

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 20**

**Senator Hackett**

**Cosponsors: Senators Gardner, Uecker, Yuko, Wilson**

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**A BILL**

To amend sections 2929.01, 2929.13, and 2929.14 and 1  
to enact section 2941.1425 of the Revised Code 2  
to require an additional prison term of 3 to 8 3  
years for an offender who is convicted of or 4  
pleads guilty to a felony offense of violence if 5  
the offender is convicted of or pleads guilty to 6  
a specification that the victim suffered 7  
permanent disabling harm. 8

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

**Section 1.** That sections 2929.01, 2929.13, and 2929.14 be 9  
amended and section 2941.1425 of the Revised Code be enacted to 10  
read as follows: 11

**Sec. 2929.01.** As used in this chapter: 12

(A) (1) "Alternative residential facility" means, subject 13  
to division (A) (2) of this section, any facility other than an 14  
offender's home or residence in which an offender is assigned to 15  
live and that satisfies all of the following criteria: 16

(a) It provides programs through which the offender may 17  
seek or maintain employment or may receive education, training, 18

treatment, or habilitation. 19

(b) It has received the appropriate license or certificate 20  
for any specialized education, training, treatment, 21  
habilitation, or other service that it provides from the 22  
government agency that is responsible for licensing or 23  
certifying that type of education, training, treatment, 24  
habilitation, or service. 25

(2) "Alternative residential facility" does not include a 26  
community-based correctional facility, jail, halfway house, or 27  
prison. 28

(B) "Basic probation supervision" means a requirement that 29  
the offender maintain contact with a person appointed to 30  
supervise the offender in accordance with sanctions imposed by 31  
the court or imposed by the parole board pursuant to section 32  
2967.28 of the Revised Code. "Basic probation supervision" 33  
includes basic parole supervision and basic post-release control 34  
supervision. 35

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 36  
the same meanings as in section 2925.01 of the Revised Code. 37

(D) "Community-based correctional facility" means a 38  
community-based correctional facility and program or district 39  
community-based correctional facility and program developed 40  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 41

(E) "Community control sanction" means a sanction that is 42  
not a prison term and that is described in section 2929.15, 43  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 44  
that is not a jail term and that is described in section 45  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 46  
control sanction" includes probation if the sentence involved 47

was imposed for a felony that was committed prior to July 1, 48  
1996, or if the sentence involved was imposed for a misdemeanor 49  
that was committed prior to January 1, 2004. 50

(F) "Controlled substance," "marihuana," "schedule I," and 51  
"schedule II" have the same meanings as in section 3719.01 of 52  
the Revised Code. 53

(G) "Curfew" means a requirement that an offender during a 54  
specified period of time be at a designated place. 55

(H) "Day reporting" means a sanction pursuant to which an 56  
offender is required each day to report to and leave a center or 57  
other approved reporting location at specified times in order to 58  
participate in work, education or training, treatment, and other 59  
approved programs at the center or outside the center. 60

(I) "Deadly weapon" has the same meaning as in section 61  
2923.11 of the Revised Code. 62

(J) "Drug and alcohol use monitoring" means a program 63  
under which an offender agrees to submit to random chemical 64  
analysis of the offender's blood, breath, or urine to determine 65  
whether the offender has ingested any alcohol or other drugs. 66

(K) "Drug treatment program" means any program under which 67  
a person undergoes assessment and treatment designed to reduce 68  
or completely eliminate the person's physical or emotional 69  
reliance upon alcohol, another drug, or alcohol and another drug 70  
and under which the person may be required to receive assessment 71  
and treatment on an outpatient basis or may be required to 72  
reside at a facility other than the person's home or residence 73  
while undergoing assessment and treatment. 74

(L) "Economic loss" means any economic detriment suffered 75  
by a victim as a direct and proximate result of the commission 76

of an offense and includes any loss of income due to lost time 77  
at work because of any injury caused to the victim, and any 78  
property loss, medical cost, or funeral expense incurred as a 79  
result of the commission of the offense. "Economic loss" does 80  
not include non-economic loss or any punitive or exemplary 81  
damages. 82

(M) "Education or training" includes study at, or in 83  
conjunction with a program offered by, a university, college, or 84  
technical college or vocational study and also includes the 85  
completion of primary school, secondary school, and literacy 86  
curricula or their equivalent. 87

(N) "Firearm" has the same meaning as in section 2923.11 88  
of the Revised Code. 89

(O) "Halfway house" means a facility licensed by the 90  
division of parole and community services of the department of 91  
rehabilitation and correction pursuant to section 2967.14 of the 92  
Revised Code as a suitable facility for the care and treatment 93  
of adult offenders. 94

(P) "House arrest" means a period of confinement of an 95  
offender that is in the offender's home or in other premises 96  
specified by the sentencing court or by the parole board 97  
pursuant to section 2967.28 of the Revised Code and during which 98  
all of the following apply: 99

(1) The offender is required to remain in the offender's 100  
home or other specified premises for the specified period of 101  
confinement, except for periods of time during which the 102  
offender is at the offender's place of employment or at other 103  
premises as authorized by the sentencing court or by the parole 104  
board. 105

(2) The offender is required to report periodically to a person designated by the court or parole board.	106 107
(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.	108 109 110
(Q) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision.	111 112 113 114 115 116 117 118 119 120
(R) "Jail" means a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or a combination of political subdivisions of this state.	121 122 123 124 125
(S) "Jail term" means the term in a jail that a sentencing court imposes or is authorized to impose pursuant to section 2929.24 or 2929.25 of the Revised Code or pursuant to any other provision of the Revised Code that authorizes a term in a jail for a misdemeanor conviction.	126 127 128 129 130
(T) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) of section 1547.99 of the Revised Code, division (E) of section 2903.06 or division (D) of section 2903.08 of the Revised Code,	131 132 133 134

division (E) or (G) of section 2929.24 of the Revised Code, 135  
division (B) of section 4510.14 of the Revised Code, or division 136  
(G) of section 4511.19 of the Revised Code or pursuant to any 137  
other provision of the Revised Code that requires a term in a 138  
jail for a misdemeanor conviction. 139

(U) "Delinquent child" has the same meaning as in section 140  
2152.02 of the Revised Code. 141

(V) "License violation report" means a report that is made 142  
by a sentencing court, or by the parole board pursuant to 143  
section 2967.28 of the Revised Code, to the regulatory or 144  
licensing board or agency that issued an offender a professional 145  
license or a license or permit to do business in this state and 146  
that specifies that the offender has been convicted of or 147  
pleaded guilty to an offense that may violate the conditions 148  
under which the offender's professional license or license or 149  
permit to do business in this state was granted or an offense 150  
for which the offender's professional license or license or 151  
permit to do business in this state may be revoked or suspended. 152

(W) "Major drug offender" means an offender who is 153  
convicted of or pleads guilty to the possession of, sale of, or 154  
offer to sell any drug, compound, mixture, preparation, or 155  
substance that consists of or contains at least one thousand 156  
grams of hashish; at least one hundred grams of cocaine; at 157  
least one thousand unit doses or one hundred grams of heroin; at 158  
least five thousand unit doses of L.S.D. or five hundred grams 159  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 160  
distillate form; at least fifty grams of a controlled substance 161  
analog; or at least one hundred times the amount of any other 162  
schedule I or II controlled substance other than marihuana that 163  
is necessary to commit a felony of the third degree pursuant to 164

section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised Code that is based on the possession of, sale of, or offer to sell the controlled substance.

(X) "Mandatory prison term" means any of the following:

(1) Subject to division (X) (2) of this section, the term in prison that must be imposed for the offenses or circumstances set forth in divisions (F) (1) to (8) or (F) (12) to (18) of section 2929.13 and division (B) of section 2929.14 of the Revised Code. Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 2925.11 of the Revised Code, unless the maximum or another specific term is required under section 2929.14 or 2929.142 of the Revised Code, a mandatory prison term described in this division may be any prison term authorized for the level of offense.

(2) The term of sixty or one hundred twenty days in prison that a sentencing court is required to impose for a third or fourth degree felony OVI offense pursuant to division (G) (2) of section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 of the Revised Code or the term of one, two, three, four, or five years in prison that a sentencing court is required to impose pursuant to division (G) (2) of section 2929.13 of the Revised Code.

(3) The term in prison imposed pursuant to division (A) of section 2971.03 of the Revised Code for the offenses and in the circumstances described in division (F) (11) of section 2929.13 of the Revised Code or pursuant to division (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code and that term as modified or terminated pursuant to section 2971.05 of the Revised Code.

(Y) "Monitored time" means a period of time during which 194  
an offender continues to be under the control of the sentencing 195  
court or parole board, subject to no conditions other than 196  
leading a law-abiding life. 197

(Z) "Offender" means a person who, in this state, is 198  
convicted of or pleads guilty to a felony or a misdemeanor. 199

(AA) "Prison" means a residential facility used for the 200  
confinement of convicted felony offenders that is under the 201  
control of the department of rehabilitation and correction but 202  
does not include a violation sanction center operated under 203  
authority of section 2967.141 of the Revised Code. 204

(BB) "Prison term" includes either of the following 205  
sanctions for an offender: 206

(1) A stated prison term; 207

(2) A term in a prison shortened by, or with the approval 208  
of, the sentencing court pursuant to section 2929.143, 2929.20, 209  
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 210

(CC) "Repeat violent offender" means a person about whom 211  
both of the following apply: 212

(1) The person is being sentenced for committing or for 213  
complicity in committing any of the following: 214

(a) Aggravated murder, murder, any felony of the first or 215  
second degree that is an offense of violence, or an attempt to 216  
commit any of these offenses if the attempt is a felony of the 217  
first or second degree; 218

(b) An offense under an existing or former law of this 219  
state, another state, or the United States that is or was 220  
substantially equivalent to an offense described in division 221



(CC) (1) (a) of this section.	222
(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC) (1) (a) or (b) of this section.	223 224 225
(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code.	226 227 228 229 230
(EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense.	231 232 233
(FF) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code. If an offender is serving a prison term as a risk reduction sentence under sections 2929.143 and 5120.036 of the Revised Code, "stated prison term" includes any period of time by which the prison term imposed upon the offender is shortened by the offender's successful completion of all assessment and treatment or programming pursuant to those sections.	234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249
(GG) "Victim-offender mediation" means a reconciliation or	250

mediation program that involves an offender and the victim of 251  
the offense committed by the offender and that includes a 252  
meeting in which the offender and the victim may discuss the 253  
offense, discuss restitution, and consider other sanctions for 254  
the offense. 255

(HH) "Fourth degree felony OVI offense" means a violation 256  
of division (A) of section 4511.19 of the Revised Code that, 257  
under division (G) of that section, is a felony of the fourth 258  
degree. 259

