

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 20

Senator Hackett

Cosponsors: Senators Gardner, Uecker, Yuko, Wilson

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.

(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.

(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.

(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.

(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.

(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,

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

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| (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

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| 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

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| (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