

H. B. No. 136  
As Introduced

**Topic:** Mandatory life without parole if guilty but not death eligible 1

\_\_\_\_\_ moved to amend as follows:

In line 2 of the title, after "2929.06," insert "2941.148,"; delete "and"; after "2953.23" insert ", 2971.03, and 2971.07" 2 3

In line 9, after "2929.06," insert "2941.148,"; delete "and"; after "2953.23" insert ", 2971.03, and 2971.07" 4 5

In line 628, after "(E)" insert "(1)"; reinsert "raised the matter of age at trial" 6 7

In line 629, reinsert "pursuant to section 2929.023 of the Revised Code," 8 9

In line 632, delete "and if the offender either raised" 10

Delete line 633 11

In line 634, delete "Revised Code" 12

In line 636, delete "or raised the matter of the offender's serious mental" 13 14

Delete lines 637 through 639 15



In line 640, delete " <u>mental illness</u> "	16
In line 644, strike through "(1)" and insert " <u>(a)</u> "; strike through "(2)" and insert " <u>(1)(b)</u> "	17 18
In line 646, strike through "(a)" and insert " <u>(i)</u> "	19
In line 647, strike through "(b)" and insert " <u>(ii)</u> "; delete " <u>(1)</u> "; strike through "(d)" and insert " <u>(1)(a)(iv)</u> "	20 21
In line 650, strike through "(c)" and insert " <u>(iii)</u> "; delete " <u>(1)</u> "; strike through "(d)" and insert " <u>(1)(a)(iv)</u> "	22 23
In line 653, strike through "(d)" and insert " <u>(iv)</u> "	24
In line 659, after "(a)" insert " <u>(i)</u> "	25
In line 664, strike through "(2)" and insert " <u>(b)</u> "	26
After line 669, insert:	27
<u>"(2) If the offender raised the matter of the offender's</u>	28
<u>serious mental illness at the time of the commission of the</u>	29
<u>offense pursuant to section 2929.025 of the Revised Code, was</u>	30
<u>found under that section to be ineligible for a sentence of</u>	31
<u>death due to serious mental illness, and was convicted of</u>	32
<u>aggravated murder and one or more specifications of an</u>	33
<u>aggravating circumstance listed in division (A) of section</u>	34
<u>2929.04 of the Revised Code, the court or panel of three judges</u>	35
<u>shall not impose a sentence of death on the offender. Instead,</u>	36
<u>the court or panel shall sentence the offender to life</u>	37
<u>imprisonment without parole."</u>	38
After line 947, insert:	39
<b>"Sec. 2941.148.</b> (A) (1) The application of Chapter 2971. of	40
the Revised Code to an offender is precluded unless one of the	41

following applies: 42

(a) The offender is charged with a violent sex offense, 43  
and the indictment, count in the indictment, or information 44  
charging the violent sex offense also includes a specification 45  
that the offender is a sexually violent predator, or the 46  
offender is charged with a designated homicide, assault, or 47  
kidnapping offense, and the indictment, count in the indictment, 48  
or information charging the designated homicide, assault, or 49  
kidnapping offense also includes both a specification of the 50  
type described in section 2941.147 of the Revised Code and a 51  
specification that the offender is a sexually violent predator. 52

(b) The offender is convicted of or pleads guilty to a 53  
violation of division (A) (1) (b) of section 2907.02 of the 54  
Revised Code committed on or after January 2, 2007, and division 55  
(B) of section 2907.02 of the Revised Code does not prohibit the 56  
court from sentencing the offender pursuant to section 2971.03 57  
of the Revised Code. 58

(c) The offender is convicted of or pleads guilty to 59  
attempted rape committed on or after January 2, 2007, and to a 60  
specification of the type described in section 2941.1418, 61  
2941.1419, or 2941.1420 of the Revised Code. 62

(d) The offender is convicted of or pleads guilty to a 63  
violation of section 2905.01 of the Revised Code and to a 64  
specification of the type described in section 2941.147 of the 65  
Revised Code, and section 2905.01 of the Revised Code requires a 66  
court to sentence the offender pursuant to section 2971.03 of 67  
the Revised Code. 68

(e) The offender is convicted of or pleads guilty to 69  
aggravated murder and to a specification of the type described 70

in section 2941.147 of the Revised Code, and division (A) (2) (b) 71  
(ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) 72  
(2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) ~~(d)~~ (a) (iv) of 73  
section 2929.03, or division (A) or (B) of section 2929.06 of 74  
the Revised Code requires a court to sentence the offender 75  
pursuant to division (B) (3) of section 2971.03 of the Revised 76  
Code. 77