(II) "Mandatory term of local incarceration" means the 260  
term of sixty or one hundred twenty days in a jail, a community- 261  
based correctional facility, a halfway house, or an alternative 262  
residential facility that a sentencing court may impose upon a 263  
person who is convicted of or pleads guilty to a fourth degree 264  
felony OVI offense pursuant to division (G) (1) of section 265  
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 266  
section 4511.19 of the Revised Code. 267

(JJ) "Designated homicide, assault, or kidnapping 268  
offense," "violent sex offense," "sexual motivation 269  
specification," "sexually violent offense," "sexually violent 270  
predator," and "sexually violent predator specification" have 271  
the same meanings as in section 2971.01 of the Revised Code. 272

(KK) "Sexually oriented offense," "child-victim oriented 273  
offense," and "tier III sex offender/child-victim offender" have 274  
the same meanings as in section 2950.01 of the Revised Code. 275

(LL) An offense is "committed in the vicinity of a child" 276  
if the offender commits the offense within thirty feet of or 277  
within the same residential unit as a child who is under 278  
eighteen years of age, regardless of whether the offender knows 279

the age of the child or whether the offender knows the offense	280
is being committed within thirty feet of or within the same	281
residential unit as the child and regardless of whether the	282
child actually views the commission of the offense.	283
(MM) "Family or household member" has the same meaning as	284
in section 2919.25 of the Revised Code.	285
(NN) "Motor vehicle" and "manufactured home" have the same	286
meanings as in section 4501.01 of the Revised Code.	287
(OO) "Detention" and "detention facility" have the same	288
meanings as in section 2921.01 of the Revised Code.	289
(PP) "Third degree felony OVI offense" means a violation	290
of division (A) of section 4511.19 of the Revised Code that,	291
under division (G) of that section, is a felony of the third	292
degree.	293
(QQ) "Random drug testing" has the same meaning as in	294
section 5120.63 of the Revised Code.	295
(RR) "Felony sex offense" has the same meaning as in	296
section 2967.28 of the Revised Code.	297
(SS) "Body armor" has the same meaning as in section	298
2941.1411 of the Revised Code.	299
(TT) "Electronic monitoring" means monitoring through the	300
use of an electronic monitoring device.	301
(UU) "Electronic monitoring device" means any of the	302
following:	303
(1) Any device that can be operated by electrical or	304
battery power and that conforms with all of the following:	305
(a) The device has a transmitter that can be attached to a	306

person, that will transmit a specified signal to a receiver of 307  
the type described in division (UU) (1) (b) of this section if the 308  
transmitter is removed from the person, turned off, or altered 309  
in any manner without prior court approval in relation to 310  
electronic monitoring or without prior approval of the 311  
department of rehabilitation and correction in relation to the 312  
use of an electronic monitoring device for an inmate on 313  
transitional control or otherwise is tampered with, that can 314  
transmit continuously and periodically a signal to that receiver 315  
when the person is within a specified distance from the 316  
receiver, and that can transmit an appropriate signal to that 317  
receiver if the person to whom it is attached travels a 318  
specified distance from that receiver. 319

(b) The device has a receiver that can receive 320  
continuously the signals transmitted by a transmitter of the 321  
type described in division (UU) (1) (a) of this section, can 322  
transmit continuously those signals by a wireless or landline 323  
telephone connection to a central monitoring computer of the 324  
type described in division (UU) (1) (c) of this section, and can 325  
transmit continuously an appropriate signal to that central 326  
monitoring computer if the device has been turned off or altered 327  
without prior court approval or otherwise tampered with. The 328  
device is designed specifically for use in electronic 329  
monitoring, is not a converted wireless phone or another 330  
tracking device that is clearly not designed for electronic 331  
monitoring, and provides a means of text-based or voice 332  
communication with the person. 333

(c) The device has a central monitoring computer that can 334  
receive continuously the signals transmitted by a wireless or 335  
landline telephone connection by a receiver of the type 336  
described in division (UU) (1) (b) of this section and can monitor 337

continuously the person to whom an electronic monitoring device 338  
of the type described in division (UU) (1) (a) of this section is 339  
attached. 340

(2) Any device that is not a device of the type described 341  
in division (UU) (1) of this section and that conforms with all 342  
of the following: 343

(a) The device includes a transmitter and receiver that 344  
can monitor and determine the location of a subject person at 345  
any time, or at a designated point in time, through the use of a 346  
central monitoring computer or through other electronic means. 347

(b) The device includes a transmitter and receiver that 348  
can determine at any time, or at a designated point in time, 349  
through the use of a central monitoring computer or other 350  
electronic means the fact that the transmitter is turned off or 351  
altered in any manner without prior approval of the court in 352  
relation to the electronic monitoring or without prior approval 353  
of the department of rehabilitation and correction in relation 354  
to the use of an electronic monitoring device for an inmate on 355  
transitional control or otherwise is tampered with. 356

(3) Any type of technology that can adequately track or 357  
determine the location of a subject person at any time and that 358  
is approved by the director of rehabilitation and correction, 359  
including, but not limited to, any satellite technology, voice 360  
tracking system, or retinal scanning system that is so approved. 361

(VV) "Non-economic loss" means nonpecuniary harm suffered 362  
by a victim of an offense as a result of or related to the 363  
commission of the offense, including, but not limited to, pain 364  
and suffering; loss of society, consortium, companionship, care, 365  
assistance, attention, protection, advice, guidance, counsel, 366

instruction, training, or education; mental anguish; and any 367  
other intangible loss. 368

(WW) "Prosecutor" has the same meaning as in section 369  
2935.01 of the Revised Code. 370

(XX) "Continuous alcohol monitoring" means the ability to 371  
automatically test and periodically transmit alcohol consumption 372  
levels and tamper attempts at least every hour, regardless of 373  
the location of the person who is being monitored. 374

(YY) A person is "adjudicated a sexually violent predator" 375  
if the person is convicted of or pleads guilty to a violent sex 376  
offense and also is convicted of or pleads guilty to a sexually 377  
violent predator specification that was included in the 378  
indictment, count in the indictment, or information charging 379  
that violent sex offense or if the person is convicted of or 380  
pleads guilty to a designated homicide, assault, or kidnapping 381  
offense and also is convicted of or pleads guilty to both a 382  
sexual motivation specification and a sexually violent predator 383  
specification that were included in the indictment, count in the 384  
indictment, or information charging that designated homicide, 385  
assault, or kidnapping offense. 386

(ZZ) An offense is "committed in proximity to a school" if 387  
the offender commits the offense in a school safety zone or 388  
within five hundred feet of any school building or the 389  
boundaries of any school premises, regardless of whether the 390  
offender knows the offense is being committed in a school safety 391  
zone or within five hundred feet of any school building or the 392  
boundaries of any school premises. 393

(AAA) "Human trafficking" means a scheme or plan to which 394  
all of the following apply: 395

(1) Its object is one or more of the following:	396
(a) To subject a victim or victims to involuntary servitude, as defined in section 2905.31 of the Revised Code or to compel a victim or victims to engage in sexual activity for hire, to engage in a performance that is obscene, sexually oriented, or nudity oriented, or to be a model or participant in the production of material that is obscene, sexually oriented, or nudity oriented;	397 398 399 400 401 402 403
(b) To facilitate, encourage, or recruit a victim who is less than sixteen years of age or is a person with a developmental disability, or victims who are less than sixteen years of age or are persons with developmental disabilities, for any purpose listed in divisions (A) (2) (a) to (c) of section 2905.32 of the Revised Code;	404 405 406 407 408 409
(c) To facilitate, encourage, or recruit a victim who is sixteen or seventeen years of age, or victims who are sixteen or seventeen years of age, for any purpose listed in divisions (A) (2) (a) to (c) of section 2905.32 of the Revised Code, if the circumstances described in division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) of section 2907.03 of the Revised Code apply with respect to the person engaging in the conduct and the victim or victims.	410 411 412 413 414 415 416 417
(2) It involves at least two felony offenses, whether or not there has been a prior conviction for any of the felony offenses, to which all of the following apply:	418 419 420
(a) Each of the felony offenses is a violation of section 2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code or	421 422 423 424

is a violation of a law of any state other than this state that 425  
is substantially similar to any of the sections or divisions of 426  
the Revised Code identified in this division. 427

(b) At least one of the felony offenses was committed in 428  
this state. 429

(c) The felony offenses are related to the same scheme or 430  
plan and are not isolated instances. 431

(BBB) "Material," "nudity," "obscene," "performance," and 432  
"sexual activity" have the same meanings as in section 2907.01 433  
of the Revised Code. 434

(CCC) "Material that is obscene, sexually oriented, or 435  
nudity oriented" means any material that is obscene, that shows 436  
a person participating or engaging in sexual activity, 437  
masturbation, or bestiality, or that shows a person in a state 438  
of nudity. 439

(DDD) "Performance that is obscene, sexually oriented, or 440  
nudity oriented" means any performance that is obscene, that 441  
shows a person participating or engaging in sexual activity, 442  
masturbation, or bestiality, or that shows a person in a state 443  
of nudity. 444

(EEE) "Permanent disabling harm" means serious physical 445  
harm that results in permanent injury to the intellectual, 446  
physical, or sensory functions and that permanently and 447  
substantially impairs a person's ability to meet one or more of 448  
the ordinary demands of life, including the functions of caring 449  
for one's self, performing manual tasks, walking, seeing, 450  
hearing, speaking, breathing, learning, and working. 451

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 452  
or (G) of this section and unless a specific sanction is 453



required to be imposed or is precluded from being imposed 454  
pursuant to law, a court that imposes a sentence upon an 455  
offender for a felony may impose any sanction or combination of 456  
sanctions on the offender that are provided in sections 2929.14 457  
to 2929.18 of the Revised Code. 458

If the offender is eligible to be sentenced to community 459  
control sanctions, the court shall consider the appropriateness 460  
of imposing a financial sanction pursuant to section 2929.18 of 461  
the Revised Code or a sanction of community service pursuant to 462  
section 2929.17 of the Revised Code as the sole sanction for the 463  
offense. Except as otherwise provided in this division, if the 464  
court is required to impose a mandatory prison term for the 465  
offense for which sentence is being imposed, the court also 466  
shall impose any financial sanction pursuant to section 2929.18 467  
of the Revised Code that is required for the offense and may 468  
impose any other financial sanction pursuant to that section but 469  
may not impose any additional sanction or combination of 470  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 471

If the offender is being sentenced for a fourth degree 472  
felony OVI offense or for a third degree felony OVI offense, in 473  
addition to the mandatory term of local incarceration or the 474  
mandatory prison term required for the offense by division (G) 475  
(1) or (2) of this section, the court shall impose upon the 476  
offender a mandatory fine in accordance with division (B) (3) of 477  
section 2929.18 of the Revised Code and may impose whichever of 478  
the following is applicable: 479

