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Senator Kunze

Cosponsors: Senators Bacon, Hite, Hottinger, Terhar, Tavares, Beagle, Brown, Dolan, Eklund, Hackett, Hoagland, LaRose, Lehner, Manning, McColley, O'Brien, Oelslager, Schiavoni, Sykes, Uecker, Williams, Wilson, Yuko

A BILL

To amend sections 2919.25, 2929.13, and 2929.14 of
the Revised Code to expand the offense of
domestic violence to also prohibit a person from
knowingly impeding the normal breathing or
circulation of the blood of a family or
household member by applying pressure to the
family or household member's throat or neck or
blocking the family or household member's nose
or mouth.

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

Section 1. That sections 2919.25, 2929.13, and 2929.14 of
the Revised Code be amended to read as follows:

Sec. 2919.25. (A) No person shall knowingly cause or
attempt to cause physical harm to a family or household member.

(B) No person shall recklessly cause serious physical harm
to a family or household member.

(C) No person, by threat of force, shall knowingly cause a

family or household member to believe that the offender will 17
cause imminent physical harm to the family or household member. 18

(D) No person shall knowingly impede the normal breathing 19
or circulation of the blood of a family or household member by 20
applying pressure to the throat or neck, or by blocking the nose 21
or mouth, of the family or household member. 22

(E) (1) Whoever violates this section is guilty of domestic 23
violence, and the court shall sentence the offender as provided 24
in divisions ~~(D)~~ (E) (2) to ~~(6)~~ (8) of this section. 25

(2) Except as otherwise provided in divisions ~~(D)~~ (E) (3) to 26
(5) of this section, a violation of division (C) of this section 27
is a misdemeanor of the fourth degree, and a violation of 28
division (A) or (B) of this section is a misdemeanor of the 29
first degree. 30

(3) Except as otherwise provided in division ~~(D)~~ (E) (4) of 31
this section, if the offender previously has pleaded guilty to 32
or been convicted of domestic violence, a violation of an 33
existing or former municipal ordinance or law of this or any 34
other state or the United States that is substantially similar 35
to domestic violence, a violation of section 2903.14, 2909.06, 36
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 37
the victim of the violation was a family or household member at 38
the time of the violation, a violation of an existing or former 39
municipal ordinance or law of this or any other state or the 40
United States that is substantially similar to any of those 41
sections if the victim of the violation was a family or 42
household member at the time of the commission of the violation, 43
or any offense of violence if the victim of the offense was a 44
family or household member at the time of the commission of the 45
offense, a violation of division (A) or (B) of this section is a 46

felony of the fourth degree, and, if the offender knew that the
victim of the violation was pregnant at the time of the
violation, the court shall impose a mandatory prison term on the
offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, and
a violation of division (C) of this section is a misdemeanor of
the second degree.

(4) If the offender previously has pleaded guilty to or
been convicted of two or more offenses of domestic violence or
two or more violations or offenses of the type described in
division ~~(D)~~ (E) (3) of this section involving a person who was a
family or household member at the time of the violations or
offenses, a violation of division (A) or (B) of this section is
a felony of the third degree, and, if the offender knew that the
victim of the violation was pregnant at the time of the
violation, the court shall impose a mandatory prison term on the
offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, and
a violation of division (C) of this section is a misdemeanor of
the first degree.

(5) Except as otherwise provided in division ~~(D)~~ (E) (3) or
(4) of this section, if the offender knew that the victim of the
violation was pregnant at the time of the violation, a violation
of division (A) or (B) of this section is a felony of the fifth
degree, and the court shall impose a mandatory prison term on
the offender pursuant to division ~~(D) (6)~~ (E) (8) of this section,
and a violation of division (C) of this section is a misdemeanor
of the third degree.

(6) Except as otherwise provided in division (E) (7) of
this section, a violation of division (D) of this section is a
felony of the third degree, and the court shall impose a
mandatory prison term on the offender pursuant to division (E)

(8) of this section. 77

(7) If the offender previously has pleaded guilty to or 78
been convicted of a violation of this section, or if the 79
offender previously has pleaded guilty to or been convicted of 80
two or more offenses of violence, a violation of division (D) of 81
this section is a felony of the second degree, and the court 82
shall impose a mandatory prison term on the offender pursuant to 83
division (E) (8) of this section. 84

(8) If division ~~(D)~~(E) (3), (4), ~~or~~ (5), (6), or (7) of 85
this section requires the court that sentences an offender for a 86
violation of division (A) ~~or~~, (B), or (D) of this section to 87
impose a mandatory prison term on the offender pursuant to this 88
division, the court shall impose the mandatory prison term as 89
follows: 90

(a) If the violation of division (A) or (B) of this 91
section is a felony of the fourth or fifth degree, except as 92
otherwise provided in division ~~(D)~~ ~~(6)~~ (E) (8) (b) or (c) of this 93
section, the court shall impose a mandatory prison term on the 94
offender of at least six months. 95

(b) If the violation of division (A) or (B) of this 96
section is a felony of the fifth degree and the offender, in 97
committing the violation, caused serious physical harm to the 98
pregnant woman's unborn or caused the termination of the 99
pregnant woman's pregnancy, the court shall impose a mandatory 100
prison term on the offender of twelve months. 101

(c) If the violation of division (A) or (B) of this 102
section is a felony of the fourth degree and the offender, in 103
committing the violation, caused serious physical harm to the 104
pregnant woman's unborn or caused the termination of the 105

pregnant woman's pregnancy, the court shall impose a mandatory 106
prison term on the offender of at least twelve months. 107

(d) If the violation of division (A) ~~or, (B), or (D)~~ of 108
this section is a felony of the third degree, except as 109
otherwise provided in division ~~(D) (6) (E) (8)~~ (e) of this section 110
and notwithstanding the range of prison terms prescribed in 111
section 2929.14 of the Revised Code for a felony of the third 112
degree, the court shall impose a mandatory prison term on the 113
offender of either a definite term of six months or one of the 114
prison terms prescribed in section 2929.14 of the Revised Code 115
for felonies of the third degree. 116

(e) If the violation of division (A) ~~or, (B), or (D)~~ of 117
this section is a felony of the third degree and the offender, 118
in committing the violation, caused serious physical harm to the 119
pregnant woman's unborn or caused the termination of the 120
pregnant woman's pregnancy, notwithstanding the range of prison 121
terms prescribed in section 2929.14 of the Revised Code for a 122
felony of the third degree, the court shall impose a mandatory 123
prison term on the offender of either a definite term of one 124
year or one of the prison terms prescribed in section 2929.14 of 125
the Revised Code for felonies of the third degree. 126

~~(E)~~ (f) If the violation of division (D) of this section 127
is a felony of the second degree, notwithstanding the range of 128
prison terms prescribed in section 2929.14 of the Revised Code 129
for a felony of the second degree, the court shall impose as a 130
mandatory prison term on the offender one of the prison terms 131
prescribed in section 2929.14 of the Revised Code for felonies 132
of the second degree. 133

(F) Notwithstanding any provision of law to the contrary, 134
no court or unit of state or local government shall charge any 135

fee, cost, deposit, or money in connection with the filing of 136
charges against a person alleging that the person violated this 137
section or a municipal ordinance substantially similar to this 138
section or in connection with the prosecution of any charges so 139
filed. 140

~~(F)~~(G) It is not required in a prosecution under division 141
(D) of this section to allege or prove that the family or 142
household member who is the victim suffered physical harm or 143
serious physical harm or visible injury. 144

(H) It is an affirmative defense to a charge under 145
division (D) of this section that the act was done to the family 146
or household member as part of a medical or other procedure 147
undertaken to aid or benefit the victim. 148

(I) As used in this section and sections 2919.251 and 149
2919.26 of the Revised Code: 150

(1) "Family or household member" means any of the 151
following: 152

(a) Any of the following who is residing or has resided 153
with the offender: 154

(i) A spouse, a person living as a spouse, or a former 155
spouse of the offender; 156

(ii) A parent, a foster parent, or a child of the 157
offender, or another person related by consanguinity or affinity 158
to the offender; 159

(iii) A parent or a child of a spouse, person living as a 160
spouse, or former spouse of the offender, or another person 161
related by consanguinity or affinity to a spouse, person living 162
as a spouse, or former spouse of the offender. 163

(b) The natural parent of any child of whom the offender 164
is the other natural parent or is the putative other natural 165
parent. 166

(2) "Person living as a spouse" means a person who is 167
living or has lived with the offender in a common law marital 168
relationship, who otherwise is cohabiting with the offender, or 169
who otherwise has cohabited with the offender within five years 170
prior to the date of the alleged commission of the act in 171
question. 172

(3) "Pregnant woman's unborn" has the same meaning as 173
"such other person's unborn," as set forth in section 2903.09 of 174
the Revised Code, as it relates to the pregnant woman. Division 175
(C) of that section applies regarding the use of the term in 176
this section, except that the second and third sentences of 177
division (C)(1) of that section shall be construed for purposes 178
of this section as if they included a reference to this section 179
in the listing of Revised Code sections they contain. 180

(4) "Termination of the pregnant woman's pregnancy" has 181
the same meaning as "unlawful termination of another's 182
pregnancy," as set forth in section 2903.09 of the Revised Code, 183
as it relates to the pregnant woman. Division (C) of that 184
section applies regarding the use of the term in this section, 185
except that the second and third sentences of division (C)(1) of 186
that section shall be construed for purposes of this section as 187
if they included a reference to this section in the listing of 188
Revised Code sections they contain. 189

Sec. 2929.13. (A) Except as provided in division (E), (F), 190
or (G) of this section and unless a specific sanction is 191
required to be imposed or is precluded from being imposed 192
pursuant to law, a court that imposes a sentence upon an 193

offender for a felony may impose any sanction or combination of 194
sanctions on the offender that are provided in sections 2929.14 195
to 2929.18 of the Revised Code. 196