(f) The offender is convicted of or pleads guilty to 78  
murder and to a specification of the type described in section 79  
2941.147 of the Revised Code, and division (B) (2) of section 80  
2929.02 of the Revised Code requires a court to sentence the 81  
offender pursuant to section 2971.03 of the Revised Code. 82

(2) A specification required under division (A) (1) (a) of 83  
this section that an offender is a sexually violent predator 84  
shall be stated at the end of the body of the indictment, count, 85  
or information and shall be stated in substantially the 86  
following form: 87

"Specification (or, specification to the first count). The 88  
grand jury (or insert the person's or prosecuting attorney's 89  
name when appropriate) further find and specify that the 90  
offender is a sexually violent predator." 91

(B) In determining for purposes of this section whether a 92  
person is a sexually violent predator, all of the factors set 93  
forth in divisions (H) (1) to (6) of section 2971.01 of the 94  
Revised Code that apply regarding the person may be considered 95  
as evidence tending to indicate that it is likely that the 96  
person will engage in the future in one or more sexually violent 97  
offenses. 98

(C) As used in this section, "designated homicide, 99

assault, or kidnapping offense," "violent sex offense," and 100  
"sexually violent predator" have the same meanings as in section 101  
2971.01 of the Revised Code." 102

After line 1416, insert: 103

**"Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) 104  
of section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, 105  
or another section of the Revised Code, other than divisions (B) 106  
and (C) of section 2929.14 of the Revised Code, that authorizes 107  
or requires a specified prison term or a mandatory prison term 108  
for a person who is convicted of or pleads guilty to a felony or 109  
that specifies the manner and place of service of a prison term 110  
or term of imprisonment, the court shall impose a sentence upon 111  
a person who is convicted of or pleads guilty to a violent sex 112  
offense and who also is convicted of or pleads guilty to a 113  
sexually violent predator specification that was included in the 114  
indictment, count in the indictment, or information charging 115  
that offense, and upon a person who is convicted of or pleads 116  
guilty to a designated homicide, assault, or kidnapping offense 117  
and also is convicted of or pleads guilty to both a sexual 118  
motivation specification and a sexually violent predator 119  
specification that were included in the indictment, count in the 120  
indictment, or information charging that offense, as follows: 121

(1) If the offense for which the sentence is being imposed 122  
is aggravated murder and if the court does not impose upon the 123  
offender a sentence of death, it shall impose upon the offender 124  
a term of life imprisonment without parole. If the court 125  
sentences the offender to death and the sentence of death is 126  
vacated, overturned, or otherwise set aside, the court shall 127  
impose upon the offender a term of life imprisonment without 128  
parole. 129

(2) If the offense for which the sentence is being imposed 130  
is murder; or if the offense is rape committed in violation of 131  
division (A)(1)(b) of section 2907.02 of the Revised Code when 132  
the offender purposely compelled the victim to submit by force 133  
or threat of force, when the victim was less than ten years of 134  
age, when the offender previously has been convicted of or 135  
pleaded guilty to either rape committed in violation of that 136  
division or a violation of an existing or former law of this 137  
state, another state, or the United States that is substantially 138  
similar to division (A)(1)(b) of section 2907.02 of the Revised 139  
Code, or when the offender during or immediately after the 140  
commission of the rape caused serious physical harm to the 141  
victim; or if the offense is an offense other than aggravated 142  
murder or murder for which a term of life imprisonment may be 143  
imposed, it shall impose upon the offender a term of life 144  
imprisonment without parole. 145

(3) (a) Except as otherwise provided in division (A)(3)(b), 146  
(c), (d), or (e) or (A)(4) of this section, if the offense for 147  
which the sentence is being imposed is an offense other than 148  
aggravated murder, murder, or rape and other than an offense for 149  
which a term of life imprisonment may be imposed, it shall 150  
impose an indefinite prison term consisting of a minimum term 151  
fixed by the court as described in this division, but not less 152  
than two years, and a maximum term of life imprisonment. Except 153  
as otherwise specified in this division, the minimum term shall 154  
be fixed by the court from among the range of terms available as 155  
a definite term for the offense. If the offense is a felony of 156  
the first or second degree committed on or after ~~the effective~~ 157  
~~date of this amendment~~ March 22, 2019, the minimum term shall be 158  
fixed by the court from among the range of terms available as a 159  
minimum term for the offense under division (A)(1)(a) or (2)(a) 160

of that section. 161

(b) Except as otherwise provided in division (A) (4) of 162  
this section, if the offense for which the sentence is being 163  
imposed is kidnapping that is a felony of the first degree, it 164  
shall impose an indefinite prison term as follows: 165