(1) For a fourth degree felony OVI offense for which 480  
sentence is imposed under division (G) (1) of this section, an 481  
additional community control sanction or combination of 482  
community control sanctions under section 2929.16 or 2929.17 of 483

the Revised Code. If the court imposes upon the offender a 484  
community control sanction and the offender violates any 485  
condition of the community control sanction, the court may take 486  
any action prescribed in division (B) of section 2929.15 of the 487  
Revised Code relative to the offender, including imposing a 488  
prison term on the offender pursuant to that division. 489

(2) For a third or fourth degree felony OVI offense for 490  
which sentence is imposed under division (G) (2) of this section, 491  
an additional prison term as described in division (B) (4) of 492  
section 2929.14 of the Revised Code or a community control 493  
sanction as described in division (G) (2) of this section. 494

(B) (1) (a) Except as provided in division (B) (1) (b) of this 495  
section, if an offender is convicted of or pleads guilty to a 496  
felony of the fourth or fifth degree that is not an offense of 497  
violence or that is a qualifying assault offense, the court 498  
shall sentence the offender to a community control sanction of 499  
at least one year's duration if all of the following apply: 500

(i) The offender previously has not been convicted of or 501  
pleaded guilty to a felony offense. 502

(ii) The most serious charge against the offender at the 503  
time of sentencing is a felony of the fourth or fifth degree. 504

(iii) If the court made a request of the department of 505  
rehabilitation and correction pursuant to division (B) (1) (c) of 506  
this section, the department, within the forty-five-day period 507  
specified in that division, provided the court with the names 508  
of, contact information for, and program details of one or more 509  
community control sanctions of at least one year's duration that 510  
are available for persons sentenced by the court. 511

(iv) The offender previously has not been convicted of or 512

pleaded guilty to a misdemeanor offense of violence that the 513  
offender committed within two years prior to the offense for 514  
which sentence is being imposed. 515

(b) The court has discretion to impose a prison term upon 516  
an offender who is convicted of or pleads guilty to a felony of 517  
the fourth or fifth degree that is not an offense of violence or 518  
that is a qualifying assault offense if any of the following 519  
apply: 520

(i) The offender committed the offense while having a 521  
firearm on or about the offender's person or under the 522  
offender's control. 523

(ii) If the offense is a qualifying assault offense, the 524  
offender caused serious physical harm to another person while 525  
committing the offense, and, if the offense is not a qualifying 526  
assault offense, the offender caused physical harm to another 527  
person while committing the offense. 528

(iii) The offender violated a term of the conditions of 529  
bond as set by the court. 530

(iv) The court made a request of the department of 531  
rehabilitation and correction pursuant to division (B)(1)(c) of 532  
this section, and the department, within the forty-five-day 533  
period specified in that division, did not provide the court 534  
with the name of, contact information for, and program details 535  
of any community control sanction of at least one year's 536  
duration that is available for persons sentenced by the court. 537

(v) The offense is a sex offense that is a fourth or fifth 538  
degree felony violation of any provision of Chapter 2907. of the 539  
Revised Code. 540

(vi) In committing the offense, the offender attempted to 541

cause or made an actual threat of physical harm to a person with 542  
a deadly weapon. 543

(vii) In committing the offense, the offender attempted to 544  
cause or made an actual threat of physical harm to a person, and 545  
the offender previously was convicted of an offense that caused 546  
physical harm to a person. 547

(viii) The offender held a public office or position of 548  
trust, and the offense related to that office or position; the 549  
offender's position obliged the offender to prevent the offense 550  
or to bring those committing it to justice; or the offender's 551  
professional reputation or position facilitated the offense or 552  
was likely to influence the future conduct of others. 553

(ix) The offender committed the offense for hire or as 554  
part of an organized criminal activity. 555

(x) The offender at the time of the offense was serving, 556  
or the offender previously had served, a prison term. 557

(xi) The offender committed the offense while under a 558  
community control sanction, while on probation, or while 559  
released from custody on a bond or personal recognizance. 560

(c) If a court that is sentencing an offender who is 561  
convicted of or pleads guilty to a felony of the fourth or fifth 562  
degree that is not an offense of violence or that is a 563  
qualifying assault offense believes that no community control 564  
sanctions are available for its use that, if imposed on the 565  
offender, will adequately fulfill the overriding principles and 566  
purposes of sentencing, the court shall contact the department 567  
of rehabilitation and correction and ask the department to 568  
provide the court with the names of, contact information for, 569  
and program details of one or more community control sanctions 570

of at least one year's duration that are available for persons 571  
sentenced by the court. Not later than forty-five days after 572  
receipt of a request from a court under this division, the 573  
department shall provide the court with the names of, contact 574  
information for, and program details of one or more community 575  
control sanctions of at least one year's duration that are 576  
available for persons sentenced by the court, if any. Upon 577  
making a request under this division that relates to a 578  
particular offender, a court shall defer sentencing of that 579  
offender until it receives from the department the names of, 580  
contact information for, and program details of one or more 581  
community control sanctions of at least one year's duration that 582  
are available for persons sentenced by the court or for forty- 583  
five days, whichever is the earlier. 584

If the department provides the court with the names of, 585  
contact information for, and program details of one or more 586  
community control sanctions of at least one year's duration that 587  
are available for persons sentenced by the court within the 588  
forty-five-day period specified in this division, the court 589  
shall impose upon the offender a community control sanction 590  
under division (B) (1) (a) of this section, except that the court 591  
may impose a prison term under division (B) (1) (b) of this 592  
section if a factor described in division (B) (1) (b) (i) or (ii) 593  
of this section applies. If the department does not provide the 594  
court with the names of, contact information for, and program 595  
details of one or more community control sanctions of at least 596  
one year's duration that are available for persons sentenced by 597  
the court within the forty-five-day period specified in this 598  
division, the court may impose upon the offender a prison term 599  
under division (B) (1) (b) (iv) of this section. 600

(d) A sentencing court may impose an additional penalty 601

under division (B) of section 2929.15 of the Revised Code upon 602  
an offender sentenced to a community control sanction under 603  
division (B)(1)(a) of this section if the offender violates the 604  
conditions of the community control sanction, violates a law, or 605  
leaves the state without the permission of the court or the 606  
offender's probation officer. 607

(2) If division (B)(1) of this section does not apply, 608  
except as provided in division (E), (F), or (G) of this section, 609  
in determining whether to impose a prison term as a sanction for 610  
a felony of the fourth or fifth degree, the sentencing court 611  
shall comply with the purposes and principles of sentencing 612  
under section 2929.11 of the Revised Code and with section 613  
2929.12 of the Revised Code. 614

(C) Except as provided in division (D), (E), (F), or (G) 615  
of this section, in determining whether to impose a prison term 616  
as a sanction for a felony of the third degree or a felony drug 617  
offense that is a violation of a provision of Chapter 2925. of 618  
the Revised Code and that is specified as being subject to this 619  
division for purposes of sentencing, the sentencing court shall 620  
comply with the purposes and principles of sentencing under 621  
section 2929.11 of the Revised Code and with section 2929.12 of 622  
the Revised Code. 623

(D)(1) Except as provided in division (E) or (F) of this 624  
section, for a felony of the first or second degree, for a 625  
felony drug offense that is a violation of any provision of 626  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 627  
presumption in favor of a prison term is specified as being 628  
applicable, and for a violation of division (A)(4) or (B) of 629  
section 2907.05 of the Revised Code for which a presumption in 630  
favor of a prison term is specified as being applicable, it is 631

presumed that a prison term is necessary in order to comply with 632  
the purposes and principles of sentencing under section 2929.11 633  
of the Revised Code. Division (D) (2) of this section does not 634  
apply to a presumption established under this division for a 635  
violation of division (A) (4) of section 2907.05 of the Revised 636  
Code. 637

(2) Notwithstanding the presumption established under 638  
division (D) (1) of this section for the offenses listed in that 639  
division other than a violation of division (A) (4) or (B) of 640  
section 2907.05 of the Revised Code, the sentencing court may 641  
impose a community control sanction or a combination of 642  
community control sanctions instead of a prison term on an 643  
offender for a felony of the first or second degree or for a 644  
felony drug offense that is a violation of any provision of 645  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 646  
presumption in favor of a prison term is specified as being 647  
applicable if it makes both of the following findings: 648

(a) A community control sanction or a combination of 649  
community control sanctions would adequately punish the offender 650  
and protect the public from future crime, because the applicable 651  
factors under section 2929.12 of the Revised Code indicating a 652  
lesser likelihood of recidivism outweigh the applicable factors 653  
under that section indicating a greater likelihood of 654  
recidivism. 655

(b) A community control sanction or a combination of 656  
community control sanctions would not demean the seriousness of 657  
the offense, because one or more factors under section 2929.12 658  
of the Revised Code that indicate that the offender's conduct 659  
was less serious than conduct normally constituting the offense 660  
are applicable, and they outweigh the applicable factors under 661

that section that indicate that the offender's conduct was more 662  
serious than conduct normally constituting the offense. 663

(E) (1) Except as provided in division (F) of this section, 664  
for any drug offense that is a violation of any provision of 665  
Chapter 2925. of the Revised Code and that is a felony of the 666  
third, fourth, or fifth degree, the applicability of a 667  
presumption under division (D) of this section in favor of a 668  
prison term or of division (B) or (C) of this section in 669  
determining whether to impose a prison term for the offense 670  
shall be determined as specified in section 2925.02, 2925.03, 671  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 672  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 673  
regarding the violation. 674

(2) If an offender who was convicted of or pleaded guilty 675  
to a felony violates the conditions of a community control 676  
sanction imposed for the offense solely by reason of producing 677  
positive results on a drug test or by acting pursuant to 678  
division (B) (2) (b) of section 2925.11 of the Revised Code with 679  
respect to a minor drug possession offense, the court, as 680  
punishment for the violation of the sanction, shall not order 681  
that the offender be imprisoned unless the court determines on 682  
the record either of the following: 683

(a) The offender had been ordered as a sanction for the 684  
felony to participate in a drug treatment program, in a drug 685  
education program, or in narcotics anonymous or a similar 686  
program, and the offender continued to use illegal drugs after a 687  
reasonable period of participation in the program. 688

(b) The imprisonment of the offender for the violation is 689  
consistent with the purposes and principles of sentencing set 690  
forth in section 2929.11 of the Revised Code. 691



(3) A court that sentences an offender for a drug abuse offense that is a felony of the third, fourth, or fifth degree may require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes treatment and recovery support services authorized by division (A) (11) of section 340.03 of the Revised Code. If the court imposes treatment and recovery support services as a community control sanction, the court shall direct the level and type of treatment and recovery support services after considering the assessment and recommendation of community addiction services providers.

