

I_133_1298

133rd General Assembly
Regular Session
2019-2020

. B. No.

A BILL

To amend sections 149.43, 2929.41, 2967.03, 1
2967.05, 2967.12, 2967.13, 2967.15, 5120.59, 2
5149.07, 5149.10, 5149.101, and 5149.11 and to 3
enact sections 5149.102, 5149.103, 5149.104, 4
5149.105, and 5149.106 of the Revised Code to 5
revise parole procedures and the composition of 6
the Parole Board. 7

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

Section 1. That sections 149.43, 2929.41, 2967.03, 8
2967.05, 2967.12, 2967.13, 2967.15, 5120.59, 5149.07, 5149.10, 9
5149.101, and 5149.11 be amended and sections 5149.102, 10
5149.103, 5149.104, 5149.105, and 5149.106 of the Revised Code 11
be enacted to read as follows: 12

Sec. 149.43. (A) As used in this section: 13

(1) "Public record" means records kept by any public 14
office, including, but not limited to, state, county, city, 15
village, township, and school district units, and records 16
pertaining to the delivery of educational services by an 17



hk2kpjngben7vm5quaaff65

alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to ~~probation and parole proceedings~~ except as otherwise specified in sections 5149.102 to 5149.106 of the Revised Code, records pertaining to probation proceedings, records pertaining to proceedings related to the imposition of community control sanctions and post-release control sanctions, or records pertaining to proceedings related to determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;

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

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

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

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

(g) Trial preparation records;

(h) Confidential law enforcement investigatory records;	47
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	48 49
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	50 51
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	52 53 54 55
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	56 57 58 59
(m) Intellectual property records;	60
(n) Donor profile records;	61
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	62 63
(p) Designated public service worker residential and familial information;	64 65
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	66 67 68 69 70
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	71 72
(s) In the case of a child fatality review board acting	73

under sections 307.621 to 307.629 of the Revised Code or a 74
review conducted pursuant to guidelines established by the 75
director of health under section 3701.70 of the Revised Code, 76
records provided to the board or director, statements made by 77
board members during meetings of the board or by persons 78
participating in the director's review, and all work products of 79
the board or director, and in the case of a child fatality 80
review board, child fatality review data submitted by the board 81
to the department of health or a national child death review 82
database, other than the report prepared pursuant to division 83
(A) of section 307.626 of the Revised Code; 84

(t) Records provided to and statements made by the 85
executive director of a public children services agency or a 86
prosecuting attorney acting pursuant to section 5153.171 of the 87
Revised Code other than the information released under that 88
section; 89

(u) Test materials, examinations, or evaluation tools used 90
in an examination for licensure as a nursing home administrator 91
that the board of executives of long-term services and supports 92
administers under section 4751.04 of the Revised Code or 93
contracts under that section with a private or government entity 94
to administer; 95

(v) Records the release of which is prohibited by state or 96
federal law; 97

(w) Proprietary information of or relating to any person 98
that is submitted to or compiled by the Ohio venture capital 99
authority created under section 150.01 of the Revised Code; 100

(x) Financial statements and data any person submits for 101
any purpose to the Ohio housing finance agency or the 102

controlling board in connection with applying for, receiving, or	103
accounting for financial assistance from the agency, and	104
information that identifies any individual who benefits directly	105
or indirectly from financial assistance from the agency;	106
(y) Records listed in section 5101.29 of the Revised Code;	107
(z) Discharges recorded with a county recorder under	108
section 317.24 of the Revised Code, as specified in division (B)	109
(2) of that section;	110
(aa) Usage information including names and addresses of	111
specific residential and commercial customers of a municipally	112
owned or operated public utility;	113
(bb) Records described in division (C) of section 187.04	114
of the Revised Code that are not designated to be made available	115
to the public as provided in that division;	116
(cc) Information and records that are made confidential,	117
privileged, and not subject to disclosure under divisions (B)	118
and (C) of section 2949.221 of the Revised Code;	119
(dd) Personal information, as defined in section 149.45 of	120
the Revised Code;	121
(ee) The confidential name, address, and other personally	122
identifiable information of a program participant in the address	123
confidentiality program established under sections 111.41 to	124
111.47 of the Revised Code, including the contents of any	125
application for absent voter's ballots, absent voter's ballot	126
identification envelope statement of voter, or provisional	127
ballot affirmation completed by a program participant who has a	128
confidential voter registration record, and records or portions	129
of records pertaining to that program that identify the number	130
of program participants that reside within a precinct, ward,	131

township, municipal corporation, county, or any other geographic 132
area smaller than the state. As used in this division, 133
"confidential address" and "program participant" have the 134
meaning defined in section 111.41 of the Revised Code. 135

(ff) Orders for active military service of an individual 136
serving or with previous service in the armed forces of the 137
United States, including a reserve component, or the Ohio 138
organized militia, except that, such order becomes a public 139
record on the day that is fifteen years after the published date 140
or effective date of the call to order; 141

(gg) The name, address, contact information, or other 142
personal information of an individual who is less than eighteen 143
years of age that is included in any record related to a traffic 144
accident involving a school vehicle in which the individual was 145
an occupant at the time of the accident; 146

(hh) Protected health information, as defined in 45 C.F.R. 147
160.103, that is in a claim for payment for a health care 148
product, service, or procedure, as well as any other health 149
claims data in another document that reveals the identity of an 150
individual who is the subject of the data or could be used to 151
reveal that individual's identity; 152

(ii) Any depiction by photograph, film, videotape, or 153
printed or digital image under either of the following 154
circumstances: 155

(i) The depiction is that of a victim of an offense the 156
release of which would be, to a reasonable person of ordinary 157
sensibilities, an offensive and objectionable intrusion into the 158
victim's expectation of bodily privacy and integrity. 159

(ii) The depiction captures or depicts the victim of a 160

sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.

(jj) Restricted portions of a body-worn camera or dashboard camera recording.

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

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

(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an

information source or witness to whom confidentiality has been	191
reasonably promised;	192
(b) Information provided by an information source or	193
witness to whom confidentiality has been reasonably promised,	194
which information would reasonably tend to disclose the source's	195
or witness's identity;	196
(c) Specific confidential investigatory techniques or	197
procedures or specific investigatory work product;	198
(d) Information that would endanger the life or physical	199
safety of law enforcement personnel, a crime victim, a witness,	200
or a confidential information source.	201
(3) "Medical record" means any document or combination of	202
documents, except births, deaths, and the fact of admission to	203
or discharge from a hospital, that pertains to the medical	204
history, diagnosis, prognosis, or medical condition of a patient	205
and that is generated and maintained in the process of medical	206
treatment.	207
(4) "Trial preparation record" means any record that	208
contains information that is specifically compiled in reasonable	209
anticipation of, or in defense of, a civil or criminal action or	210
proceeding, including the independent thought processes and	211
personal trial preparation of an attorney.	212
(5) "Intellectual property record" means a record, other	213
than a financial or administrative record, that is produced or	214
collected by or for faculty or staff of a state institution of	215
higher learning in the conduct of or as a result of study or	216
research on an educational, commercial, scientific, artistic,	217
technical, or scholarly issue, regardless of whether the study	218
or research was sponsored by the institution alone or in	219

conjunction with a governmental body or private concern, and	220
that has not been publicly released, published, or patented.	221
(6) "Donor profile record" means all records about donors	222
or potential donors to a public institution of higher education	223
except the names and reported addresses of the actual donors and	224
the date, amount, and conditions of the actual donation.	225
(7) "Designated public service worker" means a peace	226
officer, parole officer, probation officer, bailiff, prosecuting	227
attorney, assistant prosecuting attorney, correctional employee,	228
county or multicounty corrections officer, community-based	229
correctional facility employee, youth services employee,	230
firefighter, EMT, medical director or member of a cooperating	231
physician advisory board of an emergency medical service	232
organization, state board of pharmacy employee, investigator of	233
the bureau of criminal identification and investigation, judge,	234
magistrate, or federal law enforcement officer.	235
(8) "Designated public service worker residential and	236
familial information" means any information that discloses any	237
of the following about a designated public service worker:	238
(a) The address of the actual personal residence of a	239
designated public service worker, except for the following	240
information:	241
(i) The address of the actual personal residence of a	242
prosecuting attorney or judge; and	243
(ii) The state or political subdivision in which a	244
designated public service worker resides.	245
(b) Information compiled from referral to or participation	246
in an employee assistance program;	247

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;	248 249 250 251 252
(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;	253 254 255 256
(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;	257 258 259 260 261
(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;	262 263 264 265 266 267
(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.	268 269 270 271
(9) As used in divisions (A) (7) and (15) to (17) of this section:	272 273
"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the	274 275 276

sheriff of a county or a supervisory employee who, in the	277
absence of the sheriff, is authorized to stand in for, exercise	278
the authority of, and perform the duties of the sheriff.	279
"Correctional employee" means any employee of the	280
department of rehabilitation and correction who in the course of	281
performing the employee's job duties has or has had contact with	282
inmates and persons under supervision.	283
"County or multicounty corrections officer" means any	284
corrections officer employed by any county or multicounty	285
correctional facility.	286
"Youth services employee" means any employee of the	287
department of youth services who in the course of performing the	288
employee's job duties has or has had contact with children	289
committed to the custody of the department of youth services.	290
"Firefighter" means any regular, paid or volunteer, member	291
of a lawfully constituted fire department of a municipal	292
corporation, township, fire district, or village.	293
"EMT" means EMTs-basic, EMTs-I, and paramedics that	294
provide emergency medical services for a public emergency	295
medical service organization. "Emergency medical service	296
organization," "EMT-basic," "EMT-I," and "paramedic" have the	297
meanings defined in section 4765.01 of the Revised Code.	298
"Investigator of the bureau of criminal identification and	299
investigation" has the meaning defined in section 2903.11 of the	300
Revised Code.	301
"Federal law enforcement officer" has the meaning defined	302
in section 9.88 of the Revised Code.	303
(10) "Information pertaining to the recreational	304

activities of a person under the age of eighteen" means 305
information that is kept in the ordinary course of business by a 306
public office, that pertains to the recreational activities of a 307
person under the age of eighteen years, and that discloses any 308
of the following: 309

(a) The address or telephone number of a person under the 310
age of eighteen or the address or telephone number of that 311
person's parent, guardian, custodian, or emergency contact 312
person; 313

(b) The social security number, birth date, or 314
photographic image of a person under the age of eighteen; 315

(c) Any medical record, history, or information pertaining 316
to a person under the age of eighteen; 317

(d) Any additional information sought or required about a 318
person under the age of eighteen for the purpose of allowing 319
that person to participate in any recreational activity 320
conducted or sponsored by a public office or to use or obtain 321
admission privileges to any recreational facility owned or 322
operated by a public office. 323

(11) "Community control sanction" has the meaning defined 324
in section 2929.01 of the Revised Code. 325

(12) "Post-release control sanction" has the meaning 326
defined in section 2967.01 of the Revised Code. 327

(13) "Redaction" means obscuring or deleting any 328
information that is exempt from the duty to permit public 329
inspection or copying from an item that otherwise meets the 330
definition of a "record" in section 149.011 of the Revised Code. 331

(14) "Designee," "elected official," and "future official" 332

have the meanings defined in section 109.43 of the Revised Code. 333

(15) "Body-worn camera" means a visual and audio recording 334
device worn on the person of a peace officer while the peace 335
officer is engaged in the performance of the peace officer's 336
duties. 337

(16) "Dashboard camera" means a visual and audio recording 338
device mounted on a peace officer's vehicle or vessel that is 339
used while the peace officer is engaged in the performance of 340
the peace officer's duties. 341

(17) "Restricted portions of a body-worn camera or 342
dashboard camera recording" means any visual or audio portion of 343
a body-worn camera or dashboard camera recording that shows, 344
communicates, or discloses any of the following: 345

(a) The image or identity of a child or information that 346
could lead to the identification of a child who is a primary 347
subject of the recording when the law enforcement agency knows 348
or has reason to know the person is a child based on the law 349
enforcement agency's records or the content of the recording; 350

(b) The death of a person or a deceased person's body, 351
unless the death was caused by a peace officer or, subject to 352
division (H)(1) of this section, the consent of the decedent's 353
executor or administrator has been obtained; 354

(c) The death of a peace officer, firefighter, paramedic, 355
or other first responder, occurring while the decedent was 356
engaged in the performance of official duties, unless, subject 357
to division (H)(1) of this section, the consent of the 358
decedent's executor or administrator has been obtained; 359

(d) Grievous bodily harm, unless the injury was effected 360
by a peace officer or, subject to division (H)(1) of this 361

section, the consent of the injured person or the injured person's guardian has been obtained;

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

(f) Grievous bodily harm to a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

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

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

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

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

(k) Information, that does not constitute a confidential

law enforcement investigatory record, that could identify a 391
person who provides sensitive or confidential information to a 392
law enforcement agency when the disclosure of the person's 393
identity or the information provided could reasonably be 394
expected to threaten or endanger the safety or property of the 395
person or another person; 396

(l) Personal information of a person who is not arrested, 397
cited, charged, or issued a written warning by a peace officer; 398

(m) Proprietary police contingency plans or tactics that 399
are intended to prevent crime and maintain public order and 400
safety; 401

(n) A personal conversation unrelated to work between 402
peace officers or between a peace officer and an employee of a 403
law enforcement agency; 404

(o) A conversation between a peace officer and a member of 405
the public that does not concern law enforcement activities; 406

(p) The interior of a residence, unless the interior of a 407
residence is the location of an adversarial encounter with, or a 408
use of force by, a peace officer; 409

(q) Any portion of the interior of a private business that 410
is not open to the public, unless an adversarial encounter with, 411
or a use of force by, a peace officer occurs in that location. 412

As used in division (A) (17) of this section: 413

"Grievous bodily harm" has the same meaning as in section 414
5924.120 of the Revised Code. 415

"Health care facility" has the same meaning as in section 416
1337.11 of the Revised Code. 417

"Protected health information" has the same meaning as in 418
45 C.F.R. 160.103. 419

"Law enforcement agency" has the same meaning as in 420
section 2925.61 of the Revised Code. 421

"Personal information" means any government-issued 422
identification number, date of birth, address, financial 423
information, or criminal justice information from the law 424
enforcement automated data system or similar databases. 425

"Sex offense" has the same meaning as in section 2907.10 426
of the Revised Code. 427

"Firefighter," "paramedic," and "first responder" have the 428
same meanings as in section 4765.01 of the Revised Code. 429

(B) (1) Upon request and subject to division (B) (8) of this 430
section, all public records responsive to the request shall be 431
promptly prepared and made available for inspection to any 432
person at all reasonable times during regular business hours. 433
Subject to division (B) (8) of this section, upon request by any 434
person, a public office or person responsible for public records 435
shall make copies of the requested public record available to 436
the requester at cost and within a reasonable period of time. If 437
a public record contains information that is exempt from the 438
duty to permit public inspection or to copy the public record, 439
the public office or the person responsible for the public 440
record shall make available all of the information within the 441
public record that is not exempt. When making that public record 442
available for public inspection or copying that public record, 443
the public office or the person responsible for the public 444
record shall notify the requester of any redaction or make the 445
redaction plainly visible. A redaction shall be deemed a denial 446

of a request to inspect or copy the redacted information, except 447
if federal or state law authorizes or requires a public office 448
to make the redaction. 449

