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133rd General Assembly
Regular Session
2019-2020

Sub. H. B. No. 3

A BILL

To amend sections 109.744, 109.803, 2903.01, 1
2919.25, 2919.26, 2929.022, 2929.04, 2929.13, 2
2929.14, 2935.032, and 3113.31; to amend, for 3
the purpose of adopting a new section number as 4
indicated in parentheses, section 2935.033 5
(2935.034); and to enact new section 2935.033 6
and sections 2307.602, 2307.603, 2945.483, and 7
2945.484 of the Revised Code to add domestic 8
violence circumstances to the offense of 9
aggravated murder, to expand the offense of 10
domestic violence to also prohibit strangulation 11
of a family or household member, to establish 12
local domestic violence high risk teams, and to 13
require law enforcement officers to utilize a 14
qualified lethality assessment screening tool to 15
refer high risk victims to a local team or 16
domestic violence resources. 17

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

Section 1. That sections 109.744, 109.803, 2903.01, 18



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2919.25, 2919.26, 2929.022, 2929.04, 2929.13, 2929.14, 2935.032, 19
and 3113.31 be amended; section 2935.033 (2935.034) be amended 20
for the purpose of adopting a new section number as indicated in 21
parentheses; and new section 2935.033 and sections 2307.602, 22
2307.603, 2945.483, and 2945.484 of the Revised Code be enacted 23
to read as follows: 24

Sec. 109.744. The attorney general shall adopt, in 25
accordance with Chapter 119. of the Revised Code or pursuant to 26
section 109.74 of the Revised Code, rules governing the training 27
of peace officers in the handling of the offense of domestic 28
violence, other types of domestic violence-related offenses and 29
incidents, and protection orders and consent agreements issued 30
or approved under section 2919.26 or 3113.31 of the Revised 31
Code. The provisions of the rules shall include, but shall not 32
be limited to, all of the following: 33

(A) A specified amount of training that is necessary for 34
the satisfactory completion of basic training programs at 35
approved peace officer training schools, other than the Ohio 36
peace officer training academy; 37

(B) A requirement that the training include, but not be 38
limited to, training in all of the following: 39

(1) All recent amendments to domestic violence-related 40
laws; 41

(2) Notifying a victim of domestic violence of the 42
victim's rights; 43

(3) Processing protection orders and consent agreements 44
issued or approved under section 2919.26 or 3113.31 of the 45
Revised Code; 46

(4) Using an evidence-based lethality assessment screening 47

tool to determine the level of risk to a victim of domestic 48
violence and to refer high risk victims to a domestic violence 49
high risk team or to local or regional domestic violence 50
advocacy services, as required under section 2935.033 of the 51
Revised Code. 52

(C) A list of validated and evidence-based lethality 53
assessment screening tools that constitute qualified lethality 54
assessment screening tools including all of the following: 55

(1) The domestic violence lethality screen for first 56
responders developed by the Maryland network against domestic 57
violence; 58

(2) The danger assessment for law enforcement tool 59
developed by the Jeanne Geiger crisis center; 60

(3) Any other lethality assessment screening tool endorsed 61
by the United States department of justice and found to meet 62
criteria established by the attorney general. 63

Sec. 109.803. (A) (1) Subject to divisions (A) (2) and (B) 64
of this section, every appointing authority shall require each 65
of its appointed peace officers and troopers to complete up to 66
twenty-four hours of continuing professional training each 67
calendar year, as directed by the Ohio peace officer training 68
commission. The number of hours directed by the commission, up 69
to twenty-four hours, is intended to be a minimum requirement, 70
and appointing authorities are encouraged to exceed the number 71
of hours the commission directs as the minimum. The commission 72
shall set the required minimum number of hours based upon 73
available funding for reimbursement as described in this 74
division. ~~If~~ Except as provided in division (B) (4) of this 75
section, if no funding for the reimbursement is available, no 76

continuing professional training will be required. 77

(2) An appointing authority may submit a written request 78
to the peace officer training commission that requests for a 79
calendar year because of emergency circumstances an extension of 80
the time within which one or more of its appointed peace 81
officers or troopers must complete the required minimum number 82
of hours of continuing professional training set by the 83
commission, as described in division (A)(1) of this section. A 84
request made under this division shall set forth the name of 85
each of the appointing authority's peace officers or troopers 86
for whom an extension is requested, identify the emergency 87
circumstances related to that peace officer or trooper, include 88
documentation of those emergency circumstances, and set forth 89
the date on which the request is submitted to the commission. A 90
request shall be made under this division not later than the 91
fifteenth day of December in the calendar year for which the 92
extension is requested. 93