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

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

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted,

the offender would have been guilty of a violation of division 722  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 723  
sentenced under section 2971.03 of the Revised Code; 724

(3) Gross sexual imposition or sexual battery, if the 725  
victim is less than thirteen years of age and if any of the 726  
following applies: 727

(a) Regarding gross sexual imposition, the offender 728  
previously was convicted of or pleaded guilty to rape, the 729  
former offense of felonious sexual penetration, gross sexual 730  
imposition, or sexual battery, and the victim of the previous 731  
offense was less than thirteen years of age; 732

(b) Regarding gross sexual imposition, the offense was 733  
committed on or after August 3, 2006, and evidence other than 734  
the testimony of the victim was admitted in the case 735  
corroborating the violation. 736

(c) Regarding sexual battery, either of the following 737  
applies: 738

(i) The offense was committed prior to August 3, 2006, the 739  
offender previously was convicted of or pleaded guilty to rape, 740  
the former offense of felonious sexual penetration, or sexual 741  
battery, and the victim of the previous offense was less than 742  
thirteen years of age. 743

(ii) The offense was committed on or after August 3, 2006. 744

(4) A felony violation of section 2903.04, 2903.06, 745  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 746  
or 2923.132 of the Revised Code if the section requires the 747  
imposition of a prison term; 748

(5) A first, second, or third degree felony drug offense 749

for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 750  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 751  
or 4729.99 of the Revised Code, whichever is applicable 752  
regarding the violation, requires the imposition of a mandatory 753  
prison term; 754

(6) Any offense that is a first or second degree felony 755  
and that is not set forth in division (F) (1), (2), (3), or (4) 756  
of this section, if the offender previously was convicted of or 757  
pleaded guilty to aggravated murder, murder, any first or second 758  
degree felony, or an offense under an existing or former law of 759  
this state, another state, or the United States that is or was 760  
substantially equivalent to one of those offenses; 761

(7) Any offense that is a third degree felony and either 762  
is a violation of section 2903.04 of the Revised Code or an 763  
attempt to commit a felony of the second degree that is an 764  
offense of violence and involved an attempt to cause serious 765  
physical harm to a person or that resulted in serious physical 766  
harm to a person if the offender previously was convicted of or 767  
pleaded guilty to any of the following offenses: 768

(a) Aggravated murder, murder, involuntary manslaughter, 769  
rape, felonious sexual penetration as it existed under section 770  
2907.12 of the Revised Code prior to September 3, 1996, a felony 771  
of the first or second degree that resulted in the death of a 772  
person or in physical harm to a person, or complicity in or an 773  
attempt to commit any of those offenses; 774

(b) An offense under an existing or former law of this 775  
state, another state, or the United States that is or was 776  
substantially equivalent to an offense listed in division (F) (7) 777  
(a) of this section that resulted in the death of a person or in 778  
physical harm to a person. 779

(8) Any offense, other than a violation of section 2923.12	780
of the Revised Code, that is a felony, if the offender had a	781
firearm on or about the offender's person or under the	782
offender's control while committing the felony, with respect to	783
a portion of the sentence imposed pursuant to division (B) (1) (a)	784
of section 2929.14 of the Revised Code for having the firearm;	785
(9) Any offense of violence that is a felony, if the	786
offender wore or carried body armor while committing the felony	787
offense of violence, with respect to the portion of the sentence	788
imposed pursuant to division (B) (1) (d) of section 2929.14 of the	789
Revised Code for wearing or carrying the body armor;	790
(10) Corrupt activity in violation of section 2923.32 of	791
the Revised Code when the most serious offense in the pattern of	792
corrupt activity that is the basis of the offense is a felony of	793
the first degree;	794
(11) Any violent sex offense or designated homicide,	795
assault, or kidnapping offense if, in relation to that offense,	796
the offender is adjudicated a sexually violent predator;	797
(12) A violation of division (A) (1) or (2) of section	798
2921.36 of the Revised Code, or a violation of division (C) of	799
that section involving an item listed in division (A) (1) or (2)	800
of that section, if the offender is an officer or employee of	801
the department of rehabilitation and correction;	802
(13) A violation of division (A) (1) or (2) of section	803
2903.06 of the Revised Code if the victim of the offense is a	804
peace officer, as defined in section 2935.01 of the Revised	805
Code, or an investigator of the bureau of criminal	806
identification and investigation, as defined in section 2903.11	807
of the Revised Code, with respect to the portion of the sentence	808

imposed pursuant to division (B) (5) of section 2929.14 of the Revised Code;

(14) A violation of division (A) (1) or (2) of section 2903.06 of the Revised Code if the offender has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, with respect to the portion of the sentence imposed pursuant to division (B) (6) of section 2929.14 of the Revised Code;

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

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

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

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

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

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

(20) Any offense of violence that is a felony, if the offender is convicted of or pleads guilty to a specification as described in section 2941.1425 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense.

(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 867  
and has not pleaded guilty to a specification of the type 868  
described in section 2941.1413 of the Revised Code, the court 869  
may impose upon the offender a mandatory term of local 870  
incarceration of sixty days or one hundred twenty days as 871  
specified in division (G)(1)(d) of section 4511.19 of the 872  
Revised Code. The court shall not reduce the term pursuant to 873  
section 2929.20, 2967.193, or any other provision of the Revised 874  
Code. The court that imposes a mandatory term of local 875  
incarceration under this division shall specify whether the term 876  
is to be served in a jail, a community-based correctional 877  
facility, a halfway house, or an alternative residential 878  
facility, and the offender shall serve the term in the type of 879  
facility specified by the court. A mandatory term of local 880  
incarceration imposed under division (G)(1) of this section is 881  
not subject to any other Revised Code provision that pertains to 882  
a prison term except as provided in division (A)(1) of this 883  
section. 884

(2) If the offender is being sentenced for a third degree 885  
felony OVI offense, or if the offender is being sentenced for a 886  
fourth degree felony OVI offense and the court does not impose a 887  
mandatory term of local incarceration under division (G)(1) of 888  
this section, the court shall impose upon the offender a 889  
mandatory prison term of one, two, three, four, or five years if 890  
the offender also is convicted of or also pleads guilty to a 891  
specification of the type described in section 2941.1413 of the 892  
Revised Code or shall impose upon the offender a mandatory 893  
prison term of sixty days or one hundred twenty days as 894  
specified in division (G)(1)(d) or (e) of section 4511.19 of the 895  
Revised Code if the offender has not been convicted of and has 896  
not pleaded guilty to a specification of that type. Subject to 897

divisions (C) to (I) of section 2967.19 of the Revised Code, the 898  
court shall not reduce the term pursuant to section 2929.20, 899  
2967.19, 2967.193, or any other provision of the Revised Code. 900  
The offender shall serve the one-, two-, three-, four-, or five- 901  
year mandatory prison term consecutively to and prior to the 902  
prison term imposed for the underlying offense and consecutively 903  
to any other mandatory prison term imposed in relation to the 904  
offense. In no case shall an offender who once has been 905  
sentenced to a mandatory term of local incarceration pursuant to 906  
division (G)(1) of this section for a fourth degree felony OVI 907  
offense be sentenced to another mandatory term of local 908  
incarceration under that division for any violation of division 909  
(A) of section 4511.19 of the Revised Code. In addition to the 910  
mandatory prison term described in division (G)(2) of this 911  
section, the court may sentence the offender to a community 912  
control sanction under section 2929.16 or 2929.17 of the Revised 913  
Code, but the offender shall serve the prison term prior to 914  
serving the community control sanction. The department of 915  
rehabilitation and correction may place an offender sentenced to 916  
a mandatory prison term under this division in an intensive 917  
program prison established pursuant to section 5120.033 of the 918  
Revised Code if the department gave the sentencing judge prior 919  
notice of its intent to place the offender in an intensive 920  
program prison established under that section and if the judge 921  
did not notify the department that the judge disapproved the 922  
placement. Upon the establishment of the initial intensive 923  
program prison pursuant to section 5120.033 of the Revised Code 924  
that is privately operated and managed by a contractor pursuant 925  
to a contract entered into under section 9.06 of the Revised 926  
Code, both of the following apply: 927

(a) The department of rehabilitation and correction shall 928



make a reasonable effort to ensure that a sufficient number of 929  
offenders sentenced to a mandatory prison term under this 930  
division are placed in the privately operated and managed prison 931  
so that the privately operated and managed prison has full 932  
occupancy. 933

(b) Unless the privately operated and managed prison has 934  
full occupancy, the department of rehabilitation and correction 935  
shall not place any offender sentenced to a mandatory prison 936  
term under this division in any intensive program prison 937  
established pursuant to section 5120.033 of the Revised Code 938  
other than the privately operated and managed prison. 939

(H) If an offender is being sentenced for a sexually 940  
oriented offense or child-victim oriented offense that is a 941  
felony committed on or after January 1, 1997, the judge shall 942  
require the offender to submit to a DNA specimen collection 943  
procedure pursuant to section 2901.07 of the Revised Code. 944

(I) If an offender is being sentenced for a sexually 945  
oriented offense or a child-victim oriented offense committed on 946  
or after January 1, 1997, the judge shall include in the 947  
sentence a summary of the offender's duties imposed under 948  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 949  
Code and the duration of the duties. The judge shall inform the 950  
offender, at the time of sentencing, of those duties and of 951  
their duration. If required under division (A)(2) of section 952  
2950.03 of the Revised Code, the judge shall perform the duties 953  
specified in that section, or, if required under division (A)(6) 954  
of section 2950.03 of the Revised Code, the judge shall perform 955  
the duties specified in that division. 956

(J)(1) Except as provided in division (J)(2) of this 957  
section, when considering sentencing factors under this section 958

in relation to an offender who is convicted of or pleads guilty 959  
to an attempt to commit an offense in violation of section 960  
2923.02 of the Revised Code, the sentencing court shall consider 961  
the factors applicable to the felony category of the violation 962  
of section 2923.02 of the Revised Code instead of the factors 963  
applicable to the felony category of the offense attempted. 964

(2) When considering sentencing factors under this section 965  
in relation to an offender who is convicted of or pleads guilty 966  
to an attempt to commit a drug abuse offense for which the 967  
penalty is determined by the amount or number of unit doses of 968  
the controlled substance involved in the drug abuse offense, the 969  
sentencing court shall consider the factors applicable to the 970  
felony category that the drug abuse offense attempted would be 971  
if that drug abuse offense had been committed and had involved 972  
an amount or number of unit doses of the controlled substance 973  
that is within the next lower range of controlled substance 974  
amounts than was involved in the attempt. 975

(K) As used in this section: 976

(1) "Community addiction services provider" has the same 977  
meaning as in section 5119.01 of the Revised Code. 978

(2) "Drug abuse offense" has the same meaning as in 979  
section 2925.01 of the Revised Code. 980

(3) "Minor drug possession offense" has the same meaning 981  
as in section 2925.11 of the Revised Code. 982

(4) "Qualifying assault offense" means a violation of 983  
section 2903.13 of the Revised Code for which the penalty 984  
provision in division (C) (8) (b) or (C) (9) (b) of that section 985  
applies. 986

