

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 109**

**Representative Patmon**

**Cosponsors: Representatives Becker, Schaffer**

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**A BILL**

To amend sections 2152.17, 2929.13, and 2929.14 and 1  
to enact sections 2941.1425 and 2941.1426 of the 2  
Revised Code to create specifications that 3  
impose an additional prison term on a felony 4  
offender who commits the offense against a 5  
disabled person or elderly person and a period 6  
of Department of Youth Services commitment on a 7  
delinquent child for felony act committed 8  
against a disabled or elderly person, for felony 9  
offenses that do not delineate enhanced 10  
penalties when a disabled or elderly person is 11  
the victim of the violation. 12

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

**Section 1.** That sections 2152.17, 2929.13, and 2929.14 be 13  
amended and sections 2941.1425 and 2941.1426 of the Revised Code 14  
be enacted to read as follows: 15

**Sec. 2152.17.** (A) Subject to division (D) of this section, 16  
if a child is adjudicated a delinquent child for committing an 17  
act, other than a violation of section 2923.12 of the Revised 18

Code, that would be a felony if committed by an adult and if the court determines that, if the child was an adult, the child would be guilty of a specification of the type set forth in section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 2941.1414, ~~or~~ 2941.1415, 2941.1425, or 2941.1426 of the Revised Code, in addition to any commitment or other disposition the court imposes for the underlying delinquent act, all of the following apply:

(1) If the court determines that the child would be guilty of a specification of the type set forth in section 2941.141 of the Revised Code, the court may commit the child to the department of youth services for the specification for a definite period of up to one year.

(2) If the court determines that the child would be guilty of a specification of the type set forth in section 2941.145 of the Revised Code or if the delinquent act is a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and the court determines that the child would be guilty of a specification of the type set forth in section 2941.1415 of the Revised Code, the court shall commit the child to the department of youth services for the specification for a definite period of not less than one and not more than three years, and the court also shall commit the child to the department for the underlying delinquent act under sections 2152.11 to 2152.16 of the Revised Code.

(3) If the court determines that the child would be guilty of a specification of the type set forth in section 2941.144, 2941.146, or 2941.1412 of the Revised Code or if the delinquent act is a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and the court determines that the child

would be guilty of a specification of the type set forth in 49  
section 2941.1414 of the Revised Code, the court shall commit 50  
the child to the department of youth services for the 51  
specification for a definite period of not less than one and not 52  
more than five years, and the court also shall commit the child 53  
to the department for the underlying delinquent act under 54  
sections 2152.11 to 2152.16 of the Revised Code. 55

(4) If the court determines that the child would be guilty 56  
of a specification of the type set forth in section 2941.1425 or 57  
2941.1426 of the Revised Code and the act is not a violation 58  
specified in division (B) (9) (b) or (10) (b) of section 2929.14 of 59  
the Revised Code, the court shall commit the child to the 60  
department of youth services for the specification for a 61  
definite period of two years. 62

(B) (1) If a child is adjudicated a delinquent child for 63  
committing an act, other than a violation of section 2923.12 of 64  
the Revised Code, that would be a felony if committed by an 65  
adult, if the court determines that the child is complicit in 66  
another person's conduct that is of such a nature that the other 67  
person would be guilty of a specification of the type set forth 68  
in section 2941.141, 2941.144, 2941.145, or 2941.146 of the 69  
Revised Code if the other person was an adult, if the other 70  
person's conduct relates to the child's underlying delinquent 71  
act, and if the child did not furnish, use, or dispose of any 72  
firearm that was involved with the underlying delinquent act or 73  
with the other person's specification-related conduct, in 74  
addition to any other disposition the court imposes for the 75  
underlying delinquent act, the court may commit the child to the 76  
department of youth services for the specification for a 77  
definite period of not more than one year, subject to division 78  
(D) (2) of this section. 79

(2) Except as provided in division (B)(1) of this section, 80  
division (A) of this section also applies to a child who is an 81  
accomplice regarding a specification of the type set forth in 82  
section 2941.1412, 2941.1414, or 2941.1415 of the Revised Code 83  
to the same extent the specifications would apply to an adult 84  
accomplice in a criminal proceeding. 85

(C) If a child is adjudicated a delinquent child for 86  
committing an act that would be aggravated murder, murder, or a 87  
first, second, or third degree felony offense of violence if 88  
committed by an adult and if the court determines that, if the 89  
child was an adult, the child would be guilty of a specification 90  
of the type set forth in section 2941.142 of the Revised Code in 91  
relation to the act for which the child was adjudicated a 92  
delinquent child, the court shall commit the child for the 93  
specification to the legal custody of the department of youth 94  
services for institutionalization in a secure facility for a 95  
definite period of not less than one and not more than three 96  
years, subject to division (D)(2) of this section, and the court 97  
also shall commit the child to the department for the underlying 98  
delinquent act. 99

(D)(1) If the child is adjudicated a delinquent child for 100  
committing an act that would be an offense of violence that is a 101  
felony if committed by an adult and is committed to the legal 102  
custody of the department of youth services pursuant to division 103  
(A)(1) of section 2152.16 of the Revised Code and if the court 104  
determines that the child, if the child was an adult, would be 105  
guilty of a specification of the type set forth in section 106  
2941.1411 of the Revised Code in relation to the act for which 107  
the child was adjudicated a delinquent child, the court may 108  
commit the child to the custody of the department of youth 109  
services for institutionalization in a secure facility for up to 110

two years, subject to division (D)(2) of this section. 111

(2) A court that imposes a period of commitment under 112  
division (A) of this section is not precluded from imposing an 113  
additional period of commitment under division (C) or (D)(1) of 114  
this section, a court that imposes a period of commitment under 115  
division (C) of this section is not precluded from imposing an 116  
additional period of commitment under division (A) or (D)(1) of 117  
this section, and a court that imposes a period of commitment 118  
under division (D)(1) of this section is not precluded from 119  
imposing an additional period of commitment under division (A) 120  
or (C) of this section. 121

(E) The court shall not commit a child to the legal 122  
custody of the department of youth services for a specification 123  
pursuant to this section for a period that exceeds five years 124  
for any one delinquent act. Any commitment imposed pursuant to 125  
division (A), (B), (C), or (D)(1) of this section shall be in 126  
addition to, and shall be served consecutively with and prior 127  
to, a period of commitment ordered under this chapter for the 128  
underlying delinquent act, and each commitment imposed pursuant 129  
to division (A), (B), (C), or (D)(1) of this section shall be in 130  
addition to, and shall be served consecutively with, any other 131  
period of commitment imposed under those divisions. If a 132  
commitment is imposed under division (A) or (B) of this section 133  
and a commitment also is imposed under division (C) of this 134  
section, the period imposed under division (A) or (B) of this 135  
section shall be served prior to the period imposed under 136  
division (C) of this section. 137

In each case in which a court makes a disposition under 138  
this section, the court retains control over the commitment for 139  
the entire period of the commitment. 140

The total of all the periods of commitment imposed for any 141  
specification under this section and for the underlying offense 142  
shall not exceed the child's attainment of twenty-one years of 143  
age. 144

(F) If a child is adjudicated a delinquent child for 145  
committing two or more acts that would be felonies if committed 146  
by an adult and if the court entering the delinquent child 147  
adjudication orders the commitment of the child for two or more 148  
of those acts to the legal custody of the department of youth 149  
services for institutionalization in a secure facility pursuant 150  
to section 2152.13 or 2152.16 of the Revised Code, the court may 151  
order that all of the periods of commitment imposed under those 152  
sections for those acts be served consecutively in the legal 153  
custody of the department of youth services, provided that those 154  
periods of commitment shall be in addition to and commence 155  
immediately following the expiration of a period of commitment 156  
that the court imposes pursuant to division (A), (B), (C), or 157  
(D) (1) of this section. A court shall not commit a delinquent 158  
child to the legal custody of the department of youth services 159  
under this division for a period that exceeds the child's 160  
attainment of twenty-one years of age. 161

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 162  
or (G) of this section and unless a specific sanction is 163  
required to be imposed or is precluded from being imposed 164  
pursuant to law, a court that imposes a sentence upon an 165  
offender for a felony may impose any sanction or combination of 166  
sanctions on the offender that are provided in sections 2929.14 167  
to 2929.18 of the Revised Code. 168

If the offender is eligible to be sentenced to community 169  
control sanctions, the court shall consider the appropriateness 170

of imposing a financial sanction pursuant to section 2929.18 of 171  
the Revised Code or a sanction of community service pursuant to 172  
section 2929.17 of the Revised Code as the sole sanction for the 173  
offense. Except as otherwise provided in this division, if the 174  
court is required to impose a mandatory prison term for the 175  
offense for which sentence is being imposed, the court also 176  
shall impose any financial sanction pursuant to section 2929.18 177  
of the Revised Code that is required for the offense and may 178  
impose any other financial sanction pursuant to that section but 179  
may not impose any additional sanction or combination of 180  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 181

If the offender is being sentenced for a fourth degree 182  
felony OVI offense or for a third degree felony OVI offense, in 183  
addition to the mandatory term of local incarceration or the 184  
mandatory prison term required for the offense by division (G) 185  
(1) or (2) of this section, the court shall impose upon the 186  
offender a mandatory fine in accordance with division (B) (3) of 187  
section 2929.18 of the Revised Code and may impose whichever of 188  
the following is applicable: 189