Upon receipt of a written request made under this 94
division, the executive director of the commission shall review 95
the request and the submitted documentation. If the executive 96
director of the commission is satisfied that emergency 97
circumstances exist for any peace officer or trooper for whom a 98
request was made under this division, the executive director may 99
approve the request for that peace officer or trooper and grant 100
an extension of the time within which that peace officer or 101
trooper must complete the required minimum number of hours of 102
continuing professional training set by the commission. An 103
extension granted under this division may be for any period of 104
time the executive director believes to be appropriate, and the 105
executive director shall specify in the notice granting the 106
extension the date on which the extension ends. Not later than 107

thirty days after the date on which a request is submitted to 108
the commission, for each peace officer and trooper for whom an 109
extension is requested, the executive director either shall 110
approve the request and grant an extension or deny the request 111
and deny an extension and shall send to the appointing authority 112
that submitted the request written notice of the executive 113
director's decision. 114

If the executive director grants an extension of the time 115
within which a particular appointed peace officer or trooper of 116
an appointing authority must complete the required minimum 117
number of hours of continuing professional training set by the 118
commission, the appointing authority shall require that peace 119
officer or trooper to complete the required minimum number of 120
hours of training not later than the date on which the extension 121
ends. 122

(B) With the advice of the Ohio peace officer training 123
commission, the attorney general shall adopt in accordance with 124
Chapter 119. of the Revised Code rules setting forth minimum 125
standards for continuing professional training for peace 126
officers and troopers and governing the administration of 127
continuing professional training programs for peace officers and 128
troopers. The rules adopted by the attorney general under 129
division (B) of this section shall do all of the following: 130

(1) Allow peace officers and troopers to earn credit for 131
up to four hours of continuing professional training for time 132
spent while on duty providing drug use prevention education 133
training that utilizes evidence-based curricula to students in 134
school districts, community schools established under Chapter 135
3314., STEM schools established under Chapter 3326., and 136
college-preparatory boarding schools established under Chapter 137

3328. of the Revised Code.	138
(2) Allow a peace officer or trooper appointed by a law enforcement agency to earn hours of continuing professional training for other peace officers or troopers appointed by the law enforcement agency by providing drug use prevention education training under division (B)(1) of this section so that hours earned by the peace officer or trooper providing the training in excess of four hours may be applied to offset the number of continuing professional training hours required of another peace officer or trooper appointed by that law enforcement agency.	139 140 141 142 143 144 145 146 147 148
(3) Prohibit the use of continuing professional training hours earned under division (B)(1) or (2) of this section from being used to offset any mandatory hands-on training requirement.	149 150 151 152
<u>(4) Require every peace officer and trooper who handles complaints of domestic violence to complete annual professional training on both of the following:</u>	153 154 155
<u>(a) Intervention techniques in domestic violence cases and the use of an evidence-based lethality assessment screening tool to determine the level of risk to a victim of domestic violence;</u>	156 157 158
<u>(b) The referral of high risk victims to a domestic violence high risk team or to local or regional domestic violence advocacy services, as required under section 2935.033 of the Revised Code.</u>	159 160 161 162
<u>(5) Allow the peace officer training commission to pay for training required under division (B)(4) of this section using federal funds made available to the state or localities pursuant to a program of the United States department of justice or using</u>	163 164 165 166

funds appropriated by the general assembly or allocated for that 167
purpose by the attorney general. 168

(C) The attorney general shall transmit a certified copy 169
of any rule adopted under this section to the secretary of 170
state. 171

Sec. 2307.602. All of the following apply to a civil 172
action based on an injury to person based on a criminal act of 173
domestic violence: 174

(A) Evidence of a statement by a declarant is not made 175
inadmissible by the hearsay rule if all of the following 176
conditions are met: 177