(2) To facilitate broader access to public records, a 450
public office or the person responsible for public records shall 451
organize and maintain public records in a manner that they can 452
be made available for inspection or copying in accordance with 453
division (B) of this section. A public office also shall have 454
available a copy of its current records retention schedule at a 455
location readily available to the public. If a requester makes 456
an ambiguous or overly broad request or has difficulty in making 457
a request for copies or inspection of public records under this 458
section such that the public office or the person responsible 459
for the requested public record cannot reasonably identify what 460
public records are being requested, the public office or the 461
person responsible for the requested public record may deny the 462
request but shall provide the requester with an opportunity to 463
revise the request by informing the requester of the manner in 464
which records are maintained by the public office and accessed 465
in the ordinary course of the public office's or person's 466
duties. 467

(3) If a request is ultimately denied, in part or in 468
whole, the public office or the person responsible for the 469
requested public record shall provide the requester with an 470
explanation, including legal authority, setting forth why the 471
request was denied. If the initial request was provided in 472
writing, the explanation also shall be provided to the requester 473
in writing. The explanation shall not preclude the public office 474
or the person responsible for the requested public record from 475
relying upon additional reasons or legal authority in defending 476
an action commenced under division (C) of this section. 477

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

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

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person requesting the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or

person responsible for the public record determines that it 509
reasonably can be duplicated as an integral part of the normal 510
operations of the public office or person responsible for the 511
public record. When the person requesting the copy makes a 512
choice under this division, the public office or person 513
responsible for the public record shall provide a copy of it in 514
accordance with the choice made by that person. Nothing in this 515
section requires a public office or person responsible for the 516
public record to allow the person requesting a copy of the 517
public record to make the copies of the public record. 518

(7) (a) Upon a request made in accordance with division (B) 519
of this section and subject to division (B) (6) of this section, 520
a public office or person responsible for public records shall 521
transmit a copy of a public record to any person by United 522
States mail or by any other means of delivery or transmission 523
within a reasonable period of time after receiving the request 524
for the copy. The public office or person responsible for the 525
public record may require the person making the request to pay 526
in advance the cost of postage if the copy is transmitted by 527
United States mail or the cost of delivery if the copy is 528
transmitted other than by United States mail, and to pay in 529
advance the costs incurred for other supplies used in the 530
mailing, delivery, or transmission. 531

(b) Any public office may adopt a policy and procedures 532
that it will follow in transmitting, within a reasonable period 533
of time after receiving a request, copies of public records by 534
United States mail or by any other means of delivery or 535
transmission pursuant to division (B) (7) of this section. A 536
public office that adopts a policy and procedures under division 537
(B) (7) of this section shall comply with them in performing its 538
duties under that division. 539

(c) In any policy and procedures adopted under division 540
(B) (7) of this section: 541

(i) A public office may limit the number of records 542
requested by a person that the office will physically deliver by 543
United States mail or by another delivery service to ten per 544
month, unless the person certifies to the office in writing that 545
the person does not intend to use or forward the requested 546
records, or the information contained in them, for commercial 547
purposes; 548

(ii) A public office that chooses to provide some or all 549
of its public records on a web site that is fully accessible to 550
and searchable by members of the public at all times, other than 551
during acts of God outside the public office's control or 552
maintenance, and that charges no fee to search, access, 553
download, or otherwise receive records provided on the web site, 554
may limit to ten per month the number of records requested by a 555
person that the office will deliver in a digital format, unless 556
the requested records are not provided on the web site and 557
unless the person certifies to the office in writing that the 558
person does not intend to use or forward the requested records, 559
or the information contained in them, for commercial purposes. 560

(iii) For purposes of division (B) (7) of this section, 561
"commercial" shall be narrowly construed and does not include 562
reporting or gathering news, reporting or gathering information 563
to assist citizen oversight or understanding of the operation or 564
activities of government, or nonprofit educational research. 565

(8) A public office or person responsible for public 566
records is not required to permit a person who is incarcerated 567
pursuant to a criminal conviction or a juvenile adjudication to 568
inspect or to obtain a copy of any public record concerning a 569

criminal investigation or prosecution or concerning what would 570
be a criminal investigation or prosecution if the subject of the 571
investigation or prosecution were an adult, unless the request 572
to inspect or to obtain a copy of the record is for the purpose 573
of acquiring information that is subject to release as a public 574
record under this section and the judge who imposed the sentence 575
or made the adjudication with respect to the person, or the 576
judge's successor in office, finds that the information sought 577
in the public record is necessary to support what appears to be 578
a justiciable claim of the person. 579

(9) (a) Upon written request made and signed by a 580
journalist, a public office, or person responsible for public 581
records, having custody of the records of the agency employing a 582
specified designated public service worker shall disclose to the 583
journalist the address of the actual personal residence of the 584
designated public service worker and, if the designated public 585
service worker's spouse, former spouse, or child is employed by 586
a public office, the name and address of the employer of the 587
designated public service worker's spouse, former spouse, or 588
child. The request shall include the journalist's name and title 589
and the name and address of the journalist's employer and shall 590
state that disclosure of the information sought would be in the 591
public interest. 592

(b) Division (B) (9) (a) of this section also applies to 593
journalist requests for: 594

(i) Customer information maintained by a municipally owned 595
or operated public utility, other than social security numbers 596
and any private financial information such as credit reports, 597
payment methods, credit card numbers, and bank account 598
information; 599

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

(c) As used in division (B) (9) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

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

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

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

(b) Commence a mandamus action to obtain a judgment that 630
orders the public office or the person responsible for the 631
public record to comply with division (B) of this section, that 632
awards court costs and reasonable attorney's fees to the person 633
that instituted the mandamus action, and, if applicable, that 634
includes an order fixing statutory damages under division (C) (2) 635
of this section. The mandamus action may be commenced in the 636
court of common pleas of the county in which division (B) of 637
this section allegedly was not complied with, in the supreme 638
court pursuant to its original jurisdiction under Section 2 of 639
Article IV, Ohio Constitution, or in the court of appeals for 640
the appellate district in which division (B) of this section 641
allegedly was not complied with pursuant to its original 642
jurisdiction under Section 3 of Article IV, Ohio Constitution. 643

(2) If a requester transmits a written request by hand 644
delivery, electronic submission, or certified mail to inspect or 645
receive copies of any public record in a manner that fairly 646
describes the public record or class of public records to the 647
public office or person responsible for the requested public 648
records, except as otherwise provided in this section, the 649
requester shall be entitled to recover the amount of statutory 650
damages set forth in this division if a court determines that 651
the public office or the person responsible for public records 652
failed to comply with an obligation in accordance with division 653
(B) of this section. 654

The amount of statutory damages shall be fixed at one 655
hundred dollars for each business day during which the public 656
office or person responsible for the requested public records 657
failed to comply with an obligation in accordance with division 658
(B) of this section, beginning with the day on which the 659
requester files a mandamus action to recover statutory damages, 660

up to a maximum of one thousand dollars. The award of statutory 661
damages shall not be construed as a penalty, but as compensation 662
for injury arising from lost use of the requested information. 663
The existence of this injury shall be conclusively presumed. The 664
award of statutory damages shall be in addition to all other 665
remedies authorized by this section. 666

The court may reduce an award of statutory damages or not 667
award statutory damages if the court determines both of the 668
following: 669

(a) That, based on the ordinary application of statutory 670
law and case law as it existed at the time of the conduct or 671
threatened conduct of the public office or person responsible 672
for the requested public records that allegedly constitutes a 673
failure to comply with an obligation in accordance with division 674
(B) of this section and that was the basis of the mandamus 675
action, a well-informed public office or person responsible for 676
the requested public records reasonably would believe that the 677
conduct or threatened conduct of the public office or person 678
responsible for the requested public records did not constitute 679
a failure to comply with an obligation in accordance with 680
division (B) of this section; 681

(b) That a well-informed public office or person 682
responsible for the requested public records reasonably would 683
believe that the conduct or threatened conduct of the public 684
office or person responsible for the requested public records 685
would serve the public policy that underlies the authority that 686
is asserted as permitting that conduct or threatened conduct. 687

(3) In a mandamus action filed under division (C) (1) of 688
this section, the following apply: 689

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

(ii) If the court makes a determination described in division (C) (3) (b) (iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

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

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

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

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division

(B) of this section. No discovery may be conducted on the issue 719
of the alleged bad faith of the public office or person 720
responsible for the public records. This division shall not be 721
construed as creating a presumption that the public office or 722
the person responsible for the public records acted in bad faith 723
when the office or person voluntarily made the public records 724
available to the relator for the first time after the relator 725
commenced the mandamus action, but before the court issued any 726
order described in this division. 727

(c) The court shall not award attorney's fees to the 728
relator if the court determines both of the following: 729

(i) That, based on the ordinary application of statutory 730
law and case law as it existed at the time of the conduct or 731
threatened conduct of the public office or person responsible 732
for the requested public records that allegedly constitutes a 733
failure to comply with an obligation in accordance with division 734
(B) of this section and that was the basis of the mandamus 735
action, a well-informed public office or person responsible for 736
the requested public records reasonably would believe that the 737
conduct or threatened conduct of the public office or person 738
responsible for the requested public records did not constitute 739
a failure to comply with an obligation in accordance with 740
division (B) of this section; 741

(ii) That a well-informed public office or person 742
responsible for the requested public records reasonably would 743
believe that the conduct or threatened conduct of the public 744
office or person responsible for the requested public records 745
would serve the public policy that underlies the authority that 746
is asserted as permitting that conduct or threatened conduct. 747

(4) All of the following apply to any award of reasonable 748

attorney's fees awarded under division (C) (3) (b) of this 749
section: 750

(a) The fees shall be construed as remedial and not 751
punitive. 752

(b) The fees awarded shall not exceed the total of the 753
reasonable attorney's fees incurred before the public record was 754
made available to the relator and the fees described in division 755
(C) (4) (c) of this section. 756

(c) Reasonable attorney's fees shall include reasonable 757
fees incurred to produce proof of the reasonableness and amount 758
of the fees and to otherwise litigate entitlement to the fees. 759

(d) The court may reduce the amount of fees awarded if the 760
court determines that, given the factual circumstances involved 761
with the specific public records request, an alternative means 762
should have been pursued to more effectively and efficiently 763
resolve the dispute that was subject to the mandamus action 764
filed under division (C) (1) of this section. 765

(5) If the court does not issue a writ of mandamus under 766
division (C) of this section and the court determines at that 767
time that the bringing of the mandamus action was frivolous 768
conduct as defined in division (A) of section 2323.51 of the 769
Revised Code, the court may award to the public office all court 770
costs, expenses, and reasonable attorney's fees, as determined 771
by the court. 772

(D) Chapter 1347. of the Revised Code does not limit the 773
provisions of this section. 774

(E) (1) To ensure that all employees of public offices are 775
appropriately educated about a public office's obligations under 776
division (B) of this section, all elected officials or their 777

appropriate designees shall attend training approved by the 778
attorney general as provided in section 109.43 of the Revised 779
Code. A future official may satisfy the requirements of this 780
division by attending the training before taking office, 781
provided that the future official may not send a designee in the 782
future official's place. 783

(2) All public offices shall adopt a public records policy 784
in compliance with this section for responding to public records 785
requests. In adopting a public records policy under this 786
division, a public office may obtain guidance from the model 787
public records policy developed and provided to the public 788
office by the attorney general under section 109.43 of the 789
Revised Code. Except as otherwise provided in this section, the 790
policy may not limit the number of public records that the 791
public office will make available to a single person, may not 792
limit the number of public records that it will make available 793
during a fixed period of time, and may not establish a fixed 794
period of time before it will respond to a request for 795
inspection or copying of public records, unless that period is 796
less than eight hours. 797

The public office shall distribute the public records 798
policy adopted by the public office under this division to the 799
employee of the public office who is the records custodian or 800
records manager or otherwise has custody of the records of that 801
office. The public office shall require that employee to 802
acknowledge receipt of the copy of the public records policy. 803
The public office shall create a poster that describes its 804
public records policy and shall post the poster in a conspicuous 805
place in the public office and in all locations where the public 806
office has branch offices. The public office may post its public 807
records policy on the internet web site of the public office if 808

the public office maintains an internet web site. A public 809
office that has established a manual or handbook of its general 810
policies and procedures for all employees of the public office 811
shall include the public records policy of the public office in 812
the manual or handbook. 813

(F) (1) The bureau of motor vehicles may adopt rules 814
pursuant to Chapter 119. of the Revised Code to reasonably limit 815
the number of bulk commercial special extraction requests made 816
by a person for the same records or for updated records during a 817
calendar year. The rules may include provisions for charges to 818
be made for bulk commercial special extraction requests for the 819
actual cost of the bureau, plus special extraction costs, plus 820
ten per cent. The bureau may charge for expenses for redacting 821
information, the release of which is prohibited by law. 822

(2) As used in division (F) (1) of this section: 823

(a) "Actual cost" means the cost of depleted supplies, 824
records storage media costs, actual mailing and alternative 825
delivery costs, or other transmitting costs, and any direct 826
equipment operating and maintenance costs, including actual 827
costs paid to private contractors for copying services. 828

(b) "Bulk commercial special extraction request" means a 829
request for copies of a record for information in a format other 830
than the format already available, or information that cannot be 831
extracted without examination of all items in a records series, 832
class of records, or database by a person who intends to use or 833
forward the copies for surveys, marketing, solicitation, or 834
resale for commercial purposes. "Bulk commercial special 835
extraction request" does not include a request by a person who 836
gives assurance to the bureau that the person making the request 837
does not intend to use or forward the requested copies for 838

surveys, marketing, solicitation, or resale for commercial 839
purposes. 840

(c) "Commercial" means profit-seeking production, buying, 841
or selling of any good, service, or other product. 842

(d) "Special extraction costs" means the cost of the time 843
spent by the lowest paid employee competent to perform the task, 844
the actual amount paid to outside private contractors employed 845
by the bureau, or the actual cost incurred to create computer 846
programs to make the special extraction. "Special extraction 847
costs" include any charges paid to a public agency for computer 848
or records services. 849

(3) For purposes of divisions (F) (1) and (2) of this 850
section, "surveys, marketing, solicitation, or resale for 851
commercial purposes" shall be narrowly construed and does not 852
include reporting or gathering news, reporting or gathering 853
information to assist citizen oversight or understanding of the 854
operation or activities of government, or nonprofit educational 855
research. 856