(1) For a fourth degree felony OVI offense for which 190  
sentence is imposed under division (G) (1) of this section, an 191  
additional community control sanction or combination of 192  
community control sanctions under section 2929.16 or 2929.17 of 193  
the Revised Code. If the court imposes upon the offender a 194  
community control sanction and the offender violates any 195  
condition of the community control sanction, the court may take 196  
any action prescribed in division (B) of section 2929.15 of the 197  
Revised Code relative to the offender, including imposing a 198  
prison term on the offender pursuant to that division. 199

(2) For a third or fourth degree felony OVI offense for 200

which sentence is imposed under division (G) (2) of this section, 201  
an additional prison term as described in division (B) (4) of 202  
section 2929.14 of the Revised Code or a community control 203  
sanction as described in division (G) (2) of this section. 204

(B) (1) (a) Except as provided in division (B) (1) (b) of this 205  
section, if an offender is convicted of or pleads guilty to a 206  
felony of the fourth or fifth degree that is not an offense of 207  
violence or that is a qualifying assault offense, the court 208  
shall sentence the offender to a community control sanction of 209  
at least one year's duration if all of the following apply: 210

(i) The offender previously has not been convicted of or 211  
pleaded guilty to a felony offense. 212

(ii) The most serious charge against the offender at the 213  
time of sentencing is a felony of the fourth or fifth degree. 214

(iii) If the court made a request of the department of 215  
rehabilitation and correction pursuant to division (B) (1) (c) of 216  
this section, the department, within the forty-five-day period 217  
specified in that division, provided the court with the names 218  
of, contact information for, and program details of one or more 219  
community control sanctions of at least one year's duration that 220  
are available for persons sentenced by the court. 221

(iv) The offender previously has not been convicted of or 222  
pleaded guilty to a misdemeanor offense of violence that the 223  
offender committed within two years prior to the offense for 224  
which sentence is being imposed. 225

(b) The court has discretion to impose a prison term upon 226  
an offender who is convicted of or pleads guilty to a felony of 227  
the fourth or fifth degree that is not an offense of violence or 228  
that is a qualifying assault offense if any of the following 229

apply:	230
(i) The offender committed the offense while having a firearm on or about the offender's person or under the offender's control.	231 232 233
(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense.	234 235 236 237 238
(iii) The offender violated a term of the conditions of bond as set by the court.	239 240
(iv) The court made a request of the department of rehabilitation and correction pursuant to division (B)(1)(c) of this section, and the department, within the forty-five-day period specified in that division, did not provide the court with the name of, contact information for, and program details of any community control sanction of at least one year's duration that is available for persons sentenced by the court.	241 242 243 244 245 246 247
(v) The offense is a sex offense that is a fourth or fifth degree felony violation of any provision of Chapter 2907. of the Revised Code.	248 249 250
(vi) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon.	251 252 253
(vii) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person.	254 255 256 257

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

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

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

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

(c) If a court that is sentencing an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense believes that no community control sanctions are available for its use that, if imposed on the offender, will adequately fulfill the overriding principles and purposes of sentencing, the court shall contact the department of rehabilitation and correction and ask the department to provide the court with the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court. Not later than forty-five days after receipt of a request from a court under this division, the department shall provide the court with the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court, if any. Upon

making a request under this division that relates to a 288  
particular offender, a court shall defer sentencing of that 289  
offender until it receives from the department the names of, 290  
contact information for, and program details of one or more 291  
community control sanctions of at least one year's duration that 292  
are available for persons sentenced by the court or for forty- 293  
five days, whichever is the earlier. 294

If the department provides the court with the names of, 295  
contact information for, and program details of one or more 296  
community control sanctions of at least one year's duration that 297  
are available for persons sentenced by the court within the 298  
forty-five-day period specified in this division, the court 299  
shall impose upon the offender a community control sanction 300  
under division (B) (1) (a) of this section, except that the court 301  
may impose a prison term under division (B) (1) (b) of this 302  
section if a factor described in division (B) (1) (b) (i) or (ii) 303  
of this section applies. If the department does not provide the 304  
court with the names of, contact information for, and program 305  
details of one or more community control sanctions of at least 306  
one year's duration that are available for persons sentenced by 307  
the court within the forty-five-day period specified in this 308  
division, the court may impose upon the offender a prison term 309  
under division (B) (1) (b) (iv) of this section. 310

(d) A sentencing court may impose an additional penalty 311  
under division (B) of section 2929.15 of the Revised Code upon 312  
an offender sentenced to a community control sanction under 313  
division (B) (1) (a) of this section if the offender violates the 314  
conditions of the community control sanction, violates a law, or 315  
leaves the state without the permission of the court or the 316  
offender's probation officer. 317

(2) If division (B) (1) of this section does not apply, 318  
except as provided in division (E), (F), or (G) of this section, 319  
in determining whether to impose a prison term as a sanction for 320  
a felony of the fourth or fifth degree, the sentencing court 321  
shall comply with the purposes and principles of sentencing 322  
under section 2929.11 of the Revised Code and with section 323  
2929.12 of the Revised Code. 324

(C) Except as provided in division (D), (E), (F), or (G) 325  
of this section, in determining whether to impose a prison term 326  
as a sanction for a felony of the third degree or a felony drug 327  
offense that is a violation of a provision of Chapter 2925. of 328  
the Revised Code and that is specified as being subject to this 329  
division for purposes of sentencing, the sentencing court shall 330  
comply with the purposes and principles of sentencing under 331  
section 2929.11 of the Revised Code and with section 2929.12 of 332  
the Revised Code. 333

(D) (1) Except as provided in division (E) or (F) of this 334  
section, for a felony of the first or second degree, for a 335  
felony drug offense that is a violation of any provision of 336  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 337  
presumption in favor of a prison term is specified as being 338  
applicable, and for a violation of division (A) (4) or (B) of 339  
section 2907.05 of the Revised Code for which a presumption in 340  
favor of a prison term is specified as being applicable, it is 341  
presumed that a prison term is necessary in order to comply with 342  
the purposes and principles of sentencing under section 2929.11 343  
of the Revised Code. Division (D) (2) of this section does not 344  
apply to a presumption established under this division for a 345  
violation of division (A) (4) of section 2907.05 of the Revised 346  
Code. 347

(2) Notwithstanding the presumption established under 348  
division (D)(1) of this section for the offenses listed in that 349  
division other than a violation of division (A)(4) or (B) of 350  
section 2907.05 of the Revised Code, the sentencing court may 351  
impose a community control sanction or a combination of 352  
community control sanctions instead of a prison term on an 353  
offender for a felony of the first or second degree or for a 354  
felony drug offense that is a violation of any provision of 355  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 356  
presumption in favor of a prison term is specified as being 357  
applicable if it makes both of the following findings: 358

(a) A community control sanction or a combination of 359  
community control sanctions would adequately punish the offender 360  
and protect the public from future crime, because the applicable 361  
factors under section 2929.12 of the Revised Code indicating a 362  
lesser likelihood of recidivism outweigh the applicable factors 363  
under that section indicating a greater likelihood of 364  
recidivism. 365

(b) A community control sanction or a combination of 366  
community control sanctions would not demean the seriousness of 367  
the offense, because one or more factors under section 2929.12 368  
of the Revised Code that indicate that the offender's conduct 369  
was less serious than conduct normally constituting the offense 370  
are applicable, and they outweigh the applicable factors under 371  
that section that indicate that the offender's conduct was more 372  
serious than conduct normally constituting the offense. 373

(E)(1) Except as provided in division (F) of this section, 374  
for any drug offense that is a violation of any provision of 375  
Chapter 2925. of the Revised Code and that is a felony of the 376  
third, fourth, or fifth degree, the applicability of a 377

presumption under division (D) of this section in favor of a 378  
prison term or of division (B) or (C) of this section in 379  
determining whether to impose a prison term for the offense 380  
shall be determined as specified in section 2925.02, 2925.03, 381  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 382  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 383  
regarding the violation. 384

(2) If an offender who was convicted of or pleaded guilty 385  
to a felony violates the conditions of a community control 386  
sanction imposed for the offense solely by reason of producing 387  
positive results on a drug test or by acting pursuant to 388  
division (B) (2) (b) of section 2925.11 of the Revised Code with 389  
respect to a minor drug possession offense, the court, as 390  
punishment for the violation of the sanction, shall not order 391  
that the offender be imprisoned unless the court determines on 392  
the record either of the following: 393

(a) The offender had been ordered as a sanction for the 394  
felony to participate in a drug treatment program, in a drug 395  
education program, or in narcotics anonymous or a similar 396  
program, and the offender continued to use illegal drugs after a 397  
reasonable period of participation in the program. 398

(b) The imprisonment of the offender for the violation is 399  
consistent with the purposes and principles of sentencing set 400  
forth in section 2929.11 of the Revised Code. 401

(3) A court that sentences an offender for a drug abuse 402  
offense that is a felony of the third, fourth, or fifth degree 403  
may require that the offender be assessed by a properly 404  
credentialed professional within a specified period of time. The 405  
court shall require the professional to file a written 406  
assessment of the offender with the court. If the offender is 407

eligible for a community control sanction and after considering 408  
the written assessment, the court may impose a community control 409  
sanction that includes treatment and recovery support services 410  
authorized by division (A) (11) of section 340.03 of the Revised 411  
Code. If the court imposes treatment and recovery support 412  
services as a community control sanction, the court shall direct 413  
the level and type of treatment and recovery support services 414  
after considering the assessment and recommendation of community 415  
addiction services providers. 416

(F) Notwithstanding divisions (A) to (E) of this section, 417  
the court shall impose a prison term or terms under sections 418  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 419  
section 2971.03 of the Revised Code and except as specifically 420  
provided in section 2929.20, divisions (C) to (I) of section 421  
2967.19, or section 2967.191 of the Revised Code or when parole 422  
is authorized for the offense under section 2967.13 of the 423  
Revised Code shall not reduce the term or terms pursuant to 424  
section 2929.20, section 2967.19, section 2967.193, or any other 425  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 426  
for any of the following offenses: 427