(1) The statement purports to narrate, describe, or 178
explain an incident of domestic violence against the declarant. 179

(2) The declarant is unavailable as a witness under 180
Evidence Rule 804. 181

(3) The statement was made at or near the time of the 182
incident of domestic violence. Evidence of statements made more 183
than five years before the filing of the current action or 184
proceeding shall be inadmissible. 185

(4) The statement was made under circumstances that would 186
indicate its trustworthiness. 187

(5) The statement was made in writing, was electronically 188
recorded, or was made to a health care professional, EMT, or 189
first responder. 190

(B) Evidence of a statement made by a declarant is not 191
made inadmissible by the hearsay rule if the declarant is 192
unavailable as a witness, under Evidence Rule 804, and all of 193
the following are true: 194

(1) The party offering the statement has made a showing of particularized guarantees of trustworthiness regarding the statement, the statement was made under circumstances which indicate its trustworthiness, and the statement was not the result of promise, inducement, threat, or coercion. In making its determination, the court may consider the circumstances that surround the making of the statement and that render the declarant particularly worthy of belief. 195
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(2) There is no evidence that the unavailability of the declarant was caused by, aided by, solicited by, or procured on behalf of, the party who is offering the statement. 203
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(3) The statement was made by the victim of the alleged domestic violence. 206
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(4) The statement is supported by corroborative evidence. 208

(C) For the purpose of division (A) (4) of this section, circumstances relevant to the issue of trustworthiness include the following: 209
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(1) Whether the statement was made in contemplation of pending or anticipated litigation in which the declarant was interested; 212
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(2) Whether the declarant has a bias or motive for fabricating the statement, and the extent of any bias or motive; 215
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(3) Whether the statement is corroborated by evidence other than statements that are admissible only pursuant to this section. 217
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(D) A statement is admissible pursuant to division (A) or (B) of this section only if the proponent of the statement makes known to the adverse party the intention to offer the statement 220
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and the particulars of the statement sufficiently in advance of 223
the proceedings in order to provide the adverse party with a 224
fair opportunity to prepare to meet the statement. 225

(E) If the proponent of a statement intends to offer the 226
statement pursuant to division (A) or (B) of this section, the 227
proponent shall serve a written notice upon the adverse party at 228
least ten days prior to the hearing or trial at which the 229
proponent intends to offer the statement, unless the proponent 230
shows good cause for the failure to provide that notice. In the 231
event that good cause is shown, the adverse party shall be 232
entitled to a reasonable continuance of the hearing or trial. 233

(F) If a statement is offered under division (A) or (B) of 234
this section during trial, the court's determination as to the 235
availability of the victim as a witness shall be made out of the 236
presence of the jury. If the defendant elects to testify at the 237
hearing on a motion brought pursuant to division (A) or (B) of 238
this section, the court shall exclude from the examination every 239
person except the clerk, the court reporter, the bailiff, the 240
plaintiff and the plaintiff's counsel, the investigating 241
officer, the defendant and the defendant's counsel, an 242
investigator for the defendant, and the officer having custody 243
of the defendant. Notwithstanding any other provision of law, 244
the defendant's testimony at the hearing shall not be admissible 245
in any other proceeding except the hearing brought on the motion 246
under division (A) or (B) of this section. If a transcript is 247
made of the defendant's testimony, it shall be sealed and 248
transmitted to the clerk of the court in which the action is 249
pending. 250