If the offender is eligible to be sentenced to community 197
control sanctions, the court shall consider the appropriateness 198
of imposing a financial sanction pursuant to section 2929.18 of 199
the Revised Code or a sanction of community service pursuant to 200
section 2929.17 of the Revised Code as the sole sanction for the 201
offense. Except as otherwise provided in this division, if the 202
court is required to impose a mandatory prison term for the 203
offense for which sentence is being imposed, the court also 204
shall impose any financial sanction pursuant to section 2929.18 205
of the Revised Code that is required for the offense and may 206
impose any other financial sanction pursuant to that section but 207
may not impose any additional sanction or combination of 208
sanctions under section 2929.16 or 2929.17 of the Revised Code. 209

If the offender is being sentenced for a fourth degree 210
felony OVI offense or for a third degree felony OVI offense, in 211
addition to the mandatory term of local incarceration or the 212
mandatory prison term required for the offense by division (G) 213
(1) or (2) of this section, the court shall impose upon the 214
offender a mandatory fine in accordance with division (B) (3) of 215
section 2929.18 of the Revised Code and may impose whichever of 216
the following is applicable: 217

(1) For a fourth degree felony OVI offense for which 218
sentence is imposed under division (G) (1) of this section, an 219
additional community control sanction or combination of 220
community control sanctions under section 2929.16 or 2929.17 of 221
the Revised Code. If the court imposes upon the offender a 222
community control sanction and the offender violates any 223

condition of the community control sanction, the court may take 224
any action prescribed in division (B) of section 2929.15 of the 225
Revised Code relative to the offender, including imposing a 226
prison term on the offender pursuant to that division. 227

(2) For a third or fourth degree felony OVI offense for 228
which sentence is imposed under division (G) (2) of this section, 229
an additional prison term as described in division (B) (4) of 230
section 2929.14 of the Revised Code or a community control 231
sanction as described in division (G) (2) of this section. 232

(B) (1) (a) Except as provided in division (B) (1) (b) of this 233
section, if an offender is convicted of or pleads guilty to a 234
felony of the fourth or fifth degree that is not an offense of 235
violence or that is a qualifying assault offense, the court 236
shall sentence the offender to a community control sanction or 237
combination of community control sanctions if all of the 238
following apply: 239

(i) The offender previously has not been convicted of or 240
pleaded guilty to a felony offense. 241

(ii) The most serious charge against the offender at the 242
time of sentencing is a felony of the fourth or fifth degree. 243

(iii) If the court made a request of the department of 244
rehabilitation and correction pursuant to division (B) (1) (c) of 245
this section, the department, within the forty-five-day period 246
specified in that division, provided the court with the names 247
of, contact information for, and program details of one or more 248
community control sanctions that are available for persons 249
sentenced by the court. 250

(iv) The offender previously has not been convicted of or 251
pleaded guilty to a misdemeanor offense of violence that the 252

offender committed within two years prior to the offense for	253
which sentence is being imposed.	254
(b) The court has discretion to impose a prison term upon	255
an offender who is convicted of or pleads guilty to a felony of	256
the fourth or fifth degree that is not an offense of violence or	257
that is a qualifying assault offense if any of the following	258
apply:	259
(i) The offender committed the offense while having a	260
firearm on or about the offender's person or under the	261
offender's control.	262
(ii) If the offense is a qualifying assault offense, the	263
offender caused serious physical harm to another person while	264
committing the offense, and, if the offense is not a qualifying	265
assault offense, the offender caused physical harm to another	266
person while committing the offense.	267
(iii) The offender violated a term of the conditions of	268
bond as set by the court.	269
(iv) The court made a request of the department of	270
rehabilitation and correction pursuant to division (B)(1)(c) of	271
this section, and the department, within the forty-five-day	272
period specified in that division, did not provide the court	273
with the name of, contact information for, and program details	274
of any community control sanction that is available for persons	275
sentenced by the court.	276
(v) The offense is a sex offense that is a fourth or fifth	277
degree felony violation of any provision of Chapter 2907. of the	278
Revised Code.	279
(vi) In committing the offense, the offender attempted to	280
cause or made an actual threat of physical harm to a person with	281

a deadly weapon.	282
(vii) In committing the offense, the offender attempted to	283
cause or made an actual threat of physical harm to a person, and	284
the offender previously was convicted of an offense that caused	285
physical harm to a person.	286
(viii) The offender held a public office or position of	287
trust, and the offense related to that office or position; the	288
offender's position obliged the offender to prevent the offense	289
or to bring those committing it to justice; or the offender's	290
professional reputation or position facilitated the offense or	291
was likely to influence the future conduct of others.	292
(ix) The offender committed the offense for hire or as	293
part of an organized criminal activity.	294
(x) The offender at the time of the offense was serving,	295
or the offender previously had served, a prison term.	296
(xi) The offender committed the offense while under a	297
community control sanction, while on probation, or while	298
released from custody on a bond or personal recognizance.	299
(c) If a court that is sentencing an offender who is	300
convicted of or pleads guilty to a felony of the fourth or fifth	301
degree that is not an offense of violence or that is a	302
qualifying assault offense believes that no community control	303
sanctions are available for its use that, if imposed on the	304
offender, will adequately fulfill the overriding principles and	305
purposes of sentencing, the court shall contact the department	306
of rehabilitation and correction and ask the department to	307
provide the court with the names of, contact information for,	308
and program details of one or more community control sanctions	309
that are available for persons sentenced by the court. Not later	310

than forty-five days after receipt of a request from a court 311
under this division, the department shall provide the court with 312
the names of, contact information for, and program details of 313
one or more community control sanctions that are available for 314
persons sentenced by the court, if any. Upon making a request 315
under this division that relates to a particular offender, a 316
court shall defer sentencing of that offender until it receives 317
from the department the names of, contact information for, and 318
program details of one or more community control sanctions that 319
are available for persons sentenced by the court or for forty- 320
five days, whichever is the earlier. 321

If the department provides the court with the names of, 322
contact information for, and program details of one or more 323
community control sanctions that are available for persons 324
sentenced by the court within the forty-five-day period 325
specified in this division, the court shall impose upon the 326
offender a community control sanction under division (B) (1) (a) 327
of this section, except that the court may impose a prison term 328
under division (B) (1) (b) of this section if a factor described 329
in division (B) (1) (b) (i) or (ii) of this section applies. If the 330
department does not provide the court with the names of, contact 331
information for, and program details of one or more community 332
control sanctions that are available for persons sentenced by 333
the court within the forty-five-day period specified in this 334
division, the court may impose upon the offender a prison term 335
under division (B) (1) (b) (iv) of this section. 336

(d) A sentencing court may impose an additional penalty 337
under division (B) of section 2929.15 of the Revised Code upon 338
an offender sentenced to a community control sanction under 339
division (B) (1) (a) of this section if the offender violates the 340
conditions of the community control sanction, violates a law, or 341

leaves the state without the permission of the court or the 342
offender's probation officer. 343

(2) If division (B)(1) of this section does not apply, 344
except as provided in division (E), (F), or (G) of this section, 345
in determining whether to impose a prison term as a sanction for 346
a felony of the fourth or fifth degree, the sentencing court 347
shall comply with the purposes and principles of sentencing 348
under section 2929.11 of the Revised Code and with section 349
2929.12 of the Revised Code. 350

(C) Except as provided in division (D), (E), (F), or (G) 351
of this section, in determining whether to impose a prison term 352
as a sanction for a felony of the third degree or a felony drug 353
offense that is a violation of a provision of Chapter 2925. of 354
the Revised Code and that is specified as being subject to this 355
division for purposes of sentencing, the sentencing court shall 356
comply with the purposes and principles of sentencing under 357
section 2929.11 of the Revised Code and with section 2929.12 of 358
the Revised Code. 359

(D)(1) Except as provided in division (E) or (F) of this 360
section, for a felony of the first or second degree, for a 361
felony drug offense that is a violation of any provision of 362
Chapter 2925., 3719., or 4729. of the Revised Code for which a 363
presumption in favor of a prison term is specified as being 364
applicable, and for a violation of division (A)(4) or (B) of 365
section 2907.05 of the Revised Code for which a presumption in 366
favor of a prison term is specified as being applicable, it is 367
presumed that a prison term is necessary in order to comply with 368
the purposes and principles of sentencing under section 2929.11 369
of the Revised Code. Division (D)(2) of this section does not 370
apply to a presumption established under this division for a 371

violation of division (A) (4) of section 2907.05 of the Revised Code. 372
373

(2) Notwithstanding the presumption established under 374
division (D) (1) of this section for the offenses listed in that 375
division other than a violation of division (A) (4) or (B) of 376
section 2907.05 of the Revised Code, the sentencing court may 377
impose a community control sanction or a combination of 378
community control sanctions instead of a prison term on an 379
offender for a felony of the first or second degree or for a 380
felony drug offense that is a violation of any provision of 381
Chapter 2925., 3719., or 4729. of the Revised Code for which a 382
presumption in favor of a prison term is specified as being 383
applicable if it makes both of the following findings: 384

(a) A community control sanction or a combination of 385
community control sanctions would adequately punish the offender 386
and protect the public from future crime, because the applicable 387
factors under section 2929.12 of the Revised Code indicating a 388
lesser likelihood of recidivism outweigh the applicable factors 389
under that section indicating a greater likelihood of 390
recidivism. 391

(b) A community control sanction or a combination of 392
community control sanctions would not demean the seriousness of 393
the offense, because one or more factors under section 2929.12 394
of the Revised Code that indicate that the offender's conduct 395
was less serious than conduct normally constituting the offense 396
are applicable, and they outweigh the applicable factors under 397
that section that indicate that the offender's conduct was more 398
serious than conduct normally constituting the offense. 399