(G) A request by a defendant, counsel of a defendant, or 857
any agent of a defendant in a criminal action that public 858
records related to that action be made available under this 859
section shall be considered a demand for discovery pursuant to 860
the Criminal Rules, except to the extent that the Criminal Rules 861
plainly indicate a contrary intent. The defendant, counsel of 862
the defendant, or agent of the defendant making a request under 863
this division shall serve a copy of the request on the 864
prosecuting attorney, director of law, or other chief legal 865
officer responsible for prosecuting the action. 866

(H) (1) Any portion of a body-worn camera or dashboard 867

camera recording described in divisions (A) (17) (b) to (h) of 868
this section may be released by consent of the subject of the 869
recording or a representative of that person, as specified in 870
those divisions, only if either of the following applies: 871

(a) The recording will not be used in connection with any 872
probable or pending criminal proceedings; 873

(b) The recording has been used in connection with a 874
criminal proceeding that was dismissed or for which a judgment 875
has been entered pursuant to Rule 32 of the Rules of Criminal 876
Procedure, and will not be used again in connection with any 877
probable or pending criminal proceedings. 878

(2) If a public office denies a request to release a 879
restricted portion of a body-worn camera or dashboard camera 880
recording, as defined in division (A) (17) of this section, any 881
person may file a mandamus action pursuant to this section or a 882
complaint with the clerk of the court of claims pursuant to 883
section 2743.75 of the Revised Code, requesting the court to 884
order the release of all or portions of the recording. If the 885
court considering the request determines that the filing 886
articulates by clear and convincing evidence that the public 887
interest in the recording substantially outweighs privacy 888
interests and other interests asserted to deny release, the 889
court shall order the public office to release the recording. 890

Sec. 2929.41. (A) (1) (a) Divisions (A) (2) and (B) (1) to (3) 891
of this section apply with respect to offenses and offenders 892
that are not covered by division (A) (1) (b) of this section. 893

(b) The version of this section in effect prior to July 1, 894
1996, shall apply without exception with respect to offenses 895
committed prior to July 1, 1996, and to all offenders sentenced 896

for an offense committed prior to that date, including all 897
prisoners serving consecutive sentences imposed under section 898
2907.02 of the Revised Code as it existed prior to that date. 899
All prisoners serving consecutive sentences imposed under 900
section 2907.02 of the Revised Code as it existed prior to July 901
1, 1996, shall be eligible for parole under the provisions of 902
the bill in which this amendment is enacted after serving 903
fifteen years of imprisonment. 904

(2) Except as provided in division (B) of this section, 905
division (C) of section 2929.14, or division (D) or (E) of 906
section 2971.03 of the Revised Code, a prison term, jail term, 907
or sentence of imprisonment shall be served concurrently with 908
any other prison term, jail term, or sentence of imprisonment 909
imposed by a court of this state, another state, or the United 910
States. Except as provided in division (B)(3) of this section, a 911
jail term or sentence of imprisonment for misdemeanor shall be 912
served concurrently with a prison term or sentence of 913
imprisonment for felony served in a state or federal 914
correctional institution. 915

(B)(1) A jail term or sentence of imprisonment for a 916
misdemeanor shall be served consecutively to any other prison 917
term, jail term, or sentence of imprisonment when the trial 918
court specifies that it is to be served consecutively or when it 919
is imposed for a misdemeanor violation of section 2907.322, 920
2921.34, or 2923.131 of the Revised Code. 921

When consecutive sentences are imposed for misdemeanor 922
under this division, the term to be served is the aggregate of 923
the consecutive terms imposed, except that the aggregate term to 924
be served shall not exceed eighteen months. 925

(2) If a court of this state imposes a prison term upon 926

the offender for the commission of a felony and a court of 927
another state or the United States also has imposed a prison 928
term upon the offender for the commission of a felony, the court 929
of this state may order that the offender serve the prison term 930
it imposes consecutively to any prison term imposed upon the 931
offender by the court of another state or the United States. 932

(3) A jail term or sentence of imprisonment imposed for a 933
misdemeanor violation of section 4510.11, 4510.14, 4510.16, 934
4510.21, or 4511.19 of the Revised Code shall be served 935
consecutively to a prison term that is imposed for a felony 936
violation of section 2903.06, 2903.07, 2903.08, or 4511.19 of 937
the Revised Code or a felony violation of section 2903.04 of the 938
Revised Code involving the operation of a motor vehicle by the 939
offender and that is served in a state correctional institution 940
when the trial court specifies that it is to be served 941
consecutively. 942

When consecutive jail terms or sentences of imprisonment 943
and prison terms are imposed for one or more misdemeanors and 944
one or more felonies under this division, the term to be served 945
is the aggregate of the consecutive terms imposed, and the 946
offender shall serve all terms imposed for a felony before 947
serving any term imposed for a misdemeanor. 948

Sec. 2967.03. (A) The adult parole authority may exercise 949
its functions and duties in relation to the pardon, commutation 950
of sentence, or reprieve of a convict upon direction of the 951
governor or upon its own initiative. It may exercise its 952
functions and duties in relation to the parole of a prisoner who 953
is eligible for parole upon the initiative of the head of the 954
institution in which the prisoner is confined or upon its own 955
initiative. When a prisoner becomes eligible for parole, the 956

head of the institution in which the prisoner is confined shall 957
notify the authority in the manner prescribed by the authority. 958
The authority may investigate and examine, or cause the 959
investigation and examination of, prisoners confined in state 960
correctional institutions concerning their conduct in the 961
institutions, their mental and moral qualities and 962
characteristics, their knowledge of a trade or profession, their 963
former means of livelihood, their family relationships, and any 964
other matters affecting their fitness to be at liberty without 965
being a threat to society. 966

(B) The authority may recommend to the governor the 967
pardon, commutation of sentence, or reprieve of any convict or 968
~~prisoner or grant a parole to any prisoner for whom parole is~~ 969
~~authorized,~~ if in its judgment there is reasonable ground to 970
believe that granting a pardon, commutation, or reprieve to the 971
convict or paroling the prisoner would further the interests of 972
justice and be consistent with the welfare and security of 973
society. The authority may grant a parole to any prisoner for 974
whom parole is authorized and for whom a parole decision is 975
being considered or made on or after the effective date of this 976
amendment only after compliance with and in accordance with 977
sections 5149.10 to 5149.106 of the Revised Code, rules adopted 978
to implement those sections, and other provisions of law and 979
rules that are not inconsistent with sections 5149.10 to 980
5149.106 of the Revised Code and rules adopted to implement 981
them. However, in any case, the authority shall not recommend a 982
pardon or commutation of sentence, or grant a parole to, any 983
convict or prisoner until the authority has complied with the 984
applicable notice requirements of sections 2930.16 and 2967.12 985
of the Revised Code and until it has considered any statement 986
made by a victim or a victim's representative that is relevant 987

to the convict's or prisoner's case and that was sent to the 988
authority pursuant to section 2930.17 of the Revised Code, any 989
other statement made by a victim or a victim's representative 990
that is relevant to the convict's or prisoner's case and that 991
was received by the authority after it provided notice of the 992
pendency of the action under sections 2930.16 and 2967.12 of the 993
Revised Code, and any written statement of any person submitted 994
to the court pursuant to division (I) of section 2967.12 of the 995
Revised Code. If a victim, victim's representative, or the 996
victim's spouse, parent, sibling, or child appears at a full 997
board hearing of the parole board and gives testimony as 998
authorized by section 5149.101 of the Revised Code, the 999
authority shall consider the testimony in determining whether to 1000
grant a parole. The trial judge and prosecuting attorney of the 1001
trial court in which a person was convicted shall furnish to the 1002
authority, at the request of the authority, a summarized 1003
statement of the facts proved at the trial and of all other 1004
facts having reference to the propriety of recommending a pardon 1005
or commutation or granting a parole, together with a 1006
recommendation for or against a pardon, commutation, or parole, 1007
and the reasons for the recommendation. The trial judge, the 1008
prosecuting attorney, specified law enforcement agency members, 1009
and a representative of the prisoner may appear at a full board 1010
hearing of the parole board and give testimony in regard to the 1011
grant of a parole to the prisoner as authorized by section 1012
5149.101 of the Revised Code. All state and local officials 1013
shall furnish information to the authority, when so requested by 1014
it in the performance of its duties. 1015

(C) If the parole board is considering whether to grant a 1016
parole to a prisoner, the board shall make an official record of 1017
all information and materials it is considering in making the 1018

decision and shall provide the prisoner with access to the 1019
record in accordance with sections 5149.101 to 5149.106 of the 1020
Revised Code. 1021

(D) The adult parole authority shall exercise its 1022
functions and duties in relation to the release of prisoners who 1023
are serving a definite prison term as a stated prison term in 1024
accordance with section 2967.28 of the Revised Code, and the 1025
authority and the department of rehabilitation and correction 1026
shall exercise their functions and duties in relation to the 1027
release of prisoners who are serving a non-life felony 1028
indefinite prison term as a stated prison term in accordance 1029
with sections 2967.271 and 2967.28 of the Revised Code. 1030

Sec. 2967.05. (A) As used in this section: 1031

(1) "Imminent danger of death" means that the inmate has a 1032
medically diagnosable condition that will cause death to occur 1033
within a short period of time. 1034

As used in division (A) (1) of this section, "within a 1035
short period of time" means generally within six months. 1036

(2) (a) "Medically incapacitated" means any diagnosable 1037
medical condition, including mental dementia and severe, 1038
permanent medical or cognitive disability, that prevents the 1039
inmate from completing activities of daily living without 1040
significant assistance, that incapacitates the inmate to the 1041
extent that institutional confinement does not offer additional 1042
restrictions, that is likely to continue throughout the entire 1043
period of parole, and that is unlikely to improve noticeably. 1044

(b) "Medically incapacitated" does not include conditions 1045
related solely to mental illness unless the mental illness is 1046
accompanied by injury, disease, or organic defect. 1047

(3) (a) "Terminal illness" means a condition that satisfies 1048
all of the following criteria: 1049

(i) The condition is irreversible and incurable and is 1050
caused by disease, illness, or injury from which the inmate is 1051
unlikely to recover. 1052

(ii) In accordance with reasonable medical standards and a 1053
reasonable degree of medical certainty, the condition is likely 1054
to cause death to the inmate within twelve months. 1055

(iii) Institutional confinement of the inmate does not 1056
offer additional protections for public safety or against the 1057
inmate's risk to reoffend. 1058

(b) The department of rehabilitation and correction shall 1059
adopt rules pursuant to Chapter 119. of the Revised Code to 1060
implement the definition of "terminal illness" in division (A) 1061
(3) (a) of this section. 1062

(B) (1) Upon the recommendation of the director of 1063
rehabilitation and correction, accompanied by a certificate of 1064
the attending physician that an inmate is terminally ill, 1065
medically incapacitated, or in imminent danger of death, the 1066
governor may order the inmate's release as if on parole, 1067
reserving the right to return the inmate to the institution 1068
pursuant to this section. If, subsequent to the inmate's 1069
release, the inmate's health improves so that the inmate is no 1070
longer terminally ill, medically incapacitated, or in imminent 1071
danger of death, the inmate shall be returned, by order of the 1072
governor, to the institution from which the inmate was released. 1073

(2) (a) Separate from and in addition to the provisions for 1074
release as if on parole under division (B) (1) of this section, 1075
the warden of a state correctional institution may recommend to 1076

the parole board the release as if on parole of any inmate in 1077
the warden's facility if all of the following apply: 1078

(i) The inmate's health has deteriorated to the extent 1079
that the inmate no longer is a threat to society. 1080

(ii) It would be in the best interests of the residents of 1081
this state and would serve justice for the inmate to be released 1082
from imprisonment. 1083

(iii) A placement plan is available for the inmate. 1084

(b) If a warden of a state correctional institution does 1085
not make a recommendation to the parole board under division (B) 1086
(2) (a) of this section for an inmate and a family member or 1087
friend of the inmate believes that the inmate's health has 1088
deteriorated to the extent that the inmate no longer is a threat 1089
to society, that it would be in the best interests of the 1090
residents of this state and would serve justice for the inmate 1091
to be released from imprisonment, and that a placement plan 1092
would be available for the inmate, the family member or friend 1093
may make a request to the parole board that the inmate be 1094
released as if on parole. 1095

(c) If a warden of a state correctional institution makes 1096
a recommendation to the parole board under division (B) (2) (a) of 1097
this section or a family or friend of an inmate makes a request 1098
to the parole board under division (B) (2) (b) of this section, 1099
the board shall release the inmate as if on parole unless the 1100
board determines that the inmate remains a threat to society. 1101

(3) If ~~the~~ an inmate released under division (B) (1) or (2) 1102
of this section violates any rules or conditions applicable to 1103
the inmate, the inmate may be returned to an institution under 1104
the control of the department of rehabilitation and correction. 1105

The governor may direct the adult parole authority to 1106
investigate or cause to be investigated ~~the an inmate~~ released 1107
under division (B) (1) of this section and make a recommendation. 1108
An inmate released under division (B) (1) or (2) of this section 1109
shall be subject to supervision by the adult parole authority in 1110
accordance with any recommendation of the adult parole authority 1111
that is approved by the governor. The adult parole authority 1112
shall adopt rules pursuant to section 119.03 of the Revised Code 1113
to establish the procedure for medical release of an inmate 1114
under division (B) (1) of this section when an inmate is 1115
terminally ill, medically incapacitated, or in imminent danger 1116
of death and for release of an inmate under division (B) (2) of 1117
this section when the inmate's health has deteriorated to the 1118
extent that the inmate no longer is a threat to society. 1119

(C) No inmate is eligible for release under division (B) 1120
(1) of this section if the inmate is serving a death sentence, a 1121
sentence of life without parole, a sentence under Chapter 2971. 1122
of the Revised Code for a felony of the first or second degree, 1123
a sentence for aggravated murder or murder, or a mandatory 1124
prison term for an offense of violence or any specification 1125
described in Chapter 2941. of the Revised Code. 1126

Sec. 2967.12. (A) Except as provided in division (G) of 1127
this section, at least sixty days before the adult parole 1128
authority recommends any pardon or commutation of sentence, or 1129
grants any parole, the authority shall provide a notice of the 1130
pendency of the pardon, commutation, or parole, setting forth 1131
the name of the person on whose behalf it is made, the offense 1132
of which the person was convicted or to which the person pleaded 1133
guilty, the time of conviction or the guilty plea, and the term 1134
of the person's sentence, to the prosecuting attorney and the 1135
judge of the court of common pleas of the county in which the 1136

indictment against the person was found. If there is more than 1137
one judge of that court of common pleas, the authority shall 1138
provide the notice to the presiding judge. Upon the request of 1139
the prosecuting attorney or of any law enforcement agency, the 1140
authority shall provide to the requesting prosecuting attorney 1141
and law enforcement agencies an institutional summary report 1142
that covers the subject person's participation while confined in 1143
a state correctional institution in training, work, and other 1144
rehabilitative activities and any disciplinary action taken 1145
against the person while so confined. The department of 1146
rehabilitation and correction may utilize electronic means to 1147
provide this notice. The department of rehabilitation and 1148
correction, at the same time that it provides the notice to the 1149
prosecuting attorney and judge under this division, also shall 1150
post on the database it maintains pursuant to section 5120.66 of 1151
the Revised Code the offender's name and all of the information 1152
specified in division (A) (1) (c) (iii) of that section. 1153