(1) Aggravated murder when death is not imposed or murder; 428

(2) Any rape, regardless of whether force was involved and 429  
regardless of the age of the victim, or an attempt to commit 430  
rape if, had the offender completed the rape that was attempted, 431  
the offender would have been guilty of a violation of division 432  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 433  
sentenced under section 2971.03 of the Revised Code; 434

(3) Gross sexual imposition or sexual battery, if the 435  
victim is less than thirteen years of age and if any of the 436  
following applies: 437

(a) Regarding gross sexual imposition, the offender 438  
previously was convicted of or pleaded guilty to rape, the 439  
former offense of felonious sexual penetration, gross sexual 440  
imposition, or sexual battery, and the victim of the previous 441  
offense was less than thirteen years of age; 442

(b) Regarding gross sexual imposition, the offense was 443  
committed on or after August 3, 2006, and evidence other than 444  
the testimony of the victim was admitted in the case 445  
corroborating the violation. 446

(c) Regarding sexual battery, either of the following 447  
applies: 448

(i) The offense was committed prior to August 3, 2006, the 449  
offender previously was convicted of or pleaded guilty to rape, 450  
the former offense of felonious sexual penetration, or sexual 451  
battery, and the victim of the previous offense was less than 452  
thirteen years of age. 453

(ii) The offense was committed on or after August 3, 2006. 454

(4) A felony violation of section 2903.04, 2903.06, 455  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 456  
or 2923.132 of the Revised Code if the section requires the 457  
imposition of a prison term; 458

(5) A first, second, or third degree felony drug offense 459  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 460  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 461  
or 4729.99 of the Revised Code, whichever is applicable 462  
regarding the violation, requires the imposition of a mandatory 463  
prison term; 464

(6) Any offense that is a first or second degree felony 465  
and that is not set forth in division (F) (1), (2), (3), or (4) 466

of this section, if the offender previously was convicted of or 467  
pleaded guilty to aggravated murder, murder, any first or second 468  
degree felony, or an offense under an existing or former law of 469  
this state, another state, or the United States that is or was 470  
substantially equivalent to one of those offenses; 471

(7) Any offense that is a third degree felony and either 472  
is a violation of section 2903.04 of the Revised Code or an 473  
attempt to commit a felony of the second degree that is an 474  
offense of violence and involved an attempt to cause serious 475  
physical harm to a person or that resulted in serious physical 476  
harm to a person if the offender previously was convicted of or 477  
pleaded guilty to any of the following offenses: 478

(a) Aggravated murder, murder, involuntary manslaughter, 479  
rape, felonious sexual penetration as it existed under section 480  
2907.12 of the Revised Code prior to September 3, 1996, a felony 481  
of the first or second degree that resulted in the death of a 482  
person or in physical harm to a person, or complicity in or an 483  
attempt to commit any of those offenses; 484

(b) An offense under an existing or former law of this 485  
state, another state, or the United States that is or was 486  
substantially equivalent to an offense listed in division (F) (7) 487  
(a) of this section that resulted in the death of a person or in 488  
physical harm to a person. 489

(8) Any offense, other than a violation of section 2923.12 490  
of the Revised Code, that is a felony, if the offender had a 491  
firearm on or about the offender's person or under the 492  
offender's control while committing the felony, with respect to 493  
a portion of the sentence imposed pursuant to division (B) (1) (a) 494  
of section 2929.14 of the Revised Code for having the firearm; 495

(9) Any offense of violence that is a felony, if the 496  
offender wore or carried body armor while committing the felony 497  
offense of violence, with respect to the portion of the sentence 498  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 499  
Revised Code for wearing or carrying the body armor; 500

(10) Corrupt activity in violation of section 2923.32 of 501  
the Revised Code when the most serious offense in the pattern of 502  
corrupt activity that is the basis of the offense is a felony of 503  
the first degree; 504

(11) Any violent sex offense or designated homicide, 505  
assault, or kidnapping offense if, in relation to that offense, 506  
the offender is adjudicated a sexually violent predator; 507

(12) A violation of division (A) (1) or (2) of section 508  
2921.36 of the Revised Code, or a violation of division (C) of 509  
that section involving an item listed in division (A) (1) or (2) 510  
of that section, if the offender is an officer or employee of 511  
the department of rehabilitation and correction; 512

(13) A violation of division (A) (1) or (2) of section 513  
2903.06 of the Revised Code if the victim of the offense is a 514  
peace officer, as defined in section 2935.01 of the Revised 515  
Code, or an investigator of the bureau of criminal 516  
identification and investigation, as defined in section 2903.11 517  
of the Revised Code, with respect to the portion of the sentence 518  
imposed pursuant to division (B) (5) of section 2929.14 of the 519  
Revised Code; 520

(14) A violation of division (A) (1) or (2) of section 521  
2903.06 of the Revised Code if the offender has been convicted 522  
of or pleaded guilty to three or more violations of division (A) 523  
or (B) of section 4511.19 of the Revised Code or an equivalent 524

offense, as defined in section 2941.1415 of the Revised Code, or 525  
three or more violations of any combination of those divisions 526  
and offenses, with respect to the portion of the sentence 527  
imposed pursuant to division (B) (6) of section 2929.14 of the 528  
Revised Code; 529

(15) Kidnapping, in the circumstances specified in section 530  
2971.03 of the Revised Code and when no other provision of 531  
division (F) of this section applies; 532

(16) Kidnapping, abduction, compelling prostitution, 533  
promoting prostitution, engaging in a pattern of corrupt 534  
activity, illegal use of a minor in a nudity-oriented material 535  
or performance in violation of division (A) (1) or (2) of section 536  
2907.323 of the Revised Code, or endangering children in 537  
violation of division (B) (1), (2), (3), (4), or (5) of section 538  
2919.22 of the Revised Code, if the offender is convicted of or 539  
pleads guilty to a specification as described in section 540  
2941.1422 of the Revised Code that was included in the 541  
indictment, count in the indictment, or information charging the 542  
offense; 543

(17) A felony violation of division (A) or (B) of section 544  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 545  
that section, and division (D) (6) of that section, require the 546  
imposition of a prison term; 547

(18) A felony violation of section 2903.11, 2903.12, or 548  
2903.13 of the Revised Code, if the victim of the offense was a 549  
woman that the offender knew was pregnant at the time of the 550  
violation, with respect to a portion of the sentence imposed 551  
pursuant to division (B) (8) of section 2929.14 of the Revised 552  
Code; 553

(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) A felony violation, if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1425 or 2941.1426 of the Revised Code, with respect to a portion of the sentence imposed pursuant to division (B) (9) or (10) of section 2929.14 of the Revised Code.

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

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G) (1) (d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to

section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G) (1) of this section is not subject to any other Revised Code provision that pertains to a prison term except as provided in division (A) (1) of this section.

(2) If the offender is being sentenced for a third degree felony OVI offense, or if the offender is being sentenced for a fourth degree felony OVI offense and the court does not impose a mandatory term of local incarceration under division (G) (1) of this section, the court shall impose upon the offender a mandatory prison term of one, two, three, four, or five years if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or shall impose upon the offender a mandatory prison term of sixty days or one hundred twenty days as specified in division (G) (1) (d) or (e) of section 4511.19 of the Revised Code if the offender has not been convicted of and has not pleaded guilty to a specification of that type. Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the court shall not reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or any other provision of the Revised Code. The offender shall serve the one-, two-, three-, four-, or five-year mandatory prison term consecutively to and prior to the prison term imposed for the underlying offense and consecutively to any other mandatory prison term imposed in relation to the

offense. In no case shall an offender who once has been 615  
sentenced to a mandatory term of local incarceration pursuant to 616  
division (G) (1) of this section for a fourth degree felony OVI 617  
offense be sentenced to another mandatory term of local 618  
incarceration under that division for any violation of division 619  
(A) of section 4511.19 of the Revised Code. In addition to the 620  
mandatory prison term described in division (G) (2) of this 621  
section, the court may sentence the offender to a community 622  
control sanction under section 2929.16 or 2929.17 of the Revised 623  
Code, but the offender shall serve the prison term prior to 624  
serving the community control sanction. The department of 625  
rehabilitation and correction may place an offender sentenced to 626  
a mandatory prison term under this division in an intensive 627  
program prison established pursuant to section 5120.033 of the 628  
Revised Code if the department gave the sentencing judge prior 629  
notice of its intent to place the offender in an intensive 630  
program prison established under that section and if the judge 631  
did not notify the department that the judge disapproved the 632  
placement. Upon the establishment of the initial intensive 633  
program prison pursuant to section 5120.033 of the Revised Code 634  
that is privately operated and managed by a contractor pursuant 635  
to a contract entered into under section 9.06 of the Revised 636  
Code, both of the following apply: 637

(a) The department of rehabilitation and correction shall 638  
make a reasonable effort to ensure that a sufficient number of 639  
offenders sentenced to a mandatory prison term under this 640  
division are placed in the privately operated and managed prison 641  
so that the privately operated and managed prison has full 642  
occupancy. 643

(b) Unless the privately operated and managed prison has 644  
full occupancy, the department of rehabilitation and correction 645

shall not place any offender sentenced to a mandatory prison 646  
term under this division in any intensive program prison 647  
established pursuant to section 5120.033 of the Revised Code 648  
other than the privately operated and managed prison. 649

