



# Members Brief

An informational brief prepared by the LSC staff for members and staff of the Ohio General Assembly

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Volume 135  
October 8, 2024

## Misdemeanor Sentencing

The Misdemeanor Sentencing Law establishes guidelines for courts imposing sentences on offenders for misdemeanor offenses. The Law provides that the overriding purposes of misdemeanor sentencing are to protect the public from future crime by the offender and others and to punish the offender.

The purpose of this Brief is to provide a general overview of the Misdemeanor Sentencing Law. The Brief summarizes the purposes of misdemeanor sentencing and how to achieve them, the factors and considerations that a court must contemplate when imposing sentences on offenders for misdemeanor offenses, and general jail terms and fines a court may impose on offenders for misdemeanor offenses.

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### Overriding purposes of misdemeanor sentencing

The overriding purposes of misdemeanor sentencing are to protect the public from future crime by the offender and others and to punish the offender. To achieve these purposes, the sentencing court must consider the impact of the offense on the victim and the need for changing the offender’s behavior, rehabilitating the offender, and making restitution to the victim of the offense, the public, or both.<sup>1</sup>

### Factors for imposing a misdemeanor sentence

In determining the appropriate sentence to impose for a misdemeanor offense, the court must consider all of the following factors:<sup>2</sup>

- The nature and circumstances of the offense or offenses;

<sup>1</sup> R.C. 2929.21(A).

<sup>2</sup> R.C. 2929.22(B).

- Whether the circumstances regarding the offender and the offense or offenses indicate that the offender has a history of persistent criminal activity and that the offender’s character and condition reveal a substantial risk that the offender will commit another offense;
- Whether the circumstances regarding the offender and the offense or offenses indicate that the offender’s history, character, and condition reveal a substantial risk that the offender will be a danger to others and that the offender’s conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with heedless indifference to the consequences;
- Whether the victim’s youth, age, disability, or other factor made the victim particularly vulnerable to the offense or made the impact of the offense more serious;
- Whether the offender is likely to commit future crimes;
- Whether the offender has an emotional, mental, or physical condition that is traceable to service in the armed forces and that was a contributing factor in the offender’s commission of the offense or offenses;
- The offender’s military service record;
- Any other factor that is relevant to achieving the purposes and principles of misdemeanor sentencing.

**Considerations for imposing a misdemeanor sentence**

In determining the appropriate sentence to impose for a misdemeanor offense, the court must consider the items listed in the table below.

Considerations for imposing a misdemeanor sentence	
<b>Discretion</b>	<p>Unless otherwise provided in the Revised Code, a court has discretion to determine the most effective way to achieve the purposes and principles of sentencing.<sup>3</sup></p> <p>Unless required to impose a specific sanction or precluded from imposing a specific sanction, a court may impose any sanction or combination of sanctions under the Misdemeanor Sentencing Law.<sup>4</sup></p>
<b>Community control sanction</b>	<p>Before imposing a jail term as a sentence for a misdemeanor, a court must consider the appropriateness of imposing a community</p>

<sup>3</sup> R.C. 2929.22(A).

<sup>4</sup> R.C. 2929.22(A).

Considerations for imposing a misdemeanor sentence	
	control sanction or a combination of community control sanctions on the offender. <sup>5</sup>
<b>Longest jail term</b>	A court may only impose the longest jail term on an offender who commits the worst form of the offense or on an offender whose conduct and response to prior sanctions for prior offenses demonstrate that the longest jail term is necessary to deter the offender from committing a future criminal offense. <sup>6</sup>
<b>Financial sanctions</b>	Unless otherwise provided in the Revised Code, a court imposing a sentence for a misdemeanor may sentence the offender to any financial sanction or combination of financial sanctions, including court costs, fines, restitution, and reimbursement. <sup>7</sup>

### Jail terms and fines for a misdemeanor sentence

Unless otherwise provided in the Revised Code, if a court imposes a jail term for a misdemeanor offense, the court must impose a definite jail term listed in the table below.<sup>8</sup> Likewise, if a court imposes a fine for a misdemeanor offense, the court must impose a fine listed in the table below.<sup>9</sup>

Misdemeanor Level	Jail Term	Fine
First degree misdemeanor	Jail term of not more than 180 days	Fine of not more than \$1,000
Second degree misdemeanor	Jail term of not more than 90 days	Fine of not more than \$750
Third degree misdemeanor	Jail term of not more than 60 days	Fine of not more than \$500
Fourth degree misdemeanor	Jail term of not more than 30 days	Fine of not more than \$250
Minor misdemeanor	No jail term	Fine of not more than \$150

<sup>5</sup> R.C. 2929.22(C).

<sup>6</sup> R.C. 2929.22(C).

<sup>7</sup> R.C. 2929.28.

<sup>8</sup> R.C. 2929.24(A) and 2929.26(D).

<sup>9</sup> R.C. 2929.28(A)(2)(a).