(L) At the time of sentencing an offender for any sexually 987

oriented offense, if the offender is a tier III sex 988  
offender/child-victim offender relative to that offense and the 989  
offender does not serve a prison term or jail term, the court 990  
may require that the offender be monitored by means of a global 991  
positioning device. If the court requires such monitoring, the 992  
cost of monitoring shall be borne by the offender. If the 993  
offender is indigent, the cost of compliance shall be paid by 994  
the crime victims reparations fund. 995

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 996  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 997  
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 998  
of section 2919.25 of the Revised Code and except in relation to 999  
an offense for which a sentence of death or life imprisonment is 1000  
to be imposed, if the court imposing a sentence upon an offender 1001  
for a felony elects or is required to impose a prison term on 1002  
the offender pursuant to this chapter, the court shall impose a 1003  
definite prison term that shall be one of the following: 1004

(1) For a felony of the first degree, the prison term 1005  
shall be three, four, five, six, seven, eight, nine, ten, or 1006  
eleven years. 1007

(2) For a felony of the second degree, the prison term 1008  
shall be two, three, four, five, six, seven, or eight years. 1009

(3) (a) For a felony of the third degree that is a 1010  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 1011  
2907.05 of the Revised Code or that is a violation of section 1012  
2911.02 or 2911.12 of the Revised Code if the offender 1013  
previously has been convicted of or pleaded guilty in two or 1014  
more separate proceedings to two or more violations of section 1015  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 1016  
prison term shall be twelve, eighteen, twenty-four, thirty, 1017

thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 1018

(b) For a felony of the third degree that is not an 1019  
offense for which division (A) (3) (a) of this section applies, 1020  
the prison term shall be nine, twelve, eighteen, twenty-four, 1021  
thirty, or thirty-six months. 1022

(4) For a felony of the fourth degree, the prison term 1023  
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1024  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1025

(5) For a felony of the fifth degree, the prison term 1026  
shall be six, seven, eight, nine, ten, eleven, or twelve months. 1027

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1028  
section, if an offender who is convicted of or pleads guilty to 1029  
a felony also is convicted of or pleads guilty to a 1030  
specification of the type described in section 2941.141, 1031  
2941.144, or 2941.145 of the Revised Code, the court shall 1032  
impose on the offender one of the following prison terms: 1033

(i) A prison term of six years if the specification is of 1034  
the type described in division (A) of section 2941.144 of the 1035  
Revised Code that charges the offender with having a firearm 1036  
that is an automatic firearm or that was equipped with a firearm 1037  
muffler or suppressor on or about the offender's person or under 1038  
the offender's control while committing the offense; 1039

(ii) A prison term of three years if the specification is 1040  
of the type described in division (A) of section 2941.145 of the 1041  
Revised Code that charges the offender with having a firearm on 1042  
or about the offender's person or under the offender's control 1043  
while committing the offense and displaying the firearm, 1044  
brandishing the firearm, indicating that the offender possessed 1045  
the firearm, or using it to facilitate the offense; 1046

(iii) A prison term of one year if the specification is of 1047  
the type described in division (A) of section 2941.141 of the 1048  
Revised Code that charges the offender with having a firearm on 1049  
or about the offender's person or under the offender's control 1050  
while committing the offense; 1051

(iv) A prison term of nine years if the specification is 1052  
of the type described in division (D) of section 2941.144 of the 1053  
Revised Code that charges the offender with having a firearm 1054  
that is an automatic firearm or that was equipped with a firearm 1055  
muffler or suppressor on or about the offender's person or under 1056  
the offender's control while committing the offense and 1057  
specifies that the offender previously has been convicted of or 1058  
pleaded guilty to a specification of the type described in 1059  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1060  
the Revised Code; 1061

(v) A prison term of fifty-four months if the 1062  
specification is of the type described in division (D) of 1063  
section 2941.145 of the Revised Code that charges the offender 1064  
with having a firearm on or about the offender's person or under 1065  
the offender's control while committing the offense and 1066  
displaying the firearm, brandishing the firearm, indicating that 1067  
the offender possessed the firearm, or using the firearm to 1068  
facilitate the offense and that the offender previously has been 1069  
convicted of or pleaded guilty to a specification of the type 1070  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1071  
2941.1412 of the Revised Code; 1072

(vi) A prison term of eighteen months if the specification 1073  
is of the type described in division (D) of section 2941.141 of 1074  
the Revised Code that charges the offender with having a firearm 1075  
on or about the offender's person or under the offender's 1076

control while committing the offense and that the offender 1077  
previously has been convicted of or pleaded guilty to a 1078  
specification of the type described in section 2941.141, 1079  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1080

(b) If a court imposes a prison term on an offender under 1081  
division (B) (1) (a) of this section, the prison term shall not be 1082  
reduced pursuant to section 2967.19, section 2929.20, section 1083  
2967.193, or any other provision of Chapter 2967. or Chapter 1084  
5120. of the Revised Code. Except as provided in division (B) (1) 1085  
(g) of this section, a court shall not impose more than one 1086  
prison term on an offender under division (B) (1) (a) of this 1087  
section for felonies committed as part of the same act or 1088  
transaction. 1089

(c) (i) Except as provided in division (B) (1) (e) of this 1090  
section, if an offender who is convicted of or pleads guilty to 1091  
a violation of section 2923.161 of the Revised Code or to a 1092  
felony that includes, as an essential element, purposely or 1093  
knowingly causing or attempting to cause the death of or 1094  
physical harm to another, also is convicted of or pleads guilty 1095  
to a specification of the type described in division (A) of 1096  
section 2941.146 of the Revised Code that charges the offender 1097  
with committing the offense by discharging a firearm from a 1098  
motor vehicle other than a manufactured home, the court, after 1099  
imposing a prison term on the offender for the violation of 1100  
section 2923.161 of the Revised Code or for the other felony 1101  
offense under division (A), (B) (2), or (B) (3) of this section, 1102  
shall impose an additional prison term of five years upon the 1103  
offender that shall not be reduced pursuant to section 2929.20, 1104  
section 2967.19, section 2967.193, or any other provision of 1105  
Chapter 2967. or Chapter 5120. of the Revised Code. 1106

(ii) Except as provided in division (B) (1) (e) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another, also is convicted of or pleads guilty to a specification of the type described in division (C) of section 2941.146 of the Revised Code that charges the offender with committing the offense by discharging a firearm from a motor vehicle other than a manufactured home and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the violation of section 2923.161 of the Revised Code or for the other felony offense under division (A), (B) (2), or (3) of this section, shall impose an additional prison term of ninety months upon the offender that shall not be reduced pursuant to section 2929.20, 2967.19, 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code.

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

(d) If an offender who is convicted of or pleads guilty to

an offense of violence that is a felony also is convicted of or 1138  
pleads guilty to a specification of the type described in 1139  
section 2941.1411 of the Revised Code that charges the offender 1140  
with wearing or carrying body armor while committing the felony 1141  
offense of violence, the court shall impose on the offender a 1142  
prison term of two years. The prison term so imposed, subject to 1143  
divisions (C) to (I) of section 2967.19 of the Revised Code, 1144  
shall not be reduced pursuant to section 2929.20, section 1145  
2967.19, section 2967.193, or any other provision of Chapter 1146  
2967. or Chapter 5120. of the Revised Code. A court shall not 1147  
impose more than one prison term on an offender under division 1148  
(B) (1) (d) of this section for felonies committed as part of the 1149  
same act or transaction. If a court imposes an additional prison 1150  
term under division (B) (1) (a) or (c) of this section, the court 1151  
is not precluded from imposing an additional prison term under 1152  
division (B) (1) (d) of this section. 1153

(e) The court shall not impose any of the prison terms 1154  
described in division (B) (1) (a) of this section or any of the 1155  
additional prison terms described in division (B) (1) (c) of this 1156  
section upon an offender for a violation of section 2923.12 or 1157  
2923.123 of the Revised Code. The court shall not impose any of 1158  
the prison terms described in division (B) (1) (a) or (b) of this 1159  
section upon an offender for a violation of section 2923.122 1160  
that involves a deadly weapon that is a firearm other than a 1161  
dangerous ordnance, section 2923.16, or section 2923.121 of the 1162  
Revised Code. The court shall not impose any of the prison terms 1163  
described in division (B) (1) (a) of this section or any of the 1164  
additional prison terms described in division (B) (1) (c) of this 1165  
section upon an offender for a violation of section 2923.13 of 1166  
the Revised Code unless all of the following apply: 1167

(i) The offender previously has been convicted of 1168



aggravated murder, murder, or any felony of the first or second 1169  
degree. 1170

(ii) Less than five years have passed since the offender 1171  
was released from prison or post-release control, whichever is 1172  
later, for the prior offense. 1173

(f) (i) If an offender is convicted of or pleads guilty to 1174  
a felony that includes, as an essential element, causing or 1175  
attempting to cause the death of or physical harm to another and 1176  
also is convicted of or pleads guilty to a specification of the 1177  
type described in division (A) of section 2941.1412 of the 1178  
Revised Code that charges the offender with committing the 1179  
offense by discharging a firearm at a peace officer as defined 1180  
in section 2935.01 of the Revised Code or a corrections officer, 1181  
as defined in section 2941.1412 of the Revised Code, the court, 1182  
after imposing a prison term on the offender for the felony 1183  
offense under division (A), (B) (2), or (B) (3) of this section, 1184  
shall impose an additional prison term of seven years upon the 1185  
offender that shall not be reduced pursuant to section 2929.20, 1186  
section 2967.19, section 2967.193, or any other provision of 1187  
Chapter 2967. or Chapter 5120. of the Revised Code. 1188

(ii) If an offender is convicted of or pleads guilty to a 1189  
felony that includes, as an essential element, causing or 1190  
attempting to cause the death of or physical harm to another and 1191  
also is convicted of or pleads guilty to a specification of the 1192  
type described in division (B) of section 2941.1412 of the 1193  
Revised Code that charges the offender with committing the 1194  
offense by discharging a firearm at a peace officer, as defined 1195  
in section 2935.01 of the Revised Code, or a corrections 1196  
officer, as defined in section 2941.1412 of the Revised Code, 1197  
and that the offender previously has been convicted of or 1198

pleaded guilty to a specification of the type described in 1199  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1200  
the Revised Code, the court, after imposing a prison term on the 1201  
offender for the felony offense under division (A), (B) (2), or 1202  
(3) of this section, shall impose an additional prison term of 1203  
one hundred twenty-six months upon the offender that shall not 1204  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1205  
any other provision of Chapter 2967. or 5120. of the Revised 1206  
Code. 1207

(iii) If an offender is convicted of or pleads guilty to 1208  
two or more felonies that include, as an essential element, 1209  
causing or attempting to cause the death or physical harm to 1210  
another and also is convicted of or pleads guilty to a 1211  
specification of the type described under division (B) (1) (f) of 1212  
this section in connection with two or more of the felonies of 1213  
which the offender is convicted or to which the offender pleads 1214  
guilty, the sentencing court shall impose on the offender the 1215  
prison term specified under division (B) (1) (f) of this section 1216  
for each of two of the specifications of which the offender is 1217  
convicted or to which the offender pleads guilty and, in its 1218  
discretion, also may impose on the offender the prison term 1219  
specified under that division for any or all of the remaining 1220  
specifications. If a court imposes an additional prison term on 1221  
an offender under division (B) (1) (f) of this section relative to 1222  
an offense, the court shall not impose a prison term under 1223  
division (B) (1) (a) or (c) of this section relative to the same 1224  
offense. 1225