(H) If an offender is being sentenced for a sexually 650  
oriented offense or child-victim oriented offense that is a 651  
felony committed on or after January 1, 1997, the judge shall 652  
require the offender to submit to a DNA specimen collection 653  
procedure pursuant to section 2901.07 of the Revised Code. 654

(I) If an offender is being sentenced for a sexually 655  
oriented offense or a child-victim oriented offense committed on 656  
or after January 1, 1997, the judge shall include in the 657  
sentence a summary of the offender's duties imposed under 658  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 659  
Code and the duration of the duties. The judge shall inform the 660  
offender, at the time of sentencing, of those duties and of 661  
their duration. If required under division (A)(2) of section 662  
2950.03 of the Revised Code, the judge shall perform the duties 663  
specified in that section, or, if required under division (A)(6) 664  
of section 2950.03 of the Revised Code, the judge shall perform 665  
the duties specified in that division. 666

(J)(1) Except as provided in division (J)(2) of this 667  
section, when considering sentencing factors under this section 668  
in relation to an offender who is convicted of or pleads guilty 669  
to an attempt to commit an offense in violation of section 670  
2923.02 of the Revised Code, the sentencing court shall consider 671  
the factors applicable to the felony category of the violation 672  
of section 2923.02 of the Revised Code instead of the factors 673  
applicable to the felony category of the offense attempted. 674

(2) When considering sentencing factors under this section 675

in relation to an offender who is convicted of or pleads guilty 676  
to an attempt to commit a drug abuse offense for which the 677  
penalty is determined by the amount or number of unit doses of 678  
the controlled substance involved in the drug abuse offense, the 679  
sentencing court shall consider the factors applicable to the 680  
felony category that the drug abuse offense attempted would be 681  
if that drug abuse offense had been committed and had involved 682  
an amount or number of unit doses of the controlled substance 683  
that is within the next lower range of controlled substance 684  
amounts than was involved in the attempt. 685

(K) As used in this section: 686

(1) "Community addiction services provider" has the same 687  
meaning as in section 5119.01 of the Revised Code. 688

(2) "Drug abuse offense" has the same meaning as in 689  
section 2925.01 of the Revised Code. 690

(3) "Minor drug possession offense" has the same meaning 691  
as in section 2925.11 of the Revised Code. 692

(4) "Qualifying assault offense" means a violation of 693  
section 2903.13 of the Revised Code for which the penalty 694  
provision in division (C) (8) (b) or (C) (9) (b) of that section 695  
applies. 696

(L) At the time of sentencing an offender for any sexually 697  
oriented offense, if the offender is a tier III sex 698  
offender/child-victim offender relative to that offense and the 699  
offender does not serve a prison term or jail term, the court 700  
may require that the offender be monitored by means of a global 701  
positioning device. If the court requires such monitoring, the 702  
cost of monitoring shall be borne by the offender. If the 703  
offender is indigent, the cost of compliance shall be paid by 704

the crime victims reparations fund. 705

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 706  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 707  
(B) (10), (E), (G), (H), (J), or (K) of this section or in 708  
division (D) (6) of section 2919.25 of the Revised Code and 709  
except in relation to an offense for which a sentence of death 710  
or life imprisonment is to be imposed, if the court imposing a 711  
sentence upon an offender for a felony elects or is required to 712  
impose a prison term on the offender pursuant to this chapter, 713  
the court shall impose a definite prison term that shall be one 714  
of the following: 715

(1) For a felony of the first degree, the prison term 716  
shall be three, four, five, six, seven, eight, nine, ten, or 717  
eleven years. 718

(2) For a felony of the second degree, the prison term 719  
shall be two, three, four, five, six, seven, or eight years. 720

(3) (a) For a felony of the third degree that is a 721  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 722  
2907.05 of the Revised Code or that is a violation of section 723  
2911.02 or 2911.12 of the Revised Code if the offender 724  
previously has been convicted of or pleaded guilty in two or 725  
more separate proceedings to two or more violations of section 726  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 727  
prison term shall be twelve, eighteen, twenty-four, thirty, 728  
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 729

(b) For a felony of the third degree that is not an 730  
offense for which division (A) (3) (a) of this section applies, 731  
the prison term shall be nine, twelve, eighteen, twenty-four, 732  
thirty, or thirty-six months. 733

(4) For a felony of the fourth degree, the prison term 734  
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 735  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 736

(5) For a felony of the fifth degree, the prison term 737  
shall be six, seven, eight, nine, ten, eleven, or twelve months. 738

(B) (1) (a) Except as provided in division (B) (1) (e) of this 739  
section, if an offender who is convicted of or pleads guilty to 740  
a felony also is convicted of or pleads guilty to a 741  
specification of the type described in section 2941.141, 742  
2941.144, or 2941.145 of the Revised Code, the court shall 743  
impose on the offender one of the following prison terms: 744

(i) A prison term of six years if the specification is of 745  
the type described in division (A) of section 2941.144 of the 746  
Revised Code that charges the offender with having a firearm 747  
that is an automatic firearm or that was equipped with a firearm 748  
muffler or suppressor on or about the offender's person or under 749  
the offender's control while committing the offense; 750

(ii) A prison term of three years if the specification is 751  
of the type described in division (A) of section 2941.145 of the 752  
Revised Code that charges the offender with having a firearm on 753  
or about the offender's person or under the offender's control 754  
while committing the offense and displaying the firearm, 755  
brandishing the firearm, indicating that the offender possessed 756  
the firearm, or using it to facilitate the offense; 757

(iii) A prison term of one year if the specification is of 758  
the type described in division (A) of section 2941.141 of the 759  
Revised Code that charges the offender with having a firearm on 760  
or about the offender's person or under the offender's control 761  
while committing the offense; 762

(iv) A prison term of nine years if the specification is 763  
of the type described in division (D) of section 2941.144 of the 764  
Revised Code that charges the offender with having a firearm 765  
that is an automatic firearm or that was equipped with a firearm 766  
muffler or suppressor on or about the offender's person or under 767  
the offender's control while committing the offense and 768  
specifies that the offender previously has been convicted of or 769  
pleaded guilty to a specification of the type described in 770  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 771  
the Revised Code; 772

(v) A prison term of fifty-four months if the 773  
specification is of the type described in division (D) of 774  
section 2941.145 of the Revised Code that charges the offender 775  
with having a firearm on or about the offender's person or under 776  
the offender's control while committing the offense and 777  
displaying the firearm, brandishing the firearm, indicating that 778  
the offender possessed the firearm, or using the firearm to 779  
facilitate the offense and that the offender previously has been 780  
convicted of or pleaded guilty to a specification of the type 781  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 782  
2941.1412 of the Revised Code; 783

(vi) A prison term of eighteen months if the specification 784  
is of the type described in division (D) of section 2941.141 of 785  
the Revised Code that charges the offender with having a firearm 786  
on or about the offender's person or under the offender's 787  
control while committing the offense and that the offender 788  
previously has been convicted of or pleaded guilty to a 789  
specification of the type described in section 2941.141, 790  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 791

(b) If a court imposes a prison term on an offender under 792

division (B) (1) (a) of this section, the prison term shall not be 793  
reduced pursuant to section 2967.19, section 2929.20, section 794  
2967.193, or any other provision of Chapter 2967. or Chapter 795  
5120. of the Revised Code. Except as provided in division (B) (1) 796  
(g) of this section, a court shall not impose more than one 797  
prison term on an offender under division (B) (1) (a) of this 798  
section for felonies committed as part of the same act or 799  
transaction. 800

(c) (i) Except as provided in division (B) (1) (e) of this 801  
section, if an offender who is convicted of or pleads guilty to 802  
a violation of section 2923.161 of the Revised Code or to a 803  
felony that includes, as an essential element, purposely or 804  
knowingly causing or attempting to cause the death of or 805  
physical harm to another, also is convicted of or pleads guilty 806  
to a specification of the type described in division (A) of 807  
section 2941.146 of the Revised Code that charges the offender 808  
with committing the offense by discharging a firearm from a 809  
motor vehicle other than a manufactured home, the court, after 810  
imposing a prison term on the offender for the violation of 811  
section 2923.161 of the Revised Code or for the other felony 812  
offense under division (A), (B) (2), or (B) (3) of this section, 813  
shall impose an additional prison term of five years upon the 814  
offender that shall not be reduced pursuant to section 2929.20, 815  
section 2967.19, section 2967.193, or any other provision of 816  
Chapter 2967. or Chapter 5120. of the Revised Code. 817

(ii) Except as provided in division (B) (1) (e) of this 818  
section, if an offender who is convicted of or pleads guilty to 819  
a violation of section 2923.161 of the Revised Code or to a 820  
felony that includes, as an essential element, purposely or 821  
knowingly causing or attempting to cause the death of or 822  
physical harm to another, also is convicted of or pleads guilty 823

to a specification of the type described in division (C) of 824  
section 2941.146 of the Revised Code that charges the offender 825  
with committing the offense by discharging a firearm from a 826  
motor vehicle other than a manufactured home and that the 827  
offender previously has been convicted of or pleaded guilty to a 828  
specification of the type described in section 2941.141, 829  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 830  
the court, after imposing a prison term on the offender for the 831  
violation of section 2923.161 of the Revised Code or for the 832  
other felony offense under division (A), (B) (2), or (3) of this 833  
section, shall impose an additional prison term of ninety months 834  
upon the offender that shall not be reduced pursuant to section 835  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 836  
2967. or Chapter 5120. of the Revised Code. 837

