	3
Post Conviction	2	0	1	3
Promise by Court	1	1	1	3
SORN	2	1	0	3
Min Sent Reduction Elig.	1	1	0	2
Unreas. Delay	1	1	0	2
NO PV Notice	1	0	0	1
Youth Mitigation	0	1	0	1

Figure 1. Total Assignments of Error by Category, 2022 - 2024



Indefinite Sentencing (Reagan Tokes Act) = 62

During the period of this report, 2022-2024, the most reversed cases were for assignments of error arising out of the Reagan Tokes Act which went into law in 2019. During this period, the Supreme Court found that the Reagan Tokes Act was constitutional (see State v. Hacker – Appendix E). Most Appellate courts were upholding the constitutionality of the act and reversing trial courts that sentenced based on definite sentencing and not the newly enacted indefinite sentencing scheme. The Appeals courts also reversed for sentencings that did not give a strict reading of the notifications required by R.C. 2929.19(B)(2)(c). Cases have also been reversed for miscalculations of the aggregate minimum and maximum sentences.

With the constitutionality of the law on its face having been decided, the Ohio Supreme Court left open the door for an as applied challenge to be made. Looking forward, a future report will address if and when that challenge is made.

The Ohio Criminal Sentencing Commission created a Uniform Sentencing Entry (USE), that is hosted on the Ohio Supreme Court website as well as a Felony Sentencing Reference Guide. Both of these documents can be of help to sentencing courts. Attached to this report as Appendix B is the language from the USE.

Consecutive Sentences = 58

Consecutive Sentence errors include cases where the sentencing court has failed to make the findings required by R.C. 2929.14(C)(4), those cases where the findings were made but not put in the entry or cases where the calculation of the consecutive sentence was done incorrectly. Beyond the findings necessary and entry issues, sentencing court's also erred bv imposing consecutive sentence on a state case to a federal case where the sentence had not been imposed on the federal case. Multiple sentencing court's imposed consecutive sentence on a misdemeanor to a felony count.

Sample language from the USE is attached as Appendix C. The language can help guide a sentencing judge through the findings as well as insuring the proper language finds its way into the sentencing entry.

Exceed Authority = 28

This category encompasses all the cases where the court exceeded its authority in a multitude of ways. Sentencing courts have denied mitigation being presented, acted vindictive, failed to recuse when clear bias, imposed sentence out of the presence of the defendant and ordered a Federal Sentence to run concurrent to a state sentence.

Post Release Control = 23

The majority of cases that were reversed for a Post Release Control (PRC) issue were done so for lack of notice being given to the defendant. Other errors that fall under this section include sentencing court's imposing PRC on the record, but not in the entry, modifying PRC without holding a hearing, imposing the wrong minimum term of PRC or applying PRC to charges (Murder) that are not statutorily authorized to have PRC.

Wrong Prison Term = 21

This category primarily deals with courts who imposed the wrong prison term or advised the defendant incorrectly about the prison term on their case. Sentencing courts committed error by misinforming the defendant of maximum sentence, imposing a 10-year term on a Felony of the Second Degree (maximum 8 years), and imposing firearm specifications when no specifications were charged.

Waiver = 17

These cases dealt with situations where the sentencing court moved forward without counsel being present as well as situations where no waiver was ever made by the defendant.

Jail Time Credit = 14

Sentencing courts struggled with calculating proper jail time credit as well as including in the sentencing entry. Cases were reversed for court's attempting to reduce jail time credit with a nunc pro tunc entry, during resentencing not calculating the local jail time awaiting to be resentenced, attempting to recalculate jail time credit after losing jurisdiction due to an appeal being filed, and general miscalculation of the days. The Sentencing Commission worked with the Judicial College to present an in-person training at the 2024 Winter session of the Common Pleas Judges Association Meeting as well as a webinar, (webinar link.)

Community Control/Prison = 12

The most common error in imposing sentence that included both Community Control and Prison, was a no contact order, which is considered a community control sanction and thus cannot be imposed with a prison sentence.

Merger = 11

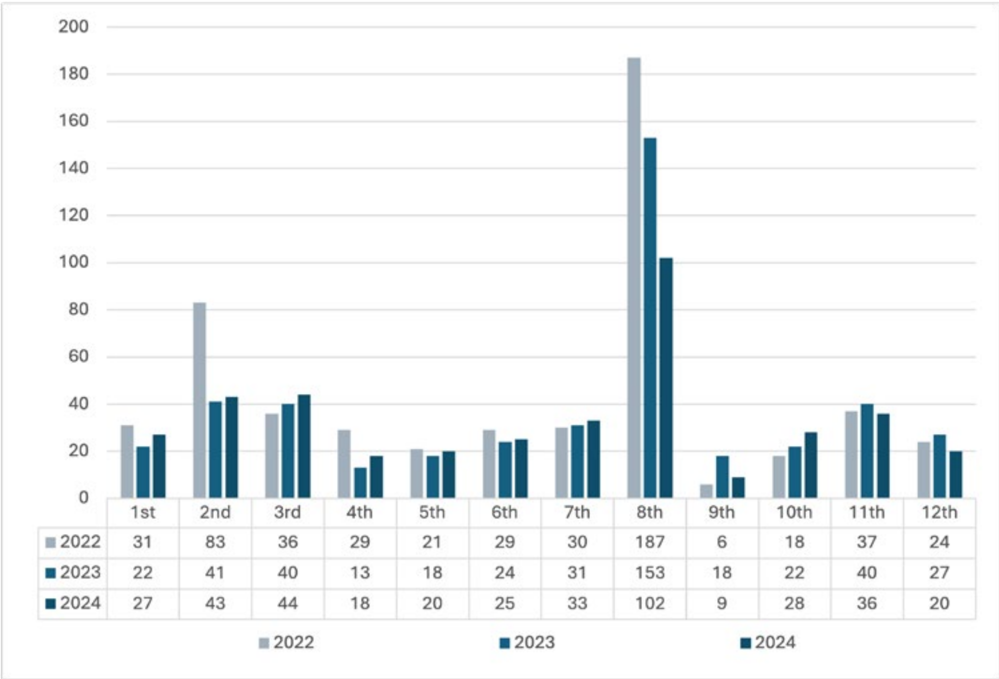
Statutorily defined as Allied Offenses of Similar Import, R.C. 2941.25. Merger cases were overturned where the Sentencing Court did not merge charges into one. During the three-years of this report, no cases were reversed for merging of counts.