(g) If an offender is convicted of or pleads guilty to two 1226  
or more felonies, if one or more of those felonies are 1227  
aggravated murder, murder, attempted aggravated murder, 1228  
attempted murder, aggravated robbery, felonious assault, or 1229

rape, and if the offender is convicted of or pleads guilty to a 1230  
specification of the type described under division (B)(1)(a) of 1231  
this section in connection with two or more of the felonies, the 1232  
sentencing court shall impose on the offender the prison term 1233  
specified under division (B)(1)(a) of this section for each of 1234  
the two most serious specifications of which the offender is 1235  
convicted or to which the offender pleads guilty and, in its 1236  
discretion, also may impose on the offender the prison term 1237  
specified under that division for any or all of the remaining 1238  
specifications. 1239

(2)(a) If division (B)(2)(b) of this section does not 1240  
apply, the court may impose on an offender, in addition to the 1241  
longest prison term authorized or required for the offense, an 1242  
additional definite prison term of one, two, three, four, five, 1243  
six, seven, eight, nine, or ten years if all of the following 1244  
criteria are met: 1245

(i) The offender is convicted of or pleads guilty to a 1246  
specification of the type described in section 2941.149 of the 1247  
Revised Code that the offender is a repeat violent offender. 1248

(ii) The offense of which the offender currently is 1249  
convicted or to which the offender currently pleads guilty is 1250  
aggravated murder and the court does not impose a sentence of 1251  
death or life imprisonment without parole, murder, terrorism and 1252  
the court does not impose a sentence of life imprisonment 1253  
without parole, any felony of the first degree that is an 1254  
offense of violence and the court does not impose a sentence of 1255  
life imprisonment without parole, or any felony of the second 1256  
degree that is an offense of violence and the trier of fact 1257  
finds that the offense involved an attempt to cause or a threat 1258  
to cause serious physical harm to a person or resulted in 1259

serious physical harm to a person. 1260

(iii) The court imposes the longest prison term for the 1261  
offense that is not life imprisonment without parole. 1262

(iv) The court finds that the prison terms imposed 1263  
pursuant to division (B) (2) (a) (iii) of this section and, if 1264  
applicable, division (B) (1) or (3) of this section are 1265  
inadequate to punish the offender and protect the public from 1266  
future crime, because the applicable factors under section 1267  
2929.12 of the Revised Code indicating a greater likelihood of 1268  
recidivism outweigh the applicable factors under that section 1269  
indicating a lesser likelihood of recidivism. 1270

(v) The court finds that the prison terms imposed pursuant 1271  
to division (B) (2) (a) (iii) of this section and, if applicable, 1272  
division (B) (1) or (3) of this section are demeaning to the 1273  
seriousness of the offense, because one or more of the factors 1274  
under section 2929.12 of the Revised Code indicating that the 1275  
offender's conduct is more serious than conduct normally 1276  
constituting the offense are present, and they outweigh the 1277  
applicable factors under that section indicating that the 1278  
offender's conduct is less serious than conduct normally 1279  
constituting the offense. 1280

(b) The court shall impose on an offender the longest 1281  
prison term authorized or required for the offense and shall 1282  
impose on the offender an additional definite prison term of 1283  
one, two, three, four, five, six, seven, eight, nine, or ten 1284  
years if all of the following criteria are met: 1285

(i) The offender is convicted of or pleads guilty to a 1286  
specification of the type described in section 2941.149 of the 1287  
Revised Code that the offender is a repeat violent offender. 1288

(ii) The offender within the preceding twenty years has 1289  
been convicted of or pleaded guilty to three or more offenses 1290  
described in division (CC) (1) of section 2929.01 of the Revised 1291  
Code, including all offenses described in that division of which 1292  
the offender is convicted or to which the offender pleads guilty 1293  
in the current prosecution and all offenses described in that 1294  
division of which the offender previously has been convicted or 1295  
to which the offender previously pleaded guilty, whether 1296  
prosecuted together or separately. 1297

(iii) The offense or offenses of which the offender 1298  
currently is convicted or to which the offender currently pleads 1299  
guilty is aggravated murder and the court does not impose a 1300  
sentence of death or life imprisonment without parole, murder, 1301  
terrorism and the court does not impose a sentence of life 1302  
imprisonment without parole, any felony of the first degree that 1303  
is an offense of violence and the court does not impose a 1304  
sentence of life imprisonment without parole, or any felony of 1305  
the second degree that is an offense of violence and the trier 1306  
of fact finds that the offense involved an attempt to cause or a 1307  
threat to cause serious physical harm to a person or resulted in 1308  
serious physical harm to a person. 1309

(c) For purposes of division (B) (2) (b) of this section, 1310  
two or more offenses committed at the same time or as part of 1311  
the same act or event shall be considered one offense, and that 1312  
one offense shall be the offense with the greatest penalty. 1313

(d) A sentence imposed under division (B) (2) (a) or (b) of 1314  
this section shall not be reduced pursuant to section 2929.20, 1315  
section 2967.19, or section 2967.193, or any other provision of 1316  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1317  
shall serve an additional prison term imposed under this section 1318

consecutively to and prior to the prison term imposed for the 1319  
underlying offense. 1320

(e) When imposing a sentence pursuant to division (B)(2) 1321  
(a) or (b) of this section, the court shall state its findings 1322  
explaining the imposed sentence. 1323

(3) Except when an offender commits a violation of section 1324  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1325  
for the violation is life imprisonment or commits a violation of 1326  
section 2903.02 of the Revised Code, if the offender commits a 1327  
violation of section 2925.03 or 2925.11 of the Revised Code and 1328  
that section classifies the offender as a major drug offender, 1329  
if the offender commits a felony violation of section 2925.02, 1330  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1331  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1332  
division (C) of section 4729.51, or division (J) of section 1333  
4729.54 of the Revised Code that includes the sale, offer to 1334  
sell, or possession of a schedule I or II controlled substance, 1335  
with the exception of marihuana, and the court imposing sentence 1336  
upon the offender finds that the offender is guilty of a 1337  
specification of the type described in section 2941.1410 of the 1338  
Revised Code charging that the offender is a major drug 1339  
offender, if the court imposing sentence upon an offender for a 1340  
felony finds that the offender is guilty of corrupt activity 1341  
with the most serious offense in the pattern of corrupt activity 1342  
being a felony of the first degree, or if the offender is guilty 1343  
of an attempted violation of section 2907.02 of the Revised Code 1344  
and, had the offender completed the violation of section 2907.02 1345  
of the Revised Code that was attempted, the offender would have 1346  
been subject to a sentence of life imprisonment or life 1347  
imprisonment without parole for the violation of section 2907.02 1348  
of the Revised Code, the court shall impose upon the offender 1349

for the felony violation a mandatory prison term of the maximum 1350  
prison term prescribed for a felony of the first degree that, 1351  
subject to divisions (C) to (I) of section 2967.19 of the 1352  
Revised Code, cannot be reduced pursuant to section 2929.20, 1353  
section 2967.19, or any other provision of Chapter 2967. or 1354  
5120. of the Revised Code. 1355

(4) If the offender is being sentenced for a third or 1356  
fourth degree felony OVI offense under division (G) (2) of 1357  
section 2929.13 of the Revised Code, the sentencing court shall 1358  
impose upon the offender a mandatory prison term in accordance 1359  
with that division. In addition to the mandatory prison term, if 1360  
the offender is being sentenced for a fourth degree felony OVI 1361  
offense, the court, notwithstanding division (A) (4) of this 1362  
section, may sentence the offender to a definite prison term of 1363  
not less than six months and not more than thirty months, and if 1364  
the offender is being sentenced for a third degree felony OVI 1365  
offense, the sentencing court may sentence the offender to an 1366  
additional prison term of any duration specified in division (A) 1367  
(3) of this section. In either case, the additional prison term 1368  
imposed shall be reduced by the sixty or one hundred twenty days 1369  
imposed upon the offender as the mandatory prison term. The 1370  
total of the additional prison term imposed under division (B) 1371  
(4) of this section plus the sixty or one hundred twenty days 1372  
imposed as the mandatory prison term shall equal a definite term 1373  
in the range of six months to thirty months for a fourth degree 1374  
felony OVI offense and shall equal one of the authorized prison 1375  
terms specified in division (A) (3) of this section for a third 1376  
degree felony OVI offense. If the court imposes an additional 1377  
prison term under division (B) (4) of this section, the offender 1378  
shall serve the additional prison term after the offender has 1379  
served the mandatory prison term required for the offense. In 1380

addition to the mandatory prison term or mandatory and 1381  
additional prison term imposed as described in division (B) (4) 1382  
of this section, the court also may sentence the offender to a 1383  
community control sanction under section 2929.16 or 2929.17 of 1384  
the Revised Code, but the offender shall serve all of the prison 1385  
terms so imposed prior to serving the community control 1386  
sanction. 1387

If the offender is being sentenced for a fourth degree 1388  
felony OVI offense under division (G) (1) of section 2929.13 of 1389  
the Revised Code and the court imposes a mandatory term of local 1390  
incarceration, the court may impose a prison term as described 1391  
in division (A) (1) of that section. 1392

(5) If an offender is convicted of or pleads guilty to a 1393  
violation of division (A) (1) or (2) of section 2903.06 of the 1394  
Revised Code and also is convicted of or pleads guilty to a 1395  
specification of the type described in section 2941.1414 of the 1396  
Revised Code that charges that the victim of the offense is a 1397  
peace officer, as defined in section 2935.01 of the Revised 1398  
Code, or an investigator of the bureau of criminal 1399  
identification and investigation, as defined in section 2903.11 1400  
of the Revised Code, the court shall impose on the offender a 1401  
prison term of five years. If a court imposes a prison term on 1402  
an offender under division (B) (5) of this section, the prison 1403  
term, subject to divisions (C) to (I) of section 2967.19 of the 1404  
Revised Code, shall not be reduced pursuant to section 2929.20, 1405  
section 2967.19, section 2967.193, or any other provision of 1406  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1407  
shall not impose more than one prison term on an offender under 1408  
division (B) (5) of this section for felonies committed as part 1409  
of the same act. 1410



(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other 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) (6) of this section for felonies committed as part of the same act.