(i) If the kidnapping is committed on or after January 1, 166  
2008, and the victim of the offense is less than thirteen years 167  
of age, except as otherwise provided in this division, it shall 168  
impose an indefinite prison term consisting of a minimum term of 169  
fifteen years and a maximum term of life imprisonment. If the 170  
kidnapping is committed on or after January 1, 2008, the victim 171  
of the offense is less than thirteen years of age, and the 172  
offender released the victim in a safe place unharmed, it shall 173  
impose an indefinite prison term consisting of a minimum term of 174  
ten years and a maximum term of life imprisonment. 175

(ii) If the kidnapping is committed prior to January 1, 176  
2008, or division (A) (3) (b) (i) of this section does not apply, 177  
it shall impose an indefinite term consisting of a minimum term 178  
fixed by the court that is not less than ten years and a maximum 179  
term of life imprisonment. 180

(c) Except as otherwise provided in division (A) (4) of 181  
this section, if the offense for which the sentence is being 182  
imposed is kidnapping that is a felony of the second degree, it 183  
shall impose an indefinite prison term consisting of a minimum 184  
term fixed by the court that is not less than eight years, and a 185  
maximum term of life imprisonment. 186

(d) Except as otherwise provided in division (A) (4) of 187  
this section, if the offense for which the sentence is being 188  
imposed is rape for which a term of life imprisonment is not 189

imposed under division (A) (2) of this section or division (B) of 190  
section 2907.02 of the Revised Code, it shall impose an 191  
indefinite prison term as follows: 192

(i) If the rape is committed on or after January 2, 2007, 193  
in violation of division (A) (1) (b) of section 2907.02 of the 194  
Revised Code, it shall impose an indefinite prison term 195  
consisting of a minimum term of twenty-five years and a maximum 196  
term of life imprisonment. 197

(ii) If the rape is committed prior to January 2, 2007, or 198  
the rape is committed on or after January 2, 2007, other than in 199  
violation of division (A) (1) (b) of section 2907.02 of the 200  
Revised Code, it shall impose an indefinite prison term 201  
consisting of a minimum term fixed by the court that is not less 202  
than ten years, and a maximum term of life imprisonment. 203

(e) Except as otherwise provided in division (A) (4) of 204  
this section, if the offense for which sentence is being imposed 205  
is attempted rape, it shall impose an indefinite prison term as 206  
follows: 207

(i) Except as otherwise provided in division (A) (3) (e) 208  
(ii), (iii), or (iv) of this section, it shall impose an 209  
indefinite prison term pursuant to division (A) (3) (a) of this 210  
section. 211

(ii) If the attempted rape for which sentence is being 212  
imposed was committed on or after January 2, 2007, and if the 213  
offender also is convicted of or pleads guilty to a 214  
specification of the type described in section 2941.1418 of the 215  
Revised Code, it shall impose an indefinite prison term 216  
consisting of a minimum term of five years and a maximum term of 217  
twenty-five years. 218

(iii) If the attempted rape for which sentence is being 219  
imposed was committed on or after January 2, 2007, and if the 220  
offender also is convicted of or pleads guilty to a 221  
specification of the type described in section 2941.1419 of the 222  
Revised Code, it shall impose an indefinite prison term 223  
consisting of a minimum term of ten years and a maximum of life 224  
imprisonment. 225

(iv) If the attempted rape for which sentence is being 226  
imposed was committed on or after January 2, 2007, and if the 227  
offender also is convicted of or pleads guilty to a 228  
specification of the type described in section 2941.1420 of the 229  
Revised Code, it shall impose an indefinite prison term 230  
consisting of a minimum term of fifteen years and a maximum of 231  
life imprisonment. 232