(B) If a request for notification has been made pursuant 1154
to section 2930.16 of the Revised Code or if division (H) of 1155
this section applies, the office of victim services or the adult 1156
parole authority also shall provide notice to the victim or the 1157
victim's representative at least sixty days prior to 1158
recommending any pardon or commutation of sentence for, or 1159
granting any parole to, the person. The notice shall include the 1160
information required by division (A) of this section and may be 1161
provided by telephone or through electronic means. The notice 1162
also shall inform the victim or the victim's representative that 1163
the victim or representative may send a written statement 1164
relative to the victimization and the pending action to the 1165
adult parole authority and that, if the authority receives any 1166
written statement prior to recommending a pardon or commutation 1167

or granting a parole for a person, the authority will consider 1168
the statement before it recommends a pardon or commutation or 1169
grants a parole. If the person is being considered for parole, 1170
the notice shall inform the victim or the victim's 1171
representative that a full board hearing of the parole board may 1172
be held and that the victim or victim's representative may 1173
contact the office of victims' services for further information. 1174
If the person being considered for parole was convicted of or 1175
pleaded guilty to a violation of section 2903.01 or 2903.02 of 1176
the Revised Code, an offense of violence that is a felony of the 1177
first, second, or third degree, or an offense punished by a 1178
sentence of life imprisonment, the notice shall inform the 1179
victim of that offense, the victim's representative, or a member 1180
of the victim's immediate family that the victim, the victim's 1181
representative, and the victim's immediate family have the right 1182
to give testimony at a full board hearing of the parole board 1183
and that the victim or victim's representative may contact the 1184
office of victims' services for further information. 1185

(C) When notice of the pendency of any pardon, commutation 1186
of sentence, or parole has been provided to a judge or 1187
prosecutor or posted on the database as required in division (A) 1188
of this section and a hearing on the pardon, commutation, or 1189
parole is continued to a date certain, the authority shall 1190
provide notice of the further consideration of the pardon, 1191
commutation, or parole at least sixty days before the further 1192
consideration. The notice of the further consideration shall be 1193
provided to the proper judge and prosecuting attorney at least 1194
sixty days before the further consideration, and may be provided 1195
using electronic means, and, if the initial notice was posted on 1196
the database as provided in division (A) of this section, the 1197
notice of the further consideration shall be posted on the 1198

database at least sixty days before the further consideration. 1199
If the prosecuting attorney or a law enforcement agency was 1200
provided a copy of the institutional summary report relative to 1201
the subject person under division (A) of this section, the 1202
authority shall include with the notice of the further 1203
consideration sent to the prosecuting attorney any new 1204
information with respect to the person that relates to 1205
activities and actions of the person that are of a type covered 1206
by the report and shall send to the law enforcement agency a 1207
report that provides notice of the further consideration and 1208
includes any such new information with respect to the person. 1209
When notice of the pendency of any pardon, commutation, or 1210
parole has been given as provided in division (B) of this 1211
section and the hearing on it is continued to a date certain, 1212
the authority shall give notice of the further consideration to 1213
the victim or the victim's representative in accordance with 1214
section 2930.03 of the Revised Code. 1215

(D) In case of an application for the pardon or 1216
commutation of sentence of a person sentenced to capital 1217
punishment, the governor may modify the requirements of 1218
notification and publication if there is not sufficient time for 1219
compliance with the requirements before the date fixed for the 1220
execution of sentence. 1221

(E) If an offender is serving a prison term imposed under 1222
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 1223
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 1224
Code and if the parole board terminates its control over the 1225
offender's service of that term pursuant to section 2971.04 of 1226
the Revised Code, the parole board immediately shall provide 1227
written notice of its termination of control or the transfer of 1228
control to the entities and persons specified in section 2971.04 1229

of the Revised Code. 1230

(F) The failure of the adult parole authority to comply 1231
with the notice or posting provisions of division (A), (B), or 1232
(C) of this section or the failure of the parole board to comply 1233
with the notice provisions of division (E) of this section do 1234
not give any rights or any grounds for appeal or post-conviction 1235
relief to the person serving the sentence. 1236

(G) Divisions (A), (B), and (C) of this section do not 1237
apply to any release of a person that is of the type described 1238
in division (B) (2) (b) of section 5120.031 of the Revised Code. 1239

(H) If a defendant is incarcerated for the commission of 1240
aggravated murder, murder, or an offense of violence that is a 1241
felony of the first, second, or third degree or is under a 1242
sentence of life imprisonment, except as otherwise provided in 1243
this division, the notice described in division (B) of this 1244
section shall be given to the victim or victim's representative 1245
regardless of whether the victim or victim's representative has 1246
made a request for notification. The notice described in 1247
division (B) of this section shall not be given under this 1248
division to a victim or victim's representative if the victim or 1249
victim's representative has requested pursuant to division (B) 1250
(2) of section 2930.03 of the Revised Code that the victim or 1251
the victim's representative not be provided the notice. The 1252
notice described in division (B) of this section does not have 1253
to be given under this division to a victim or victim's 1254
representative if notice was given to the victim or victim's 1255
representative with respect to at least two prior considerations 1256
of pardon, commutation, or parole of a person and the victim or 1257
victim's representative did not provide any written statement 1258
relative to the victimization and the pending action, did not 1259

attend any hearing conducted relative to the pending action, and 1260
did not otherwise respond to the office with respect to the 1261
pending action. Regardless of whether the victim or victim's 1262
representative has requested that the notice described in 1263
division (B) of this section be provided or not be provided, the 1264
office of victim services or adult parole authority shall give 1265
similar notice to the law enforcement agency that arrested the 1266
defendant if any officer of that agency was a victim of the 1267
offense and to any member of the victim's immediate family who 1268
requests notification. If notice is to be given under this 1269
division, the office or authority may give the notice by any 1270
reasonable means, including regular mail, telephone, and 1271
electronic mail, in accordance with division (D)(1) of section 1272
2930.16 of the Revised Code. If the notice is based on an 1273
offense committed prior to ~~the effective date of this amendment~~ 1274
March 22, 2013, the notice to the victim or victim's 1275
representative also shall include the opt-out information 1276
described in division (D)(1) of section 2930.16 of the Revised 1277
Code. The office or authority, in accordance with division (D) 1278
(2) of section 2930.16 of the Revised Code, shall keep a record 1279
of all attempts to provide the notice, and of all notices 1280
provided, under this division. 1281

Division (H) of this section, and the notice-related 1282
provisions of divisions (E)(2) and (K) of section 2929.20, 1283
division (D)(1) of section 2930.16, division (E)(1)(b) of 1284
section 2967.19, division (A)(3)(b) of section 2967.26, division 1285
(D)(1) of section 2967.28, and division (A)(2) of section 1286
5149.101 of the Revised Code enacted in the act in which 1287
division (H) of this section was enacted, shall be known as 1288
"Roberta's Law." 1289

(I) In addition to and independent of the right of a 1290

victim to make a statement as described in division (A) of this 1291
section or pursuant to section 2930.17 of the Revised Code or to 1292
otherwise make a statement, the authority for a judge or 1293
prosecuting attorney to furnish statements and information, make 1294
recommendations, and give testimony as described in division (A) 1295
of this section, the right of a prosecuting attorney, judge, or 1296
victim to give testimony or submit a statement at a full parole 1297
board hearing pursuant to section 5149.101 of the Revised Code, 1298
and any other right or duty of a person to present information 1299
or make a statement, any person may send to the adult parole 1300
authority at any time prior to the authority's recommending a 1301
pardon or commutation or granting a parole for the offender a 1302
written statement relative to the offense and the pending 1303
action. 1304

(J) In addition to the provisions of this section, on and 1305
after the effective date of this amendment, the provisions of 1306
sections 5149.103 to 5149.106 of the Revised Code apply with 1307
respect to every prisoner who is in the category described in 1308
division (A) of section 5149.102 of the Revised Code. 1309

(K) As used in this section, "victim's immediate family" 1310
means the mother, father, spouse, sibling, or child of the 1311
victim, provided that in no case does "victim's immediate 1312
family" include the offender with respect to whom the notice in 1313
question applies. 1314

Sec. 2967.13. (A) Except as provided in division (G) of 1315
this section and subject to division (H) of this section, a 1316
prisoner serving a sentence of imprisonment for life for an 1317
offense committed on or after July 1, 1996, is not entitled to 1318
any earned credit under section 2967.193 of the Revised Code and 1319
becomes eligible for parole as follows: 1320

(1) If a sentence of imprisonment for life was imposed for 1321
the offense of murder, at the expiration of the prisoner's 1322
minimum term; 1323

(2) If a sentence of imprisonment for life with parole 1324
eligibility after serving twenty years of imprisonment was 1325
imposed pursuant to section 2929.022 or 2929.03 of the Revised 1326
Code, after serving a term of twenty years; 1327

(3) If a sentence of imprisonment for life with parole 1328
eligibility after serving twenty-five full years of imprisonment 1329
was imposed pursuant to section 2929.022 or 2929.03 of the 1330
Revised Code, after serving a term of twenty-five full years; 1331

(4) If a sentence of imprisonment for life with parole 1332
eligibility after serving thirty full years of imprisonment was 1333
imposed pursuant to section 2929.022 or 2929.03 of the Revised 1334
Code, after serving a term of thirty full years; 1335

(5) If a sentence of imprisonment for life was imposed for 1336
rape, after serving a term of ten full years' imprisonment; 1337

(6) If a sentence of imprisonment for life with parole 1338
eligibility after serving fifteen years of imprisonment was 1339
imposed for a violation of section 2927.24 of the Revised Code, 1340
after serving a term of fifteen years. 1341

(B) Except as provided in division (G) of this section and 1342
subject to division (H) of this section, a prisoner serving a 1343
sentence of imprisonment for life with parole eligibility after 1344
serving twenty years of imprisonment or a sentence of 1345
imprisonment for life with parole eligibility after serving 1346
twenty-five full years or thirty full years of imprisonment 1347
imposed pursuant to section 2929.022 or 2929.03 of the Revised 1348
Code for an offense committed on or after July 1, 1996, 1349

consecutively to any other term of imprisonment, becomes 1350
eligible for parole after serving twenty years, twenty full 1351
years, or thirty full years, as applicable, as to each such 1352
sentence of life imprisonment, which shall not be reduced for 1353
earned credits under section 2967.193 of the Revised Code, plus 1354
the term or terms of the other sentences consecutively imposed 1355
or, if one of the other sentences is another type of life 1356
sentence with parole eligibility, the number of years before 1357
parole eligibility for that sentence. 1358

(C) Except as provided in division (G) of this section and 1359
subject to division (H) of this section, a prisoner serving 1360
consecutively two or more sentences in which an indefinite term 1361
of imprisonment is imposed becomes eligible for parole upon the 1362
expiration of the aggregate of the minimum terms of the 1363
sentences. 1364

(D) Except as provided in division (G) of this section and 1365
subject to division (H) of this section, a prisoner serving a 1366
term of imprisonment who is described in division (A) of section 1367
2967.021 of the Revised Code becomes eligible for parole as 1368
described in that division or, if the prisoner is serving a 1369
definite term of imprisonment, shall be released as described in 1370
that division. 1371

(E) A prisoner serving a sentence of life imprisonment 1372
without parole imposed pursuant to section 2907.02 or section 1373
2929.03 or 2929.06 of the Revised Code is not eligible for 1374
parole and shall be imprisoned until death. 1375

(F) A prisoner serving a stated prison term that is a non- 1376
life felony indefinite prison term shall be released in 1377
accordance with sections 2967.271 and 2967.28 of the Revised 1378
Code. A prisoner serving a stated prison term of any other 1379

nature shall be released in accordance with section 2967.28 of 1380
the Revised Code. 1381

(G) A prisoner serving a prison term or term of life 1382
imprisonment without parole imposed pursuant to section 2971.03 1383
of the Revised Code never becomes eligible for parole during 1384
that term of imprisonment. 1385

(H) (1) As used in division (H) of this section, "parole 1386
laws and rules applicable on and after the effective date of 1387
this amendment" means sections 5149.10 to 5149.106 of the 1388
Revised Code, rules adopted to implement those sections, and 1389
other provisions of law and rules that are not inconsistent with 1390
sections 5149.10 to 5149.106 of the Revised Code and rules 1391
adopted to implement them. 1392

(2) On and after the effective date of this amendment: 1393

(a) All prisoners serving an indefinite prison sentence or 1394
a sentence of life imprisonment, other than life without parole, 1395
imposed for a felony committed prior to July 1, 1996, shall be 1396
eligible for parole, to be determined in accordance with the 1397
parole laws and rules applicable on and after the effective date 1398
of this amendment. 1399

(b) Any prisoner who was sentenced to an indefinite prison 1400
term for a felony committed prior to July 1, 1996, other than to 1401
a term of life imprisonment, may petition the court that imposed 1402
the sentence and request the court to resentence the prisoner 1403
under the sentencing law in effect on and after that date for 1404
the same offense, as if the prisoner had committed the offense 1405
on or after that date. Upon receipt of such a request, the court 1406
shall determine the definite sentence it would have imposed on 1407
the prisoner for the same offense if the offender had committed 1408

it on or after July 1, 1996. If the definite sentence the court 1409
determines it would have imposed does not exceed the minimum 1410
term actually imposed on the offender under the indefinite term, 1411
and if the prisoner has served the number of months or years 1412
that would have comprised that definite term, that definite term 1413
shall be substituted for the prisoner's minimum term actually 1414
imposed under the indefinite term and the prisoner immediately 1415
shall be eligible and considered for parole under the parole 1416
laws and rules applicable on and after the effective date of 1417
this amendment. 1418

(c) Each prisoner who was sentenced to an indefinite 1419
prison term for a felony committed prior to July 1, 1996, other 1420
than to a term of life imprisonment, and who has served more 1421
than five years of what the maximum term of imprisonment would 1422
be if the prisoner had been sentenced for the same offense if 1423
the offender had committed it on or after July 1, 1996, shall 1424
have the option of either being placed on parole and receiving 1425
reentry assistance from a parole officer, or being set free 1426
without any parole supervision. The date specified in this 1427
division shall be considered, for purposes of parole decisions, 1428
as the minimum term imposed on the prisoner. 1429

(d) The parole board shall begin parole hearings under the 1430
parole laws and rules applicable on and after the effective date 1431
of this amendment for prisoners incarcerated on or after that 1432
date, with those prisoners who have served the longest terms of 1433
incarceration being given first consideration. 1434

(e) When the parole board determines to grant one or more 1435
paroles, it shall grant the paroles in a timely manner, with 1436
those prisoners serving the longest being paroled first. 1437