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

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

than ten years; 1442

(ii) If the offense is a felony of the second or third 1443  
degree, a definite prison term of not less than three years and 1444  
not greater than the maximum prison term allowed for the offense 1445  
by division (A) of section 2929.14 of the Revised Code; 1446

(iii) If the offense is a felony of the fourth or fifth 1447  
degree, a definite prison term that is the maximum prison term 1448  
allowed for the offense by division (A) of section 2929.14 of 1449  
the Revised Code. 1450

(b) Subject to divisions (C) to (I) of section 2967.19 of 1451  
the Revised Code, the prison term imposed under division (B) (7) 1452  
(a) of this section shall not be reduced pursuant to section 1453  
2929.20, section 2967.19, section 2967.193, or any other 1454  
provision of Chapter 2967. of the Revised Code. A court shall 1455  
not impose more than one prison term on an offender under 1456  
division (B) (7) (a) of this section for felonies committed as 1457  
part of the same act, scheme, or plan. 1458

(8) If an offender is convicted of or pleads guilty to a 1459  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1460  
Revised Code and also is convicted of or pleads guilty to a 1461  
specification of the type described in section 2941.1423 of the 1462  
Revised Code that charges that the victim of the violation was a 1463  
woman whom the offender knew was pregnant at the time of the 1464  
violation, notwithstanding the range of prison terms prescribed 1465  
in division (A) of this section for felonies of the same degree 1466  
as the violation, the court shall impose on the offender a 1467  
mandatory prison term that is either a definite prison term of 1468  
six months or one of the prison terms prescribed in section 1469  
2929.14 of the Revised Code for felonies of the same degree as 1470  
the violation. 1471

(9) If an offender is convicted of or pleads guilty to a 1472  
felony offense of violence and also is convicted of or pleads 1473  
guilty to a specification of the type described in section 1474  
2941.1425 of the Revised Code that charges that the victim of 1475  
the offense suffered permanent disabling harm as a result of the 1476  
offense, the court shall impose upon the offender an additional 1477  
definite prison term of three, four, five, six, seven, or eight 1478  
years. A prison term imposed upon an offender under division (B) 1479  
(9) of this section shall not be reduced pursuant to section 1480  
2929.20, section 2967.193, or any other provision of Chapter 1481  
2967. or Chapter 5120. of the Revised Code. 1482

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1483  
if a mandatory prison term is imposed upon an offender pursuant 1484  
to division (B) (1) (a) of this section for having a firearm on or 1485  
about the offender's person or under the offender's control 1486  
while committing a felony, if a mandatory prison term is imposed 1487  
upon an offender pursuant to division (B) (1) (c) of this section 1488  
for committing a felony specified in that division by 1489  
discharging a firearm from a motor vehicle, or if both types of 1490  
mandatory prison terms are imposed, the offender shall serve any 1491  
mandatory prison term imposed under either division 1492  
consecutively to any other mandatory prison term imposed under 1493  
either division or under division (B) (1) (d) of this section, 1494  
consecutively to and prior to any prison term imposed for the 1495  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1496  
this section or any other section of the Revised Code, and 1497  
consecutively to any other prison term or mandatory prison term 1498  
previously or subsequently imposed upon the offender. 1499

(b) If a mandatory prison term is imposed upon an offender 1500  
pursuant to division (B) (1) (d) of this section for wearing or 1501  
carrying body armor while committing an offense of violence that 1502

is a felony, the offender shall serve the mandatory term so 1503  
imposed consecutively to any other mandatory prison term imposed 1504  
under that division or under division (B) (1) (a) or (c) of this 1505  
section, consecutively to and prior to any prison term imposed 1506  
for the underlying felony under division (A), (B) (2), or (B) (3) 1507  
of this section or any other section of the Revised Code, and 1508  
consecutively to any other prison term or mandatory prison term 1509  
previously or subsequently imposed upon the offender. 1510

(c) If a mandatory prison term is imposed upon an offender 1511  
pursuant to division (B) (1) (f) of this section, the offender 1512  
shall serve the mandatory prison term so imposed consecutively 1513  
to and prior to any prison term imposed for the underlying 1514  
felony under division (A), (B) (2), or (B) (3) of this section or 1515  
any other section of the Revised Code, and consecutively to any 1516  
other prison term or mandatory prison term previously or 1517  
subsequently imposed upon the offender. 1518

(d) If a mandatory prison term is imposed upon an offender 1519  
pursuant to division (B) (7) or (8) of this section, the offender 1520  
shall serve the mandatory prison term so imposed consecutively 1521  
to any other mandatory prison term imposed under that division 1522  
or under any other provision of law and consecutively to any 1523  
other prison term or mandatory prison term previously or 1524  
subsequently imposed upon the offender. 1525

(2) If an offender who is an inmate in a jail, prison, or 1526  
other residential detention facility violates section 2917.02, 1527  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1528  
(2) of section 2921.34 of the Revised Code, if an offender who 1529  
is under detention at a detention facility commits a felony 1530  
violation of section 2923.131 of the Revised Code, or if an 1531  
offender who is an inmate in a jail, prison, or other 1532

residential detention facility or is under detention at a 1533  
detention facility commits another felony while the offender is 1534  
an escapee in violation of division (A) (1) or (2) of section 1535  
2921.34 of the Revised Code, any prison term imposed upon the 1536  
offender for one of those violations shall be served by the 1537  
offender consecutively to the prison term or term of 1538  
imprisonment the offender was serving when the offender 1539  
committed that offense and to any other prison term previously 1540  
or subsequently imposed upon the offender. 1541

(3) If a prison term is imposed for a violation of 1542  
division (B) of section 2911.01 of the Revised Code, a violation 1543  
of division (A) of section 2913.02 of the Revised Code in which 1544  
the stolen property is a firearm or dangerous ordnance, or a 1545  
felony violation of division (B) of section 2921.331 of the 1546  
Revised Code, the offender shall serve that prison term 1547  
consecutively to any other prison term or mandatory prison term 1548  
previously or subsequently imposed upon the offender. 1549

(4) If multiple prison terms are imposed on an offender 1550  
for convictions of multiple offenses, the court may require the 1551  
offender to serve the prison terms consecutively if the court 1552  
finds that the consecutive service is necessary to protect the 1553  
public from future crime or to punish the offender and that 1554  
consecutive sentences are not disproportionate to the 1555  
seriousness of the offender's conduct and to the danger the 1556  
offender poses to the public, and if the court also finds any of 1557  
the following: 1558

(a) The offender committed one or more of the multiple 1559  
offenses while the offender was awaiting trial or sentencing, 1560  
was under a sanction imposed pursuant to section 2929.16, 1561  
2929.17, or 2929.18 of the Revised Code, or was under post- 1562

release control for a prior offense. 1563

(b) At least two of the multiple offenses were committed 1564  
as part of one or more courses of conduct, and the harm caused 1565  
by two or more of the multiple offenses so committed was so 1566  
great or unusual that no single prison term for any of the 1567  
offenses committed as part of any of the courses of conduct 1568  
adequately reflects the seriousness of the offender's conduct. 1569

(c) The offender's history of criminal conduct 1570  
demonstrates that consecutive sentences are necessary to protect 1571  
the public from future crime by the offender. 1572

(5) If a mandatory prison term is imposed upon an offender 1573  
pursuant to division (B) (5) or (6) of this section, the offender 1574  
shall serve the mandatory prison term consecutively to and prior 1575  
to any prison term imposed for the underlying violation of 1576  
division (A) (1) or (2) of section 2903.06 of the Revised Code 1577  
pursuant to division (A) of this section or section 2929.142 of 1578  
the Revised Code. If a mandatory prison term is imposed upon an 1579  
offender pursuant to division (B) (5) of this section, and if a 1580  
mandatory prison term also is imposed upon the offender pursuant 1581  
to division (B) (6) of this section in relation to the same 1582  
violation, the offender shall serve the mandatory prison term 1583  
imposed pursuant to division (B) (5) of this section 1584  
consecutively to and prior to the mandatory prison term imposed 1585  
pursuant to division (B) (6) of this section and consecutively to 1586  
and prior to any prison term imposed for the underlying 1587  
violation of division (A) (1) or (2) of section 2903.06 of the 1588  
Revised Code pursuant to division (A) of this section or section 1589  
2929.142 of the Revised Code. 1590

(6) If a mandatory prison term is imposed upon an offender 1591  
pursuant to division (B) (9) of this section, the offender shall 1592

serve that mandatory prison term consecutively to and prior to 1593  
any prison term imposed for the underlying violation of an 1594  
offense of violence and consecutively to and prior to any other 1595  
prison term or mandatory prison term previously or subsequently 1596  
imposed upon the offender. 1597

(7) When consecutive prison terms are imposed pursuant to 1598  
division (C) (1), (2), (3), (4), ~~or~~ (5), or (6) or division (H) 1599  
(1) or (2) of this section, the term to be served is the 1600  
aggregate of all of the terms so imposed. 1601

(D) (1) If a court imposes a prison term for a felony of 1602  
the first degree, for a felony of the second degree, for a 1603  
felony sex offense, or for a felony of the third degree that is 1604  
not a felony sex offense and in the commission of which the 1605  
offender caused or threatened to cause physical harm to a 1606  
person, it shall include in the sentence a requirement that the 1607  
offender be subject to a period of post-release control after 1608  
the offender's release from imprisonment, in accordance with 1609  
that division. If a court imposes a sentence including a prison 1610  
term of a type described in this division on or after July 11, 1611  
2006, the failure of a court to include a post-release control 1612  
requirement in the sentence pursuant to this division does not 1613  
negate, limit, or otherwise affect the mandatory period of post- 1614  
release control that is required for the offender under division 1615  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1616  
the Revised Code applies if, prior to July 11, 2006, a court 1617  
imposed a sentence including a prison term of a type described 1618  
in this division and failed to include in the sentence pursuant 1619  
to this division a statement regarding post-release control. 1620

(2) If a court imposes a prison term for a felony of the 1621  
third, fourth, or fifth degree that is not subject to division 1622

(D) (1) of this section, it shall include in the sentence a 1623  
requirement that the offender be subject to a period of post- 1624  
release control after the offender's release from imprisonment, 1625  
in accordance with that division, if the parole board determines 1626  
that a period of post-release control is necessary. Section 1627  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1628  
a court imposed a sentence including a prison term of a type 1629  
described in this division and failed to include in the sentence 1630  
pursuant to this division a statement regarding post-release 1631  
control. 1632

(E) The court shall impose sentence upon the offender in 1633  
accordance with section 2971.03 of the Revised Code, and Chapter 1634  
2971. of the Revised Code applies regarding the prison term or 1635  
term of life imprisonment without parole imposed upon the 1636  
offender and the service of that term of imprisonment if any of 1637  
the following apply: 1638

(1) A person is convicted of or pleads guilty to a violent 1639  
sex offense or a designated homicide, assault, or kidnapping 1640  
offense, and, in relation to that offense, the offender is 1641  
adjudicated a sexually violent predator. 1642