(iii) A court shall not impose more than one additional 838  
prison term on an offender under division (B) (1) (c) of this 839  
section for felonies committed as part of the same act or 840  
transaction. If a court imposes an additional prison term on an 841  
offender under division (B) (1) (c) of this section relative to an 842  
offense, the court also shall impose a prison term under 843  
division (B) (1) (a) of this section relative to the same offense, 844  
provided the criteria specified in that division for imposing an 845  
additional prison term are satisfied relative to the offender 846  
and the offense. 847

(d) If an offender who is convicted of or pleads guilty to 848  
an offense of violence that is a felony also is convicted of or 849  
pleads guilty to a specification of the type described in 850  
section 2941.1411 of the Revised Code that charges the offender 851  
with wearing or carrying body armor while committing the felony 852  
offense of violence, the court shall impose on the offender a 853  
prison term of two years. The prison term so imposed, subject to 854

divisions (C) to (I) of section 2967.19 of the Revised Code, 855  
shall not be reduced pursuant to section 2929.20, section 856  
2967.19, section 2967.193, or any other provision of Chapter 857  
2967. or Chapter 5120. of the Revised Code. A court shall not 858  
impose more than one prison term on an offender under division 859  
(B)(1)(d) of this section for felonies committed as part of the 860  
same act or transaction. If a court imposes an additional prison 861  
term under division (B)(1)(a) or (c) of this section, the court 862  
is not precluded from imposing an additional prison term under 863  
division (B)(1)(d) of this section. 864

(e) The court shall not impose any of the prison terms 865  
described in division (B)(1)(a) of this section or any of the 866  
additional prison terms described in division (B)(1)(c) of this 867  
section upon an offender for a violation of section 2923.12 or 868  
2923.123 of the Revised Code. The court shall not impose any of 869  
the prison terms described in division (B)(1)(a) or (b) of this 870  
section upon an offender for a violation of section 2923.122 871  
that involves a deadly weapon that is a firearm other than a 872  
dangerous ordnance, section 2923.16, or section 2923.121 of the 873  
Revised Code. The court shall not impose any of the prison terms 874  
described in division (B)(1)(a) of this section or any of the 875  
additional prison terms described in division (B)(1)(c) of this 876  
section upon an offender for a violation of section 2923.13 of 877  
the Revised Code unless all of the following apply: 878

(i) The offender previously has been convicted of 879  
aggravated murder, murder, or any felony of the first or second 880  
degree. 881

(ii) Less than five years have passed since the offender 882  
was released from prison or post-release control, whichever is 883  
later, for the prior offense. 884

(f) (i) If an offender is convicted of or pleads guilty to 885  
a felony that includes, as an essential element, causing or 886  
attempting to cause the death of or physical harm to another and 887  
also is convicted of or pleads guilty to a specification of the 888  
type described in division (A) of section 2941.1412 of the 889  
Revised Code that charges the offender with committing the 890  
offense by discharging a firearm at a peace officer as defined 891  
in section 2935.01 of the Revised Code or a corrections officer, 892  
as defined in section 2941.1412 of the Revised Code, the court, 893  
after imposing a prison term on the offender for the felony 894  
offense under division (A), (B) (2), or (B) (3) of this section, 895  
shall impose an additional prison term of seven years upon the 896  
offender that shall not be reduced pursuant to section 2929.20, 897  
section 2967.19, section 2967.193, or any other provision of 898  
Chapter 2967. or Chapter 5120. of the Revised Code. 899

(ii) If an offender is convicted of or pleads guilty to a 900  
felony that includes, as an essential element, causing or 901  
attempting to cause the death of or physical harm to another and 902  
also is convicted of or pleads guilty to a specification of the 903  
type described in division (B) of section 2941.1412 of the 904  
Revised Code that charges the offender with committing the 905  
offense by discharging a firearm at a peace officer, as defined 906  
in section 2935.01 of the Revised Code, or a corrections 907  
officer, as defined in section 2941.1412 of the Revised Code, 908  
and that the offender previously has been convicted of or 909  
pleaded guilty to a specification of the type described in 910  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 911  
the Revised Code, the court, after imposing a prison term on the 912  
offender for the felony offense under division (A), (B) (2), or 913  
(3) of this section, shall impose an additional prison term of 914  
one hundred twenty-six months upon the offender that shall not 915

be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 916  
any other provision of Chapter 2967. or 5120. of the Revised 917  
Code. 918

(iii) If an offender is convicted of or pleads guilty to 919  
two or more felonies that include, as an essential element, 920  
causing or attempting to cause the death or physical harm to 921  
another and also is convicted of or pleads guilty to a 922  
specification of the type described under division (B) (1) (f) of 923  
this section in connection with two or more of the felonies of 924  
which the offender is convicted or to which the offender pleads 925  
guilty, the sentencing court shall impose on the offender the 926  
prison term specified under division (B) (1) (f) of this section 927  
for each of two of the specifications of which the offender is 928  
convicted or to which the offender pleads guilty and, in its 929  
discretion, also may impose on the offender the prison term 930  
specified under that division for any or all of the remaining 931  
specifications. If a court imposes an additional prison term on 932  
an offender under division (B) (1) (f) of this section relative to 933  
an offense, the court shall not impose a prison term under 934  
division (B) (1) (a) or (c) of this section relative to the same 935  
offense. 936

(g) If an offender is convicted of or pleads guilty to two 937  
or more felonies, if one or more of those felonies are 938  
aggravated murder, murder, attempted aggravated murder, 939  
attempted murder, aggravated robbery, felonious assault, or 940  
rape, and if the offender is convicted of or pleads guilty to a 941  
specification of the type described under division (B) (1) (a) of 942  
this section in connection with two or more of the felonies, the 943  
sentencing court shall impose on the offender the prison term 944  
specified under division (B) (1) (a) of this section for each of 945  
the two most serious specifications of which the offender is 946

convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications.

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

(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 976  
inadequate to punish the offender and protect the public from 977  
future crime, because the applicable factors under section 978  
2929.12 of the Revised Code indicating a greater likelihood of 979  
recidivism outweigh the applicable factors under that section 980  
indicating a lesser likelihood of recidivism. 981

(v) The court finds that the prison terms imposed pursuant 982  
to division (B) (2) (a) (iii) of this section and, if applicable, 983  
division (B) (1) or (3) of this section are demeaning to the 984  
seriousness of the offense, because one or more of the factors 985  
under section 2929.12 of the Revised Code indicating that the 986  
offender's conduct is more serious than conduct normally 987  
constituting the offense are present, and they outweigh the 988  
applicable factors under that section indicating that the 989  
offender's conduct is less serious than conduct normally 990  
constituting the offense. 991

(b) The court shall impose on an offender the longest 992  
prison term authorized or required for the offense and shall 993  
impose on the offender an additional definite prison term of 994  
one, two, three, four, five, six, seven, eight, nine, or ten 995  
years if all of the following criteria are met: 996

(i) The offender is convicted of or pleads guilty to a 997  
specification of the type described in section 2941.149 of the 998  
Revised Code that the offender is a repeat violent offender. 999

(ii) The offender within the preceding twenty years has 1000  
been convicted of or pleaded guilty to three or more offenses 1001  
described in division (CC) (1) of section 2929.01 of the Revised 1002  
Code, including all offenses described in that division of which 1003  
the offender is convicted or to which the offender pleads guilty 1004  
in the current prosecution and all offenses described in that 1005

division of which the offender previously has been convicted or 1006  
to which the offender previously pleaded guilty, whether 1007  
prosecuted together or separately. 1008

(iii) The offense or offenses of which the offender 1009  
currently is convicted or to which the offender currently pleads 1010  
guilty is aggravated murder and the court does not impose a 1011  
sentence of death or life imprisonment without parole, murder, 1012  
terrorism and the court does not impose a sentence of life 1013  
imprisonment without parole, any felony of the first degree that 1014  
is an offense of violence and the court does not impose a 1015  
sentence of life imprisonment without parole, or any felony of 1016  
the second degree that is an offense of violence and the trier 1017  
of fact finds that the offense involved an attempt to cause or a 1018  
threat to cause serious physical harm to a person or resulted in 1019  
serious physical harm to a person. 1020

(c) For purposes of division (B) (2) (b) of this section, 1021  
two or more offenses committed at the same time or as part of 1022  
the same act or event shall be considered one offense, and that 1023  
one offense shall be the offense with the greatest penalty. 1024

(d) A sentence imposed under division (B) (2) (a) or (b) of 1025  
this section shall not be reduced pursuant to section 2929.20, 1026  
section 2967.19, or section 2967.193, or any other provision of 1027  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1028  
shall serve an additional prison term imposed under this section 1029  
consecutively to and prior to the prison term imposed for the 1030  
underlying offense. 1031

(e) When imposing a sentence pursuant to division (B) (2) 1032  
(a) or (b) of this section, the court shall state its findings 1033  
explaining the imposed sentence. 1034

(3) Except when an offender commits a violation of section 1035  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1036  
for the violation is life imprisonment or commits a violation of 1037  
section 2903.02 of the Revised Code, if the offender commits a 1038  
violation of section 2925.03 or 2925.11 of the Revised Code and 1039  
that section classifies the offender as a major drug offender, 1040  
if the offender commits a felony violation of section 2925.02, 1041  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1042  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1043  
division (C) of section 4729.51, or division (J) of section 1044  
4729.54 of the Revised Code that includes the sale, offer to 1045  
sell, or possession of a schedule I or II controlled substance, 1046  
with the exception of marihuana, and the court imposing sentence 1047  
upon the offender finds that the offender is guilty of a 1048  
specification of the type described in section 2941.1410 of the 1049  
Revised Code charging that the offender is a major drug 1050  
offender, if the court imposing sentence upon an offender for a 1051  
felony finds that the offender is guilty of corrupt activity 1052  
with the most serious offense in the pattern of corrupt activity 1053  
being a felony of the first degree, or if the offender is guilty 1054  
of an attempted violation of section 2907.02 of the Revised Code 1055  
and, had the offender completed the violation of section 2907.02 1056  
of the Revised Code that was attempted, the offender would have 1057  
been subject to a sentence of life imprisonment or life 1058  
imprisonment without parole for the violation of section 2907.02 1059  
of the Revised Code, the court shall impose upon the offender 1060  
for the felony violation a mandatory prison term of the maximum 1061  
prison term prescribed for a felony of the first degree that, 1062  
subject to divisions (C) to (I) of section 2967.19 of the 1063  
Revised Code, cannot be reduced pursuant to section 2929.20, 1064  
section 2967.19, or any other provision of Chapter 2967. or 1065  
5120. of the Revised Code. 1066