(3) Not later than one year after the effective date of 1438

this amendment, each prisoner serving an indefinite prison 1439
sentence or a sentence of life imprisonment, other than life 1440
without parole, imposed for a felony committed prior to July 1, 1441
1996, shall be reviewed for parole eligibility, interviewed for 1442
a parole, and have parole eligibility determined under the 1443
parole laws and rules applicable on and after the effective date 1444
of this amendment. 1445

(4) Each prisoner serving an indefinite prison sentence or 1446
a sentence of life imprisonment, other than life without parole, 1447
imposed for a felony committed prior to July 1, 1996, who has 1448
served more than the prisoner's minimum sentence in actual years 1449
shall be reviewed for parole as soon as possible, but not more 1450
than six months, after the effective date of this amendment 1451
unless deemed a threat to society by a mental health 1452
professional. The date specified in this division shall be 1453
considered, for purposes of parole decisions, as the minimum 1454
term imposed on the prisoner. 1455

(5) The parole board shall give priority in processing and 1456
release to those inmates who have served the most time past 1457
their actual minimum sentence, and those who suffer from medical 1458
conditions. 1459

(6) Notwithstanding any provision of the Revised Code or a 1460
rule to the contrary, each prisoner who was convicted of or 1461
pleaded guilty to an offense committed while under eighteen 1462
years of age and who is imprisoned on the effective date of this 1463
amendment under an indefinite prison sentence or a sentence of 1464
life imprisonment, other than life without parole, shall be 1465
assessed within six months after the effective date of this 1466
amendment and released on parole if both of the following apply: 1467

(a) The prisoner is not determined by a professional 1468

licensed psychiatrist to be a threat to society or criminally 1469
insane. 1470

(b) Either of the following applies: 1471

(i) The prisoner has served at least two-thirds of the 1472
minimum sentence imposed on the prisoner. 1473

(ii) The prisoner is serving consecutive sentences of more 1474
than fifteen years and has served at least fifteen years of the 1475
imposed consecutive sentences. 1476

Sec. 2967.15. (A) If an adult parole authority field 1477
officer has reasonable cause to believe that a person who is a 1478
parolee or releasee, who is under transitional control, or who 1479
is under another form of authorized release and who is under the 1480
supervision of the adult parole authority has violated or is 1481
violating the condition of a conditional pardon, parole, other 1482
form of authorized release, transitional control, or post- 1483
release control specified in division (A) of section 2967.131 of 1484
the Revised Code or any other term or condition of the person's 1485
conditional pardon, parole, other form of authorized release, 1486
transitional control, or post-release control, the field officer 1487
may arrest the person without a warrant or order a peace officer 1488
to arrest the person without a warrant. A person so arrested 1489
shall be confined in the jail of the county in which the person 1490
is arrested or in another facility designated by the chief of 1491
the adult parole authority until a determination is made 1492
regarding the person's release status. Upon making an arrest 1493
under this section, the arresting or supervising adult parole 1494
authority field officer promptly shall notify the superintendent 1495
of parole supervision or the superintendent's designee, in 1496
writing, that the person has been arrested and is in custody and 1497
submit an appropriate report of the reason for the arrest. 1498

(B) Except as otherwise provided in this division, prior 1499
to the revocation by the adult parole authority of a person's 1500
pardon, parole, or other release and prior to the imposition by 1501
the parole board or adult parole authority of a new prison term 1502
as a post-release control sanction for a person, the adult 1503
parole authority shall grant the person a hearing in accordance 1504
with rules adopted by the department of rehabilitation and 1505
correction under Chapter 119. of the Revised Code. The adult 1506
parole authority is not required to grant the person a hearing 1507
if the person is convicted of or pleads guilty to an offense 1508
that the person committed while released on a pardon, on parole, 1509
or another form of release, or on post-release control and upon 1510
which the revocation of the person's pardon, parole, other 1511
release, or post-release control is based. A parole granted to a 1512
person on or after the effective date of this amendment shall 1513
not be revoked other than as authorized under section 5149.106 1514
of the Revised Code. 1515

If a person who has been pardoned is found to be a 1516
violation of the conditions of the parolee's conditional pardon 1517
or commutation of sentence, the authority forthwith shall 1518
transmit to the governor its recommendation concerning that 1519
violation, and the violator shall be retained in custody until 1520
the governor issues an order concerning that violation. 1521

If the authority fails to make a determination of the case 1522
of a parolee or releasee alleged to be a violator of the terms 1523
and conditions of the parolee's or releasee's conditional 1524
pardon, parole, other release, or post-release control sanctions 1525
within a reasonable time, the parolee or releasee shall be 1526
released from custody under the same terms and conditions of the 1527
parolee's or releasee's original conditional pardon, parole, 1528
other release, or post-release control sanctions. 1529

(C) (1) If a person who is a parolee or releasee, who is 1530
under transitional control, or who is under another form of 1531
authorized release under the supervision of the adult parole 1532
authority absconds from supervision, the supervising adult 1533
parole authority field officer shall report that fact to the 1534
superintendent of parole supervision, in writing, and the 1535
authority shall declare that person to be a violator at large. 1536
Upon being advised of the apprehension and availability for 1537
return of a violator at large, the superintendent of parole 1538
supervision shall determine whether the violator at large should 1539
be restored to parole, transitional control, another form of 1540
authorized release, or post-release control. 1541

The time between the date on which a person who is a 1542
parolee or other releasee is declared to be a violator or 1543
violator at large and the date on which that person is returned 1544
to custody in this state under the immediate control of the 1545
adult parole authority shall not be counted as time served under 1546
the sentence imposed on that person or as a part of the term of 1547
post-release control. 1548

(2) A person who is under transitional control or who is 1549
under any form of authorized release under the supervision of 1550
the adult parole authority is considered to be in custody while 1551
under the transitional control or on release, and, if the person 1552
absconds from supervision, the person may be prosecuted for the 1553
offense of escape. 1554

(D) A person who is a parolee or releasee, who is under 1555
transitional control, or who is under another form of authorized 1556
release under the supervision of the adult parole authority and 1557
who has violated a term or condition of the person's conditional 1558
pardon, parole, transitional control, other form of authorized 1559

release, or post-release control shall be declared to be a 1560
violin if the person is committed to a correctional 1561
institution outside the state to serve a sentence imposed upon 1562
the person by a federal court or a court of another state or if 1563
the person otherwise leaves the state. 1564

(E) As used in this section, "peace officer" has the same 1565
meaning as in section 2935.01 of the Revised Code. 1566

Sec. 5120.59. (A) Upon the release of a prisoner on parole 1567
from a state correctional institution, the department of 1568
rehabilitation and correction shall issue to the prisoner a 1569
state identification card and at least one other piece of legal 1570
identification. The other piece of legal identification may be a 1571
certified release document, a certified program release 1572
certificate, a birth certificate, or any other piece of valid 1573
legal identification. 1574

(B) Before a prisoner is released from a state 1575
correctional institution, the department of rehabilitation and 1576
correction shall attempt to verify the prisoner's identification 1577
and social security number. If the department is not able to 1578
verify the prisoner's identification and social security number, 1579
if the prisoner has no other documentary evidence required by 1580
the registrar of motor vehicles for the issuance of an 1581
identification card under section 4507.50 of the Revised Code, 1582
and if the department determines that the prisoner is legally 1583
living in the United States, the department shall issue to the 1584
prisoner upon the prisoner's release an identification card that 1585
the prisoner may present to the registrar or a deputy registrar 1586
of motor vehicles. The identification card to be issued under 1587
this division for the purpose specified in this division shall 1588
be in addition to the documents required under division (A) of 1589

this section, unless any document issued under that division can 1590
be used for the purpose specified in this division. 1591

Sec. 5149.07. The department of rehabilitation and 1592
correction shall maintain central files and records pertaining 1593
to the work of the adult parole authority, including the 1594
official records of information and materials the parole board 1595
considers in making a parole decision and of parole board 1596
hearings when required under sections 5149.102 to 5149.106 of 1597
the Revised Code, and shall coordinate the department's record- 1598
keeping with that of the adult parole authority. Additionally, 1599
the department shall not later than the first Monday of January 1600
of odd-numbered years prepare and submit to the governor for the 1601
governor's approval and signature a written report showing each 1602
case of pardon, commutation, or reprieve granted during the 1603
preceding biennium, stating the name and crime of the convict or 1604
prisoner, the sentence, its date, and the date of the clemency 1605
action, together with the reasons listed therefor in the 1606
governor's clemency record. The report shall conform to the 1607
requirements of Section 11 of Article III, Ohio Constitution. 1608

The department shall conduct research relative to the 1609
functioning of clemency, probation, and parole as part of the 1610
adult corrections program in this state, which research shall be 1611
designed to yield information upon which the division of parole 1612
and community services, the department of rehabilitation and 1613
correction, the governor, and the general assembly can base 1614
policy decisions. 1615

At the end of each quarter, the department shall submit to 1616
the chairpersons of the committees of the senate and the house 1617
of representatives that consider criminal justice legislation a 1618
report on the number and results of parole hearings conducted 1619

during the quarter and a list of persons incarcerated for 1620
committing offenses of violence who were granted parole and a 1621
summary of the terms and conditions of their parole. The 1622
department shall provide the committees with any documentation 1623
related to the reports that members of the committees may 1624
request. 1625

Upon request, the department shall provide a detailed 1626
statement, supported by documentation, of the reasons why a 1627
particular prisoner was granted parole to the law enforcement 1628
agency that arrested the prisoner, the prosecuting attorney who 1629
prosecuted the case, or any person who is a member of the 1630
general assembly at the time the person makes the request. 1631

Sec. 5149.10. (A) (1) The parole board shall consist of ~~up-~~ 1632
~~to~~ twelve members appointed by the governor, one of whom shall 1633
be designated as chairperson by the ~~director of the department~~ 1634
~~of rehabilitation and correction~~ governor and who shall continue 1635
as chairperson until a successor is designated, ~~and any.~~ Each 1636
member of the board shall be appointed to represent one of the 1637
state's appellate districts. The change in the number of parole 1638
board members from the number of members in existence on the 1639
effective date of this amendment to twelve members shall be 1640
completed not later than fifteen months after the effective date 1641
of this amendment. The board may hire other personnel that are 1642
necessary for the orderly performance of the duties of the 1643
board. In addition to the rules authorized by section 5149.02 of 1644
the Revised Code, the chief of the adult parole authority, 1645
subject to the approval of the chief of the division of parole 1646
and community services and subject to this section, shall adopt 1647
rules governing the proceedings of the parole board. The rules, 1648
which shall be consistent with sections 5149.102 to 5149.106 of 1649
the Revised Code with respect to proceedings to which those 1650

sections apply, shall provide for all of the following: 1651

(a) The convening of full board hearings; 1652

(b) The procedures to be followed in full board hearings; 1653

(c) General procedures to be followed in other hearings of 1654
the board and by the board's hearing officers; 1655

(d) A requirement that a majority of all the board members 1656
must agree to any recommendation of clemency transmitted to the 1657
governor; 1658

(e) For parole hearings, procedures for considering the 1659
report of the warden of the institution in which the eligible 1660
prisoner is incarcerated, submitted under section 5120.68 of the 1661
Revised Code. 1662

(2) Rules adopted under this section that are not 1663
consistent with sections 5149.102 to 5149.106 of the Revised 1664
Code shall not apply with respect to proceedings to which those 1665
sections apply. 1666

(3) When the board members sit as a full board, the 1667
chairperson shall preside. The chairperson shall also allocate 1668
the work of the parole board among the board members. The full 1669
board shall meet at least once each month. In the case of a tie 1670
vote on the full board, the chief of the adult parole authority 1671
shall cast the deciding vote. The chairperson may designate a 1672
person to serve in the chairperson's place. 1673

~~(3) Except for the chairperson and the member appointed~~ 1674
~~under division (B) of this section, a~~ (4) Each member appointed 1675
to the parole board on or after ~~September 30, 2011, the~~ 1676
effective date of this amendment shall be appointed to a ~~six-~~ 1677
year-five-year term. A member appointed as described in this 1678

division shall hold office from the date of appointment until 1679
the end of the term for which the member was appointed. A member 1680
appointed as described in this division is eligible for 1681
reappointment for another ~~six-year~~ five-year term that may or 1682
may not be consecutive to the first ~~six-year~~ five-year term. A 1683
member appointed as described in this division is not eligible 1684
for reappointment after serving two ~~six-year~~ five-year terms 1685
whether or not served consecutively. Vacancies shall be filled 1686
in the same manner provided for original appointments. Any 1687
member appointed as described in this division to fill a vacancy 1688
occurring prior to the expiration date of the term for which the 1689
member's predecessor was appointed shall begin that member's 1690
first ~~six-year~~ five-year term upon appointment, regardless of 1691
the time remaining in the term of the member's predecessor. A 1692
member appointed as described in this division shall continue in 1693
office subsequent to the expiration date of the member's term 1694
until the member's successor takes office or until a period of 1695
sixty days has elapsed, whichever occurs first. 1696

~~(4)~~All members of the board have equal voting rights and 1697
their votes shall be counted equally. 1698

(5) No person who has any personal or financial ties to 1699
the department of rehabilitation and correction shall be 1700
appointed to the board and no member of the board shall have any 1701
personal or financial ties to the department other than the 1702
person's position on the board and the person's salary as a 1703
board member. The membership of the board shall be 1704
representative of ethnic diversity and shall represent as 1705
closely as possible the ethnic diversity of the prisoner 1706
population. Except as otherwise provided in division (B) (3) of 1707
this section, no person shall be appointed a member of the board 1708
who is not qualified by education or experience in correctional 1709

work, including law enforcement, prosecution of offenses, 1710
advocating for the rights of victims of crime, probation, or 1711
parole, in law, in social work, or in a combination of the three 1712
categories. 1713

~~(B) The director of rehabilitation and correction, in~~ 1714
~~consultation with the governor, shall appoint one~~ 1715
(1) One member 1716
of the board shall be designated the victim advocate. To be 1717
designated the victim advocate, in addition to the 1718
qualifications specified in division (A) (5) of this section, a 1719
member shall have appropriate experience, credentials, or 1720
experience and credentials to serve in that capacity.