Other = 47

The other category covers assignments of error that are in the single digits. In looking at Table 1, the errors include Violent Offender Database, Appointed Counsel Fees, Mandatory time for Failure to Control and Restitution as examples.

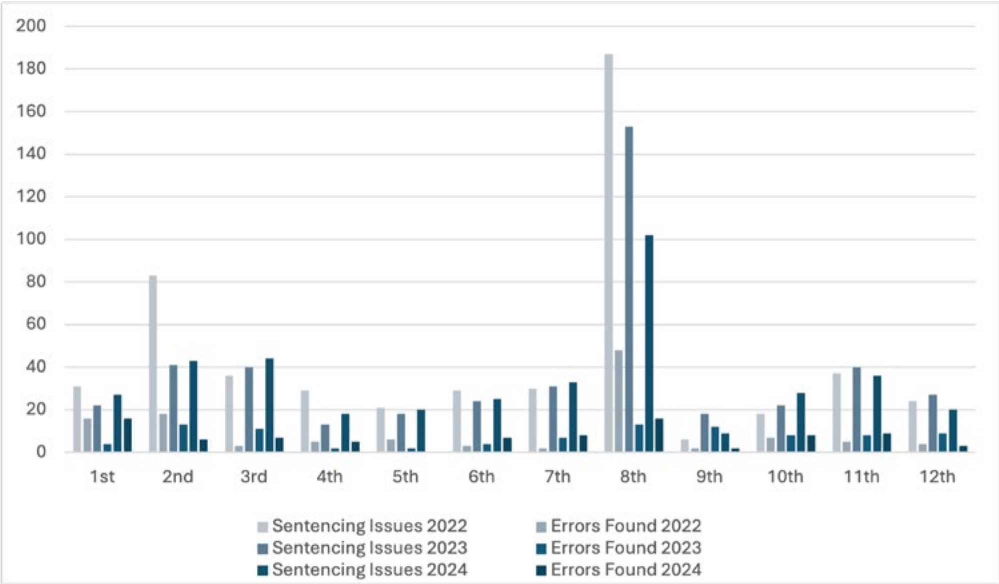
Figure 2 shows the total number of sentencing related appeals for each year by district. Figure 3 then shows, of those sentencing related appeals, how many errors found, by district for each year

Figure 2. Sentencing Related Appeals by District, 2022 – 2024



	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th
2022	31	83	36	29	21	29	30	187	6	18	37	24
2023	22	41	40	13	18	24	31	153	18	22	40	27
2024	27	43	44	18	20	25	33	102	9	28	36	20

Figure 3. Sentencing Related Appeals Compared to Errors Found by District, 2022 – 2024



Supreme Court Decisions

***State v. Gwynne*, 2023-Ohio-3851**

The Ohio Supreme Court ruled that the Fifth District had been correct in Gwynne III by upholding the sentence imposed by the trial court. For further analysis of all the Gwynne decisions see Appendix D.

***State v. Hacker*, 2023-Ohio-2535**

The Ohio Supreme Court held that the Reagan Tokes Act on its face is constitutional. For further analysis see Appendix E.

***State v. Schilling*, 2022-Ohio-1773**

The Ohio Supreme Court ruled that Tier I classification was active during the time that the defendant was living in a different state.

***State v. Beatty*, 2022-Ohio-2329**

The Ohio Supreme Court held that prison terms for multiple firearm specifications must be run concurrent after imposition of the mandatory prison term on the two most serious specifications (R.C. 2929.14(B)(1)(g)).

***State v. Glover*, 2024-Ohio-5195**

The Ohio Supreme Court ruled that the Court of Appeals judgement reducing appellee's consecutive prison terms reversed and consecutive sentences imposed by trial court reinstated.

APPENDIX A

Criminal Appeals = Incoming Criminal Appeals for a given year.

Sentencing Issues = Using search terms identifying sentencing cases

No Error = Case Affirmed or Dismissed

Error = Reversed or Remanded for trial court to do something

Appeals in 2022

District	Incoming Criminal Appeals	Sentencing Issues	No Error	Error Found
1ST	173	31	15	16
2ND	284	83	65	18
3RD	276	36	33	3
4TH	135	29	24	5
5TH	406	21	15	6
6TH	286	29	26	3
7TH	116	30	28	2
8TH	476	187	129	48
9TH	184	6	4	2
10TH	290	18	11	7
11TH	189	37	32	5
12TH	180	24	20	4
TOTALS	**2995**	**531**	**412**	**119**

Appeals in 2023

District	Incoming Criminal Appeals	Sentencing Issues	No Error	Error Found
1ST	191	22	18	4
2ND	259	41	28	13
3RD	294	40	29	11
4TH	167	13	11	2
5TH	337	18	16	2
6TH	241	24	20	4
7TH	135	31	24	7
8TH	485	153	140	13
9TH	208	18	6	12
10TH	308	22	14	8
11TH	172	40	32	8
12TH	168	27	18	9
TOTALS	**2965**	**449**	**356**	**93**

Appeals in 2024

District	Incoming Criminal Appeals	Sentencing Issues	No Error	Error Found
1ST	209	27	11	16
2ND	244	43	37	6
3RD	268	44	37	7
4TH	166	18	13	5
5TH	424	20	20	0
6TH	285	25	13	7
7TH	119	33	25	8
8TH	405	102	86	16
9TH	211	9	7	2
10TH	213	28	20	8
11TH	182	36	27	9
12TH	166	20	17	3
TOTALS	**2892**	**405**	**313**	**79**