(E) (1) Except as provided in division (F) of this section, 400
for any drug offense that is a violation of any provision of 401

Chapter 2925. of the Revised Code and that is a felony of the 402
third, fourth, or fifth degree, the applicability of a 403
presumption under division (D) of this section in favor of a 404
prison term or of division (B) or (C) of this section in 405
determining whether to impose a prison term for the offense 406
shall be determined as specified in section 2925.02, 2925.03, 407
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 408
2925.36, or 2925.37 of the Revised Code, whichever is applicable 409
regarding the violation. 410

(2) If an offender who was convicted of or pleaded guilty 411
to a felony violates the conditions of a community control 412
sanction imposed for the offense solely by reason of producing 413
positive results on a drug test or by acting pursuant to 414
division (B) (2) (b) of section 2925.11 of the Revised Code with 415
respect to a minor drug possession offense, the court, as 416
punishment for the violation of the sanction, shall not order 417
that the offender be imprisoned unless the court determines on 418
the record either of the following: 419

(a) The offender had been ordered as a sanction for the 420
felony to participate in a drug treatment program, in a drug 421
education program, or in narcotics anonymous or a similar 422
program, and the offender continued to use illegal drugs after a 423
reasonable period of participation in the program. 424

(b) The imprisonment of the offender for the violation is 425
consistent with the purposes and principles of sentencing set 426
forth in section 2929.11 of the Revised Code. 427

(3) A court that sentences an offender for a drug abuse 428
offense that is a felony of the third, fourth, or fifth degree 429
may require that the offender be assessed by a properly 430
credentialed professional within a specified period of time. The 431

court shall require the professional to file a written 432
assessment of the offender with the court. If the offender is 433
eligible for a community control sanction and after considering 434
the written assessment, the court may impose a community control 435
sanction that includes addiction services and recovery supports 436
included in a community-based continuum of care established 437
under section 340.032 of the Revised Code. If the court imposes 438
addiction services and recovery supports as a community control 439
sanction, the court shall direct the level and type of addiction 440
services and recovery supports after considering the assessment 441
and recommendation of community addiction services providers. 442

(F) Notwithstanding divisions (A) to (E) of this section, 443
the court shall impose a prison term or terms under sections 444
2929.02 to 2929.06, section 2929.14, section 2929.142, or 445
section 2971.03 of the Revised Code and except as specifically 446
provided in section 2929.20, divisions (C) to (I) of section 447
2967.19, or section 2967.191 of the Revised Code or when parole 448
is authorized for the offense under section 2967.13 of the 449
Revised Code shall not reduce the term or terms pursuant to 450
section 2929.20, section 2967.19, section 2967.193, or any other 451
provision of Chapter 2967. or Chapter 5120. of the Revised Code 452
for any of the following offenses: 453

(1) Aggravated murder when death is not imposed or murder; 454

(2) Any rape, regardless of whether force was involved and 455
regardless of the age of the victim, or an attempt to commit 456
rape if, had the offender completed the rape that was attempted, 457
the offender would have been guilty of a violation of division 458
(A) (1) (b) of section 2907.02 of the Revised Code and would be 459
sentenced under section 2971.03 of the Revised Code; 460

(3) Gross sexual imposition or sexual battery, if the 461

victim is less than thirteen years of age and if any of the 462
following applies: 463

(a) Regarding gross sexual imposition, the offender 464
previously was convicted of or pleaded guilty to rape, the 465
former offense of felonious sexual penetration, gross sexual 466
imposition, or sexual battery, and the victim of the previous 467
offense was less than thirteen years of age; 468

(b) Regarding gross sexual imposition, the offense was 469
committed on or after August 3, 2006, and evidence other than 470
the testimony of the victim was admitted in the case 471
corroborating the violation. 472

(c) Regarding sexual battery, either of the following 473
applies: 474

(i) The offense was committed prior to August 3, 2006, the 475
offender previously was convicted of or pleaded guilty to rape, 476
the former offense of felonious sexual penetration, or sexual 477
battery, and the victim of the previous offense was less than 478
thirteen years of age. 479

(ii) The offense was committed on or after August 3, 2006. 480

(4) A felony violation of section 2903.04, 2903.06, 481
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 482
or 2923.132 of the Revised Code if the section requires the 483
imposition of a prison term; 484

(5) A first, second, or third degree felony drug offense 485
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 486
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 487
or 4729.99 of the Revised Code, whichever is applicable 488
regarding the violation, requires the imposition of a mandatory 489
prison term; 490

(6) Any offense that is a first or second degree felony 491
and that is not set forth in division (F) (1), (2), (3), or (4) 492
of this section, if the offender previously was convicted of or 493
pleaded guilty to aggravated murder, murder, any first or second 494
degree felony, or an offense under an existing or former law of 495
this state, another state, or the United States that is or was 496
substantially equivalent to one of those offenses; 497

(7) Any offense that is a third degree felony and either 498
is a violation of section 2903.04 of the Revised Code or an 499
attempt to commit a felony of the second degree that is an 500
offense of violence and involved an attempt to cause serious 501
physical harm to a person or that resulted in serious physical 502
harm to a person if the offender previously was convicted of or 503
pleaded guilty to any of the following offenses: 504

(a) Aggravated murder, murder, involuntary manslaughter, 505
rape, felonious sexual penetration as it existed under section 506
2907.12 of the Revised Code prior to September 3, 1996, a felony 507
of the first or second degree that resulted in the death of a 508
person or in physical harm to a person, or complicity in or an 509
attempt to commit any of those offenses; 510

(b) An offense under an existing or former law of this 511
state, another state, or the United States that is or was 512
substantially equivalent to an offense listed in division (F) (7) 513
(a) of this section that resulted in the death of a person or in 514
physical harm to a person. 515

(8) Any offense, other than a violation of section 2923.12 516
of the Revised Code, that is a felony, if the offender had a 517
firearm on or about the offender's person or under the 518
offender's control while committing the felony, with respect to 519
a portion of the sentence imposed pursuant to division (B) (1) (a) 520

of section 2929.14 of the Revised Code for having the firearm;	521
(9) Any offense of violence that is a felony, if the	522
offender wore or carried body armor while committing the felony	523
offense of violence, with respect to the portion of the sentence	524
imposed pursuant to division (B) (1) (d) of section 2929.14 of the	525
Revised Code for wearing or carrying the body armor;	526
(10) Corrupt activity in violation of section 2923.32 of	527
the Revised Code when the most serious offense in the pattern of	528
corrupt activity that is the basis of the offense is a felony of	529
the first degree;	530
(11) Any violent sex offense or designated homicide,	531
assault, or kidnapping offense if, in relation to that offense,	532
the offender is adjudicated a sexually violent predator;	533
(12) A violation of division (A) (1) or (2) of section	534
2921.36 of the Revised Code, or a violation of division (C) of	535
that section involving an item listed in division (A) (1) or (2)	536
of that section, if the offender is an officer or employee of	537
the department of rehabilitation and correction;	538
(13) A violation of division (A) (1) or (2) of section	539
2903.06 of the Revised Code if the victim of the offense is a	540
peace officer, as defined in section 2935.01 of the Revised	541
Code, or an investigator of the bureau of criminal	542
identification and investigation, as defined in section 2903.11	543
of the Revised Code, with respect to the portion of the sentence	544
imposed pursuant to division (B) (5) of section 2929.14 of the	545
Revised Code;	546
(14) A violation of division (A) (1) or (2) of section	547
2903.06 of the Revised Code if the offender has been convicted	548
of or pleaded guilty to three or more violations of division (A)	549

or (B) of section 4511.19 of the Revised Code or an equivalent 550
offense, as defined in section 2941.1415 of the Revised Code, or 551
three or more violations of any combination of those divisions 552
and offenses, with respect to the portion of the sentence 553
imposed pursuant to division (B) (6) of section 2929.14 of the 554
Revised Code; 555

(15) Kidnapping, in the circumstances specified in section 556
2971.03 of the Revised Code and when no other provision of 557
division (F) of this section applies; 558

(16) Kidnapping, abduction, compelling prostitution, 559
promoting prostitution, engaging in a pattern of corrupt 560
activity, illegal use of a minor in a nudity-oriented material 561
or performance in violation of division (A) (1) or (2) of section 562
2907.323 of the Revised Code, or endangering children in 563
violation of division (B) (1), (2), (3), (4), or (5) of section 564
2919.22 of the Revised Code, if the offender is convicted of or 565
pleads guilty to a specification as described in section 566
2941.1422 of the Revised Code that was included in the 567
indictment, count in the indictment, or information charging the 568
offense; 569

(17) A felony violation of division (A) ~~or~~, (B), or (D) 570
of section 2919.25 of the Revised Code if division ~~(D)~~ (E) (3), 571
(4), ~~or~~ (5), (6), or (7) of that section, and division ~~(D)~~ (6) 572
(E) (8) of that section, require the imposition of a prison term; 573

(18) A felony violation of section 2903.11, 2903.12, or 574
2903.13 of the Revised Code, if the victim of the offense was a 575
woman that the offender knew was pregnant at the time of the 576
violation, with respect to a portion of the sentence imposed 577
pursuant to division (B) (8) of section 2929.14 of the Revised 578
Code; 579

(19) (a) Any violent felony offense if the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control during the commission of the violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense, with respect to the portion of the sentence imposed under division (K) of section 2929.14 of the Revised Code.