(2) One member of the board shall be designated as the 1721
inmate advocate. To be designated as the inmate advocate, in 1722
addition to the qualifications specified in division (A) (5) of 1723
this section, a member shall have appropriate experience, 1724
credentials, or experience and credentials to serve in that 1725
capacity. 1726

(3) One member of the board, ~~who~~ shall be a person who has 1727
been a victim of crime or who is a member of a victim's family 1728
or who represents an organization that advocates for the rights 1729
of victims of crime. After appointment, this member shall be an 1730
unclassified employee of the department of rehabilitation and 1731
correction. 1732

~~The initial appointment shall be for a term ending four~~ 1733
~~years after July 1, 1996. Thereafter, the term of office of the~~ 1734
~~member appointed under this division shall be for four years,~~ 1735
~~with each term ending on the same day of the same month as did~~ 1736
~~the term that it succeeds. The member shall hold office from the~~ 1737
~~date of appointment until the end of the term for which the~~ 1738
~~member was appointed and may be reappointed. Vacancies shall be~~ 1739

~~filled in the manner provided for original appointments. Any~~ 1740
~~member appointed under this division to fill a vacancy occurring~~ 1741
~~prior to the expiration date of the term for which the member's~~ 1742
~~predecessor was appointed shall hold office as a member for the~~ 1743
~~remainder of that term. The member appointed under this division~~ 1744
~~shall continue in office subsequent to the expiration date of~~ 1745
~~the member's term until the member's successor takes office or~~ 1746
~~until a period of sixty days has elapsed, whichever occurs~~ 1747
~~first.~~ 1748

~~The member appointed under this division shall be~~ 1749
~~compensated in the same manner as other board members and shall~~ 1750
~~be reimbursed for actual and necessary expenses incurred in the~~ 1751
~~performance of the member's duties. The member may vote on all~~ 1752
~~cases heard by the full board under section 5149.101 of the~~ 1753
~~Revised Code, has such duties as are assigned by the chairperson~~ 1754
~~of the board, and shall coordinate the member's activities with~~ 1755
~~the office of victims' services created under section 5120.60 of~~ 1756
~~the Revised Code.~~ 1757

As used in this division, "crime," "member of the victim's" 1758
family," and "victim" have the meanings given in section 2930.01 1759
of the Revised Code. 1760

(C) The chairperson shall submit all recommendations for 1761
or against clemency directly to the governor. 1762

(D) The chairperson shall transmit to the chief of the 1763
adult parole authority all determinations for or against parole 1764
made by the board. Parole determinations are final and are not 1765
subject to review or change by the chief. 1766

(E) In addition to its duties pertaining to parole and 1767
clemency, if an offender is sentenced to a prison term pursuant 1768

to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or 1769
(c), or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the 1770
Revised Code, the parole board shall have control over the 1771
offender's service of the prison term during the entire term 1772
unless the board terminates its control in accordance with 1773
section 2971.04 of the Revised Code. The parole board may 1774
terminate its control over the offender's service of the prison 1775
term only in accordance with section 2971.04 of the Revised 1776
Code. 1777

(F) The general assembly hereby declares that: 1778

(1) The purpose of the parole board is to make a 1779
determination regarding the suitability of an inmate to return 1780
to society, and not to replace the punishment defined by law and 1781
imposed by the judge. 1782

(2) The assessment of the amount of punishment is the 1783
purview of the court and jury, while the purpose of the parole 1784
board is to determine the safety and suitability of the inmate's 1785
release. 1786

(3) The parole board also is responsible for setting 1787
reasonable terms of parole in a manner that is supposed to be 1788
tailored to achieve the safe and successful reentry of the 1789
paroled inmate into the community. 1790

Sec. 5149.101. (A) (1) A board hearing officer, a board 1791
member, or the office of victims' services may petition the 1792
board for a full board hearing that relates to the proposed 1793
parole or re-parole of a prisoner. At a meeting of the board at 1794
which a majority of board members are present, the majority of 1795
those present shall determine whether a full board hearing shall 1796
be held. 1797

(2) A victim of a violation of section 2903.01 or 2903.02 1798
of the Revised Code, an offense of violence that is a felony of 1799
the first, second, or third degree, or an offense punished by a 1800
sentence of life imprisonment, the victim's representative, or 1801
any person described in division (B) (5) of this section may 1802
request the board to hold a full board hearing that relates to 1803
the proposed parole or re-parole of the person that committed 1804
the violation. If a victim, victim's representative, or other 1805
person requests a full board hearing pursuant to this division, 1806
the board shall hold a full board hearing. 1807

At least thirty days before the full hearing, except as 1808
otherwise provided in this division, the board shall give notice 1809
of the date, time, and place of the hearing to the victim 1810
regardless of whether the victim has requested the notification. 1811
The notice of the date, time, and place of the hearing shall not 1812
be given under this division to a victim if the victim has 1813
requested pursuant to division (B) (2) of section 2930.03 of the 1814
Revised Code that the notice not be provided to the victim. At 1815
least thirty days before the full board hearing and regardless 1816
of whether the victim has requested that the notice be provided 1817
or not be provided under this division to the victim, the board 1818
shall give similar notice to the prosecuting attorney in the 1819
case, the law enforcement agency that arrested the prisoner if 1820
any officer of that agency was a victim of the offense, and, if 1821
different than the victim, the person who requested the full 1822
hearing. If the prosecuting attorney has not previously been 1823
sent an institutional summary report with respect to the 1824
prisoner, upon the request of the prosecuting attorney, the 1825
board shall include with the notice sent to the prosecuting 1826
attorney an institutional summary report that covers the 1827
offender's participation while confined in a state correctional 1828

institution in training, work, and other rehabilitative 1829
activities and any disciplinary action taken against the 1830
offender while so confined. Upon the request of a law 1831
enforcement agency that has not previously been sent an 1832
institutional summary report with respect to the prisoner, the 1833
board also shall send a copy of the institutional summary report 1834
to the law enforcement agency. If notice is to be provided as 1835
described in this division, the board may give the notice by any 1836
reasonable means, including regular mail, telephone, and 1837
electronic mail, in accordance with division (D) (1) of section 1838
2930.16 of the Revised Code. If the notice is based on an 1839
offense committed prior to ~~the effective date of this amendment~~ 1840
March 22, 2013, the notice also shall include the opt-out 1841
information described in division (D) (1) of section 2930.16 of 1842
the Revised Code. The board, in accordance with division (D) (2) 1843
of section 2930.16 of the Revised Code, shall keep a record of 1844
all attempts to provide the notice, and of all notices provided, 1845
under this division. 1846

The preceding paragraph, and the notice-related provisions 1847
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 1848
of section 2930.16, division (H) of section 2967.12, division 1849
(E) (1) (b) of section 2967.19, division (A) (3) (b) of section 1850
2967.26, and division (D) (1) of section 2967.28 of the Revised 1851
Code enacted in the act in which this paragraph was enacted, 1852
shall be known as "Roberta's Law." 1853

(B) At a full board hearing that relates to the proposed 1854
parole or re-parole of a prisoner and that has been petitioned 1855
for or requested in accordance with division (A) of this 1856
section, the parole board shall permit the following persons to 1857
appear and to give testimony or to submit written statements: 1858

- (1) The prosecuting attorney of the county in which the original indictment against the prisoner was found and members of any law enforcement agency that assisted in the prosecution of the original offense; 1859
1860
1861
1862
- (2) The judge of the court of common pleas who imposed the original sentence of incarceration upon the prisoner, or the judge's successor; 1863
1864
1865
- (3) The victim of the original offense for which the prisoner is serving the sentence or the victim's representative designated pursuant to section 2930.02 of the Revised Code; 1866
1867
1868
- (4) The victim of any behavior that resulted in parole being revoked; 1869
1870
- (5) With respect to a full board hearing held pursuant to division (A)(2) of this section, all of the following: 1871
1872
- (a) The spouse of the victim of the original offense; 1873
- (b) The parent or parents of the victim of the original offense; 1874
1875
- (c) The sibling of the victim of the original offense; 1876
- (d) The child or children of the victim of the original offense. 1877
1878
- (6) ~~Counsel or some other person designated~~ The prisoner; 1879
- (7) One or more of the following chosen by the prisoner as a representative, as described in division (C) of this section, or advocate: 1880
1881
1882
- (a) Any family member; 1883
- (b) Counsel; 1884

(c) A friend, prisoner advocate, or supporter. 1885

(C) Except as otherwise provided in this division, a full 1886
board hearing of the parole board is not subject to section 1887
121.22 of the Revised Code. The persons who may attend a full 1888
board hearing are the persons described in divisions (B)(1) to 1889
(6) of this section, and representatives of the press, radio and 1890
television stations, and broadcasting networks who are members 1891
of a generally recognized professional media organization. 1892

At the request of a person described in division (B)(3) of 1893
this section, representatives of the news media described in 1894
this division shall be excluded from the hearing while that 1895
person is giving testimony at the hearing. The prisoner being 1896
considered for parole has no right to be present at the hearing, 1897
but may be represented by counsel or some other person 1898
designated by the prisoner. 1899

If there is an objection at a full board hearing to a 1900
recommendation for the parole of a prisoner, the board may 1901
approve or disapprove the recommendation or defer its decision 1902
until a subsequent full board hearing. The board may permit 1903
interested persons other than those listed in this division and 1904
division (B) of this section to attend full board hearings 1905
pursuant to rules adopted by the adult parole authority. 1906

(D) If the victim of the original offense died as a result 1907
of the offense and the offense was aggravated murder, murder, an 1908
offense of violence that is a felony of the first, second, or 1909
third degree, or an offense punished by a sentence of life 1910
imprisonment, the family of the victim may show at a full board 1911
hearing a video recording not exceeding five minutes in length 1912
memorializing the victim. 1913

(E) The adult parole authority shall adopt rules for the 1914
implementation of this section. The rules shall specify 1915
reasonable restrictions on the number of media representatives 1916
that may attend a hearing, based on considerations of space, and 1917
other procedures designed to accomplish an effective, orderly 1918
process for full board hearings. 1919

(F) The parole board shall record all full board hearings, 1920
in accordance with section 5149.104 of the Revised Code. The 1921
recording of a full board hearing shall be available as provided 1922
in that section. 1923

(G) If the prisoner cannot afford an attorney or has no 1924
personal representative or advocate, upon the request of the 1925
prisoner, the state public defender shall arrange for 1926
representation of the prisoner at any full board hearing. 1927

Sec. 5149.102. (A) The provisions of this section and 1928
sections 5149.103 to 5149.106 of the Revised Code apply with 1929
respect to all of the following: 1930

(1) Every prisoner who is eligible for parole under 1931
section 2967.13 of the Revised Code on or after the effective 1932
date of this section with respect to the offense having parole 1933
eligibility, for whom any parole decision is being considered or 1934
made on or after that date, or who is paroled on or after that 1935
date, regardless of whether the prisoner committed, or was 1936
convicted of or pleaded guilty to, the offense for which the 1937
offender is imprisoned prior to, on, or after the effective date 1938
of this section; 1939

(2) All parole proceedings conducted and parole decisions 1940
made on or after the effective date of this section, regardless 1941
of whether the prisoner who is the subject of the proceeding 1942

committed, or was convicted of or pleaded guilty to, the offense 1943
for which the offender is imprisoned prior to, on, or after the 1944
effective date of this section; 1945

(3) All proceedings and sanctions related to a violation 1946
of any condition of a parole, regardless of whether the prisoner 1947
who violated the condition committed, or was convicted of or 1948
pleaded guilty to, the offense for which the offender was 1949
granted the parole prior to, on, or after the effective date of 1950
this section. 1951

(B) At each state correctional institution, in addition to 1952
all other duties required of the institutional case manager, the 1953
institutional case manager for the institution shall do all of 1954
the following: 1955

(1) Provide, to each prisoner in the institution who is 1956
within one year of parole eligibility, all information and forms 1957
necessary to apply for social security, housing assistance, 1958
federal food program assistance, social services assistance, 1959
medicare, medicaid, disability benefits, possible retirement 1960
benefits, and veterans' benefits, and any other public program 1961
that will enable the prisoner, after release on parole, to 1962
successfully reenter society and to obtain at least a minimal 1963
income, benefits, and housing; 1964

(2) Supervise and ensure the timely application of 1965
benefits for the parolee; 1966

(3) Provide to each prisoner who is eligible for parole, 1967
not later than sixty days prior to a parole hearing for the 1968
prisoner, a copy of the parole laws that then are in effect; 1969

(4) If a prisoner who is paroled has no in-state options 1970
for housing, make arrangements for any existing out-of-state 1971

appropriate housing options, including housing with relatives or 1972
friends, that the parolee may submit. 1973

(C) If a prisoner who is paroled has no family, friends, 1974
or community-living options for residence after the parole, the 1975
institutional case manager for the state correctional 1976
institution from which the prisoner will be released may submit 1977
a request to the department of rehabilitation and correction for 1978
the provision of an appropriate housing allowance for the 1979
prisoner, with the prisoner's agreement. The housing allowance 1980
may be for any appropriate premises, including a halfway house 1981
or housing provided by a community organization. No prisoner 1982
shall be released to live without a fixed residence address. 1983

(D) The department of rehabilitation and correction shall 1984
establish a program to help prisoners who are released on parole 1985
to obtain and maintain housing, employment, and the benefits and 1986
assistance described in division (B) (1) of this section. 1987

Sec. 5149.103. (A) (1) As used in this section, "minimum 1988
term imposed on a prisoner" means the minimum term imposed on a 1989
prisoner at the time of sentencing or another term specified 1990
under section 2967.13 of the Revised Code as constituting a 1991
prisoner's minimum term for purposes of a parole determination. 1992

(2) For each prisoner imprisoned in a state correctional 1993
institution on or after the effective date of this section who 1994
is eligible for parole under section 2967.13 of the Revised Code 1995
on or after that date, there is a rebuttable presumption that 1996
the prisoner shall be granted parole on the date on which the 1997
prisoner has served the minimum term imposed on the prisoner. 1998
For each prisoner who is fifty-five years of age or older, or 1999
who has a serious medical condition, there is a presumption that 2000
the prisoner shall be granted parole as soon as possible after 2001

the prisoner attains that age or is determined to have that 2002
condition, regardless of whether the prisoner has served the 2003
minimum term imposed on the offender. 2004

A prisoner to whom either rebuttable presumption specified 2005
in this division applies shall be released on the specified date 2006
or specified time unless the parole board determines, in 2007
accordance with this division, that the prisoner is a threat to 2008
society. The parole board shall not determine that a prisoner is 2009
a threat to society unless it finds, based on the evaluations 2010
described in division (B) of this section, one or more of the 2011
following: 2012

(a) The prisoner has been convicted of or pleaded guilty 2013
in three or more separate cases of criminal behavior of such a 2014
nature that it appears likely that the prisoner cannot be 2015
successfully rehabilitated and will commit another crime in the 2016
future, provided that the board shall consider the prisoner's 2017
"good behavior" record while incarcerated as indicating 2018
rehabilitation and the amount of time the prisoner has been 2019
incarcerated subsequent to the convictions in making its finding 2020
as to the likelihood of successful rehabilitation and the 2021
commission of another crime under this division. For purposes of 2022
this division, combined charges or "spree" charges shall be 2023
considered as one case. 2024

(b) That there exists valid evidence of professions or 2025
threats by the prisoner, made within five years of the parole 2026
hearing, that the prisoner intends to harm one or more 2027
individuals or commit one or more violent acts if released. 2028

(c) A psychiatric assessment or mental health evaluation 2029
has concluded that the prisoner will be a threat to society or 2030
specific individuals if released, and a finding that the 2031

prisoner's condition related to that conclusion cannot be 2032
successfully treated and controlled by mental health 2033
professionals in the community. In making a finding under this 2034
division, the board may consider appropriate medications 2035
recommended and the prisoner's record of medication compliance, 2036
and the planned available community placement of the prisoner 2037
indicating appropriate mental health supervision. 2038