Assignments of Error in 2022

Assignments of Error	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	9TH	10TH	11TH	12TH	**TOTAL**
Appointed Counsel Fees	0	1	0	0	0	0	0	0	0	0	0	0	**1**
Community Control/Prison	4	0	0	0	0	0	0	3	0	1	0	0	**8**
Consecutive Sentences	1	1	1	0	1	0	0	13	1	3	1	1	**23**
Exceed Authority	0	0	0	0	0	0	0	0	0	1	1	0	**2**
Firearm Spec – Mandatory	0	1	0	0	0	0	0	0	0	0	0	0	**1**
Felony instead of Misdemeanor	1	0	0	0	0	0	0	0	0	0	0	0	**1**
Failure To Control – Mandatory	0	0	0	0	0	0	0	0	1	0	0	0	**1**
Waiver	0	1	0	0	1	0	0	0	0	1	1	0	**4**
Jail Time Credit	1	1	0	0	0	0	0	1	0	0	1	1	**5**
Merger	0	0	0	1	0	0	0	1	0	0	1	0	**3**
Minimum Sentence Reduction Elig.	0	0	0	0	0	0	1	0	0	0	0	0	**1**
NO PV Notice	0	0	0	0	1	0	0	0	0	0	0	0	**1**
Not Follow SC Mandate	0	2	0	0	0	0	0	0	0	0	0	0	**2**
Post Conviction	1	0	0	0	1	0	0	0	0	0	0	0	**2**
Post Release Control	1	2	1	2	1	1	1	1	0	1	0	0	**11**
Promise by Court	0	1	0	0	0	0	0	0	0	0	0	0	**1**
Restitution	0	0	1	0	0	0	0	1	0	0	0	0	**2**
Indef. Sent (RTA)	3	6	0	1	0	1	0	22	0	0	0	2	**35**
SORN	1	0	0	0	0	1	0	0	0	0	0	0	**2**
Unreas. Delay	0	0	0	0	1	0	0	0	0	0	0	0	**1**
Violent Offender Database	2	0	0	0	0	0	0	0	0	0	0	0	**2**
Wrong Prison Term	1	2	0	1	0	0	0	6	0	0	0	0	**9**
Youth Mitigation	0	0	0	0	0	0	0	0	0	0	0	0	**0**

Assignments of Error in 2023

Assignments of Error	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	9TH	10TH	11TH	12TH	TOTAL
Appointed Counsel Fees	0	0	4	0	0	1	0	0	0	0	0	0	**5**
Community Control/Prison	1	0	0	0	0	0	0	0	1	1	0	0	**3**
Consecutive	0	1	1	0	0	0	4	3	2	2	4	4	**21**
Exceed Authority	0	0	2	0	0	1	0	2	2	0	1	1	**9**
Firearm Spec - Mandatory	0	1	0	0	0	0	0	0	0	0	0	0	**1**
Fel instead of M	1	2	0	0	0	0	0	1	0	0	0	0	**4**
Failure To Control - Mandatory	0	0	0	0	0	0	0	0	0	0	0	1	**1**
Waiver	0	0	0	0	1	0	1	0	1	3	1	0	**7**
Jail Time Credit	1	2	0	0	0	0	0	1	0	0	1	0	**5**
Merger	0	0	0	0	0	0	0	0	2	0	0	1	**3**
Min Sent Reduction Elig.	0	1	0	0	0	0	0	0	0	0	0	0	**1**
NO PV Notice	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Not Follow SC Mandate	0	0	1	0	0	0	0	0	0	0	0	0	**1**
Post Conviction	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Post Release Control	1	1	0	0	0	1	0	0	1	1	0	1	**6**
Promise by Court	0	0	1	0	0	0	0	0	0	0	0	0	**1**
Restitution	0	0	0	0	0	0	0	0	1	0	0	0	**1**
Indef. Sent (RTA)	0	5	1	0	1	1	1	5	1	1	1	0	**17**
SORN	0	0	0	1	0	0	0	0	0	0	0	0	**1**
Unreas. Delay	0	0	0	0	0	0	1	0	0	0	0	0	**1**
Violent Offender Database	0	0	0	1	0	0	0	0	0	0	0	1	**2**
Wrong Prison Term	0	0	0	0	0	0	0	1	1	0	0	0	**2**
Youth Mitigation	0	0	1	0	0	0	0	0	0	0	0	0	**1**

Assignments of Error in 2024

Assignments of Error	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	9TH	10TH	11TH	12TH	**TOTAL**
Appointed Counsel Fees	0	0	1	0	0	0	0	0	0	0	0	0	**1**
Community Control/Prison	0	0	0	1	0	0	0	0	0	0	0	0	**1**
Consecutive	1	2	1	2	0	1	1	4	0	0	1	1	**14**
Exceed Authority	4	1	2	1	0	0	1	4	0	2	1	1	**17**
Firearm Spec – Mandatory	0	0	0	0	0	0	0	0	1	0	0	0	**1**
Fel instead of M	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Failure to Control - Mandatory	1	0	0	0	0	0	0	0	0	0	0	0	**1**
Waiver	0	0	1	0	0	0	2	0	0	2	1	0	**6**
Jail Time Credit	0	1	0	0	0	0	1	0	0	1	1	0	**4**
Merger	0	1	0	1	0	1	0	2	0	0	0	0	**5**
Min Sent Reduction Elig.	0	0	0	0	0	0	0	0	0	0	0	0	**0**
NO PV Notice	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Not Follow SC Mandate	0	0	0	0	0	0	1	0	0	0	0	0	**1**
Post Conviction	0	0	0	0	0	1	0	0	0	0	0	0	**1**
Post Release Control	3	0	0	0	0	1	0	1	0	0	0	1	**6**
Promise by Court	0	0	0	0	0	1	0	0	0	0	0	0	**1**
Restitution	0	0	0	0	0	0	0	0	0	1	0	0	**1**
Indef. Sent (RTA)	2	0	1	0	0	2	1	1	0	2	1	0	**10**
SORN	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Unreas. Delay	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Violent Offender Database	0	0	0	0	0	0	0	2	0	0	0	0	**2**
Wrong Prison Term	1	1	1	0	0	0	1	2	1	0	3	0	**10**
Youth Mitigation	0	0	0	0	0	0	0	0	0	0	0	0	**0**

APPENDIX B

31- [NON-LIFE FELONY INDEFINITE SENTENCING]

For cases involving non-life felony indefinite sentencing qualifying offenses (F1 and F2 offenses committed after March 22, 2019) use the following language to clearly state the maximum term involved in the case, as well as language indicating the defendant has been advised of indefinite sentencing procedures on the record as required by law. For additional information on non-life felony indefinite sentencing, see the Sentencing Commission's SB201 Indefinite Sentencing Quick Reference Guide.