(G) As used in this section: 251

(1) "Domestic violence" means any of the following: 252

<u>(a) The occurrence of one or more of the following acts</u>	253
<u>against a family or household member:</u>	254
<u>(i) Attempting to cause or recklessly causing bodily</u>	255
<u>injury;</u>	256
<u>(ii) Placing another person by the threat of force in fear</u>	257
<u>of imminent serious physical harm or committing a violation of</u>	258
<u>section 2903.211 or 2911.211 of the Revised Code;</u>	259
<u>(iii) Committing any act with respect to a child that</u>	260
<u>would result in the child being an abused child, as defined in</u>	261
<u>section 2151.031 of the Revised Code;</u>	262
<u>(iv) Committing a sexually oriented offense.</u>	263
<u>(b) The occurrence of one or more of the acts identified</u>	264
<u>in divisions (G) (1) (a) (i) to (iv) of this section against a</u>	265
<u>person with whom the adverse party is or was in a dating</u>	266
<u>relationship.</u>	267
<u>(2) "Family or household member" means any of the</u>	268
<u>following:</u>	269
<u>(a) Any of the following who is residing with or has</u>	270
<u>resided with the adverse party:</u>	271
<u>(i) A spouse, a person living as a spouse, or a former</u>	272
<u>spouse of the adverse party;</u>	273
<u>(ii) A parent, a foster parent, or a child of the adverse</u>	274
<u>party, or another person related by consanguinity or affinity to</u>	275
<u>the adverse party;</u>	276
<u>(iii) A parent or a child of a spouse, person living as a</u>	277
<u>spouse, or former spouse of the adverse party, or another person</u>	278
<u>related by consanguinity or affinity to a spouse, person living</u>	279

<u>as a spouse, or former spouse of the adverse party;</u>	280
<u>(iv) A child whose guardian or custodian is a spouse,</u>	281
<u>person living as a spouse, or former spouse of the adverse</u>	282
<u>party.</u>	283
<u>(b) The natural parent of any child of whom the adverse</u>	284
<u>party is the other natural parent or is the putative other</u>	285
<u>natural parent.</u>	286
<u>(3) "Person living as a spouse" means a person who is</u>	287
<u>living or has lived with the adverse party in a common law</u>	288
<u>marital relationship, who otherwise is cohabiting with the</u>	289
<u>adverse party, or who otherwise has cohabited with the adverse</u>	290
<u>party within five years prior to the date of the alleged</u>	291
<u>occurrence of the act in question.</u>	292
<u>(4) "Dating relationship" means a relationship between</u>	293
<u>individuals who have, or have had, a relationship of a romantic</u>	294
<u>or intimate nature. "Dating relationship" does not include a</u>	295
<u>casual acquaintanceship or ordinary fraternization in a business</u>	296
<u>or social context.</u>	297
<u>(5) "Person with whom the adverse party is or was in a</u>	298
<u>dating relationship" means an adult who, at the time of the</u>	299
<u>conduct in question, is in a dating relationship with the</u>	300
<u>adverse party who also is an adult or who, within the twelve</u>	301
<u>months preceding the conduct in question, has had a dating</u>	302
<u>relationship with the adverse party who also is an adult.</u>	303
<u>(6) "Child," "custodian," and "guardian" have the same</u>	304
<u>meanings as in section 3109.51 of the Revised Code.</u>	305
<u>(7) "EMT" has the same meaning as in sections 4765.01 and</u>	306
<u>4765.011 of the Revised Code.</u>	307

(8) "First responder" has the same meaning as in section 4765.01 of the Revised Code. 308
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(9) "Health care professional" has the same meaning as in section 2151.421 of the Revised Code. 310
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(H) This section shall apply to any civil action based on an injury to person based on a criminal act of domestic violence initiated or pending as of January 1, 2020. 312
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Sec. 2307.603. (A) (1) A statement is not made inadmissible by the hearsay rule in a civil action based on an injury to person based on an act of domestic violence if the statement is offered against a party that has engaged, or aided and abetted, in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness. 315
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(2) (a) The party seeking to introduce a statement under division (A) (1) of this section must establish, by a preponderance of the evidence, that the elements of division (A) (1) of this section have been met at a preliminary or pretrial hearing. 321
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(b) The hearsay evidence that is the subject of the preliminary or pretrial hearing is admissible at the preliminary or pretrial hearing. However, a finding that the elements of division (A) of this section have been met shall not be based solely on a hearsay statement of the unavailable declarant that was not subject to confrontation, and shall be supported by independent corroborative evidence. 326
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(c) If the case is heard by a jury, the preliminary or pretrial hearing shall be conducted outside the presence of the jury. However, if the hearing is conducted after a jury trial has begun, the judge presiding at the hearing may consider 333
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evidence already presented to the jury in deciding whether the 337
elements of division (A) (1) of this section have been met. 338