(d) The prisoner's intellectual level as assessed by 2039
corrections' mental health caregivers indicates that the 2040
prisoner's intellect is insufficient to live independently 2041
without appropriate placement in housing that will accommodate 2042
the prisoner's intellectual level to ensure that the prisoner is 2043
not left homeless and basic needs are provided in order to 2044
prevent a return to criminal acts in order to survive, and the 2045
board determines that no such housing is available at that time. 2046

(e) That there exists valid evidence other than evidence 2047
of the type described in division (A) (2) (b) or (c) of this 2048
section, which evidence has been provided to the prisoner and 2049
which the prisoner has been permitted to rebut, and which 2050
clearly indicates that the prisoner is a threat to society. 2051

(B) For each prisoner who is covered by division (A) (2) of 2052
this section, prior to the presumed date of release for the 2053
prisoner, the parole board shall evaluate the prisoner by 2054
considering, during a personal interview with the prisoner and 2055
an examination of the prisoner's prison file, personal 2056
documents, evidence of support, and rehabilitation and 2057
accomplishments, all of the following: 2058

(1) The prisoner's record in prison of rehabilitation 2059
efforts; 2060

(2) A mental health evaluation of the prisoner by a mental health specialist, if the evaluation recommends that the prisoner is a threat to society due to the prisoner's mental evaluation, the unusual heinous nature of the crime for which the prisoner is imprisoned, or both such factors if both exist; 2061
2062
2063
2064
2065

(3) The prisoner's productivity while in prison, including the prisoner's work efforts and reports and volunteer work; 2066
2067

(4) The prisoner's vocational skills and job opportunities upon release; 2068
2069

(5) The prisoner's efforts to rehabilitate self, peaceful record, and adjustment to incarceration, the recommendations of supervisors and prison staff who have closely observed and worked with the prisoner, and evidence of family and friends' support; 2070
2071
2072
2073
2074

(6) The prisoner's social adaptation, relationships with other prisoners and prison staff, and social support outside of prison; 2075
2076
2077

(7) The prisoner's educational efforts during confinement, including school enrollment, self-guided efforts, and outside programs provided to the prisoner; 2078
2079
2080

(8) The prisoner's volunteer efforts, community service efforts, and restitution efforts; 2081
2082

(9) Support of the prisoner by family, friends, and community members willing to assist the prisoner in reentry; 2083
2084

(10) The prisoner's overall attitude, outlook, and personal plans to succeed as a law-abiding citizen; 2085
2086

(11) Evidence of the prisoner's genuine remorse, criminal reform, and rehabilitation effectiveness; 2087
2088

(12) Whether the prisoner is a veteran, and if so, that fact is to weigh heavily in the prisoner's favor in the decision to grant parole. 2089
2090
2091

(13) The prisoner's volunteer contributions while incarcerated and any other issues relative to assessment of the prisoner's readiness for release. 2092
2093
2094

(14) Whether the prisoner has been convicted of any additional criminal act while imprisoned. 2095
2096

(C) In making an evaluation of a prisoner under division (B) of this section and in determining whether to parole a prisoner, the parole board shall not consider any of the following: 2097
2098
2099
2100

(1) Any victim impact statement that already has been introduced for consideration during sentencing, in order to avoid the impact of double jeopardy. 2101
2102
2103

(2) Any new allegation or new evidence of criminal conduct submitted to the board, if the prisoner has not been convicted of or pleaded guilty to a criminal offense involving the conduct in question and has not had an opportunity to prove innocence of the conduct. 2104
2105
2106
2107
2108

(3) Any prison infraction that is of a nonviolent nature, that involved self defense, or that did not result in a secondary criminal indictment. 2109
2110
2111

(D) For each prisoner who is covered by division (A) (2) of this section, all of the following apply: 2112
2113

(1) A claim of innocence of the crime shall not be used as reason to deny parole to the prisoner. If the prisoner has proof of, or new evidence of, innocence, that information shall be 2114
2115
2116

considered at the parole hearing. 2117

(2) A parole hearing for the prisoner shall not be 2118
conducted as a retrial of original charges of which the prisoner 2119
was convicted or to which the prisoner pleaded guilty. Rather, a 2120
parole hearing for the prisoner shall be conducted as an 2121
assessment of the prisoner's readiness for release back into the 2122
community, adjustment to incarceration, accomplishments towards 2123
rehabilitation, and preparation to live a law-abiding and 2124
productive life as a free citizen. 2125

(3) A fair assessment of the prisoner's attitude, what led 2126
to the crime, and how the prisoner has learned to avoid further 2127
illegal acts may be part of the interview and parole decision. 2128

Sec. 5149.104. (A) For each prisoner imprisoned in a state 2129
correctional institution on or after the effective date of this 2130
section who is eligible for parole under section 2967.13 of the 2131
Revised Code on or after that date: 2132

(1) An attorney representing the prisoner is entitled to 2133
review and read all information that the board will use to make 2134
a parole decision for a prisoner, including the entire file of 2135
records, letters, and reports used by the board. The identity of 2136
the source of submissions classified as confidential by the 2137
board may not be revealed to the prisoner except upon court 2138
order. Subject to division (E) of this section, all such 2139
documentation shall be provided to the prisoner at least six 2140
months prior to the parole hearing for the prisoner. Information 2141
not provided to the prisoner prior to the parole hearing, when 2142
required under this division, may not be included to determine 2143
parole release. 2144

(2) Subject to division (E) of this section, the prisoner 2145

shall be afforded the opportunity to review, with the prisoner's 2146
psychiatrist or psychologist, any report prepared for the parole 2147
evaluation of the prisoner at least thirty days prior to 2148
submission of the report to the parole board. If the prisoner is 2149
unable to read, the institutional case manager for the state 2150
correctional institution in which the prisoner is confined shall 2151
make arrangements to have the report read to the offender at 2152
least thirty days prior to the parole hearing for the prisoner. 2153

(3) Subject to division (E) of this section, the prisoner 2154
shall be informed of information filed in opposition to the 2155
release of the prisoner and the prisoner and all supporters 2156
shall be given an opportunity to rebut the truthfulness of that 2157
information. 2158

(4) At least one month prior to the parole hearing for the 2159
prisoner, subject to division (E) of this section, the prisoner 2160
shall be informed of any allegations, charges, or accusations 2161
against the prisoner in the parole file, and of any letters or 2162
information to be used against the prisoner in the parole 2163
hearing process. 2164

(5) The prisoner may submit in writing a response or 2165
rebuttal to any allegations, charges, or accusations referred to 2166
in division (B) (4) of this section or in the letters and 2167
information referred to in that division. 2168

(6) New evidence may not be used against the prisoner to 2169
deny parole unless the new evidence is evidence of a conviction 2170
of or plea of guilty to a new criminal case committed while 2171
incarcerated. 2172

(B) Before any parole hearing is conducted for a prisoner 2173
covered by division (A) of this section, both of the following 2174

shall be satisfied: 2175

(1) The parole board victim advocate shall meet with or 2176
otherwise be in direct contact with the victim, the victim's 2177
representative, or both, review their position and any 2178
documents, and reduce this information into a concise report for 2179
the inmate parole review file. The victim advocate shall review 2180
that information with other parole board members if requested. 2181
The victim advocate shall prepare a report of the meeting, and, 2182
subject to division (E) of this section, a copy of the report 2183
shall be provided to the parole board prisoner advocate and the 2184
prisoner's attorney or representative. 2185

(2) The parole board prisoner advocate shall meet with or 2186
otherwise be in direct contact with the prisoner's 2187
representatives, review their position and any documents, and 2188
reduce this information into a concise report for the inmate 2189
parole review file. The prisoner advocate shall review said 2190
information with other parole board members if requested. 2191

(C) A parole hearing for a prisoner covered by division 2192
(A) of this section shall be conducted in accordance with the 2193
following: 2194

(1) Objections to parole release that are considered in 2195
making the parole decision shall relate to proof of threat to 2196
society if the prisoner is paroled and shall not include 2197
evidence presented at the trial or original sentencing of the 2198
prisoner. 2199

(2) Any board member may receive recommendations for or 2200
against parole of the prisoner, and any such recommendation 2201
received by a member shall be included in the prisoner's parole 2202
file and may be presented by the board member for consideration 2203

in decision-making. 2204

(3) Issues favoring parole for the prisoner shall be 2205
presented to the board members and appear in the prisoner's file 2206
and may include supporting letters, rehabilitation efforts, 2207
potential job offers, and evidence favoring parole release. 2208

(4) All parole board hearings shall be videotaped with the 2209
camera focused primarily on both the offender and parole board 2210
members. The videotape shall be made available for purposes of 2211
any appeal of the parole decision and shall be included in the 2212
prisoner's official file and record of the parole process and 2213
hearing, and, subject to division (E) of this section, the 2214
videotaped interview shall be available for review by the 2215
prisoner taking an appeal of a denied parole. In no case shall a 2216
parole board hearing be live-streamed. The videotape is not a 2217
public record subject to inspection or copying unless the 2218
prisoner, any victim, and all active participants in the hearing 2219
agree to and sign waivers for its release and the release is in 2220
accordance with division (E) of this section. 2221

(5) All of the following shall be recorded by audio device 2222
into the video record, prior to the commencement of the hearing: 2223

(a) The inmate's name and institutional number, and the 2224
county in which the committing court is located; 2225

(b) The date, time, and location of the hearing and the 2226
name of the parole board member or members conducting the 2227
hearing; 2228

(c) The name of any correctional officer or officers or 2229
other staff of the department of rehabilitation and correction 2230
who actively participate in the hearing. 2231

(6) The parole board may consider factors favoring a 2232

successful release and reentry into the community, including 2233
local support and assistance, available housing, employability, 2234
completion of rehabilitative programs while incarcerated, job 2235
skills, and institutional record. 2236

(7) The impact on the victim of the offense for which the 2237
prisoner is imprisoned, including through a victim impact 2238
statement, may only be incorporated and affect a parole decision 2239
the first time the prisoner is up for parole consideration and 2240
may influence only the decision regarding that initial 2241
determination. The impact on the victim, including through a 2242
victim impact statement, may not be the lone determinant for a 2243
denial of parole. To be considered, a victim impact statement 2244
may not include any information previously presented to a 2245
sentencing court by the victim or the prosecutor and must be 2246
submitted into the record for parole consideration at least six 2247
months prior to the parole hearing. A scheduled parole hearing 2248
may not be postponed due to failure of a victim's impact 2249
statement to be timely submitted to the parole board. No parole 2250
that is granted may be revoked based on or due to any victim 2251
impact statement that is submitted after the six-month deadline 2252
for filing specified in this division. A prisoner is entitled to 2253
be notified that a victim impact statement has been submitted, 2254
but is not entitled to a copy of any such statement. 2255

(8) The purpose of the hearing is not to perform a retrial 2256
of the prisoner's case, but instead is to ascertain the 2257
prisoner's suitability for release into the community, and the 2258
board may consider all of the following: 2259

(a) The peaceful and productive behavior of the prisoner 2260
in the prison setting; 2261

(b) Educational, social, vocational, spiritual, creative 2262

<u>and rehabilitation programming completed by the prisoner;</u>	2263
<u>(c) Support of the prisoner outside the prison;</u>	2264
<u>(d) Any pattern of the prisoner's lifetime criminal and citizenship activities that exists;</u>	2265 2266
<u>(e) Citizen and victim recommendations, including those of prison staff and officials, for and against the prisoner's release;</u>	2267 2268 2269
<u>(f) The prisoner's personal plans, outlook, and efforts for reentry into society after release.</u>	2270 2271
<u>(9) If the prisoner for whom the hearing is conducted maintains that the prisoner is innocent of the crime for which the prisoner is imprisoned, the board may consider the prisoner's claims in the parole decision but it may not use or interpret those claims to the detriment of the prisoner or to deny parole release.</u>	2272 2273 2274 2275 2276 2277
<u>(10) It is the responsibility of the parole board members, mental health staff, and case managers to have all records collected and studied in order to make a decision on a parole candidate, the failure of those persons to satisfy that duty shall not result in any delay of the parole of a prisoner, and the prisoner shall be paroled on or before the first eligibility date without any institutional delay resulting from incomplete files, reports, or tests, or records not assembled.</u>	2278 2279 2280 2281 2282 2283 2284 2285
<u>(D) (1) Each parole board member who will be involved in making a decision as to whether to grant a parole to a prisoner covered by division (A) of this section, who is not at the hearing, and who subsequently reviews the prisoner's parole file shall watch the hearing videotape made under division (C) of this section prior to making a decision.</u>	2286 2287 2288 2289 2290 2291

(2) The videotape of the parole hearing of a prisoner that 2292
is made under division (C) of this section shall be a public 2293
record subject to release under section 149.43 of the Revised 2294
Code only as provided in division (C) (4) of this section. 2295

(3) The videotape of the parole hearing of a prisoner that 2296
is made under division (C) of this section may be considered, 2297
for purposes of an appeal of a parole decision, by the reviewing 2298
officials or court. 2299

(E) If any record described in division (C) of section 2300
2967.03 of the Revised Code or in division (A) (1), (2), (3), or 2301
(4), (B) (1), (C), or (D) (2) of this section contains information 2302
about a victim and if granting the prisoner access to the record 2303
and permitting the prisoner to review the record under any of 2304
those divisions would limit or interfere with the victim's right 2305
to be treated with fairness and respect for the victim's safety, 2306
dignity, and privacy guaranteed by Section 10a of Article I, 2307
Ohio Constitution, both of the following apply: 2308

(1) The information about the victim that, if released to 2309
the prisoner as described in division (C) of section 2967.03 of 2310
the Revised Code or in division (A) (1), (2), (3), or (4), (B) 2311
(1), (C), or (D) (2) of this section, would limit or interfere 2312
with that right shall be redacted from the record before the 2313
prisoner is granted access to, or is permitted to review, the 2314
record. 2315

(2) If the prisoner has an attorney, the redaction 2316
requirement described in division (E) (1) of this section does 2317
not apply with respect to the release of information to the 2318
attorney, provided the attorney agrees prior to the release to 2319
not discuss the information with, or disclose the information 2320
to, the prisoner. 2321

Sec. 5149.105. (A) When the parole board makes a decision 2322
as to whether to grant a parole to a prisoner imprisoned in a 2323
state correctional institution on or after the effective date of 2324
this section who is eligible for parole under section 2967.13 of 2325
the Revised Code on or after that date, not later than forty- 2326
five days after the prisoner's parole hearing, the board shall 2327
inform the prisoner of the decision, in writing, by regular 2328
mail. If the board denies the parole, the notice shall include 2329
the board's reasons for the denial. 2330

(B) If a prisoner covered by division (A) of this section 2331
is denied parole due to being a threat to society, all of the 2332
following apply: 2333

(1) The prisoner shall be evaluated by a psychiatric 2334
professional providing mental health treatment in the state 2335
correctional institution in which the prisoner is incarcerated. 2336