( ) [NON-LIFE FELONY INDEFINITE SENTENCING]

Counts [NUMBER] are qualifying offenses subject to indefinite sentencing and the defendant has been sentenced to a minimum term on each qualifying count as detailed above.

( ) [NON-LIFE FELONY INDEFINITE TERM SUMMATION] [Single Count]

Having imposed the minimum term[s] on Count [NUMBER] the Court further sentences the defendant to a maximum term of [THAT MINIMUM TERM + 50% of ITSELF] pursuant to R.C. 2929.144(B)(1).

( ) [NON-LIFE FELONY INDEFINITE TERM SUMMATION] [Multiple Counts / Indefinite terms run Concurrently]

Having imposed the minimum term[s] on Count[s] [NUMBER]

( ) and definite terms on Count[s] [NUMBER]

and having ordered all prison terms in the case to run concurrently, the Court further sentences the defendant to a maximum term of imprisonment in this case of [THE LONGEST MINIMUM TERM IMPOSED FOR THE MOST SERIOUS QUALIFYING FELONY + 50% OF THAT TERM] pursuant to R.C. 2929.144(B)(3).

( ) [NON-LIFE FELONY INDEFINITE TERM SUMMATION] [Multiple Counts / Indefinite terms run Consecutively)

Having imposed the minimum term[s] on Count[s] [NUMBER]

( ) and definite terms on Count[s] [NUMBER]

And having ordered Counts [NUMBER] to be run consecutively, the Court further sentences the defendant to an aggregate minimum term of [SUM OF ALL CONSECUTIVE MINIMUM AND DEFINITE TERMS] and a maximum term of [THE SUM OF ALL CONSECUTIVE MINIMUM AND DEFINITE TERMS + 50% OF THE LONGEST MINIMUM OR DEFINITE TERM IMPOSED FOR THE MOST SERIOUS FELONY BEING SENTENCED] pursuant to R.C. 2929.144.

[NON-LIFE INDEFINITE SENTENCING NOTIFICATIONS] (MANDATORY IF OPTION ABOVE IS SELECTED)

R.C. 2929.19(B)(2)(c) requires Courts to notify defendants sentenced to a non-life felony indefinite term of the procedures of indefinite sentencing and the fact that the defendant was notified should be memorialized in the sentencing entry with the following language. Also note that R.C. 2929.19(B)(2)(c)(i) as written contains language that may be confusing to defendants who are facing a mandatory term on the defendant's 2019 Am.Sub.S.B. No. 201 qualifying offense. Mandatory terms and sexually oriented offenses are not eligible for earned reduction of the minimum prison term, and that language in (B)(2)(c)(i) relating to the "presumed earned early release date" should be omitted in those circumstances.

[NON-LIFE FELONY INDEFINITE TERM SUMMATION]

Pursuant to R.C. 2929.19(B)(2)(c), having imposed a non-life felony indefinite prison term, the Court advised the defendant on the record of the indefinite sentencing procedures. The Court explained on the record that:

(i) It is rebuttably presumed that the offender will be released from service of the sentence on the expiration of the minimum prison term imposed as part of the sentence or on the offender's presumptive earned early release date (if applicable), as defined in

R.C. 2967.271, whichever is earlier;

(ii) That the department of rehabilitation and correction may rebut the presumption described in R.C. 2929.19(B)(2)(c)(i) if, at a hearing held under R.C. 2967.271, the department makes specified determinations regarding the offender's conduct while confined, the offender's rehabilitation, the offender's threat to society, the offender's restrictive housing, if any, while confined, and the offender's security classification;

(iii) That if, as described in R.C. 2929.19(B)(2)(c)(ii), the department at the hearing makes the specified determinations and rebuts the presumption, the department may maintain the offender's incarceration after the expiration of that minimum term or after that presumptive earned early release date for the length of time the department determines to be reasonable, subject to the limitation specified in R.C. 2967.271;

(iv) That the department may make the specified determinations and maintain the offender's incarceration under the provisions described in R.C. 2929.19(B)(2)(c)(i) and (ii) more than one time, subject to the limitation specified in R.C. 2967.271;

(v) That if the offender has not been released prior to the expiration of the offender's maximum prison term imposed as part of the sentence, the offender must be released upon the expiration of that term.

APPENDIX C

4- [MULTIPLE COUNTS – CONSECUTIVE / CONCURRENT SENTENCING]

[MANDATORY CONSECUTIVE SENTENCES – COUNTS]

Several felony offenses (e.g. R.C. 2921.331 Failure to Comply), while not mandatory prison terms, are required be run consecutive to other counts by operation of law when a prison term is imposed. These are listed under "Sentencing Considerations & Advisements – Section E. Consecutive Prison Terms" in the Sentencing Commission's Felony Sentencing Quick Reference Guide. Use the following language with regard to these offenses:

( ) [MANDATORY CONSECUTIVE SENTENCES – COUNTS](REPEAT AS NECESSARY)

The Court finds that pursuant to [R.C. 2929.14(C)(2)] / [R.C. 2929.14(C)(3)] that the prison term imposed on Count(s) [NUMBER(s)] shall be served consecutively by operation of law.

[JOINTLY RECOMMENDED / AGREED UPON CONSECUTIVE SENTENCES - COUNTS]

Pursuant to State v. Sergent, 148 Ohio St.3d 94, 2016-Ohio-2696 Courts are not required to make the R.C. 2929.14(C)(4) findings when consecutive sentences have been jointly recommended by the parties.