(d) In deciding whether or not to admit the statement, the 339
judge may take into account whether it is trustworthy and 340
reliable. 341

(B) Except as provided in division (F) or (G) of this 342
section, in a civil action based on an injury to person based on 343
an act of domestic violence, evidence of an adverse party's 344
commission of other acts of domestic violence is not 345
inadmissible character evidence if it is not otherwise 346
inadmissible under Evidence Rule 403. 347

(C) In an action in which evidence is to be offered under 348
division (B) of this section, the proponent of the evidence must 349
disclose the evidence to the adverse party, including statements 350
of witnesses or a summary of the substance of any testimony that 351
is expected to be offered, in accordance with the Rules of Civil 352
Procedure, as applicable. 353

(D) Divisions (B) to (F) of this section should not be 354
construed to limit or preclude the admission or consideration of 355
evidence under any other law. 356

(E) As used in divisions (B) to (G) of this section, 357
"domestic violence" has the same meaning as defined in division 358
(G) of section 2307.602 of the Revised Code. 359

(F) Evidence of acts occurring more than ten years before 360
the conduct involved in a civil action based on an injury to 361
person based on an act of domestic violence shall not be 362
admissible under this section, unless the court determines that 363
the admission of this evidence is in the interest of justice. 364

(G) This section shall apply to any civil action based on 365

an injury to person based on an act of domestic violence 366
initiated or pending as of January 1, 2020. 367

Sec. 2903.01. (A) No person shall purposely, and with 368
prior calculation and design, cause the death of another or the 369
unlawful termination of another's pregnancy. 370

(B) No person shall purposely cause the death of another 371
or the unlawful termination of another's pregnancy while 372
committing or attempting to commit, or while fleeing immediately 373
after committing or attempting to commit, kidnapping, rape, 374
aggravated arson, arson, aggravated robbery, robbery, aggravated 375
burglary, burglary, trespass in a habitation when a person is 376
present or likely to be present, terrorism, or escape. 377

(C) No person shall purposely cause the death of another 378
who is under thirteen years of age at the time of the commission 379
of the offense. 380

(D) No person who is under detention as a result of having 381
been found guilty of or having pleaded guilty to a felony or who 382
breaks that detention shall purposely cause the death of 383
another. 384

(E) No person shall purposely cause the death of a law 385
enforcement officer whom the offender knows or has reasonable 386
cause to know is a law enforcement officer when either of the 387
following applies: 388

(1) The victim, at the time of the commission of the 389
offense, is engaged in the victim's duties. 390

(2) It is the offender's specific purpose to kill a law 391
enforcement officer. 392

(F) No person shall purposely cause the death of a first 393

responder or military member whom the offender knows or has 394
reasonable cause to know is a first responder or military member 395
when it is the offender's specific purpose to kill a first 396
responder or military member. 397

(G) No person shall purposely cause the death of another 398
person when both of the following apply: 399

(1) The victim was a family or household member of the 400
offender; 401

(2) The offender has previously been convicted of domestic 402
violence or an offense of violence against a family or household 403
member. 404

(H) Whoever violates this section is guilty of aggravated 405
murder, and shall be punished as provided in section 2929.02 of 406
the Revised Code. 407

~~(H)~~ (I) As used in this section: 408

(1) "Detention" has the same meaning as in section 2921.01 409
of the Revised Code. 410

(2) "Law enforcement officer" has the same meaning as in 411
section 2911.01 of the Revised Code and also includes any 412
federal law enforcement officer as defined in section 2921.51 of 413
the Revised Code and anyone who has previously served as a law 414
enforcement officer or federal law enforcement officer. 415

(3) "First responder" means an emergency medical service 416
provider, a firefighter, or any other emergency response 417
personnel, or anyone who has previously served as a first 418
responder. 419

(4) "Military member" means a member of the armed forces 420
of the United States, reserves, or Ohio national guard, a 421

participant in ROTC, JROTC, or any similar military training 422
program, or anyone who has previously served in the military. 423

(5) "Family or household member" means any of the 424
following: 425

(a) Any of the following who is residing with or has 426
resided with the offender: 427

(i) A spouse, a person living as a spouse, or a former 428
spouse of the offender; 429