(b) As used in division (F) (19) (a) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code;

(20) Any violation of division (A) (1) of section 2903.11 of the Revised Code if the offender used an accelerant in committing the violation and the serious physical harm to another or another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity or any violation of division (A) (2) of that section if the offender used an accelerant in committing the violation, the violation caused physical harm to another or another's unborn, and the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity, with respect to a portion of the sentence imposed pursuant to division (B) (9) of section 2929.14 of the Revised Code. The provisions of this division and of division (D) (2) of section 2903.11, divisions (B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

(21) A felony violation of section 2925.03, 2925.05, or 2925.11 of the Revised Code, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound

and the offender is convicted of or pleads guilty to a 610
specification of the type described in division (B) of section 611
2941.1410 of the Revised Code that was included in the 612
indictment, count in the indictment, or information charging the 613
offense, with respect to the portion of the sentence imposed 614
under division (B) (9) of section 2929.14 of the Revised Code. 615

(G) Notwithstanding divisions (A) to (E) of this section, 616
if an offender is being sentenced for a fourth degree felony OVI 617
offense or for a third degree felony OVI offense, the court 618
shall impose upon the offender a mandatory term of local 619
incarceration or a mandatory prison term in accordance with the 620
following: 621

(1) If the offender is being sentenced for a fourth degree 622
felony OVI offense and if the offender has not been convicted of 623
and has not pleaded guilty to a specification of the type 624
described in section 2941.1413 of the Revised Code, the court 625
may impose upon the offender a mandatory term of local 626
incarceration of sixty days or one hundred twenty days as 627
specified in division (G) (1) (d) of section 4511.19 of the 628
Revised Code. The court shall not reduce the term pursuant to 629
section 2929.20, 2967.193, or any other provision of the Revised 630
Code. The court that imposes a mandatory term of local 631
incarceration under this division shall specify whether the term 632
is to be served in a jail, a community-based correctional 633
facility, a halfway house, or an alternative residential 634
facility, and the offender shall serve the term in the type of 635
facility specified by the court. A mandatory term of local 636
incarceration imposed under division (G) (1) of this section is 637
not subject to any other Revised Code provision that pertains to 638
a prison term except as provided in division (A) (1) of this 639
section. 640

(2) If the offender is being sentenced for a third degree 641
felony OVI offense, or if the offender is being sentenced for a 642
fourth degree felony OVI offense and the court does not impose a 643
mandatory term of local incarceration under division (G) (1) of 644
this section, the court shall impose upon the offender a 645
mandatory prison term of one, two, three, four, or five years if 646
the offender also is convicted of or also pleads guilty to a 647
specification of the type described in section 2941.1413 of the 648
Revised Code or shall impose upon the offender a mandatory 649
prison term of sixty days or one hundred twenty days as 650
specified in division (G) (1) (d) or (e) of section 4511.19 of the 651
Revised Code if the offender has not been convicted of and has 652
not pleaded guilty to a specification of that type. Subject to 653
divisions (C) to (I) of section 2967.19 of the Revised Code, the 654
court shall not reduce the term pursuant to section 2929.20, 655
2967.19, 2967.193, or any other provision of the Revised Code. 656
The offender shall serve the one-, two-, three-, four-, or five- 657
year mandatory prison term consecutively to and prior to the 658
prison term imposed for the underlying offense and consecutively 659
to any other mandatory prison term imposed in relation to the 660
offense. In no case shall an offender who once has been 661
sentenced to a mandatory term of local incarceration pursuant to 662
division (G) (1) of this section for a fourth degree felony OVI 663
offense be sentenced to another mandatory term of local 664
incarceration under that division for any violation of division 665
(A) of section 4511.19 of the Revised Code. In addition to the 666
mandatory prison term described in division (G) (2) of this 667
section, the court may sentence the offender to a community 668
control sanction under section 2929.16 or 2929.17 of the Revised 669
Code, but the offender shall serve the prison term prior to 670
serving the community control sanction. The department of 671
rehabilitation and correction may place an offender sentenced to 672

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

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

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

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

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

or after January 1, 1997, the judge shall include in the 703
sentence a summary of the offender's duties imposed under 704
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 705
Code and the duration of the duties. The judge shall inform the 706
offender, at the time of sentencing, of those duties and of 707
their duration. If required under division (A)(2) of section 708
2950.03 of the Revised Code, the judge shall perform the duties 709
specified in that section, or, if required under division (A)(6) 710
of section 2950.03 of the Revised Code, the judge shall perform 711
the duties specified in that division. 712

(J)(1) Except as provided in division (J)(2) of this 713
section, when considering sentencing factors under this section 714
in relation to an offender who is convicted of or pleads guilty 715
to an attempt to commit an offense in violation of section 716
2923.02 of the Revised Code, the sentencing court shall consider 717
the factors applicable to the felony category of the violation 718
of section 2923.02 of the Revised Code instead of the factors 719
applicable to the felony category of the offense attempted. 720

(2) When considering sentencing factors under this section 721
in relation to an offender who is convicted of or pleads guilty 722
to an attempt to commit a drug abuse offense for which the 723
penalty is determined by the amount or number of unit doses of 724
the controlled substance involved in the drug abuse offense, the 725
sentencing court shall consider the factors applicable to the 726
felony category that the drug abuse offense attempted would be 727
if that drug abuse offense had been committed and had involved 728
an amount or number of unit doses of the controlled substance 729
that is within the next lower range of controlled substance 730
amounts than was involved in the attempt. 731

(K) As used in this section: 732

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 733
734

(2) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code. 735
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(3) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code. 737
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(4) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C) (8) (b) or (C) (9) (b) of that section applies. 739
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(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund. 743
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Sec. 2929.14. (A) Except as provided in division (B) (1), (B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), (B) (10), (E), (G), (H), (J), or (K) of this section or in division ~~(D) (6)~~ (E) (8) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a definite prison term that shall be one of the following: 752
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(1) For a felony of the first degree, the prison term 762
shall be three, four, five, six, seven, eight, nine, ten, or 763
eleven years. 764

(2) For a felony of the second degree, the prison term 765
shall be two, three, four, five, six, seven, or eight years. 766

(3) (a) For a felony of the third degree that is a 767
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 768
2907.05, or 3795.04 of the Revised Code or that is a violation 769
of section 2911.02 or 2911.12 of the Revised Code if the 770
offender previously has been convicted of or pleaded guilty in 771
two or more separate proceedings to two or more violations of 772
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 773
Code, the prison term shall be twelve, eighteen, twenty-four, 774
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 775
months. 776

(b) For a felony of the third degree that is not an 777
offense for which division (A) (3) (a) of this section applies, 778
the prison term shall be nine, twelve, eighteen, twenty-four, 779
thirty, or thirty-six months. 780

(4) For a felony of the fourth degree, the prison term 781
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 782
fourteen, fifteen, sixteen, seventeen, or eighteen months. 783

(5) For a felony of the fifth degree, the prison term 784
shall be six, seven, eight, nine, ten, eleven, or twelve months. 785

(B) (1) (a) Except as provided in division (B) (1) (e) of this 786
section, if an offender who is convicted of or pleads guilty to 787
a felony also is convicted of or pleads guilty to a 788
specification of the type described in section 2941.141, 789
2941.144, or 2941.145 of the Revised Code, the court shall 790

impose on the offender one of the following prison terms: 791

(i) A prison term of six years if the specification is of 792
the type described in division (A) of section 2941.144 of the 793
Revised Code that charges the offender with having a firearm 794
that is an automatic firearm or that was equipped with a firearm 795
muffler or suppressor on or about the offender's person or under 796
the offender's control while committing the offense; 797

(ii) A prison term of three years if the specification is 798
of the type described in division (A) of section 2941.145 of the 799
Revised Code that charges the offender with having a firearm on 800
or about the offender's person or under the offender's control 801
while committing the offense and displaying the firearm, 802
brandishing the firearm, indicating that the offender possessed 803
the firearm, or using it to facilitate the offense; 804

(iii) A prison term of one year if the specification is of 805
the type described in division (A) of section 2941.141 of the 806
Revised Code that charges the offender with having a firearm on 807
or about the offender's person or under the offender's control 808
while committing the offense; 809

(iv) A prison term of nine years if the specification is 810
of the type described in division (D) of section 2941.144 of the 811
Revised Code that charges the offender with having a firearm 812
that is an automatic firearm or that was equipped with a firearm 813
muffler or suppressor on or about the offender's person or under 814
the offender's control while committing the offense and 815
specifies that the offender previously has been convicted of or 816
pleaded guilty to a specification of the type described in 817
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 818
the Revised Code; 819

(v) A prison term of fifty-four months if the 820
specification is of the type described in division (D) of 821
section 2941.145 of the Revised Code that charges the offender 822
with having a firearm on or about the offender's person or under 823
the offender's control while committing the offense and 824
displaying the firearm, brandishing the firearm, indicating that 825
the offender possessed the firearm, or using the firearm to 826
facilitate the offense and that the offender previously has been 827
convicted of or pleaded guilty to a specification of the type 828
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 829
2941.1412 of the Revised Code; 830

(vi) A prison term of eighteen months if the specification 831
is of the type described in division (D) of section 2941.141 of 832
the Revised Code that charges the offender with having a firearm 833
on or about the offender's person or under the offender's 834
control while committing the offense and that the offender 835
previously has been convicted of or pleaded guilty to a 836
specification of the type described in section 2941.141, 837
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 838

(b) If a court imposes a prison term on an offender under 839
division (B) (1) (a) of this section, the prison term shall not be 840
reduced pursuant to section 2967.19, section 2929.20, section 841
2967.193, or any other provision of Chapter 2967. or Chapter 842
5120. of the Revised Code. Except as provided in division (B) (1) 843
(g) of this section, a court shall not impose more than one 844
prison term on an offender under division (B) (1) (a) of this 845
section for felonies committed as part of the same act or 846
transaction. 847