( ) [JOINT RECOMMENDATION FOR CONSECUTIVE SENTENCES – COUNTS]

Pursuant to the joint recommendation of the parties, the prison term(s) imposed on Count(s) [NUMBER]

shall be served consecutively to the prison term(s) on Count(s) [NUMBER]. (REPEAT AS NEEDED)

( ) [AGREED UPON SENTENCE FOR CONSECUTIVE SENTENCES - COUNTS]

Pursuant to the agreed upon sentence, the prison term(s) imposed on Count(s) [NUMBER] shall be served consecutively to the prison term(s) on Count(s) [NUMBER]. (repeat as needed)

[DISCRETIONARY CONSECUTIVE SENTENCE FINDINGS]

If the sentencing court wishes to order that counts within the indictment be served consecutively, use the following language to make the requisite findings in the entry, selecting those statutory factors that apply. Courts may supplement this language with further explanation.

( ) [DISCRETIONARY CONSECUTIVE SENTENCE FINDINGS]

Pursuant to R.C. 2929.14(C)(4) the court orders that consecutive sentences are made necessary to protect the public from future crime or to punish the defendant, and that consecutive sentences are not disproportionate to the seriousness of the defendant's conduct and to the danger the defendant poses to the public, and because:

( ) The defendant committed one or more of the offenses while awaiting trial or sentencing or was under a sanction imposed pursuant to R.C 2929.16, 2929.17, or 2929.18, or was under post- release control for a prior offense.

( ) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the defendant's conduct.

( ) The defendant's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the defendant.

APPENDIX D

State v. Gwynne, (2023-Ohio-3851)

I. Facts

In January 2016, three residents of a senior living facility reported that their rooms had been entered into and their property was stolen. 2017-Ohio-7570, ¶ 2. Video surveillance showed Gwynne, dressed in scrubs, entering their room with an empty handbag and leaving with it full. 2017-Ohio-7570, ¶ 2. A GPS was placed on Gwynne's car that allowed police officers to catch Gwynne in the act of stealing from another senior living facility while presenting herself to be a nurse. 2017-Ohio-7570, ¶ 4. After police officers searched Gwynne's home, they found 3,000 stolen items that belonged to 46 identifiable victims. 2017-Ohio-7570, ¶ 5-6. "It was further determined that the items were stolen from at least 12 different nursing homes and assisted living facilities in both Delaware and Franklin counties over the course of eight years." 2017-Ohio-7570, ¶ 6. During this time period, Gwynne was fired from her job as a nurse for suspicion of theft but continued to dress as a nurse's aide in order to steal from vulnerable people. 2017-Ohio-7570, ¶ 7.

On September 21, 2016, following negotiations with the state, Gwynne plead guilty to "17 counts of burglary, felonies of the second degree, 4 counts of theft, felonies of the third degree, 10 counts of theft, felonies of the fourth degree, and 15 counts of receiving stolen property, misdemeanors of the first degree." 2017-Ohio-7570, ¶ 9. The State agreed to dismiss the remaining 55 counts. 2017-Ohio-7570, ¶ 9. At the plea hearing, Gwynne admitted that she had been stealing since 2004 and blamed her cocaine addiction. 2017-Ohio-7570, ¶ 10.

"After considering all of the applicable sentencing statutes, and making all of the required findings, the trial court imposed a sentence of three years for each of the 15 second degree felony burglaries, 12 months for each of the third-degree felony thefts, 12 months for each of the fourth-degree felony thefts, and 180 days for each first-degree misdemeanor receiving stolen property. The court ordered appellant to serve the felony sentences consecutively, and the misdemeanor sentences concurrently for an aggregate of 65 years incarceration." 2017-Ohio-7570, ¶ 12.

II. The Appellate Process

Fifth District Court of Appeals (2017-Ohio-7570)— "Gwynne I"

After Gwynne was sentenced to 65 years, she appealed to the Fifth District. ¶ 14. Gwynne argued on appeal that the sentencing court's seriousness and recidivism findings did not support her sentence of 65 years under R.C. 2929.11 and R.C. 2929.12 (the principles and purposes of felony sentencing). ¶ 17. The Fifth District agreed with Gwynne and modified her sentence to an aggregate term of 15 years to reflect their findings under R.C. 2929.11 and R.C. 2929.12. ¶ 37.

The Fifth District applied the standard of review set forth in R.C. 2953.08(G)(2). ¶ 18. "That section specifies that an appellate court may increase, reduce, modify, or vacate and remand a challenged felony sentence if the court clearly and convincingly finds that 'the record does not support the sentencing court's findings under (B) or (D) of section 2929.13, division (B)(2)(e) or (C)(4) of section 2929.14, or division (I) of section 2929.20 of the Revised Code' or 'the sentence is otherwise contrary to law.'" ¶ 18.

The Fifth district relied on *State v. Marcum,* 2016-Ohio-1002, to supplement the fact that R.C. 2929.11 and R.C. 2929.12 were not mentioned in R.C. 2953.08(G)(2). ¶ 19. In *State v. Marcum,* the Supreme Court stated, "we note that some sentences do not require the findings that R.C. 2953.08(G) specifically addresses. Nevertheless, it is fully consistent for appellate courts to review those sentences that are imposed solely after consideration of the factors in R.C. 2929.11 and 2929.12 under a standard that is equally deferential to the sentencing court." ¶ 19.

The Fifth District found by clear and convincing evidence that the sentencing court's record did not support the 65-year sentence. ¶ 30. The Fifth District applied the factors listed in R.C. 2929.11 and R.C. 2929.12 to Gwynne's aggregate sentence of 65 years and found it in violation of the principles and purposes of felony sentencing. ¶ 25. The Fifth District described the sentence as "plainly excessive" for a non-violent, first-time offender. ¶ 30. The Fifth District modified the sentencing court's sentences so that counts were to be served consecutively and concurrently, for an aggregate term of 15 years. ¶ 33-7. The Fifth District found 15 years to be consistent with the purposes and principles of felony sentencing. ¶ 37. The Fifth District remanded the case to the sentencing court to modify Gwynne's sentence in accordance with the opinion. ¶ 39.

a. Supreme Court (2019-Ohio-4761)— "Gwynne II"

The State of Ohio appealed the Fifth District's ruling to the Ohio Supreme Court. ¶ 1. The State proposed that R.C. 2953.08(G)(2) does not permit an appellate court to review a sentencing court's consecutive sentence findings under R.C. 2929.11 and 2929.12. ¶ 1. The Supreme Court agreed with the State and reversed the Fifth District's decision. ¶ 2.