(2) A person is convicted of or pleads guilty to a 1643  
violation of division (A) (1) (b) of section 2907.02 of the 1644  
Revised Code committed on or after January 2, 2007, and either 1645  
the court does not impose a sentence of life without parole when 1646  
authorized pursuant to division (B) of section 2907.02 of the 1647  
Revised Code, or division (B) of section 2907.02 of the Revised 1648  
Code provides that the court shall not sentence the offender 1649  
pursuant to section 2971.03 of the Revised Code. 1650

(3) A person is convicted of or pleads guilty to attempted 1651  
rape committed on or after January 2, 2007, and a specification 1652



of the type described in section 2941.1418, 2941.1419, or 1653  
2941.1420 of the Revised Code. 1654

(4) A person is convicted of or pleads guilty to a 1655  
violation of section 2905.01 of the Revised Code committed on or 1656  
after January 1, 2008, and that section requires the court to 1657  
sentence the offender pursuant to section 2971.03 of the Revised 1658  
Code. 1659

(5) A person is convicted of or pleads guilty to 1660  
aggravated murder committed on or after January 1, 2008, and 1661  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1662  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1663  
(d) of section 2929.03, or division (A) or (B) of section 1664  
2929.06 of the Revised Code requires the court to sentence the 1665  
offender pursuant to division (B) (3) of section 2971.03 of the 1666  
Revised Code. 1667

(6) A person is convicted of or pleads guilty to murder 1668  
committed on or after January 1, 2008, and division (B) (2) of 1669  
section 2929.02 of the Revised Code requires the court to 1670  
sentence the offender pursuant to section 2971.03 of the Revised 1671  
Code. 1672

(F) If a person who has been convicted of or pleaded 1673  
guilty to a felony is sentenced to a prison term or term of 1674  
imprisonment under this section, sections 2929.02 to 2929.06 of 1675  
the Revised Code, section 2929.142 of the Revised Code, section 1676  
2971.03 of the Revised Code, or any other provision of law, 1677  
section 5120.163 of the Revised Code applies regarding the 1678  
person while the person is confined in a state correctional 1679  
institution. 1680

(G) If an offender who is convicted of or pleads guilty to 1681

a felony that is an offense of violence also is convicted of or 1682  
pleads guilty to a specification of the type described in 1683  
section 2941.142 of the Revised Code that charges the offender 1684  
with having committed the felony while participating in a 1685  
criminal gang, the court shall impose upon the offender an 1686  
additional prison term of one, two, or three years. 1687

(H) (1) If an offender who is convicted of or pleads guilty 1688  
to aggravated murder, murder, or a felony of the first, second, 1689  
or third degree that is an offense of violence also is convicted 1690  
of or pleads guilty to a specification of the type described in 1691  
section 2941.143 of the Revised Code that charges the offender 1692  
with having committed the offense in a school safety zone or 1693  
towards a person in a school safety zone, the court shall impose 1694  
upon the offender an additional prison term of two years. The 1695  
offender shall serve the additional two years consecutively to 1696  
and prior to the prison term imposed for the underlying offense. 1697

(2) (a) If an offender is convicted of or pleads guilty to 1698  
a felony violation of section 2907.22, 2907.24, 2907.241, or 1699  
2907.25 of the Revised Code and to a specification of the type 1700  
described in section 2941.1421 of the Revised Code and if the 1701  
court imposes a prison term on the offender for the felony 1702  
violation, the court may impose upon the offender an additional 1703  
prison term as follows: 1704

(i) Subject to division (H) (2) (a) (ii) of this section, an 1705  
additional prison term of one, two, three, four, five, or six 1706  
months; 1707

(ii) If the offender previously has been convicted of or 1708  
pleaded guilty to one or more felony or misdemeanor violations 1709  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1710  
the Revised Code and also was convicted of or pleaded guilty to 1711

a specification of the type described in section 2941.1421 of 1712  
the Revised Code regarding one or more of those violations, an 1713  
additional prison term of one, two, three, four, five, six, 1714  
seven, eight, nine, ten, eleven, or twelve months. 1715

(b) In lieu of imposing an additional prison term under 1716  
division (H) (2) (a) of this section, the court may directly 1717  
impose on the offender a sanction that requires the offender to 1718  
wear a real-time processing, continual tracking electronic 1719  
monitoring device during the period of time specified by the 1720  
court. The period of time specified by the court shall equal the 1721  
duration of an additional prison term that the court could have 1722  
imposed upon the offender under division (H) (2) (a) of this 1723  
section. A sanction imposed under this division shall commence 1724  
on the date specified by the court, provided that the sanction 1725  
shall not commence until after the offender has served the 1726  
prison term imposed for the felony violation of section 2907.22, 1727  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1728  
residential sanction imposed for the violation under section 1729  
2929.16 of the Revised Code. A sanction imposed under this 1730  
division shall be considered to be a community control sanction 1731  
for purposes of section 2929.15 of the Revised Code, and all 1732  
provisions of the Revised Code that pertain to community control 1733  
sanctions shall apply to a sanction imposed under this division, 1734  
except to the extent that they would by their nature be clearly 1735  
inapplicable. The offender shall pay all costs associated with a 1736  
sanction imposed under this division, including the cost of the 1737  
use of the monitoring device. 1738

(I) At the time of sentencing, the court may recommend the 1739  
offender for placement in a program of shock incarceration under 1740  
section 5120.031 of the Revised Code or for placement in an 1741  
intensive program prison under section 5120.032 of the Revised 1742

Code, disapprove placement of the offender in a program of shock 1743  
incarceration or an intensive program prison of that nature, or 1744  
make no recommendation on placement of the offender. In no case 1745  
shall the department of rehabilitation and correction place the 1746  
offender in a program or prison of that nature unless the 1747  
department determines as specified in section 5120.031 or 1748  
5120.032 of the Revised Code, whichever is applicable, that the 1749  
offender is eligible for the placement. 1750

If the court disapproves placement of the offender in a 1751  
program or prison of that nature, the department of 1752  
rehabilitation and correction shall not place the offender in 1753  
any program of shock incarceration or intensive program prison. 1754

If the court recommends placement of the offender in a 1755  
program of shock incarceration or in an intensive program 1756  
prison, and if the offender is subsequently placed in the 1757  
recommended program or prison, the department shall notify the 1758  
court of the placement and shall include with the notice a brief 1759  
description of the placement. 1760

If the court recommends placement of the offender in a 1761  
program of shock incarceration or in an intensive program prison 1762  
and the department does not subsequently place the offender in 1763  
the recommended program or prison, the department shall send a 1764  
notice to the court indicating why the offender was not placed 1765  
in the recommended program or prison. 1766

If the court does not make a recommendation under this 1767  
division with respect to an offender and if the department 1768  
determines as specified in section 5120.031 or 5120.032 of the 1769  
Revised Code, whichever is applicable, that the offender is 1770  
eligible for placement in a program or prison of that nature, 1771  
the department shall screen the offender and determine if there 1772

is an available program of shock incarceration or an intensive 1773  
program prison for which the offender is suited. If there is an 1774  
available program of shock incarceration or an intensive program 1775  
prison for which the offender is suited, the department shall 1776  
notify the court of the proposed placement of the offender as 1777  
specified in section 5120.031 or 5120.032 of the Revised Code 1778  
and shall include with the notice a brief description of the 1779  
placement. The court shall have ten days from receipt of the 1780  
notice to disapprove the placement. 1781

(J) If a person is convicted of or pleads guilty to 1782  
aggravated vehicular homicide in violation of division (A) (1) of 1783  
section 2903.06 of the Revised Code and division (B) (2) (c) of 1784  
that section applies, the person shall be sentenced pursuant to 1785  
section 2929.142 of the Revised Code. 1786

(K) (1) The court shall impose an additional mandatory 1787  
prison term of two, three, four, five, six, seven, eight, nine, 1788  
ten, or eleven years on an offender who is convicted of or 1789  
pleads guilty to a violent felony offense if the offender also 1790  
is convicted of or pleads guilty to a specification of the type 1791  
described in section 2941.1424 of the Revised Code that charges 1792  
that the offender is a violent career criminal and had a firearm 1793  
on or about the offender's person or under the offender's 1794  
control while committing the presently charged violent felony 1795  
offense and displayed or brandished the firearm, indicated that 1796  
the offender possessed a firearm, or used the firearm to 1797  
facilitate the offense. The offender shall serve the prison term 1798  
imposed under this division consecutively to and prior to the 1799  
prison term imposed for the underlying offense. The prison term 1800  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1801  
any other provision of Chapter 2967. or 5120. of the Revised 1802  
Code. A court may not impose more than one sentence under 1803

division (B) (2) (a) of this section and this division for acts 1804  
committed as part of the same act or transaction. 1805

(2) As used in division (K) (1) of this section, "violent 1806  
career criminal" and "violent felony offense" have the same 1807  
meanings as in section 2923.132 of the Revised Code. 1808

Sec. 2941.1425. (A) Imposition of a mandatory prison term 1809  
of three, four, five, six, seven, or eight years upon an 1810  
offender under division (B) (9) of section 2929.14 of the Revised 1811  
Code is precluded unless the offender is convicted of or pleads 1812  
guilty to a felony offense of violence and unless the 1813  
indictment, count in the indictment, or information charging the 1814  
offense specifies that the victim of the offense suffered 1815  
permanent disabling harm as a result of the offense. The 1816  
specification shall be stated at the end of the body of the 1817  
indictment, count, or information and shall be stated in 1818  
substantially the following form: 1819

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1820  
Grand Jurors (or insert the person's or the prosecuting 1821  
attorney's name when appropriate) further find and specify that 1822  
(set forth that the victim of the offense suffered permanent 1823  
disabling harm as a result of the offense)." 1824

(B) As used in this section, "permanent disabling harm" 1825  
has the same meaning as in section 2929.01 of the Revised Code. 1826

**Section 2.** That existing sections 2929.01, 2929.13, and 1827  
2929.14 of the Revised Code are hereby repealed. 1828

**Section 3.** Section 2929.01 of the Revised Code is 1829  
presented in this act as a composite of the section as amended 1830  
by both Sub. H.B. 158 and H.B. 171 of the 131st General 1831  
Assembly. The General Assembly, applying the principle stated in 1832

division (B) of section 1.52 of the Revised Code that amendments 1833  
are to be harmonized if reasonably capable of simultaneous 1834  
operation, finds that the composite is the resulting version of 1835  
the section in effect prior to the effective date of the section 1836  
as presented in this act. 1837

Section 2929.13 of the Revised Code is presented in this 1838  
act as a composite of the section as amended by Sub. H.B. 60, 1839  
Sub. H.B. 110, and Am. Sub. S.B. 97, all of the 131st General 1840  
Assembly. The General Assembly, applying the principle stated in 1841  
division (B) of section 1.52 of the Revised Code that amendments 1842  
are to be harmonized if reasonably capable of simultaneous 1843  
operation, finds that the composite is the resulting version of 1844  
the section in effect prior to the effective date of the section 1845  
as presented in this act. 1846

**Section 4.** This act shall be known as "Destiny's Law." 1847