(c) (i) Except as provided in division (B) (1) (e) of this 848
section, if an offender who is convicted of or pleads guilty to 849

a violation of section 2923.161 of the Revised Code or to a 850
felony that includes, as an essential element, purposely or 851
knowingly causing or attempting to cause the death of or 852
physical harm to another, also is convicted of or pleads guilty 853
to a specification of the type described in division (A) of 854
section 2941.146 of the Revised Code that charges the offender 855
with committing the offense by discharging a firearm from a 856
motor vehicle other than a manufactured home, the court, after 857
imposing a prison term on the offender for the violation of 858
section 2923.161 of the Revised Code or for the other felony 859
offense under division (A), (B) (2), or (B) (3) of this section, 860
shall impose an additional prison term of five years upon the 861
offender that shall not be reduced pursuant to section 2929.20, 862
section 2967.19, section 2967.193, or any other provision of 863
Chapter 2967. or Chapter 5120. of the Revised Code. 864

(ii) Except as provided in division (B) (1) (e) of this 865
section, if an offender who is convicted of or pleads guilty to 866
a violation of section 2923.161 of the Revised Code or to a 867
felony that includes, as an essential element, purposely or 868
knowingly causing or attempting to cause the death of or 869
physical harm to another, also is convicted of or pleads guilty 870
to a specification of the type described in division (C) of 871
section 2941.146 of the Revised Code that charges the offender 872
with committing the offense by discharging a firearm from a 873
motor vehicle other than a manufactured home and that the 874
offender previously has been convicted of or pleaded guilty to a 875
specification of the type described in section 2941.141, 876
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 877
the court, after imposing a prison term on the offender for the 878
violation of section 2923.161 of the Revised Code or for the 879
other felony offense under division (A), (B) (2), or (3) of this 880

section, shall impose an additional prison term of ninety months 881
upon the offender that shall not be reduced pursuant to section 882
2929.20, 2967.19, 2967.193, or any other provision of Chapter 883
2967. or Chapter 5120. of the Revised Code. 884

(iii) A court shall not impose more than one additional 885
prison term on an offender under division (B) (1) (c) of this 886
section for felonies committed as part of the same act or 887
transaction. If a court imposes an additional prison term on an 888
offender under division (B) (1) (c) of this section relative to an 889
offense, the court also shall impose a prison term under 890
division (B) (1) (a) of this section relative to the same offense, 891
provided the criteria specified in that division for imposing an 892
additional prison term are satisfied relative to the offender 893
and the offense. 894

(d) If an offender who is convicted of or pleads guilty to 895
an offense of violence that is a felony also is convicted of or 896
pleads guilty to a specification of the type described in 897
section 2941.1411 of the Revised Code that charges the offender 898
with wearing or carrying body armor while committing the felony 899
offense of violence, the court shall impose on the offender a 900
prison term of two years. The prison term so imposed, subject to 901
divisions (C) to (I) of section 2967.19 of the Revised Code, 902
shall not be reduced pursuant to section 2929.20, section 903
2967.19, section 2967.193, or any other provision of Chapter 904
2967. or Chapter 5120. of the Revised Code. A court shall not 905
impose more than one prison term on an offender under division 906
(B) (1) (d) of this section for felonies committed as part of the 907
same act or transaction. If a court imposes an additional prison 908
term under division (B) (1) (a) or (c) of this section, the court 909
is not precluded from imposing an additional prison term under 910
division (B) (1) (d) of this section. 911

(e) The court shall not impose any of the prison terms 912
described in division (B) (1) (a) of this section or any of the 913
additional prison terms described in division (B) (1) (c) of this 914
section upon an offender for a violation of section 2923.12 or 915
2923.123 of the Revised Code. The court shall not impose any of 916
the prison terms described in division (B) (1) (a) or (b) of this 917
section upon an offender for a violation of section 2923.122 918
that involves a deadly weapon that is a firearm other than a 919
dangerous ordnance, section 2923.16, or section 2923.121 of the 920
Revised Code. The court shall not impose any of the prison terms 921
described in division (B) (1) (a) of this section or any of the 922
additional prison terms described in division (B) (1) (c) of this 923
section upon an offender for a violation of section 2923.13 of 924
the Revised Code unless all of the following apply: 925

(i) The offender previously has been convicted of 926
aggravated murder, murder, or any felony of the first or second 927
degree. 928

(ii) Less than five years have passed since the offender 929
was released from prison or post-release control, whichever is 930
later, for the prior offense. 931

(f) (i) If an offender is convicted of or pleads guilty to 932
a felony that includes, as an essential element, causing or 933
attempting to cause the death of or physical harm to another and 934
also is convicted of or pleads guilty to a specification of the 935
type described in division (A) of section 2941.1412 of the 936
Revised Code that charges the offender with committing the 937
offense by discharging a firearm at a peace officer as defined 938
in section 2935.01 of the Revised Code or a corrections officer, 939
as defined in section 2941.1412 of the Revised Code, the court, 940
after imposing a prison term on the offender for the felony 941

offense under division (A), (B) (2), or (B) (3) of this section, 942
shall impose an additional prison term of seven years upon the 943
offender that shall not be reduced pursuant to section 2929.20, 944
section 2967.19, section 2967.193, or any other provision of 945
Chapter 2967. or Chapter 5120. of the Revised Code. 946

(ii) If an offender is convicted of or pleads guilty to a 947
felony that includes, as an essential element, causing or 948
attempting to cause the death of or physical harm to another and 949
also is convicted of or pleads guilty to a specification of the 950
type described in division (B) of section 2941.1412 of the 951
Revised Code that charges the offender with committing the 952
offense by discharging a firearm at a peace officer, as defined 953
in section 2935.01 of the Revised Code, or a corrections 954
officer, as defined in section 2941.1412 of the Revised Code, 955
and that the offender previously has been convicted of or 956
pleaded guilty to a specification of the type described in 957
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 958
the Revised Code, the court, after imposing a prison term on the 959
offender for the felony offense under division (A), (B) (2), or 960
(3) of this section, shall impose an additional prison term of 961
one hundred twenty-six months upon the offender that shall not 962
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 963
any other provision of Chapter 2967. or 5120. of the Revised 964
Code. 965

(iii) If an offender is convicted of or pleads guilty to 966
two or more felonies that include, as an essential element, 967
causing or attempting to cause the death or physical harm to 968
another and also is convicted of or pleads guilty to a 969
specification of the type described under division (B) (1) (f) of 970
this section in connection with two or more of the felonies of 971
which the offender is convicted or to which the offender pleads 972

guilty, the sentencing court shall impose on the offender the 973
prison term specified under division (B) (1) (f) of this section 974
for each of two of the specifications of which the offender is 975
convicted or to which the offender pleads guilty and, in its 976
discretion, also may impose on the offender the prison term 977
specified under that division for any or all of the remaining 978
specifications. If a court imposes an additional prison term on 979
an offender under division (B) (1) (f) of this section relative to 980
an offense, the court shall not impose a prison term under 981
division (B) (1) (a) or (c) of this section relative to the same 982
offense. 983

(g) If an offender is convicted of or pleads guilty to two 984
or more felonies, if one or more of those felonies are 985
aggravated murder, murder, attempted aggravated murder, 986
attempted murder, aggravated robbery, felonious assault, or 987
rape, and if the offender is convicted of or pleads guilty to a 988
specification of the type described under division (B) (1) (a) of 989
this section in connection with two or more of the felonies, the 990
sentencing court shall impose on the offender the prison term 991
specified under division (B) (1) (a) of this section for each of 992
the two most serious specifications of which the offender is 993
convicted or to which the offender pleads guilty and, in its 994
discretion, also may impose on the offender the prison term 995
specified under that division for any or all of the remaining 996
specifications. 997

(2) (a) If division (B) (2) (b) of this section does not 998
apply, the court may impose on an offender, in addition to the 999
longest prison term authorized or required for the offense, an 1000
additional definite prison term of one, two, three, four, five, 1001
six, seven, eight, nine, or ten years if all of the following 1002
criteria are met: 1003

(i) The offender is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender.

(ii) The offense of which the offender currently is convicted or to which the offender currently pleads guilty is aggravated murder and the court does not impose a sentence of death or life imprisonment without parole, murder, terrorism and the court does not impose a sentence of life imprisonment without parole, any felony of the first degree that is an offense of violence and the court does not impose a sentence of life imprisonment without parole, or any felony of the second degree that is an offense of violence and the trier of fact finds that the offense involved an attempt to cause or a threat to cause serious physical harm to a person or resulted in serious physical harm to a person.

(iii) The court imposes the longest prison term for the offense that is not life imprisonment without parole.

(iv) The court finds that the prison terms imposed pursuant to division (B) (2) (a) (iii) of this section and, if applicable, division (B) (1) or (3) of this section are inadequate to punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a greater likelihood of recidivism outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.