(ii) A parent, a foster parent, or a child of the 430
offender, or another person related by consanguinity or affinity 431
to the offender; 432

(iii) A parent or a child of a spouse, person living as a 433
spouse, or former spouse of the offender, or another person 434
related by consanguinity or affinity to a spouse, person living 435
as a spouse, or former spouse of the offender; 436

(iv) A child whose guardian or custodian is a spouse, 437
person living as a spouse, or former spouse of the offender. 438

(b) The natural parent of any child of whom the offender 439
is the other natural parent or is the putative other natural 440
parent. 441

(6) "Person living as a spouse" means a person who is 442
living or has lived with the offender in a common law marital 443
relationship, who otherwise is cohabiting with the offender, or 444
who otherwise has cohabited with the offender within five years 445
prior to the date of the alleged occurrence of the act in 446
question. 447

(7) "Child," "custodian," and "guardian" have the same 448
meanings as in section 3109.51 of the Revised Code. 449

Sec. 2919.25. (A) No person shall knowingly cause or 450
attempt to cause physical harm to a family or household member. 451

(B) No person shall recklessly cause serious physical harm 452
to a family or household member. 453

(C) No person, by threat of force, shall knowingly cause a 454
family or household member to believe that the offender will 455
cause imminent physical harm to the family or household member. 456

(D) No person shall knowingly impede the normal breathing 457
or circulation of the blood of a family or household member by 458
applying pressure to the throat or neck, or by blocking the nose 459
or mouth, of the family or household member. 460

(E) (1) Whoever violates this section is guilty of domestic 461
violence, and the court shall sentence the offender as provided 462
in divisions ~~(D)~~ (E) (2) to ~~(6)~~ (8) of this section. 463

(2) Except as otherwise provided in divisions ~~(D)~~ (E) (3) to 464
(5) of this section, a violation of division (C) of this section 465
is a misdemeanor of the fourth degree, and a violation of 466
division (A) or (B) of this section is a misdemeanor of the 467
first degree. 468

(3) Except as otherwise provided in division ~~(D)~~ (E) (4) of 469
this section, if the offender previously has pleaded guilty to 470
or been convicted of domestic violence, a violation of an 471
existing or former municipal ordinance or law of this or any 472
other state or the United States that is substantially similar 473
to domestic violence, a violation of section 2903.14, 2909.06, 474
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 475
the victim of the violation was a family or household member at 476
the time of the violation, a violation of an existing or former 477
municipal ordinance or law of this or any other state or the 478

United States that is substantially similar to any of those 479
sections if the victim of the violation was a family or 480
household member at the time of the commission of the violation, 481
or any offense of violence if the victim of the offense was a 482
family or household member at the time of the commission of the 483
offense, a violation of division (A) or (B) of this section is a 484
felony of the fourth degree, and, if the offender knew that the 485
victim of the violation was pregnant at the time of the 486
violation, the court shall impose a mandatory prison term on the 487
offender pursuant to division ~~(D)(6)~~ (E)(8) of this section, and 488
a violation of division (C) of this section is a misdemeanor of 489
the second degree. 490

(4) If the offender previously has pleaded guilty to or 491
been convicted of two or more offenses of domestic violence or 492
two or more violations or offenses of the type described in 493
division ~~(D)~~ (E)(3) of this section involving a person who was a 494
family or household member at the time of the violations or 495
offenses, a violation of division (A) or (B) of this section is 496
a felony of the third degree, and, if the offender knew that the 497
victim of the violation was pregnant at the time of the 498
violation, the court shall impose a mandatory prison term on the 499
offender pursuant to division ~~(D)(6)~~ (E)(8) of this section, and 500
a violation of division (C) of this section is a misdemeanor of 501
the first degree. 502

(5) Except as otherwise provided in division ~~(D)~~ (E)(3) or 503
(4) of this section, if the offender knew that the victim of the 504
violation was pregnant at the time of the violation, a violation 505
of division (A) or (B) of this section is a felony of the fifth 506
degree, and the court shall impose a mandatory prison term on 507
the offender pursuant to division ~~(D)(6)~~ (E)(8) of this section, 508
and a violation of division (C) of this section is a misdemeanor 509

of the third degree. 510

(6) Except as otherwise provided in division (E) (7) of 511
this section, a violation of division (D) of this section is a 512
felony of the third degree. 513