(4) For any offense for which the sentence is being 233  
imposed, if the offender previously has been convicted of or 234  
pleaded guilty to a violent sex offense and also to a sexually 235  
violent predator specification that was included in the 236  
indictment, count in the indictment, or information charging 237  
that offense, or previously has been convicted of or pleaded 238  
guilty to a designated homicide, assault, or kidnapping offense 239  
and also to both a sexual motivation specification and a 240  
sexually violent predator specification that were included in 241  
the indictment, count in the indictment, or information charging 242  
that offense, it shall impose upon the offender a term of life 243  
imprisonment without parole. 244

(B) (1) Notwithstanding section 2929.13, division (A) or 245  
(D) of section 2929.14, or another section of the Revised Code 246  
other than division (B) of section 2907.02 or divisions (B) and 247  
(C) of section 2929.14 of the Revised Code that authorizes or 248

requires a specified prison term or a mandatory prison term for 249  
a person who is convicted of or pleads guilty to a felony or 250  
that specifies the manner and place of service of a prison term 251  
or term of imprisonment, if a person is convicted of or pleads 252  
guilty to a violation of division (A) (1) (b) of section 2907.02 253  
of the Revised Code committed on or after January 2, 2007, if 254  
division (A) of this section does not apply regarding the 255  
person, and if the court does not impose a sentence of life 256  
without parole when authorized pursuant to division (B) of 257  
section 2907.02 of the Revised Code, the court shall impose upon 258  
the person an indefinite prison term consisting of one of the 259  
following: 260

(a) Except as otherwise required in division (B) (1) (b) or 261  
(c) of this section, a minimum term of ten years and a maximum 262  
term of life imprisonment. 263

(b) If the victim was less than ten years of age, a 264  
minimum term of fifteen years and a maximum of life 265  
imprisonment. 266

(c) If the offender purposely compels the victim to submit 267  
by force or threat of force, or if the offender previously has 268  
been convicted of or pleaded guilty to violating division (A) (1) 269  
(b) of section 2907.02 of the Revised Code or to violating an 270  
existing or former law of this state, another state, or the 271  
United States that is substantially similar to division (A) (1) 272  
(b) of that section, or if the offender during or immediately 273  
after the commission of the offense caused serious physical harm 274  
to the victim, a minimum term of twenty-five years and a maximum 275  
of life imprisonment. 276

(2) Notwithstanding section 2929.13, division (A) or (D) 277  
of section 2929.14, or another section of the Revised Code other 278

than divisions (B) and (C) of section 2929.14 of the Revised Code that authorizes or requires a specified prison term or a mandatory prison term for a person who is convicted of or pleads guilty to a felony or that specifies the manner and place of service of a prison term or term of imprisonment and except as otherwise provided in division (B) of section 2907.02 of the Revised Code, if a person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and if division (A) of this section does not apply regarding the person, the court shall impose upon the person an indefinite prison term consisting of one of the following:

(a) If the person also is convicted of or pleads guilty to a specification of the type described in section 2941.1418 of the Revised Code, the court shall impose upon the person an indefinite prison term consisting of a minimum term of five years and a maximum term of twenty-five years.

(b) If the person also is convicted of or pleads guilty to a specification of the type described in section 2941.1419 of the Revised Code, the court shall impose upon the person an indefinite prison term consisting of a minimum term of ten years and a maximum term of life imprisonment.

(c) If the person also is convicted of or pleads guilty to a specification of the type described in section 2941.1420 of the Revised Code, the court shall impose upon the person an indefinite prison term consisting of a minimum term of fifteen years and a maximum term of life imprisonment.

(3) Notwithstanding section 2929.13, division (A) or (D) of section 2929.14, or another section of the Revised Code other than divisions (B) and (C) of section 2929.14 of the Revised Code that authorizes or requires a specified prison term or a

mandatory prison term for a person who is convicted of or pleads 309  
guilty to a felony or that specifies the manner and place of 310  
service of a prison term or term of imprisonment, if a person is 311  
convicted of or pleads guilty to an offense described in 312  
division (B) (3) (a), (b), (c), or (d) of this section committed 313  
on or after January 1, 2008, if the person also is convicted of 314  
or pleads guilty to a sexual motivation specification that was 315  
included in the indictment, count in the indictment, or 316  
information charging that offense, and if division (A) of this 317  
section does not apply regarding the person, the court shall 318  
impose upon the person an indefinite prison term consisting of 319  
one of the following: 320

(a) An indefinite prison term consisting of a minimum of 321  
ten years and a maximum term of life imprisonment if the offense 322  
for which the sentence is being imposed is kidnapping, the 323  
victim of the offense is less than thirteen years of age, and 324  
the offender released the victim in a safe place unharmed; 325