(v) The court finds that the prison terms imposed pursuant to division (B) (2) (a) (iii) of this section and, if applicable, division (B) (1) or (3) of this section are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the Revised Code indicating that the

offender's conduct is more serious than conduct normally 1034
constituting the offense are present, and they outweigh the 1035
applicable factors under that section indicating that the 1036
offender's conduct is less serious than conduct normally 1037
constituting the offense. 1038

(b) The court shall impose on an offender the longest 1039
prison term authorized or required for the offense and shall 1040
impose on the offender an additional definite prison term of 1041
one, two, three, four, five, six, seven, eight, nine, or ten 1042
years if all of the following criteria are met: 1043

(i) The offender is convicted of or pleads guilty to a 1044
specification of the type described in section 2941.149 of the 1045
Revised Code that the offender is a repeat violent offender. 1046

(ii) The offender within the preceding twenty years has 1047
been convicted of or pleaded guilty to three or more offenses 1048
described in division (CC)(1) of section 2929.01 of the Revised 1049
Code, including all offenses described in that division of which 1050
the offender is convicted or to which the offender pleads guilty 1051
in the current prosecution and all offenses described in that 1052
division of which the offender previously has been convicted or 1053
to which the offender previously pleaded guilty, whether 1054
prosecuted together or separately. 1055

(iii) The offense or offenses of which the offender 1056
currently is convicted or to which the offender currently pleads 1057
guilty is aggravated murder and the court does not impose a 1058
sentence of death or life imprisonment without parole, murder, 1059
terrorism and the court does not impose a sentence of life 1060
imprisonment without parole, any felony of the first degree that 1061
is an offense of violence and the court does not impose a 1062
sentence of life imprisonment without parole, or any felony of 1063

the second degree that is an offense of violence and the trier 1064
of fact finds that the offense involved an attempt to cause or a 1065
threat to cause serious physical harm to a person or resulted in 1066
serious physical harm to a person. 1067

(c) For purposes of division (B)(2)(b) of this section, 1068
two or more offenses committed at the same time or as part of 1069
the same act or event shall be considered one offense, and that 1070
one offense shall be the offense with the greatest penalty. 1071

(d) A sentence imposed under division (B)(2)(a) or (b) of 1072
this section shall not be reduced pursuant to section 2929.20, 1073
section 2967.19, or section 2967.193, or any other provision of 1074
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1075
shall serve an additional prison term imposed under this section 1076
consecutively to and prior to the prison term imposed for the 1077
underlying offense. 1078

(e) When imposing a sentence pursuant to division (B)(2) 1079
(a) or (b) of this section, the court shall state its findings 1080
explaining the imposed sentence. 1081

(3) Except when an offender commits a violation of section 1082
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1083
for the violation is life imprisonment or commits a violation of 1084
section 2903.02 of the Revised Code, if the offender commits a 1085
violation of section 2925.03 or 2925.11 of the Revised Code and 1086
that section classifies the offender as a major drug offender, 1087
if the offender commits a violation of section 2925.05 of the 1088
Revised Code and division (E)(1) of that section classifies the 1089
offender as a major drug offender, if the offender commits a 1090
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1091
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1092
division (C) or (D) of section 3719.172, division (E) of section 1093

4729.51, or division (J) of section 4729.54 of the Revised Code 1094
that includes the sale, offer to sell, or possession of a 1095
schedule I or II controlled substance, with the exception of 1096
marihuana, and the court imposing sentence upon the offender 1097
finds that the offender is guilty of a specification of the type 1098
described in division (A) of section 2941.1410 of the Revised 1099
Code charging that the offender is a major drug offender, if the 1100
court imposing sentence upon an offender for a felony finds that 1101
the offender is guilty of corrupt activity with the most serious 1102
offense in the pattern of corrupt activity being a felony of the 1103
first degree, or if the offender is guilty of an attempted 1104
violation of section 2907.02 of the Revised Code and, had the 1105
offender completed the violation of section 2907.02 of the 1106
Revised Code that was attempted, the offender would have been 1107
subject to a sentence of life imprisonment or life imprisonment 1108
without parole for the violation of section 2907.02 of the 1109
Revised Code, the court shall impose upon the offender for the 1110
felony violation a mandatory prison term of the maximum prison 1111
term prescribed for a felony of the first degree that, subject 1112
to divisions (C) to (I) of section 2967.19 of the Revised Code, 1113
cannot be reduced pursuant to section 2929.20, section 2967.19, 1114
or any other provision of Chapter 2967. or 5120. of the Revised 1115
Code. 1116

(4) If the offender is being sentenced for a third or 1117
fourth degree felony OVI offense under division (G) (2) of 1118
section 2929.13 of the Revised Code, the sentencing court shall 1119
impose upon the offender a mandatory prison term in accordance 1120
with that division. In addition to the mandatory prison term, if 1121
the offender is being sentenced for a fourth degree felony OVI 1122
offense, the court, notwithstanding division (A) (4) of this 1123
section, may sentence the offender to a definite prison term of 1124

not less than six months and not more than thirty months, and if 1125
the offender is being sentenced for a third degree felony OVI 1126
offense, the sentencing court may sentence the offender to an 1127
additional prison term of any duration specified in division (A) 1128
(3) of this section. In either case, the additional prison term 1129
imposed shall be reduced by the sixty or one hundred twenty days 1130
imposed upon the offender as the mandatory prison term. The 1131
total of the additional prison term imposed under division (B) 1132
(4) of this section plus the sixty or one hundred twenty days 1133
imposed as the mandatory prison term shall equal a definite term 1134
in the range of six months to thirty months for a fourth degree 1135
felony OVI offense and shall equal one of the authorized prison 1136
terms specified in division (A) (3) of this section for a third 1137
degree felony OVI offense. If the court imposes an additional 1138
prison term under division (B) (4) of this section, the offender 1139
shall serve the additional prison term after the offender has 1140
served the mandatory prison term required for the offense. In 1141
addition to the mandatory prison term or mandatory and 1142
additional prison term imposed as described in division (B) (4) 1143
of this section, the court also may sentence the offender to a 1144
community control sanction under section 2929.16 or 2929.17 of 1145
the Revised Code, but the offender shall serve all of the prison 1146
terms so imposed prior to serving the community control 1147
sanction. 1148

If the offender is being sentenced for a fourth degree 1149
felony OVI offense under division (G) (1) of section 2929.13 of 1150
the Revised Code and the court imposes a mandatory term of local 1151
incarceration, the court may impose a prison term as described 1152
in division (A) (1) of that section. 1153

(5) If an offender is convicted of or pleads guilty to a 1154
violation of division (A) (1) or (2) of section 2903.06 of the 1155

Revised Code and also is convicted of or pleads guilty to a 1156
specification of the type described in section 2941.1414 of the 1157
Revised Code that charges that the victim of the offense is a 1158
peace officer, as defined in section 2935.01 of the Revised 1159
Code, or an investigator of the bureau of criminal 1160
identification and investigation, as defined in section 2903.11 1161
of the Revised Code, the court shall impose on the offender a 1162
prison term of five years. If a court imposes a prison term on 1163
an offender under division (B) (5) of this section, the prison 1164
term, subject to divisions (C) to (I) of section 2967.19 of the 1165
Revised Code, shall not be reduced pursuant to section 2929.20, 1166
section 2967.19, section 2967.193, or any other provision of 1167
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1168
shall not impose more than one prison term on an offender under 1169
division (B) (5) of this section for felonies committed as part 1170
of the same act. 1171

(6) If an offender is convicted of or pleads guilty to a 1172
violation of division (A) (1) or (2) of section 2903.06 of the 1173
Revised Code and also is convicted of or pleads guilty to a 1174
specification of the type described in section 2941.1415 of the 1175
Revised Code that charges that the offender previously has been 1176
convicted of or pleaded guilty to three or more violations of 1177
division (A) or (B) of section 4511.19 of the Revised Code or an 1178
equivalent offense, as defined in section 2941.1415 of the 1179
Revised Code, or three or more violations of any combination of 1180
those divisions and offenses, the court shall impose on the 1181
offender a prison term of three years. If a court imposes a 1182
prison term on an offender under division (B) (6) of this 1183
section, the prison term, subject to divisions (C) to (I) of 1184
section 2967.19 of the Revised Code, shall not be reduced 1185
pursuant to section 2929.20, section 2967.19, section 2967.193, 1186

or any other provision of Chapter 2967. or Chapter 5120. of the 1187
Revised Code. A court shall not impose more than one prison term 1188
on an offender under division (B) (6) of this section for 1189
felonies committed as part of the same act. 1190

(7) (a) If an offender is convicted of or pleads guilty to 1191
a felony violation of section 2905.01, 2905.02, 2907.21, 1192
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 1193
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 1194
the Revised Code and also is convicted of or pleads guilty to a 1195
specification of the type described in section 2941.1422 of the 1196
Revised Code that charges that the offender knowingly committed 1197
the offense in furtherance of human trafficking, the court shall 1198
impose on the offender a mandatory prison term that is one of 1199
the following: 1200

(i) If the offense is a felony of the first degree, a 1201
definite prison term of not less than five years and not greater 1202
than ten years; 1203

(ii) If the offense is a felony of the second or third 1204
degree, a definite prison term of not less than three years and 1205
not greater than the maximum prison term allowed for the offense 1206
by division (A) of section 2929.14 of the Revised Code; 1207

(iii) If the offense is a felony of the fourth or fifth 1208
degree, a definite prison term that is the maximum prison term 1209
allowed for the offense by division (A) of section 2929.14 of 1210
the Revised Code. 1211

(b) Subject to divisions (C) to (I) of section 2967.19 of 1212
the Revised Code, the prison term imposed under division (B) (7) 1213
(a) of this section shall not be reduced pursuant to section 1214
2929.20, section 2967.19, section 2967.193, or any other 1215

provision of Chapter 2967. of the Revised Code. A court shall 1216
not impose more than one prison term on an offender under 1217
division (B) (7) (a) of this section for felonies committed as 1218
part of the same act, scheme, or plan. 1219

(8) If an offender is convicted of or pleads guilty to a 1220
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1221
Revised Code and also is convicted of or pleads guilty to a 1222
specification of the type described in section 2941.1423 of the 1223
Revised Code that charges that the victim of the violation was a 1224
woman whom the offender knew was pregnant at the time of the 1225
violation, notwithstanding the range of prison terms prescribed 1226
in division (A) of this section for felonies of the same degree 1227
as the violation, the court shall impose on the offender a 1228
mandatory prison term that is either a definite prison term of 1229
six months or one of the prison terms prescribed in section 1230
2929.14 of the Revised Code for felonies of the same degree as 1231
the violation. 1232

(9) (a) If an offender is convicted of or pleads guilty to 1233
a violation of division (A) (1) or (2) of section 2903.11 of the 1234
Revised Code and also is convicted of or pleads guilty to a 1235
specification of the type described in section 2941.1425 of the 1236
Revised Code, the court shall impose on the offender a mandatory 1237
prison term of six years if either of the following applies: 1238