(2) A psychiatric professional providing mental health 2337
treatment in the state correctional institution in which the 2338
prisoner is incarcerated shall provide a yearly treatment 2339
progress report to the parole board and certify to the board 2340
when the offender is deemed not to be a threat to society if 2341
paroled, and shall include in the report a statement as to 2342
whether any possible treatment could enable the offender to be 2343
safely released from prison. 2344

(3) If a psychiatric professional includes in a report 2345
described in division (B)(2) of this section a statement that 2346
possible treatment could enable the offender to be safely 2347
released from prison, the professional also shall ascertain a 2348
treatment plan for the prisoner that could effectively prepare 2349
the prisoner for parole release and shall include a description 2350
of that treatment in the report. 2351

(4) A psychiatric professional must certify that the 2352
prisoner no longer is a threat to society before the prisoner's 2353
next parole hearing and before the prisoner may be paroled. 2354

(C) If a prisoner covered by division (A) of this section 2355
is denied parole, all of the following apply with respect to the 2356
denial: 2357

(1) If the denial is the first time that the prisoner has 2358
been denied a parole, only new information from a credible 2359
source may be considered for subsequent parole hearings and a 2360
subsequent denied parole release. Unsubstantiated allegations or 2361
claims may not be used as new evidence under this division. 2362

(2) For any denial, the board may extend the period of 2363
time before the next parole consideration for the prisoner one 2364
time, by a specified period of time that does not exceed two 2365
years. 2366

(3) Subject to division (C) (4) of this section, for any 2367
prisoner, the board may make only one extension of the period of 2368
time before the next parole consideration for the prisoner. 2369

(4) If the board extends the period of time before the 2370
next parole consideration for a prisoner under division (C) (2) 2371
of this section, the board may deny the parole at that second 2372
consideration only if the prisoner has been convicted of or 2373
pleaded guilty to a new offense committed between the time of 2374
the first denial and the second parole consideration. 2375

(D) (1) If a prisoner covered by division (A) of this 2376
section is denied parole, one or more of the individuals listed 2377
in divisions (D) (1) (a) to (d) of this section may appeal the 2378
decision to deny parole by filing an appeal to the full parole 2379
board. An appeal under this division shall be filed within 2380

thirty days after the board sends notice under division (A) of 2381
this section of the denied parole. If an appeal is filed under 2382
this division, the board must make a decision on the appeal 2383
within forty-five days after the appeal is made. An appeal under 2384
this division may be made by one or more of the following: 2385

(a) The prisoner; 2386

(b) A family member of the prisoner; 2387

(c) An individual identified by the prisoner; 2388

(d) The prisoner's advocate. 2389

(2) If a parole denial is appealed to the full parole 2390
board under division (D)(1) of this section and the denial is 2391
based on the contents of the prisoner's psychiatric evaluation, 2392
the prisoner shall have the right to hire a psychiatrist or 2393
psychologist for a secondary evaluation. The prisoner, or any 2394
family member or friend of the prisoner, shall pay the cost of 2395
the secondary evaluation. If a prisoner has a secondary 2396
evaluation under authority of this division and the prisoner 2397
agrees, the results of the secondary evaluation shall become 2398
part of the prisoner's permanent mental health and parole files 2399
and shall be considered by the parole board in determining the 2400
prisoner's release. The state correctional institution in which 2401
the prisoner is incarcerated shall make accommodations for the 2402
evaluation by a psychiatrist or psychologist at the institution, 2403
through the institutional mental health department. 2404

(E) If a prisoner covered by division (A) of this section 2405
is granted parole, the parole shall not be rescinded before the 2406
prisoner's release unless the prisoner is newly charged for 2407
initiating criminal behavior for which the prisoner has been 2408
indicted before the release. 2409

(F) (1) If a prisoner covered by division (A) of this 2410
section is denied parole, the prisoner may appeal the board's 2411
denial decision to the Franklin county court of common pleas. 2412
The parole board shall inform the prisoner of this right to an 2413
appeal when it notifies the prisoner that the parole is denied, 2414
and shall provide the prisoner at that time with a packet of 2415
appropriate forms and instructions for perfecting such an 2416
appeal. The rules adopted by the supreme court that govern court 2417
proceedings apply to such an appeal, and the Franklin county 2418
court of common pleas shall assign the appeal under its standard 2419
case docketing procedures. An appeal under this division shall 2420
be made not later than six months after the date on which the 2421
prisoner is officially informed of the denial. An appeal may be 2422
made under this division regardless of whether the prisoner 2423
first appealed the board's decision to the full board under 2424
division (D) of this section, and, if the prisoner first 2425
appealed the board's decision to the full board under division 2426
(D) of this section, may be made regardless of whether the 2427
parole board has responded to that appeal. 2428

(2) If a prisoner covered by division (A) of this section 2429
is denied parole and appeals the board's denial decision to the 2430
Franklin county court of common pleas under division (F) (1) of 2431
this section, and if the court determines that the prisoner is 2432
legally indigent in the matter of a first appeal of a denied 2433
parole, the Ohio public defender shall provide counsel to the 2434
prisoner in the matter of the appeal and assign a specialist for 2435
that purpose. 2436

Sec. 5149.106. (A) If a prisoner imprisoned in a state 2437
correctional institution on or after the effective date of this 2438
section who is eligible for parole under section 2967.13 of the 2439
Revised Code on or after that date is granted a parole, the 2440

duration of the parole supervision of the prisoner upon release 2441
shall be determined as follows: 2442

(1) If the term of imprisonment from which the parole was 2443
granted was imposed for a felony of the first or second degree 2444
or is a term of life imprisonment, the parole board may subject 2445
the prisoner upon release to up to one year of parole 2446
supervision, with the length determined by the board. The board 2447
shall provide the prisoner upon release with written 2448
notification of the date upon which the prisoner will be 2449
released from the supervision. The board may terminate the 2450
supervision prior to the expiration of the period set upon the 2451
prisoner's release if the prisoner successfully complies with 2452
conditions of the parole. 2453

(2) If division (A) (1) of this section does not apply with 2454
respect to the prisoner, the parole board may subject the 2455
prisoner upon release to up to six months of parole supervision, 2456
with the length determined by the board. The board shall provide 2457
the prisoner upon release with written notification of the date 2458
upon which the prisoner will be released from the supervision. 2459
The board may terminate the supervision prior to the expiration 2460
of the period set upon the prisoner's release if the prisoner 2461
successfully complies with conditions of the parole. 2462

(B) (1) As used in divisions (B) and (C) of this section, 2463
"parolee" means a prisoner imprisoned in a state correctional 2464
institution on or after the effective date of this section, who 2465
is eligible for parole under section 2967.13 of the Revised Code 2466
on or after that date, and who is granted and released on 2467
parole. 2468

(2) The purpose of a term of parole supervision is to 2469
supervise the parolee for a sufficient time, to assist the 2470

parolee in locating resources and employment, to aid in the 2471
parolee's successful reentry to society, and to serve as a 2472
monitor to encourage law-abiding habits for the parolee. With 2473
respect to the terms and conditions of a parole, all of the 2474
following apply: 2475

(a) The parolee shall not be prohibited from associating 2476
with a person who is an ex-felon, if the association is deemed 2477
to be beneficial and to enhance the parolee's successful reentry 2478
into society, and shall not be prohibited from associating with 2479
a person who is an ex-felon who has successfully completed 2480
parole or probation supervision. 2481

(b) The parolee shall not be prohibited from attending any 2482
job, therapy, counseling session, religious service, or other 2483
public or social event merely due to the presence or possible 2484
presence of any other ex-felon. 2485

(c) The parolee shall not be prohibited from living while 2486
on parole with any person who is an ex-felon if that ex-felon 2487
has successfully completed parole supervision. 2488

(d) If the parolee's intellectual level as assessed by 2489
corrections mental health caregivers indicates that the 2490
parolee's intellect is insufficient to live independently, the 2491
parolee shall be appropriately placed upon release in housing 2492
that will accommodate the parolee's intellectual level to ensure 2493
that the parolee is not left homeless and basic needs are 2494
provided in order to prevent a return to criminal acts in order 2495
to survive. 2496

(3) The parole officer assigned to supervise a parolee 2497
shall be knowledgeable of community and governmental assistance 2498
resources and support help for parolees and refer those sources 2499

to the parolee. The parole officer shall establish communication 2500
with the parolee to encourage the positive addressing of 2501
problems in adjustment, employment, or social life. 2502

(C) (1) If a prisoner is granted a parole, all of the 2503
following apply: 2504

(a) If the parolee is convicted of or pleads guilty to 2505
another offense while on parole, in addition to court-imposed 2506
punishment for the new offense and subject to division (C) (1) (c) 2507
of this section, the parole board may extend the parolee's term 2508
of parole supervision by one year. 2509

(b) The parole board may revoke the parolee's parole only 2510
for the conviction of or plea of guilty to another felony, and 2511
the parolee may not be returned to the prison institution for a 2512
revoked parole other than as provided in this division. Any 2513
revocation of parole shall receive a stated prison term to be 2514
assessed, which term shall not exceed two years. The parolee may 2515
be returned to prison or sent to a community correctional 2516
facility. A parole shall not be revoked other than as provided 2517
in this division. 2518

(c) If the parolee is convicted of or pleads guilty to 2519
another felony and is sentenced to a prison term for that 2520
felony, there shall be no additional prison time to be served 2521
due to the parole revocation, but if the parolee subsequently is 2522
released from prison, the parolee shall be subjected to an 2523
additional year of parole supervision upon release and the 2524
parolee must successfully complete that additional year of 2525
parole supervision in order to be released from parole. 2526

(d) If the parolee violates the terms and conditions of 2527
the parole supervision by an act deemed by the board to be a 2528

serious infraction, the parole board may extend the period of 2529
parole supervision by up to six months, with the purpose of the 2530
extension being to provide the parolee an opportunity to correct 2531
the infractions. 2532

(e) If the parolee violates the terms and conditions of 2533
the parole supervision by an act deemed to be a technical 2534
violation, the parole board may extend the period of parole 2535
supervision by up to three months or may impose a confinement 2536
sanction of a type described in this division. The only 2537
confinement sanction that may be imposed is confinement in a 2538
local jail, assignment to a halfway house, or community 2539
corrections facility supervision, the time of the confinement 2540
sanction shall not exceed two weeks for a first technical 2541
violation and shall not exceed thirty days for any subsequent 2542
technical violation, and in no case shall the total of all such 2543
confinement sanctions extend or increase the total amount of 2544
time the parolee is assigned to serve on parole. 2545

(f) The parole shall not be revoked for any noncriminal 2546
parole infraction. For any such infraction, the parole officer 2547
for the parolee may require for the parolee counseling, 2548
community support meetings, educational and vocational programs, 2549
increased supervision, ankle monitoring, travel restrictions, or 2550
other community discipline that is appropriately designed to 2551
impress upon the parolee the importance of good behavior. 2552

(g) Sound evidence of criminal activity by the parolee 2553
shall be referred to the appropriate law enforcement authorities 2554
for investigation and any appropriate indictment so that the 2555
parolee is provided due process under law. 2556

(h) If the parolee successfully completes the terms and 2557
conditions of the parole supervision and the entire period of 2558

the parole, the parolee immediately shall be granted release 2559
from the parole, be provided parole release papers, and be 2560
granted a final release under section 2967.16 of the Revised 2561
Code. 2562

(2) If a parolee's parole is revoked, the parole officer 2563
for the parolee shall file and place in the parolee's parole 2564
file a full report on the parolee's housing, vocation, and 2565
adjustment efforts, and why the parole was revoked. 2566

(3) If a parolee fails to complete the parolee's term of 2567
parole, the parolee may prepare a written statement as to why 2568
the failure occurred, to document the failure and the reasons 2569
and to provide an opportunity to prevent the same negative 2570
actions in the parolee's succeeding parole experience. 2571

Sec. 5149.11. In the exercise of any of the powers vested 2572
in the adult parole authority, the chief of the authority, any 2573
member of the board, or any hearing officer may administer oaths 2574
and in the name of the authority may issue subpoenas and 2575
subpoenas duces tecum. The authority may compel the attendance 2576
of witnesses and the production of records and papers of all 2577
kinds and description including any and all books, accounts, 2578
documents, memorandums, and transcripts of testimony, pertaining 2579
to any inquiry within the powers and duties of the authority. 2580
Upon the failure of any person to comply with any order of the 2581
authority or any subpoena or subpoena duces tecum lawfully 2582
issued, or upon the refusal of any witness to testify to any 2583
matter regarding which the witness may be lawfully interrogated, 2584
a judge of the court of common pleas of any county in this 2585
state, on the application of the authority, shall compel 2586
obedience by attachment proceedings for contempt, as in the case 2587
of disobedience of the requirements of a subpoena issued from a 2588

court of common pleas or a refusal to testify therein. 2589

Each witness who appears before the authority or before a 2590
member of the parole board by the authority's or member's order 2591
shall receive for attendance the fees and mileage provided for 2592
under section 119.094 of the Revised Code, and the fees and 2593
mileage shall be audited and paid out of the state treasury in 2594
the same manner as other expenses are audited and paid, upon the 2595
presentation of properly verified vouchers approved by the chief 2596
of the authority. 2597

The chief of the authority or a member of the board, or 2598
any party who is the subject of the investigation, may in any 2599
investigation cause depositions of witnesses residing within or 2600
without the state to be taken in the manner prescribed by 2601
sections 2319.08, 2319.09, 2319.11, and 2319.27 of the Revised 2602
Code and the Civil Rules. 2603

Copies of the proceedings, minutes, actions, findings, 2604
recommendations, orders, and other records of the authority or 2605
its predecessors shall be verified and certified to by the 2606
officer conducting or responsible for such and attested by the 2607
chief of the authority, and when certified and attested shall be 2608
received in evidence as proof of the facts therein stated. 2609

Minutes Except as otherwise specified in sections 5149.102 2610
to 5149.106 of the Revised Code, minutes, actions, findings, 2611
recommendations, determinations, and orders made and kept by the 2612
adult parole authority are public records. 2613

Section 2. That existing sections 149.43, 2929.41, 2614
2967.03, 2967.05, 2967.12, 2967.13, 2967.15, 5120.59, 5149.07, 2615
5149.10, 5149.101, and 5149.11 of the Revised Code are hereby 2616
repealed. 2617

Section 3. Section 149.43 of the Revised Code is presented 2618
in this act as a composite of the section as amended by Am. Sub. 2619
H.B. 8, Sub. H.B. 34, Sub. H.B. 139, Sub. H.B. 312, Sub. H.B. 2620
341, Sub. H.B. 425, Am. Sub. S.B. 201, Am. S.B. 214, and Sub. 2621
S.B. 229, all of the 132nd General Assembly. The General 2622
Assembly, applying the principle stated in division (B) of 2623
section 1.52 of the Revised Code that amendments are to be 2624
harmonized if reasonably capable of simultaneous operation, 2625
finds that the composite is the resulting version of the section 2626
in effect prior to the effective date of the section as 2627
presented in this act. 2628