(b) An indefinite prison term consisting of a minimum of 326  
fifteen years and a maximum term of life imprisonment if the 327  
offense for which the sentence is being imposed is kidnapping 328  
when the victim of the offense is less than thirteen years of 329  
age and division (B) (3) (a) of this section does not apply; 330

(c) An indefinite term consisting of a minimum of thirty 331  
years and a maximum term of life imprisonment if the offense for 332  
which the sentence is being imposed is aggravated murder, when 333  
the victim of the offense is less than thirteen years of age, a 334  
sentence of death or life imprisonment without parole is not 335  
imposed for the offense, and division (A) (2) (b) (ii) of section 336  
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 337  
(2) (b), (D) (3) (a) (iv), or (E) (1) ~~(d)~~ (a) (iv) of section 2929.03, 338

or division (A) or (B) of section 2929.06 of the Revised Code 339  
requires that the sentence for the offense be imposed pursuant 340  
to this division; 341

(d) An indefinite prison term consisting of a minimum of 342  
thirty years and a maximum term of life imprisonment if the 343  
offense for which the sentence is being imposed is murder when 344  
the victim of the offense is less than thirteen years of age. 345

(C) (1) If the offender is sentenced to a prison term 346  
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 347  
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 348  
parole board shall have control over the offender's service of 349  
the term during the entire term unless the parole board 350  
terminates its control in accordance with section 2971.04 of the 351  
Revised Code. 352

(2) Except as provided in division (C) (3) of this section, 353  
an offender sentenced to a prison term or term of life 354  
imprisonment without parole pursuant to division (A) of this 355  
section shall serve the entire prison term or term of life 356  
imprisonment in a state correctional institution. The offender 357  
is not eligible for judicial release under section 2929.20 of 358  
the Revised Code. 359

(3) For a prison term imposed pursuant to division (A) (3), 360  
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 361  
(b), (c), or (d) of this section, the court, in accordance with 362  
section 2971.05 of the Revised Code, may terminate the prison 363  
term or modify the requirement that the offender serve the 364  
entire term in a state correctional institution if all of the 365  
following apply: 366

(a) The offender has served at least the minimum term 367

imposed as part of that prison term. 368

(b) The parole board, pursuant to section 2971.04 of the Revised Code, has terminated its control over the offender's service of that prison term. 369  
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(c) The court has held a hearing and found, by clear and convincing evidence, one of the following: 372  
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(i) In the case of termination of the prison term, that the offender is unlikely to commit a sexually violent offense in the future; 374  
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(ii) In the case of modification of the requirement, that the offender does not represent a substantial risk of physical harm to others. 377  
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(4) An offender who has been sentenced to a term of life imprisonment without parole pursuant to division (A) (1), (2), or (4) of this section shall not be released from the term of life imprisonment or be permitted to serve a portion of it in a place other than a state correctional institution. 380  
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(D) If a court sentences an offender to a prison term or term of life imprisonment without parole pursuant to division (A) of this section and the court also imposes on the offender one or more additional prison terms pursuant to division (B) of section 2929.14 of the Revised Code, all of the additional prison terms shall be served consecutively with, and prior to, the prison term or term of life imprisonment without parole imposed upon the offender pursuant to division (A) of this section. 385  
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(E) If the offender is convicted of or pleads guilty to two or more offenses for which a prison term or term of life 394  
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imprisonment without parole is required to be imposed pursuant 396  
to division (A) of this section, divisions (A) to (D) of this 397  
section shall be applied for each offense. All minimum terms 398  
imposed upon the offender pursuant to division (A)(3) or (B) of 399  
this section for those offenses shall be aggregated and served 400  
consecutively, as if they were a single minimum term imposed 401  
under that division. 402

(F)(1) If an offender is convicted of or pleads guilty to 403  
a violent sex offense and also is convicted of or pleads guilty 404  
to a sexually violent predator specification that was included 405  
in the indictment, count in the indictment, or information 406  
charging that offense, or is convicted of or pleads guilty to a 407  
designated homicide, assault, or kidnapping offense and also is 408  
convicted of or pleads guilty to both a sexual motivation 409  
specification and a sexually violent predator specification that 410  
were included in the indictment, count in the indictment, or 411  
information charging that offense, the conviction of or plea of 412  
guilty to the offense and the sexually violent predator 413  
specification automatically classifies the offender as a tier 414  
III sex offender/child-victim offender for purposes of Chapter 415  
2950. of the Revised Code. 416