(i) The violation is a violation of division (A) (1) of 1239
section 2903.11 of the Revised Code and the specification 1240
charges that the offender used an accelerant in committing the 1241
violation and the serious physical harm to another or to 1242
another's unborn caused by the violation resulted in a 1243
permanent, serious disfigurement or permanent, substantial 1244
incapacity; 1245

(ii) The violation is a violation of division (A) (2) of 1246
section 2903.11 of the Revised Code and the specification 1247
charges that the offender used an accelerant in committing the 1248
violation, that the violation caused physical harm to another or 1249
to another's unborn, and that the physical harm resulted in a 1250
permanent, serious disfigurement or permanent, substantial 1251
incapacity. 1252

(b) If a court imposes a prison term on an offender under 1253
division (B) (9) (a) of this section, the prison term shall not be 1254
reduced pursuant to section 2929.20, section 2967.19, section 1255
2967.193, or any other provision of Chapter 2967. or Chapter 1256
5120. of the Revised Code. A court shall not impose more than 1257
one prison term on an offender under division (B) (9) of this 1258
section for felonies committed as part of the same act. 1259

(c) The provisions of divisions (B) (9) and (C) (6) of this 1260
section and of division (D) (2) of section 2903.11, division (F) 1261
(20) of section 2929.13, and section 2941.1425 of the Revised 1262
Code shall be known as "Judy's Law." 1263

(10) If an offender is convicted of or pleads guilty to a 1264
felony violation of section 2925.03 or 2925.05 of the Revised 1265
Code or a felony violation of section 2925.11 of the Revised 1266
Code for which division (C) (11) of that section applies in 1267
determining the sentence for the violation, if the drug involved 1268
in the violation is a fentanyl-related compound or a compound, 1269
mixture, preparation, or substance containing a fentanyl-related 1270
compound, and if the offender also is convicted of or pleads 1271
guilty to a specification of the type described in division (B) 1272
of section 2941.1410 of the Revised Code that charges that the 1273
offender is a major drug offender, in addition to any other 1274
penalty imposed for the violation, the court shall impose on the 1275

offender a mandatory prison term of three, four, five, six, 1276
seven, or eight years. If a court imposes a prison term on an 1277
offender under division (B)(10) of this section, the prison 1278
term, subject to divisions (C) to (I) of section 2967.19 of the 1279
Revised Code, shall not be reduced pursuant to section 2929.20, 1280
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1281
5120. of the Revised Code. A court shall not impose more than 1282
one prison term on an offender under division (B)(10) of this 1283
section for felonies committed as part of the same act. 1284

(C)(1)(a) Subject to division (C)(1)(b) of this section, 1285
if a mandatory prison term is imposed upon an offender pursuant 1286
to division (B)(1)(a) of this section for having a firearm on or 1287
about the offender's person or under the offender's control 1288
while committing a felony, if a mandatory prison term is imposed 1289
upon an offender pursuant to division (B)(1)(c) of this section 1290
for committing a felony specified in that division by 1291
discharging a firearm from a motor vehicle, or if both types of 1292
mandatory prison terms are imposed, the offender shall serve any 1293
mandatory prison term imposed under either division 1294
consecutively to any other mandatory prison term imposed under 1295
either division or under division (B)(1)(d) of this section, 1296
consecutively to and prior to any prison term imposed for the 1297
underlying felony pursuant to division (A), (B)(2), or (B)(3) of 1298
this section or any other section of the Revised Code, and 1299
consecutively to any other prison term or mandatory prison term 1300
previously or subsequently imposed upon the offender. 1301

(b) If a mandatory prison term is imposed upon an offender 1302
pursuant to division (B)(1)(d) of this section for wearing or 1303
carrying body armor while committing an offense of violence that 1304
is a felony, the offender shall serve the mandatory term so 1305
imposed consecutively to any other mandatory prison term imposed 1306

under that division or under division (B) (1) (a) or (c) of this 1307
section, consecutively to and prior to any prison term imposed 1308
for the underlying felony under division (A), (B) (2), or (B) (3) 1309
of this section or any other section of the Revised Code, and 1310
consecutively to any other prison term or mandatory prison term 1311
previously or subsequently imposed upon the offender. 1312

(c) If a mandatory prison term is imposed upon an offender 1313
pursuant to division (B) (1) (f) of this section, the offender 1314
shall serve the mandatory prison term so imposed consecutively 1315
to and prior to any prison term imposed for the underlying 1316
felony under division (A), (B) (2), or (B) (3) of this section or 1317
any other section of the Revised Code, and consecutively to any 1318
other prison term or mandatory prison term previously or 1319
subsequently imposed upon the offender. 1320

(d) If a mandatory prison term is imposed upon an offender 1321
pursuant to division (B) (7) or (8) of this section, the offender 1322
shall serve the mandatory prison term so imposed consecutively 1323
to any other mandatory prison term imposed under that division 1324
or under any other provision of law and consecutively to any 1325
other prison term or mandatory prison term previously or 1326
subsequently imposed upon the offender. 1327

(e) If a mandatory prison term is imposed upon an offender 1328
pursuant to division (B) (10) of this section, the offender shall 1329
serve the mandatory prison term consecutively to any other 1330
mandatory prison term imposed under that division, consecutively 1331
to and prior to any prison term imposed for the underlying 1332
felony, and consecutively to any other prison term or mandatory 1333
prison term previously or subsequently imposed upon the 1334
offender. 1335

(2) If an offender who is an inmate in a jail, prison, or 1336

other residential detention facility violates section 2917.02, 1337
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1338
(2) of section 2921.34 of the Revised Code, if an offender who 1339
is under detention at a detention facility commits a felony 1340
violation of section 2923.131 of the Revised Code, or if an 1341
offender who is an inmate in a jail, prison, or other 1342
residential detention facility or is under detention at a 1343
detention facility commits another felony while the offender is 1344
an escapee in violation of division (A) (1) or (2) of section 1345
2921.34 of the Revised Code, any prison term imposed upon the 1346
offender for one of those violations shall be served by the 1347
offender consecutively to the prison term or term of 1348
imprisonment the offender was serving when the offender 1349
committed that offense and to any other prison term previously 1350
or subsequently imposed upon the offender. 1351

(3) If a prison term is imposed for a violation of 1352
division (B) of section 2911.01 of the Revised Code, a violation 1353
of division (A) of section 2913.02 of the Revised Code in which 1354
the stolen property is a firearm or dangerous ordnance, or a 1355
felony violation of division (B) of section 2921.331 of the 1356
Revised Code, the offender shall serve that prison term 1357
consecutively to any other prison term or mandatory prison term 1358
previously or subsequently imposed upon the offender. 1359

(4) If multiple prison terms are imposed on an offender 1360
for convictions of multiple offenses, the court may require the 1361
offender to serve the prison terms consecutively if the court 1362
finds that the consecutive service is necessary to protect the 1363
public from future crime or to punish the offender and that 1364
consecutive sentences are not disproportionate to the 1365
seriousness of the offender's conduct and to the danger the 1366
offender poses to the public, and if the court also finds any of 1367

the following: 1368

(a) The offender committed one or more of the multiple 1369
offenses while the offender was awaiting trial or sentencing, 1370
was under a sanction imposed pursuant to section 2929.16, 1371
2929.17, or 2929.18 of the Revised Code, or was under post- 1372
release control for a prior offense. 1373

(b) At least two of the multiple offenses were committed 1374
as part of one or more courses of conduct, and the harm caused 1375
by two or more of the multiple offenses so committed was so 1376
great or unusual that no single prison term for any of the 1377
offenses committed as part of any of the courses of conduct 1378
adequately reflects the seriousness of the offender's conduct. 1379

(c) The offender's history of criminal conduct 1380
demonstrates that consecutive sentences are necessary to protect 1381
the public from future crime by the offender. 1382

(5) If a mandatory prison term is imposed upon an offender 1383
pursuant to division (B) (5) or (6) of this section, the offender 1384
shall serve the mandatory prison term consecutively to and prior 1385
to any prison term imposed for the underlying violation of 1386
division (A) (1) or (2) of section 2903.06 of the Revised Code 1387
pursuant to division (A) of this section or section 2929.142 of 1388
the Revised Code. If a mandatory prison term is imposed upon an 1389
offender pursuant to division (B) (5) of this section, and if a 1390
mandatory prison term also is imposed upon the offender pursuant 1391
to division (B) (6) of this section in relation to the same 1392
violation, the offender shall serve the mandatory prison term 1393
imposed pursuant to division (B) (5) of this section 1394
consecutively to and prior to the mandatory prison term imposed 1395
pursuant to division (B) (6) of this section and consecutively to 1396
and prior to any prison term imposed for the underlying 1397

violation of division (A) (1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code.

(6) If a mandatory prison term is imposed on an offender pursuant to division (B) (9) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A) (1) or (2) of section 2903.11 of the Revised Code and consecutively to and prior to any other prison term or mandatory prison term previously or subsequently imposed on the offender.

(7) Any prison term imposed for a violation of section 2903.04 of the Revised Code that is based on a violation of section 2925.03 or 2925.11 of the Revised Code or on a violation of section 2925.05 of the Revised Code that is not funding of marihuana trafficking shall run consecutively to any prison term imposed for the violation of section 2925.03 or 2925.11 of the Revised Code or for the violation of section 2925.05 of the Revised Code that is not funding of marihuana trafficking.

(8) When consecutive prison terms are imposed pursuant to division (C) (1), (2), (3), (4), (5), (6), or (7) or division (H) (1) or (2) of this section, the term to be served is the aggregate of all of the terms so imposed.

