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## Substitute Bill Comparative Synopsis

**Sub. H.B. 215**

**133<sup>rd</sup> General Assembly**

House Criminal Justice

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_133_1253-2)
<b>Maximum term portion of a nonlife felony indefinite prison term</b>	
No provision.	For purposes of indefinite prison terms created in S.B. 201 of the 132 <sup>nd</sup> General Assembly (hereafter “nonlife felony indefinite prison terms”), generally describes the “maximum term” as an additional portion of the indefinite prison term to be served after termination of the minimum term, rather than as the length of the total term including both the underlying minimum and required maximum portions ( <i>R.C. 2929.144(B)(1) to (3) and 2929.14(A)(1) and (2)</i> ).

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	<p>Clarifies that the “most serious felony being sentenced” in the context of nonlife felony indefinite prison terms, refers to the felony offense carrying the highest degree of felony of all the offenses contained in an indictment, information, or complaint. Under continuing law, the maximum prison term applicable to an indictment, information, or complaint is calculated based on the longest minimum term for the “most serious qualifying felony being sentenced.” <i>(R.C. 2929.144(A)(1).)</i></p>
No provision.	<p>Standardizes references to “nonlife felony indefinite prison terms” and clarifies that a court sentencing an offender for one or more first or second degree felonies contained in a single indictment, information, or complaint and subject to a nonlife felony indefinite prison term must determine a single maximum prison term that is applicable to all of those qualifying felonies <i>(R.C. 2929.14(A) and 2929.144(B)).</i></p>
No provision.	<p>Modifies the definition of “prison term” as it continues to be used in the definition of “stated prison term” for purposes of the Criminal Sentencing Law (R.C. Chapter 2929) so that “prison term” in that context includes a definite or minimum felony prison term imposed under continuing felony sentencing law or any other provision of law, plus any maximum prison term imposed as part of a nonlife felony indefinite prison term <i>(R.C. 2929.01(FF)(2)).</i></p>
No provision.	<p>Requires a court that imposes a mandatory prison term for a conviction or plea of guilty to a specification to impose that mandatory term separately from any nonlife felony indefinite prison term <i>(R.C. 2929.144(B)(4)).</i></p>

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No provision.	Requires a court that imposes a maximum term as part of a nonlife felony indefinite prison term to state in the sentencing entry the minimum term it imposes for <i>each qualifying felony of the first or second degree</i> , rather than simply requiring the court to state the minimum term generally ( <i>R.C. 2929.144(C)</i> ).
No provision.	For an offender who is incarcerated for a maximum prison term resulting from an aggregation of maximum prison terms under the bill, requires the Department of Rehabilitation and Correction to rebut the continuing law presumption of release at least once during each portion of the maximum prison term attributable to a maximum prison term that was aggregated and requires the offender to serve those maximum prison term portions in the same order as the corresponding minimum prison term portions ( <i>R.C. 2967.271(D)(3)</i> ).
No provision.	Requires an appellate court that reverses a conviction for a felony of the first or second degree subject to a nonlife felony indefinite prison term to remand the case for resentencing if the reversal would affect the maximum prison term imposed ( <i>R.C. 2953.08(I)</i> ).
<b>Clarifying applicable “maximum prison term”</b>	
No provision.	Clarifies that the “maximum prison term” that applies to the adult portion of a blended “serious youthful offender” sentence, includes both the longest “minimum term” that the person could have received as well as any corresponding maximum term that would be required ( <i>R.C. 2152.14(F)</i> ).
No provision.	Clarifies that the “maximum prison term” that applies to detention related to incompetency to stand trial or a finding of not guilty by reason of insanity includes both the longest minimum term that the

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No provision.	<p>defendant or person could have received if convicted as well as any corresponding maximum term that would be required <i>(R.C. 2945.37(A)(6) and 2945.401(J)(1)(b))</i>.</p> <p>Clarifies that the “maximum prison term” that applies to confinement in a community-based correctional facility includes both the longest minimum term that the defendant or person could have received if convicted as well any corresponding maximum term that would be required <i>(R.C. 2949.08(C)(2))</i>.</p>
<b>Coordination of indefinite prison terms</b>	
No provision.	<p>Current law requires, when a definite or mandatory definite prison term is imposed on an offender prior to or subsequent to a nonlife felony indefinite prison term and is required to be served consecutive to a nonlife felony indefinite prison term, the definite or mandatory definite prison term must be served prior to the nonlife felony indefinite prison term. The bill expands this requirement to definite or mandatory definite prison terms imposed <i>contemporaneously</i> with nonlife felony indefinite prison terms and unifies terminology used in that requirement. <i>(R.C. 2929.14(C)(10)(a).)</i></p>
No provision.	<p>For multiple nonlife felony indefinite prison terms sentenced to be served consecutively, requires the court to aggregate the nonlife felony indefinite prison terms as follows:</p> <ul style="list-style-type: none"> <li>▪ The minimum portion of each nonlife felony indefinite prison term must be aggregated and treated as one aggregate minimum portion.</li> <li>▪ The maximum portion of each nonlife felony indefinite prison term must be aggregated and treated as one aggregate maximum portion to be served after the aggregate minimum</li> </ul>

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No provision.	<p>portion in the same order as the corresponding minimum prison term portions (<i>R.C. 2929.14(C)(10)(b) and 2967.271(D)(3)</i>).</p> <p>For nonlife felony indefinite prison terms, to be served consecutively with any nonlife felony indefinite prison term for an offense committed prior to July 1, 1996 (old indefinite prison terms), requires the nonlife felony indefinite prison terms to be served prior to the old indefinite prison terms (<i>R.C. 2929.14(C)(10)(c)</i>).</p>
<b>Judicial release</b>	
No provision.	Excludes from eligibility for judicial release any person who on or after the bill's effective date is serving a stated prison term for a nonlife felony indefinite prison term ( <i>R.C. 2929.20(A)</i> ).
<b>Appellate review</b>	
No provision.	<p>Defines a sentence that is “contrary to law” for purposes of appellate review as a sentence that fails to comport with all mandatory, definite, or indefinite sentencing provisions or is not otherwise within the statutory range of prison terms for the applicable degree of felony, as provided in the existing Felony Sentencing Law. Continuing law authorizes an appellate court, on review, to increase, reduce, or otherwise modify a sentence on appeal, or to vacate the sentence and remand to the sentencing court for resentencing if the appellate court finds clearly and convincingly that the sentence is “contrary to law.” (<i>R.C. 2953.08(A)(2) and (H)(2)(b)</i>; conforming changes in <i>R.C. 2152.13(D)(3), 2951.03(D), and 2953.07(A)</i>.)</p>

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No provision.	Excludes from appellate review those criminal sentences imposed upon a defendant that are authorized by law and consistent with a sentence, sentencing range, minimum aggregate term of imprisonment, or maximum aggregate term of imprisonment that has been recommended jointly by the defendant and prosecution in the case, rather than excluding those sentences that are authorized by law and recommended jointly by the defendant and prosecution in the case under current law ( <i>R.C. 2953.08(E)</i> ).
No provision.	Removes a reference to a defendant’s ability to “seek leave” to appeal consecutive sentences under current law and instead refers simply to the defendant’s ability to appeal ( <i>R.C. 2953.08(D)</i> ).