The Supreme Court reasoned that State v. Marcum, 2016-Ohio-1002, relied on by the Fifth District, has no application to Gwynne's case. ¶ 15. The defendant in Marcum was challenging the length of their single sentence. ¶ 15. The Court stated that Gwynne's case requires a different analysis since she is challenging the length of her multiple consecutive sentences. ¶ 15. The Court stated that 2929.11 and 2929.12 apply only to individual sentences. ¶ 17.

The Court stated that Gwynne was required to make an argument for appellate review under R.C. 2953.08(G)(2)(a), which allows for review of consecutive sentences only under R.C. 2929.14(C)(4). ¶ 16. The Court stated that the legislature intended R.C. 2929.14(C)(4) to be the only review of consecutive sentences, as it is specifically mentioned in R.C. 2953.08(G)(2)(a). ¶ 16.

The Court reads the Fifth District opinion to mean that while Gwynne conceded that the sentencing court made the requisite findings under R.C. 2929.14(C)(4) to impose consecutive sentences, she was contesting whether the record supported those findings. ¶ 19. The Court remanded the case to the Fifth District to consider Gwynne's assignment of error using the standard of review set forth under R.C. 2953.08(G)(2)—to determine if the record does not clearly and convincingly support consecutive sentence findings under R.C. 2929.14(C)(4). ¶ 20.

b. Fifth District Court of Appeals (2021-Ohio-2378)— "Gwynne III"

The Supreme Court directed the Fifth District to determine if the sentencing court's record does not clearly and convincingly support Gwynne's consecutive sentence findings pursuant to R.C. 2953.08(G)(2)(a). ¶ 15. The required findings to impose consecutive sentences are set forth in R.C. 2929.14(C)(4). ¶ 17. Applying the standard set forth in the previous Supreme Court opinion, the Fifth District overruled Gwynne's assignment of error. ¶ 26.

Since the sentencing court made the required findings under R.C. 2929.14(C)(4), the Fifth District found that the consecutive sentences were correctly imposed. ¶ 24. The required findings were made on the record and included within the sentencing entry. ¶ 24. The sentencing court has no obligation to include the reasons for its findings to impose consecutive sentences under R.C. 2929.14(C)(4). ¶ 18. The Fifth District stated that the sentencing court made the correct findings to impose consecutive sentences under R.C. 2929.14(C)(4). ¶ 24.

The Fifth District found that the sentencing court's record clearly and convincingly supported consecutive sentences under R.C. 2953.08(G)(2)(a). ¶ 26. The Fifth District noted that the standard is deferential and that it prohibits appellate courts from substituting their judgment with that of trial judges. ¶ 25. Gwynne's assignment of error was overruled, and the consecutive sentences, an aggregate of 65 years, reaffirmed. ¶ 26.

c. Supreme Court (2022-Ohio-4607) — "Gwynne IV"

Gwynne appealed the Fifth District opinion reaffirming the 65-year sentence to the Ohio Supreme Court. ¶ 1. The Supreme Court agreed with Gwynne. ¶ 1. The Court ruled that sentencing courts must consider the combined aggregate prison term to be imposed when making the consecutive-sentence findings under R.C. 2929.14(C)(4). ¶ 1. Additionally, the Court found that the standard of review under R.C. 2953.08(G)(2) "requires appellate courts to review the record de novo and decide whether the record clearly and convincingly does not support the consecutive-sentence findings." ¶ 1.

Firstly, the Court stated that sentencing courts must consider the combined aggregate sentence when making consecutive sentence findings under 2929.14(C)(4). ¶ 12. R.C. 2929.14(C)(4) requires the sentencing court to make specific findings. ¶ 10. "Specifically, the trial court must find that 'the consecutive service is necessary to protect the public from future crime or to punish the offender.' It must also find that 'consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public.'" ¶ 10.

The Court stated that the language within R.C. 2929.14(C)(4) does not reveal on its face the meaning of "consecutive service" and "consecutive sentences" and is ambiguous. ¶ 13. The Court reasoned that the terms could be reasonably understood to mean either "the service of more than one individual sentence," in the abstract, or the actual sentence imposed in the aggregate. ¶ 13. The Court stated that the terms should be read to mean the actual sentence imposed in the aggregate. ¶ 14. The Court reasoned that the length of the overall prison term is necessary to the court's analysis under R.C. 2929.14(C)(4) of whether the sentence is "necessary to protect the public… or punish the offender" and "not disproportionate to the seriousness of the conduct and danger to the public." ¶ 14-5.

Secondly, the Court stated that R.C. 2953.08(G)(2) requires a de novo review of the record to decide whether the record clearly and convincingly does not support consecutive sentence findings. The Court stated that "clear and convincing" is an evidentiary standard of proof, indicating that the legislature intended appellate courts "to act as a second fact-finder in reviewing the trial court's consecutive-sentence order." ¶ 20. The Court stated that R.C. 2953.08(G)(2) does not require deference to the trial court's findings under R.C. 2929.14(C)(4). ¶ 31.

The Supreme Court ruled in favor of Gwynne, and reversed the previous judgment made by the Fifth District. ¶ 31. The Court remanded the case to the Fifth District to determine if the record does not clearly and convincingly support the sentencing court's findings when Gwynne's sentence is considered in the aggregate. ¶ 31.

III. The Holding of Gwynne V (2023-Ohio-3851)

The State of Ohio filed a motion for reconsideration after the Supreme Court reversed and remanded the Fifth District opinion affirming the 65-year sentence. ¶ 3. The State maintained that the de novo standard of review under R.C. 2953.08(G)(2) misstates the law and that the case was decided on an issue not raised by either party. ¶ 3. In a plurality opinion, the Court granted the motion for reconsideration, vacated the decision in Gwynne IV, and affirmed the judgment of the Fifth District (Gwynne III). ¶ 5.