(4) If the offender is being sentenced for a third or 1067  
fourth degree felony OVI offense under division (G) (2) of 1068  
section 2929.13 of the Revised Code, the sentencing court shall 1069  
impose upon the offender a mandatory prison term in accordance 1070  
with that division. In addition to the mandatory prison term, if 1071  
the offender is being sentenced for a fourth degree felony OVI 1072  
offense, the court, notwithstanding division (A) (4) of this 1073  
section, may sentence the offender to a definite prison term of 1074  
not less than six months and not more than thirty months, and if 1075  
the offender is being sentenced for a third degree felony OVI 1076  
offense, the sentencing court may sentence the offender to an 1077  
additional prison term of any duration specified in division (A) 1078  
(3) of this section. In either case, the additional prison term 1079  
imposed shall be reduced by the sixty or one hundred twenty days 1080  
imposed upon the offender as the mandatory prison term. The 1081  
total of the additional prison term imposed under division (B) 1082  
(4) of this section plus the sixty or one hundred twenty days 1083  
imposed as the mandatory prison term shall equal a definite term 1084  
in the range of six months to thirty months for a fourth degree 1085  
felony OVI offense and shall equal one of the authorized prison 1086  
terms specified in division (A) (3) of this section for a third 1087  
degree felony OVI offense. If the court imposes an additional 1088  
prison term under division (B) (4) of this section, the offender 1089  
shall serve the additional prison term after the offender has 1090  
served the mandatory prison term required for the offense. In 1091  
addition to the mandatory prison term or mandatory and 1092  
additional prison term imposed as described in division (B) (4) 1093  
of this section, the court also may sentence the offender to a 1094  
community control sanction under section 2929.16 or 2929.17 of 1095  
the Revised Code, but the offender shall serve all of the prison 1096  
terms so imposed prior to serving the community control 1097  
sanction. 1098

If the offender is being sentenced for a fourth degree 1099  
felony OVI offense under division (G) (1) of section 2929.13 of 1100  
the Revised Code and the court imposes a mandatory term of local 1101  
incarceration, the court may impose a prison term as described 1102  
in division (A) (1) of that section. 1103

(5) If an offender is convicted of or pleads guilty to a 1104  
violation of division (A) (1) or (2) of section 2903.06 of the 1105  
Revised Code and also is convicted of or pleads guilty to a 1106  
specification of the type described in section 2941.1414 of the 1107  
Revised Code that charges that the victim of the offense is a 1108  
peace officer, as defined in section 2935.01 of the Revised 1109  
Code, or an investigator of the bureau of criminal 1110  
identification and investigation, as defined in section 2903.11 1111  
of the Revised Code, the court shall impose on the offender a 1112  
prison term of five years. If a court imposes a prison term on 1113  
an offender under division (B) (5) of this section, the prison 1114  
term, subject to divisions (C) to (I) of section 2967.19 of the 1115  
Revised Code, shall not be reduced pursuant to section 2929.20, 1116  
section 2967.19, section 2967.193, or any other provision of 1117  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1118  
shall not impose more than one prison term on an offender under 1119  
division (B) (5) of this section for felonies committed as part 1120  
of the same act. 1121

(6) If an offender is convicted of or pleads guilty to a 1122  
violation of division (A) (1) or (2) of section 2903.06 of the 1123  
Revised Code and also is convicted of or pleads guilty to a 1124  
specification of the type described in section 2941.1415 of the 1125  
Revised Code that charges that the offender previously has been 1126  
convicted of or pleaded guilty to three or more violations of 1127  
division (A) or (B) of section 4511.19 of the Revised Code or an 1128  
equivalent offense, as defined in section 2941.1415 of the 1129

Revised Code, or three or more violations of any combination of 1130  
those divisions and offenses, the court shall impose on the 1131  
offender a prison term of three years. If a court imposes a 1132  
prison term on an offender under division (B) (6) of this 1133  
section, the prison term, subject to divisions (C) to (I) of 1134  
section 2967.19 of the Revised Code, shall not be reduced 1135  
pursuant to section 2929.20, section 2967.19, section 2967.193, 1136  
or any other provision of Chapter 2967. or Chapter 5120. of the 1137  
Revised Code. A court shall not impose more than one prison term 1138  
on an offender under division (B) (6) of this section for 1139  
felonies committed as part of the same act. 1140

(7) (a) If an offender is convicted of or pleads guilty to 1141  
a felony violation of section 2905.01, 2905.02, 2907.21, 1142  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 1143  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 1144  
the Revised Code and also is convicted of or pleads guilty to a 1145  
specification of the type described in section 2941.1422 of the 1146  
Revised Code that charges that the offender knowingly committed 1147  
the offense in furtherance of human trafficking, the court shall 1148  
impose on the offender a mandatory prison term that is one of 1149  
the following: 1150

(i) If the offense is a felony of the first degree, a 1151  
definite prison term of not less than five years and not greater 1152  
than ten years; 1153

(ii) If the offense is a felony of the second or third 1154  
degree, a definite prison term of not less than three years and 1155  
not greater than the maximum prison term allowed for the offense 1156  
by division (A) of section 2929.14 of the Revised Code; 1157

(iii) If the offense is a felony of the fourth or fifth 1158  
degree, a definite prison term that is the maximum prison term 1159

allowed for the offense by division (A) of section 2929.14 of 1160  
the Revised Code. 1161

(b) Subject to divisions (C) to (I) of section 2967.19 of 1162  
the Revised Code, the prison term imposed under division (B) (7) 1163  
(a) of this section shall not be reduced pursuant to section 1164  
2929.20, section 2967.19, section 2967.193, or any other 1165  
provision of Chapter 2967. of the Revised Code. A court shall 1166  
not impose more than one prison term on an offender under 1167  
division (B) (7) (a) of this section for felonies committed as 1168  
part of the same act, scheme, or plan. 1169

(8) If an offender is convicted of or pleads guilty to a 1170  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1171  
Revised Code and also is convicted of or pleads guilty to a 1172  
specification of the type described in section 2941.1423 of the 1173  
Revised Code that charges that the victim of the violation was a 1174  
woman whom the offender knew was pregnant at the time of the 1175  
violation, notwithstanding the range of prison terms prescribed 1176  
in division (A) of this section for felonies of the same degree 1177  
as the violation, the court shall impose on the offender a 1178  
mandatory prison term that is either a definite prison term of 1179  
six months or one of the prison terms prescribed in section 1180  
2929.14 of the Revised Code for felonies of the same degree as 1181  
the violation. 1182

(9) (a) Except as provided in division (B) (9) (b) of this 1183  
section, if an offender who is convicted of or pleads guilty to 1184  
a felony also is convicted of or pleads guilty to a 1185  
specification of the type described in section 2941.1425 of the 1186  
Revised Code that charges the victim of the offense is a 1187  
disabled person, as defined in that section, the court shall 1188  
impose upon the offender a mandatory prison term of two years. 1189

If a court imposes a prison term on an offender under division (B) (9) of this section, the prison term shall not be reduced pursuant to any provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (9) of this section for felonies committed as part of the same act. 1190  
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(b) The court shall not impose the prison term described in division (B) (9) (a) of this section upon an offender if the offender is convicted of or pleads guilty to a violation of section 2913.02, 2913.03, 2913.21, 2913.43, or 2913.49 of the Revised Code, a violation of division (A) (1) of section 1716.14, division (A) (3) (b) of section 2907.24, division (A) or (B) of section 2913.04, or division (A) of section 2913.31 of the Revised Code, or a violation of section 2903.13 of the Revised Code that is committed by a caretaker against a functionally impaired person under the caretaker's care. 1196  
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(10) (a) Except as provided in division (B) (10) (b) of this section, if an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.1426 of the Revised Code that charges the victim of the offense is an elderly person, as defined in that section, the court shall impose upon the offender a mandatory prison term of two years. If a court imposes a prison term on an offender under division (B) (10) of this section, the prison term shall not be reduced pursuant to any provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (10) of this section for felonies committed as part of the same act. 1206  
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(b) The court shall not impose the prison term described 1219

in division (B) (1) (a) of this section upon an offender if the 1220  
offender is convicted of or pleads guilty to a violation of 1221  
section 2913.02, 2913.03, 2913.21, 2913.43, or 2913.49 of the 1222  
Revised Code, a violation of division (A) (1) of section 1716.14, 1223  
division (A) or (B) of section 2913.04, or division (A) of 1224  
section 2913.31 of the Revised Code, or a violation of section 1225  
2903.13 of the Revised Code that is committed by a caretaker 1226  
against a functionally impaired person under the caretaker's 1227  
care. 1228