(D) (1) If a court imposes a prison term for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is not a felony sex offense and in the commission of which the offender caused or threatened to cause physical harm to a person, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with

that division. If a court imposes a sentence including a prison 1428
term of a type described in this division on or after July 11, 1429
2006, the failure of a court to include a post-release control 1430
requirement in the sentence pursuant to this division does not 1431
negate, limit, or otherwise affect the mandatory period of post- 1432
release control that is required for the offender under division 1433
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1434
the Revised Code applies if, prior to July 11, 2006, a court 1435
imposed a sentence including a prison term of a type described 1436
in this division and failed to include in the sentence pursuant 1437
to this division a statement regarding post-release control. 1438

(2) If a court imposes a prison term for a felony of the 1439
third, fourth, or fifth degree that is not subject to division 1440
(D)(1) of this section, it shall include in the sentence a 1441
requirement that the offender be subject to a period of post- 1442
release control after the offender's release from imprisonment, 1443
in accordance with that division, if the parole board determines 1444
that a period of post-release control is necessary. Section 1445
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1446
a court imposed a sentence including a prison term of a type 1447
described in this division and failed to include in the sentence 1448
pursuant to this division a statement regarding post-release 1449
control. 1450

(E) The court shall impose sentence upon the offender in 1451
accordance with section 2971.03 of the Revised Code, and Chapter 1452
2971. of the Revised Code applies regarding the prison term or 1453
term of life imprisonment without parole imposed upon the 1454
offender and the service of that term of imprisonment if any of 1455
the following apply: 1456

(1) A person is convicted of or pleads guilty to a violent 1457

sex offense or a designated homicide, assault, or kidnapping 1458
offense, and, in relation to that offense, the offender is 1459
adjudicated a sexually violent predator. 1460

(2) A person is convicted of or pleads guilty to a 1461
violation of division (A) (1) (b) of section 2907.02 of the 1462
Revised Code committed on or after January 2, 2007, and either 1463
the court does not impose a sentence of life without parole when 1464
authorized pursuant to division (B) of section 2907.02 of the 1465
Revised Code, or division (B) of section 2907.02 of the Revised 1466
Code provides that the court shall not sentence the offender 1467
pursuant to section 2971.03 of the Revised Code. 1468

(3) A person is convicted of or pleads guilty to attempted 1469
rape committed on or after January 2, 2007, and a specification 1470
of the type described in section 2941.1418, 2941.1419, or 1471
2941.1420 of the Revised Code. 1472

(4) A person is convicted of or pleads guilty to a 1473
violation of section 2905.01 of the Revised Code committed on or 1474
after January 1, 2008, and that section requires the court to 1475
sentence the offender pursuant to section 2971.03 of the Revised 1476
Code. 1477

(5) A person is convicted of or pleads guilty to 1478
aggravated murder committed on or after January 1, 2008, and 1479
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1480
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1481
(d) of section 2929.03, or division (A) or (B) of section 1482
2929.06 of the Revised Code requires the court to sentence the 1483
offender pursuant to division (B) (3) of section 2971.03 of the 1484
Revised Code. 1485

(6) A person is convicted of or pleads guilty to murder 1486

committed on or after January 1, 2008, and division (B)(2) of 1487
section 2929.02 of the Revised Code requires the court to 1488
sentence the offender pursuant to section 2971.03 of the Revised 1489
Code. 1490

(F) If a person who has been convicted of or pleaded 1491
guilty to a felony is sentenced to a prison term or term of 1492
imprisonment under this section, sections 2929.02 to 2929.06 of 1493
the Revised Code, section 2929.142 of the Revised Code, section 1494
2971.03 of the Revised Code, or any other provision of law, 1495
section 5120.163 of the Revised Code applies regarding the 1496
person while the person is confined in a state correctional 1497
institution. 1498

(G) If an offender who is convicted of or pleads guilty to 1499
a felony that is an offense of violence also is convicted of or 1500
pleads guilty to a specification of the type described in 1501
section 2941.142 of the Revised Code that charges the offender 1502
with having committed the felony while participating in a 1503
criminal gang, the court shall impose upon the offender an 1504
additional prison term of one, two, or three years. 1505

(H) (1) If an offender who is convicted of or pleads guilty 1506
to aggravated murder, murder, or a felony of the first, second, 1507
or third degree that is an offense of violence also is convicted 1508
of or pleads guilty to a specification of the type described in 1509
section 2941.143 of the Revised Code that charges the offender 1510
with having committed the offense in a school safety zone or 1511
towards a person in a school safety zone, the court shall impose 1512
upon the offender an additional prison term of two years. The 1513
offender shall serve the additional two years consecutively to 1514
and prior to the prison term imposed for the underlying offense. 1515

(2) (a) If an offender is convicted of or pleads guilty to 1516

a felony violation of section 2907.22, 2907.24, 2907.241, or 1517
2907.25 of the Revised Code and to a specification of the type 1518
described in section 2941.1421 of the Revised Code and if the 1519
court imposes a prison term on the offender for the felony 1520
violation, the court may impose upon the offender an additional 1521
prison term as follows: 1522

(i) Subject to division (H) (2) (a) (ii) of this section, an 1523
additional prison term of one, two, three, four, five, or six 1524
months; 1525

(ii) If the offender previously has been convicted of or 1526
pleaded guilty to one or more felony or misdemeanor violations 1527
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1528
the Revised Code and also was convicted of or pleaded guilty to 1529
a specification of the type described in section 2941.1421 of 1530
the Revised Code regarding one or more of those violations, an 1531
additional prison term of one, two, three, four, five, six, 1532
seven, eight, nine, ten, eleven, or twelve months. 1533

(b) In lieu of imposing an additional prison term under 1534
division (H) (2) (a) of this section, the court may directly 1535
impose on the offender a sanction that requires the offender to 1536
wear a real-time processing, continual tracking electronic 1537
monitoring device during the period of time specified by the 1538
court. The period of time specified by the court shall equal the 1539
duration of an additional prison term that the court could have 1540
imposed upon the offender under division (H) (2) (a) of this 1541
section. A sanction imposed under this division shall commence 1542
on the date specified by the court, provided that the sanction 1543
shall not commence until after the offender has served the 1544
prison term imposed for the felony violation of section 2907.22, 1545
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1546

residential sanction imposed for the violation under section 1547
2929.16 of the Revised Code. A sanction imposed under this 1548
division shall be considered to be a community control sanction 1549
for purposes of section 2929.15 of the Revised Code, and all 1550
provisions of the Revised Code that pertain to community control 1551
sanctions shall apply to a sanction imposed under this division, 1552
except to the extent that they would by their nature be clearly 1553
inapplicable. The offender shall pay all costs associated with a 1554
sanction imposed under this division, including the cost of the 1555
use of the monitoring device. 1556

(I) At the time of sentencing, the court may recommend the 1557
offender for placement in a program of shock incarceration under 1558
section 5120.031 of the Revised Code or for placement in an 1559
intensive program prison under section 5120.032 of the Revised 1560
Code, disapprove placement of the offender in a program of shock 1561
incarceration or an intensive program prison of that nature, or 1562
make no recommendation on placement of the offender. In no case 1563
shall the department of rehabilitation and correction place the 1564
offender in a program or prison of that nature unless the 1565
department determines as specified in section 5120.031 or 1566
5120.032 of the Revised Code, whichever is applicable, that the 1567
offender is eligible for the placement. 1568

If the court disapproves placement of the offender in a 1569
program or prison of that nature, the department of 1570
rehabilitation and correction shall not place the offender in 1571
any program of shock incarceration or intensive program prison. 1572

If the court recommends placement of the offender in a 1573
program of shock incarceration or in an intensive program 1574
prison, and if the offender is subsequently placed in the 1575
recommended program or prison, the department shall notify the 1576

court of the placement and shall include with the notice a brief description of the placement. 1577
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If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison. 1579
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If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement. 1585
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(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code. 1600
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(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, 1605
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ten, or eleven years on an offender who is convicted of or 1607
pleads guilty to a violent felony offense if the offender also 1608
is convicted of or pleads guilty to a specification of the type 1609
described in section 2941.1424 of the Revised Code that charges 1610
that the offender is a violent career criminal and had a firearm 1611
on or about the offender's person or under the offender's 1612
control while committing the presently charged violent felony 1613
offense and displayed or brandished the firearm, indicated that 1614
the offender possessed a firearm, or used the firearm to 1615
facilitate the offense. The offender shall serve the prison term 1616
imposed under this division consecutively to and prior to the 1617
prison term imposed for the underlying offense. The prison term 1618
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1619
any other provision of Chapter 2967. or 5120. of the Revised 1620
Code. A court may not impose more than one sentence under 1621
division (B) (2) (a) of this section and this division for acts 1622
committed as part of the same act or transaction. 1623

(2) As used in division (K) (1) of this section, "violent 1624
career criminal" and "violent felony offense" have the same 1625
meanings as in section 2923.132 of the Revised Code. 1626

Section 2. That existing sections 2919.25, 2929.13, and 1627
2929.14 of the Revised Code are hereby repealed. 1628

Section 3. Section 2929.13 of the Revised Code is 1629
presented in this act as a composite of the section as amended 1630
by Sub. H.B. 63, Am. Sub. S.B. 1, and Am. Sub. S.B. 66, all of 1631
the 132nd General Assembly. The General Assembly, applying the 1632
principle stated in division (B) of section 1.52 of the Revised 1633
Code that amendments are to be harmonized if reasonably capable 1634
of simultaneous operation, finds that the composite is the 1635
resulting version of the section in effect prior to the 1636

effective date of the section as presented in this act. 1637

Section 2929.14 of the Revised Code is presented in this 1638
act as a composite of the section as amended by both Sub. H.B. 1639
63 and Am. Sub. S.B. 1 of the 132nd General Assembly. The 1640
General Assembly, applying the principle stated in division (B) 1641
of section 1.52 of the Revised Code that amendments are to be 1642
harmonized if reasonably capable of simultaneous operation, 1643
finds that the composite is the resulting version of the section 1644
in effect prior to the effective date of the section as 1645
presented in this act. 1646