Firstly, the Court stated that the standard of review required under R.C. 2953.08(G)(2) is deferential. ¶ 16. The standard is written in the negative, that "an appellate court may increase, reduce, or otherwise modify consecutive sentences only if the record does not 'clearly and convincingly' support the trial court's consecutive sentence findings." ¶ 13. The Court stated that R.C. 2953.08(G)(2) does not require that the appellate court have a firm belief or conviction that the record supports the consecutive sentence findings. ¶ 15. The Court stated that, "this language is plain and unambiguous and expresses the General Assembly's intent that appellate courts employ a deferential standard to the trial court's consecutive-sentence findings." ¶ 15. The Court reasoned that the legislature is express when a reviewing court is meant to employ a de novo standard of review which is not the case in R.C. 2953.08(G)(2). ¶ 16.

Continually, applying a deferential standard under R.C. 2953.08(G)(2), the Court found that "the record in this case does not clearly and convincingly fail to support the trial court's findings; in other words, it does not overwhelmingly support a contrary result concerning the imposition of consecutive sentences." ¶ 18.

Additionally, the Court determined that, in response to the dissent since the issue was not raised by either party, the terms "consecutive sentence" and "consecutive service" are unambiguous. ¶ 19-21. The Court stated that the terms have only one relevant meaning, "the running of two or more sentences one right after the other." ¶ 21. The Court relied on the definition of the terms in Black's Law Dictionary. ¶ 21. The Court stated that the terms are not synonymous with "aggregate sentence" which means "the total sentence imposed for multiple convictions." ¶ 21.

The Court concluded that the Fifth District correctly applied the standard of review required under R.C. 2953.08(G)(2) in Gwynne III. ¶ 26. The Court vacated their decision in Gwynne IV and reaffirmed the Fifth District opinion affirming the 65-year sentence. ¶ 26.

APPENDIX E

***State v. Hacker,* (2023-Ohio-2535)**

I. Introduction

The Supreme Court consolidated cases from the 3rd, *State v. Hacker,* 2023-Ohio-2535, and 8th District, *State v. Simmons,* 2021-Ohio-939, on the constitutionality of Reagan Tokes. *Id.* at ¶ 1. The appellants raised three issues. First, whether Reagan Tokes violates the Separation of Powers doctrine. *Id.* at ¶ 12. Second, whether the Reagan Tokes Act violates the right to jury trial right. *Id.* at ¶ 26. Third, whether the Reagan Tokes Act violates due process. *Id.* at ¶ 29. The Supreme Court upheld the appellate courts and found that Reagan Tokes is constitutional. *Id.* at ¶ 41.

II. 3rd District *State v. Hacker* ("3rd Dist. Hacker")

On December 20, 2019, Christopher Hacker pled guilty in the Logan County Court of Common Pleas to aggravated burglary with a one-year firearm specification. *State v. Hacker,* 2020-Ohio-5048, ¶ 3 (3rd Dist.) ("3rd Dist. Hacker"). Defendant filed an objection to the Reagan Tokes Act's constitutionality at this hearing. *Id.* at ¶ 4. On January 27, 2020, Defendant was sentenced to a minimum term of six years and a maximum term of nine years on Count One, with the firearm specification to be served first and consecutively. *Id.* at ¶ 5. On February 7, 2020, Defendant raised three issues on appeal to the Third District. *Id.* at ¶ 6. Defendant on the first two issues argued that the Reagan Tokes Act violated his right to jury trial and due process, as well as the separation of powers doctrine. *Id.* at ¶ 11. The right to jury trial argument was deemed not raised at the trial court level, and the appellate court declined to address it. *Id.* at ¶ 17. The third issue relates to a fine that was levied at trial and is not related to Reagan Tokes. *Id.* at ¶ 25. The third issue will not be part of this memo.

The Defendant's arguments for violating due process and separation of powers were based on the Ohio Supreme Court's holding in *Bray* and the Hamilton County Court of Common Pleas decision in *O'Neal.* See *State ex rel. Bray v. Russell,* 89 Ohio St.3d 132 (2000); *State v. O'Neal,* C.P. No. 1903 562 (Nov. 20, 2019). In *Bray,* the Ohio Supreme Court found a statute unconstitutional where a parole board was able to unilaterally extend an inmate's prison sentence. *Bray* at 135. This was due to the parole board being able to determine a prison sentence without jury findings. *Id.* In *O'Neal,* the trial court found that the Reagan Tokes Act gives power traditionally of the judicial branch to the executive branch with the parole board being able to keep the inmate in prison. *O'Neal* at ¶ 5. Lastly, the trial court also found that Reagan Tokes violates procedural due process due to not providing a judicial hearing. *Id.* at ¶ 6.

The Third District drew distinctions between *Bray* and *O'Neal.* 3rd Dist. *Hacker* at ¶ 22. Under Reagan Tokes, the Third District found that the parole board is acting within the limits set up by the trial court. *Id.* This is very different from *Bray*, where the statute allowed the parole board to make a new sentencing decision. Bray at 136. This led the appellate court in finding that Reagan Tokes is constitutional under separation of powers. 3rd Dist. *Hacker* at ¶ 22. The Court also found that procedural due process was not violated since the sentence did not go beyond the sentence to which the Defendant had judicial notice for from the sentencing hearing. *Id.*

III. *State v. Simmons*

The other case that was part of the Supreme Court's hearing in *Hacker* was *State v. Simmons*. *Hacker,* 2023-Ohio-2535 at ¶ 1; *State v. Simmons,* 2021-Ohio-939 (8th Dist.). In *Simmons*, the Defendant pled guilty to the following: weapons under disability, a third-degree felony; one count drug trafficking with a firearm specification, a second-degree felony; and one count of drug possession, a fifth degree felony. *Simmons* at ¶ 2. During sentencing, the trial court found that the Reagan Tokes Act was unconstitutional as it violated the separation of powers doctrine and procedural due process. *Id.* at ¶ 3. The State subsequently filed an appeal, bringing one assignment of error. *Id.* at ¶ 5.

a. Separation of Powers

The Eighth District divided the argument into multiple sections. The Court started with the separation of powers doctrine. *Id.* at ¶ 10. The Court looked at *Bray* similar to the Third District's analysis, but the 8th District also looked at constitutional challenges to post release control. *Id.* at ¶ 12,14. The Ohio Supreme Court has ruled that the parole board having "absolute discretion" over post-release control and being able to impose sanctions does not violate separation of powers, since it was imposed at the trial court level. *Id.*, citing *Woods v. Telb,* 89 Ohio St.3d 504,512 (2000).