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1229  
if a mandatory prison term is imposed upon an offender pursuant 1230  
to division (B) (1) (a) of this section for having a firearm on or 1231  
about the offender's person or under the offender's control 1232  
while committing a felony, if a mandatory prison term is imposed 1233  
upon an offender pursuant to division (B) (1) (c) of this section 1234  
for committing a felony specified in that division by 1235  
discharging a firearm from a motor vehicle, or if both types of 1236  
mandatory prison terms are imposed, the offender shall serve any 1237  
mandatory prison term imposed under either division 1238  
consecutively to any other mandatory prison term imposed under 1239  
either division or under division (B) (1) (d) of this section, 1240  
consecutively to and prior to any prison term imposed for the 1241  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1242  
this section or any other section of the Revised Code, and 1243  
consecutively to any other prison term or mandatory prison term 1244  
previously or subsequently imposed upon the offender. 1245

(b) If a mandatory prison term is imposed upon an offender 1246  
pursuant to division (B) (1) (d) of this section for wearing or 1247  
carrying body armor while committing an offense of violence that 1248  
is a felony, the offender shall serve the mandatory term so 1249  
imposed consecutively to any other mandatory prison term imposed 1250

under that division or under division (B) (1) (a) or (c) of this 1251  
section, consecutively to and prior to any prison term imposed 1252  
for the underlying felony under division (A), (B) (2), or (B) (3) 1253  
of this section or any other section of the Revised Code, and 1254  
consecutively to any other prison term or mandatory prison term 1255  
previously or subsequently imposed upon the offender. 1256

(c) If a mandatory prison term is imposed upon an offender 1257  
pursuant to division (B) (1) (f) of this section, the offender 1258  
shall serve the mandatory prison term so imposed consecutively 1259  
to and prior to any prison term imposed for the underlying 1260  
felony under division (A), (B) (2), or (B) (3) of this section or 1261  
any other section of the Revised Code, and consecutively to any 1262  
other prison term or mandatory prison term previously or 1263  
subsequently imposed upon the offender. 1264

(d) If a mandatory prison term is imposed upon an offender 1265  
pursuant to division (B) (7) ~~or~~, (8), (9), or (10) of this 1266  
section, the offender shall serve the mandatory prison term so 1267  
imposed consecutively to any other mandatory prison term imposed 1268  
under that division or under any other provision of law and 1269  
consecutively to any other prison term or mandatory prison term 1270  
previously or subsequently imposed upon the offender. 1271

(2) If an offender who is an inmate in a jail, prison, or 1272  
other residential detention facility violates section 2917.02, 1273  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1274  
(2) of section 2921.34 of the Revised Code, if an offender who 1275  
is under detention at a detention facility commits a felony 1276  
violation of section 2923.131 of the Revised Code, or if an 1277  
offender who is an inmate in a jail, prison, or other 1278  
residential detention facility or is under detention at a 1279  
detention facility commits another felony while the offender is 1280

an escapee in violation of division (A) (1) or (2) of section 1281  
2921.34 of the Revised Code, any prison term imposed upon the 1282  
offender for one of those violations shall be served by the 1283  
offender consecutively to the prison term or term of 1284  
imprisonment the offender was serving when the offender 1285  
committed that offense and to any other prison term previously 1286  
or subsequently imposed upon the offender. 1287

(3) If a prison term is imposed for a violation of 1288  
division (B) of section 2911.01 of the Revised Code, a violation 1289  
of division (A) of section 2913.02 of the Revised Code in which 1290  
the stolen property is a firearm or dangerous ordnance, or a 1291  
felony violation of division (B) of section 2921.331 of the 1292  
Revised Code, the offender shall serve that prison term 1293  
consecutively to any other prison term or mandatory prison term 1294  
previously or subsequently imposed upon the offender. 1295

(4) If multiple prison terms are imposed on an offender 1296  
for convictions of multiple offenses, the court may require the 1297  
offender to serve the prison terms consecutively if the court 1298  
finds that the consecutive service is necessary to protect the 1299  
public from future crime or to punish the offender and that 1300  
consecutive sentences are not disproportionate to the 1301  
seriousness of the offender's conduct and to the danger the 1302  
offender poses to the public, and if the court also finds any of 1303  
the following: 1304

(a) The offender committed one or more of the multiple 1305  
offenses while the offender was awaiting trial or sentencing, 1306  
was under a sanction imposed pursuant to section 2929.16, 1307  
2929.17, or 2929.18 of the Revised Code, or was under post- 1308  
release control for a prior offense. 1309

(b) At least two of the multiple offenses were committed 1310

as part of one or more courses of conduct, and the harm caused 1311  
by two or more of the multiple offenses so committed was so 1312  
great or unusual that no single prison term for any of the 1313  
offenses committed as part of any of the courses of conduct 1314  
adequately reflects the seriousness of the offender's conduct. 1315

(c) The offender's history of criminal conduct 1316  
demonstrates that consecutive sentences are necessary to protect 1317  
the public from future crime by the offender. 1318

(5) If a mandatory prison term is imposed upon an offender 1319  
pursuant to division (B) (5) or (6) of this section, the offender 1320  
shall serve the mandatory prison term consecutively to and prior 1321  
to any prison term imposed for the underlying violation of 1322  
division (A) (1) or (2) of section 2903.06 of the Revised Code 1323  
pursuant to division (A) of this section or section 2929.142 of 1324  
the Revised Code. If a mandatory prison term is imposed upon an 1325  
offender pursuant to division (B) (5) of this section, and if a 1326  
mandatory prison term also is imposed upon the offender pursuant 1327  
to division (B) (6) of this section in relation to the same 1328  
violation, the offender shall serve the mandatory prison term 1329  
imposed pursuant to division (B) (5) of this section 1330  
consecutively to and prior to the mandatory prison term imposed 1331  
pursuant to division (B) (6) of this section and consecutively to 1332  
and prior to any prison term imposed for the underlying 1333  
violation of division (A) (1) or (2) of section 2903.06 of the 1334  
Revised Code pursuant to division (A) of this section or section 1335  
2929.142 of the Revised Code. 1336

(6) When consecutive prison terms are imposed pursuant to 1337  
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 1338  
of this section, the term to be served is the aggregate of all 1339  
of the terms so imposed. 1340

(D) (1) If a court imposes a prison term for a felony of 1341  
the first degree, for a felony of the second degree, for a 1342  
felony sex offense, or for a felony of the third degree that is 1343  
not a felony sex offense and in the commission of which the 1344  
offender caused or threatened to cause physical harm to a 1345  
person, it shall include in the sentence a requirement that the 1346  
offender be subject to a period of post-release control after 1347  
the offender's release from imprisonment, in accordance with 1348  
that division. If a court imposes a sentence including a prison 1349  
term of a type described in this division on or after July 11, 1350  
2006, the failure of a court to include a post-release control 1351  
requirement in the sentence pursuant to this division does not 1352  
negate, limit, or otherwise affect the mandatory period of post- 1353  
release control that is required for the offender under division 1354  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1355  
the Revised Code applies if, prior to July 11, 2006, a court 1356  
imposed a sentence including a prison term of a type described 1357  
in this division and failed to include in the sentence pursuant 1358  
to this division a statement regarding post-release control. 1359

(2) If a court imposes a prison term for a felony of the 1360  
third, fourth, or fifth degree that is not subject to division 1361  
(D) (1) of this section, it shall include in the sentence a 1362  
requirement that the offender be subject to a period of post- 1363  
release control after the offender's release from imprisonment, 1364  
in accordance with that division, if the parole board determines 1365  
that a period of post-release control is necessary. Section 1366  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1367  
a court imposed a sentence including a prison term of a type 1368  
described in this division and failed to include in the sentence 1369  
pursuant to this division a statement regarding post-release 1370  
control. 1371

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

(1) A person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, and, in relation to that offense, the offender is adjudicated a sexually violent predator.

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

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

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

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and

division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1401  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1402  
(d) of section 2929.03, or division (A) or (B) of section 1403  
2929.06 of the Revised Code requires the court to sentence the 1404  
offender pursuant to division (B) (3) of section 2971.03 of the 1405  
Revised Code. 1406

(6) A person is convicted of or pleads guilty to murder 1407  
committed on or after January 1, 2008, and division (B) (2) of 1408  
section 2929.02 of the Revised Code requires the court to 1409  
sentence the offender pursuant to section 2971.03 of the Revised 1410  
Code. 1411

(F) If a person who has been convicted of or pleaded 1412  
guilty to a felony is sentenced to a prison term or term of 1413  
imprisonment under this section, sections 2929.02 to 2929.06 of 1414  
the Revised Code, section 2929.142 of the Revised Code, section 1415  
2971.03 of the Revised Code, or any other provision of law, 1416  
section 5120.163 of the Revised Code applies regarding the 1417  
person while the person is confined in a state correctional 1418  
institution. 1419

(G) If an offender who is convicted of or pleads guilty to 1420  
a felony that is an offense of violence also is convicted of or 1421  
pleads guilty to a specification of the type described in 1422  
section 2941.142 of the Revised Code that charges the offender 1423  
with having committed the felony while participating in a 1424  
criminal gang, the court shall impose upon the offender an 1425  
additional prison term of one, two, or three years. 1426

(H) (1) If an offender who is convicted of or pleads guilty 1427  
to aggravated murder, murder, or a felony of the first, second, 1428  
or third degree that is an offense of violence also is convicted 1429  
of or pleads guilty to a specification of the type described in 1430

section 2941.143 of the Revised Code that charges the offender 1431  
with having committed the offense in a school safety zone or 1432  
towards a person in a school safety zone, the court shall impose 1433  
upon the offender an additional prison term of two years. The 1434  
offender shall serve the additional two years consecutively to 1435  
and prior to the prison term imposed for the underlying offense. 1436