(2) If an offender is convicted of or pleads guilty to 417  
committing on or after January 2, 2007, a violation of division 418  
(A)(1)(b) of section 2907.02 of the Revised Code and either the 419  
offender is sentenced under section 2971.03 of the Revised Code 420  
or a sentence of life without parole is imposed under division 421  
(B) of section 2907.02 of the Revised Code, the conviction of or 422  
plea of guilty to the offense automatically classifies the 423  
offender as a tier III sex offender/child-victim offender for 424  
purposes of Chapter 2950. of the Revised Code. 425

(3) If a person is convicted of or pleads guilty to committing on or after January 2, 2007, attempted rape and also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code, the conviction of or plea of guilty to the offense and the specification automatically classify the offender as a tier III sex offender/child-victim offender for purposes of Chapter 2950. of the Revised Code.

(4) If a person is convicted of or pleads guilty to one of the offenses described in division (B)(3)(a), (b), (c), or (d) of this section and a sexual motivation specification related to the offense and the victim of the offense is less than thirteen years of age, the conviction of or plea of guilty to the offense automatically classifies the offender as a tier III sex offender/child-victim offender for purposes of Chapter 2950. of the Revised Code.

**Sec. 2971.07.** (A) This chapter does not apply to any offender unless the offender is one of the following:

(1) The offender is convicted of or pleads guilty to a violent sex offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense.

(2) The offender is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation specification and a sexually violent predator specification that were included in the indictment, count in the indictment, or information charging that offense.

(3) The offender is convicted of or pleads guilty to a violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and the court does not sentence the offender to a term of life without parole pursuant to division (B) of section 2907.02 of the Revised Code or division (B) of that section prohibits the court from sentencing the offender pursuant to section 2971.03 of the Revised Code.

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

(5) The offender is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code and also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging that offense, and that section requires a court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(6) The offender is convicted of or pleads guilty to aggravated murder and also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging that offense, and division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) ~~(d)~~ (a) (iv) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires a court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.

(7) The offender is convicted of or pleads guilty to 485  
murder and also is convicted of or pleads guilty to a sexual 486  
motivation specification that was included in the indictment, 487  
count in the indictment, or information charging that offense, 488  
and division (B)(2) of section 2929.02 of the Revised Code 489  
requires a court to sentence the offender pursuant to section 490  
2971.03 of the Revised Code. 491

(B) This chapter does not limit or affect a court in 492  
imposing upon an offender described in divisions (A)(1) to (9) 493  
of this section any financial sanction under section 2929.18 or 494  
any other section of the Revised Code, or, except as 495  
specifically provided in this chapter, any other sanction that 496  
is authorized or required for the offense or violation by any 497  
other provision of law. 498

(C) If an offender is sentenced to a prison term under 499  
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 500  
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 501  
Code and if, pursuant to section 2971.05 of the Revised Code, 502  
the court modifies the requirement that the offender serve the 503  
entire prison term in a state correctional institution or places 504  
the offender on conditional release that involves the placement 505  
of the offender under the supervision of the adult parole 506  
authority, authorized field officers of the authority who are 507  
engaged within the scope of their supervisory duties or 508  
responsibilities may search, with or without a warrant, the 509  
person of the offender, the place of residence of the offender, 510  
and a motor vehicle, another item of tangible or intangible 511  
personal property, or any other real property in which the 512  
offender has the express or implied permission of a person with 513  
a right, title, or interest to use, occupy, or possess if the 514  
field officer has reasonable grounds to believe that the 515

offender is not abiding by the law or otherwise is not complying 516  
with the terms and conditions of the offender's modification or 517  
release. The authority shall provide each offender with a 518  
written notice that informs the offender that authorized field 519  
officers of the authority who are engaged within the scope of 520  
their supervisory duties or responsibilities may conduct those 521  
types of searches during the period of the modification or 522  
release if they have reasonable grounds to believe that the 523  
offender is not abiding by the law or otherwise is not complying 524  
with the terms and conditions of the offender's modification or 525  
release." 526

In line 1418, after "2929.06," insert "2941.148,"; delete "and"; 527  
after "2953.23" insert ", 2971.03, and 2971.07" 528

The motion was \_\_\_\_\_ agreed to.