The Eighth District distinguished *Bray* and *O'Neal* in a similar manner to the Third District. *Simmons* at ¶ 13. The Eighth district noted how the DRC in Reagan Tokes is not able to extend the sentence beyond the initial sentence provided by the trial court. *Id.* This makes Reagan Tokes closer to post-release control found in *Woods* rather than the statute in *Bray*. *Id.* at ¶ 13-14. Therefore, the Court concluded that Reagan Tokes was constitutional based on separation of powers. *Id.* at ¶ 14.

b. Procedural Due Process

The second issue the Eighth District looked at was whether Reagan Tokes violated procedural due process. *Id.* at ¶ 16. The Eighth District analogized the due process afforded in parole hearings to the due process found in parole hearings. *Id.* at ¶ 20-22. The Court analyzed Ohio and United States Supreme Court case law and stated that the standard for procedural due process is prior notice and the opportunity to be heard. *Id.* at ¶ 20, citing *Greenholtz v. Inmates of Neb. Penal & Corr. Complex,* 442 U.S. 1,16 (1979); *Woods* at 513.

The Eighth District then found that inmates are given notice of hearings. *Simmons* at ¶ 21. Inmates are given notice of conduct that will lead to infractions. *Id.* Inmates are given a hearing in front of the board and the right to appeal. *Id.* Based on these findings, the Eighth District ruled that the Reagan Tokes Act does not violate procedural due process. *Id.* at ¶ 21-22.

IV. *State v. Hacker,* 2023-Ohio-2535 (2023)

The Third and Eighth District cases culminated in *State v. Hacker.* There were three assignments of error brought to the Ohio Supreme Court: whether the Reagan Tokes Act violates the separation of powers doctrine; whether the Reagan Tokes Act violates procedural due process; and whether the Reagan Tokes Act violates the right to a jury trial. *Hacker,* 2023-Ohio-2535, at ¶ 12.

a. Separation of Powers

The first issue the court addressed was the separation of powers doctrine. The Supreme Court rejected the argument by *Hacker* stating that the Reagan Tokes Act violates separation of powers due to the executive branch taking away the power of the judiciary. *Id.* at ¶ 13, 18-19. Similar to the Eighth District, the Supreme Court rooted their analysis in *Woods,* as the court found the statute in *Woods* analogous to the Reagan Tokes Act. *Id.* at ¶ 19-22; See *Woods v. Telb,* 89 Ohio St.3d 504, 511-513 (2000). The executive branch's power under Reagan Tokes is subject to what has been ordered by the trial court and is not a new punishment. *Hacker* at ¶ 23. This led the Ohio Supreme Court to find that there was no violation of separation of powers. *Id.*

Hacker also challenged under separation of powers that the DRC's ability to release inmates prior to the minimum sentence creates a separation of powers issue. *Id.* at ¶ 24. The court declined to address this argument due to a lack of standing. *Id.* The Court further noted that Hacker would only be able to benefit from this provision rather than be harmed. *Id.*

b. Right to Jury Trial

The next issue was raised by *Simmons* and implicated the right to a jury trial. *Id.* at ¶ 26-27. *Simmons* argued that based on U.S. Supreme Court precedent, jury findings are required to extend an inmate's stay. *Id.*, citing *Apprendi v. New Jersey,* 530 U.S. 466, 491-495 (2000). The Ohio Supreme Court rejected this argument, stating the trial court already made the findings required and that the trial court sentenced the defendant to the appropriate guidelines. *Hacker* at ¶ 28. Nothing that happens in prison will change the possible sanctions that the defendants currently face. *Id.*

c. Due Process

Hacker and *Simmons* make two different arguments under due process. First, they allege that the Reagan Tokes Act is vague as facially applied. *Id.* at ¶ 30. Second, they argue that the Reagan Tokes Act violates their procedural due process. *Id.* at ¶ 35. The court rejects both arguments. *Id.* at ¶ 40.

Under vagueness, *Hacker* and *Simmons* argue that the Reagan Tokes Act does not give them notice of what could extend their incarceration time. *Id.* at ¶ 31. They argue this gives the DRC "unfettered discretion". *Id.* at ¶ 33. The Court rejects this argument, as the court states that the language of Reagan Tokes does give inmates notice of what DRC may use to extend their time. *Id.* at ¶ 32.

Lastly, both *Simmons* and *Hacker* present hypothetical situations to the Court. *Id.* at ¶ 34. The Court did not entertain these arguments, as these challenges would go towards a vagueness as applied challenge rather than a facial vague challenge that is present in this case. *Id.* This means that inmates who have stayed in prison as a result of the Reagan Tokes Act may be able to sustain a vagueness as applied challenge.

The last issue under due process is whether the Reagan Tokes Act violates procedural due process. *Hacker* and *Simmons* were bringing a facial challenge to the Reagan Tokes Act. *Id.* at ¶ 38. The Ohio Supreme Court held that under Reagan Tokes, notice and a hearing is required for procedural due process to be met. *Id.* at ¶ 36-37. Under a facial challenge, the Supreme Court noted that the "court must be careful not to exceed the statute's actual language and speculate about hypothetical or imaginary cases." *Id.* at ¶ 39, citing *Wymsylo v. Bartec,* 2012-Ohio-2187, ¶ 21. The Reagan Tokes Act provides both notice and a hearing. *Hacker* at ¶ 39. The Court noted that procedural due process violations as applied would be subject to the court's review as applicable. *Id.*

V. Conclusion

The Reagan Tokes Act is settled law regarding separation of powers, right to jury trial, and facial challenges to the Act itself. *Id.* at ¶ 25, 28, 34, 40. What is still possible regarding a Reagan Tokes challenge is whether the act is vague in how it is applied. See *Id.* at 34, 39.