(2) (a) If an offender is convicted of or pleads guilty to 1437  
a felony violation of section 2907.22, 2907.24, 2907.241, or 1438  
2907.25 of the Revised Code and to a specification of the type 1439  
described in section 2941.1421 of the Revised Code and if the 1440  
court imposes a prison term on the offender for the felony 1441  
violation, the court may impose upon the offender an additional 1442  
prison term as follows: 1443

(i) Subject to division (H) (2) (a) (ii) of this section, an 1444  
additional prison term of one, two, three, four, five, or six 1445  
months; 1446

(ii) If the offender previously has been convicted of or 1447  
pleaded guilty to one or more felony or misdemeanor violations 1448  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1449  
the Revised Code and also was convicted of or pleaded guilty to 1450  
a specification of the type described in section 2941.1421 of 1451  
the Revised Code regarding one or more of those violations, an 1452  
additional prison term of one, two, three, four, five, six, 1453  
seven, eight, nine, ten, eleven, or twelve months. 1454

(b) In lieu of imposing an additional prison term under 1455  
division (H) (2) (a) of this section, the court may directly 1456  
impose on the offender a sanction that requires the offender to 1457  
wear a real-time processing, continual tracking electronic 1458  
monitoring device during the period of time specified by the 1459  
court. The period of time specified by the court shall equal the 1460

duration of an additional prison term that the court could have 1461  
imposed upon the offender under division (H) (2) (a) of this 1462  
section. A sanction imposed under this division shall commence 1463  
on the date specified by the court, provided that the sanction 1464  
shall not commence until after the offender has served the 1465  
prison term imposed for the felony violation of section 2907.22, 1466  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1467  
residential sanction imposed for the violation under section 1468  
2929.16 of the Revised Code. A sanction imposed under this 1469  
division shall be considered to be a community control sanction 1470  
for purposes of section 2929.15 of the Revised Code, and all 1471  
provisions of the Revised Code that pertain to community control 1472  
sanctions shall apply to a sanction imposed under this division, 1473  
except to the extent that they would by their nature be clearly 1474  
inapplicable. The offender shall pay all costs associated with a 1475  
sanction imposed under this division, including the cost of the 1476  
use of the monitoring device. 1477

(I) At the time of sentencing, the court may recommend the 1478  
offender for placement in a program of shock incarceration under 1479  
section 5120.031 of the Revised Code or for placement in an 1480  
intensive program prison under section 5120.032 of the Revised 1481  
Code, disapprove placement of the offender in a program of shock 1482  
incarceration or an intensive program prison of that nature, or 1483  
make no recommendation on placement of the offender. In no case 1484  
shall the department of rehabilitation and correction place the 1485  
offender in a program or prison of that nature unless the 1486  
department determines as specified in section 5120.031 or 1487  
5120.032 of the Revised Code, whichever is applicable, that the 1488  
offender is eligible for the placement. 1489

If the court disapproves placement of the offender in a 1490  
program or prison of that nature, the department of 1491

rehabilitation and correction shall not place the offender in 1492  
any program of shock incarceration or intensive program prison. 1493

If the court recommends placement of the offender in a 1494  
program of shock incarceration or in an intensive program 1495  
prison, and if the offender is subsequently placed in the 1496  
recommended program or prison, the department shall notify the 1497  
court of the placement and shall include with the notice a brief 1498  
description of the placement. 1499

If the court recommends placement of the offender in a 1500  
program of shock incarceration or in an intensive program prison 1501  
and the department does not subsequently place the offender in 1502  
the recommended program or prison, the department shall send a 1503  
notice to the court indicating why the offender was not placed 1504  
in the recommended program or prison. 1505

If the court does not make a recommendation under this 1506  
division with respect to an offender and if the department 1507  
determines as specified in section 5120.031 or 5120.032 of the 1508  
Revised Code, whichever is applicable, that the offender is 1509  
eligible for placement in a program or prison of that nature, 1510  
the department shall screen the offender and determine if there 1511  
is an available program of shock incarceration or an intensive 1512  
program prison for which the offender is suited. If there is an 1513  
available program of shock incarceration or an intensive program 1514  
prison for which the offender is suited, the department shall 1515  
notify the court of the proposed placement of the offender as 1516  
specified in section 5120.031 or 5120.032 of the Revised Code 1517  
and shall include with the notice a brief description of the 1518  
placement. The court shall have ten days from receipt of the 1519  
notice to disapprove the placement. 1520

(J) If a person is convicted of or pleads guilty to 1521

aggravated vehicular homicide in violation of division (A) (1) of 1522  
section 2903.06 of the Revised Code and division (B) (2) (c) of 1523  
that section applies, the person shall be sentenced pursuant to 1524  
section 2929.142 of the Revised Code. 1525

(K) (1) The court shall impose an additional mandatory 1526  
prison term of two, three, four, five, six, seven, eight, nine, 1527  
ten, or eleven years on an offender who is convicted of or 1528  
pleads guilty to a violent felony offense if the offender also 1529  
is convicted of or pleads guilty to a specification of the type 1530  
described in section 2941.1424 of the Revised Code that charges 1531  
that the offender is a violent career criminal and had a firearm 1532  
on or about the offender's person or under the offender's 1533  
control while committing the presently charged violent felony 1534  
offense and displayed or brandished the firearm, indicated that 1535  
the offender possessed a firearm, or used the firearm to 1536  
facilitate the offense. The offender shall serve the prison term 1537  
imposed under this division consecutively to and prior to the 1538  
prison term imposed for the underlying offense. The prison term 1539  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1540  
any other provision of Chapter 2967. or 5120. of the Revised 1541  
Code. A court may not impose more than one sentence under 1542  
division (B) (2) (a) of this section and this division for acts 1543  
committed as part of the same act or transaction. 1544

(2) As used in division (K) (1) of this section, "violent 1545  
career criminal" and "violent felony offense" have the same 1546  
meanings as in section 2923.132 of the Revised Code. 1547

Sec. 2941.1425. (A) Imposition of a two-year mandatory 1548  
prison term upon an offender under division (B) (9) of section 1549  
2929.14 of the Revised Code is precluded unless the indictment, 1550  
count in the indictment, or information charging the offense 1551

specifies that the victim of the offense is a disabled person. 1552  
The specification shall be stated at the end of the body of the 1553  
indictment, count, or information, and shall be in substantially 1554  
the following form: 1555

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1556  
Grand Jurors (or insert the person's or the prosecuting 1557  
attorney's name when appropriate) further find and specify that 1558  
(set forth that the victim of the offense is a disabled 1559  
person)." 1560

(B) The specification described in division (A) of this 1561  
section may be used in a delinquent child proceeding in the 1562  
manner and for the purpose described in section 2152.17 of the 1563  
Revised Code. 1564

(C) As used in this section: 1565

(1) "Disabled person" means a person who has a physical or 1566  
mental impairment which substantially limits one or more of the 1567  
person's major life activities. 1568

(2) "Physical or mental impairment" means any of the 1569  
following: 1570

(a) Any physiological disorder or condition, cosmetic 1571  
disfigurement, or anatomical loss substantially affecting one or 1572  
more of the following body systems: neurological; 1573  
musculoskeletal; special sense organs; respiratory, including 1574  
speech organs; cardiovascular; reproductive; digestive; 1575  
genitourinary; hemic and lymphatic; skin; or endocrine. 1576

(b) Any mental or psychological disorder, such as mental 1577  
retardation, organic brain syndrome, emotional or mental 1578  
illness, and specific learning disabilities. 1579

(3) "Substantially limits" means substantially interferes 1580  
with or affects over an extended period of time. Minor temporary 1581  
ailments or injuries shall not be considered physical or mental 1582  
impairments that substantially limit a person's major life 1583  
activities. Examples of minor temporary ailments are colds, 1584  
influenza, sprains, or minor injuries. 1585

(4) "Major life activities" include functions such as 1586  
caring for oneself, performing manual tasks, walking, seeing, 1587  
hearing, speaking, breathing, learning, and working. 1588

**Sec. 2941.1426.** (A) Imposition of a two-year mandatory 1589  
prison term upon an offender under division (B) (10) of section 1590  
2929.14 of the Revised Code is precluded unless the indictment, 1591  
count in the indictment, or information charging the offense 1592  
specifies that the victim of the offense is an elderly person. 1593  
The specification shall be stated at the end of the body of the 1594  
indictment, count, or information, and shall be in substantially 1595  
the following form: 1596

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1597  
Grand Jurors (or insert the person's or the prosecuting 1598  
attorney's name when appropriate) further find and specify that 1599  
(set forth that the victim of the offense is an elderly 1600  
person)." 1601

(B) The specification described in division (A) of this 1602  
section may be used in a delinquent child proceeding in the 1603  
manner and for the purpose described in section 2152.17 of the 1604  
Revised Code. 1605

(C) As used in this section, "elderly person" means a 1606  
person who is sixty-five years of age or older. 1607

**Section 2.** That existing sections 2152.17, 2929.13, and 1608

2929.14 of the Revised Code are hereby repealed. 1609

**Section 3.** Section 2929.13 of the Revised Code is 1610  
presented in this act as a composite of the section as amended 1611  
by Sub. H.B. 60, Sub. H.B. 110, and Am. Sub. S.B. 97, all of the 1612  
131st General Assembly. The General Assembly, applying the 1613  
principle stated in division (B) of section 1.52 of the Revised 1614  
Code that amendments are to be harmonized if reasonably capable 1615  
of simultaneous operation, finds that the composite is the 1616  
resulting version of the section in effect prior to the 1617  
effective date of the section as presented in this act. 1618