(7) If the offender previously has pleaded guilty to or 514
been convicted of a violation of this section, or if the 515
offender previously has pleaded guilty to or been convicted of 516
two or more offenses of violence, a violation of division (D) of 517
this section is a felony of the second degree. 518

(8) If division ~~(D)~~ (E) (3), (4), or (5) of this section 519
requires the court that sentences an offender for a violation of 520
division (A) or (B) of this section to impose a mandatory prison 521
term on the offender pursuant to this division, the court shall 522
impose the mandatory prison term as follows: 523

(a) If the violation of division (A) or (B) of this 524
section is a felony of the fourth or fifth degree, except as 525
otherwise provided in division ~~(D)~~ ~~(6)~~ (E) (8) (b) or (c) of this 526
section, the court shall impose a mandatory prison term on the 527
offender of at least six months. 528

(b) If the violation of division (A) or (B) of this 529
section is a felony of the fifth degree and the offender, in 530
committing the violation, caused serious physical harm to the 531
pregnant woman's unborn or caused the termination of the 532
pregnant woman's pregnancy, the court shall impose a mandatory 533
prison term on the offender of twelve months. 534

(c) If the violation of division (A) or (B) of this 535
section is a felony of the fourth degree and the offender, in 536
committing the violation, caused serious physical harm to the 537
pregnant woman's unborn or caused the termination of the 538

pregnant woman's pregnancy, the court shall impose a mandatory 539
prison term on the offender of at least twelve months. 540

(d) If the violation of division (A) or (B) of this 541
section is a felony of the third degree, except as otherwise 542
provided in division ~~(D)~~ ~~(6)~~ (E) ~~(8)~~ (e) of this section and 543
notwithstanding the range of definite prison terms prescribed in 544
division (A) (3) of section 2929.14 of the Revised Code for a 545
felony of the third degree, the court shall impose a mandatory 546
prison term on the offender of either a definite term of six 547
months or one of the prison terms prescribed in division (A) (3) 548
(b) of section 2929.14 of the Revised Code for felonies of the 549
third degree. 550

(e) If the violation of division (A) or (B) of this 551
section is a felony of the third degree and the offender, in 552
committing the violation, caused serious physical harm to the 553
pregnant woman's unborn or caused the termination of the 554
pregnant woman's pregnancy, notwithstanding the range of 555
definite prison terms prescribed in division (A) (3) of section 556
2929.14 of the Revised Code for a felony of the third degree, 557
the court shall impose a mandatory prison term on the offender 558
of either a definite term of one year or one of the prison terms 559
prescribed in division (A) (3) (b) of section 2929.14 of the 560
Revised Code for felonies of the third degree. 561

~~(E)~~ (F) Notwithstanding any provision of law to the 562
contrary, no court or unit of state or local government shall 563
charge any fee, cost, deposit, or money in connection with the 564
filing of charges against a person alleging that the person 565
violated this section or a municipal ordinance substantially 566
similar to this section or in connection with the prosecution of 567
any charges so filed. 568

~~(F)~~ (G) It is not required in a prosecution under division (D) of this section to allege or prove that the family or household member who is the victim suffered physical harm or serious physical harm or visible injury. 569
570
571
572

(H) It is an affirmative defense to a charge under division (D) of this section that the act was done to the family or household member as part of a medical or other procedure undertaken to aid or benefit the victim. 573
574
575
576

(I) As used in this section and sections 2919.251 and 2919.26 of the Revised Code: 577
578

(1) "Family or household member" means any of the following: 579
580

(a) Any of the following who is residing or has resided with the offender: 581
582

(i) A spouse, a person living as a spouse, or a former spouse of the offender; 583
584

(ii) A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender; 585
586
587

(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender. 588
589
590
591

(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent. 592
593
594

(2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital 595
596

relationship, who otherwise is cohabiting with the offender, or 597
who otherwise has cohabited with the offender within five years 598
prior to the date of the alleged commission of the act in 599
question. 600

(3) "Pregnant woman's unborn" has the same meaning as 601
"such other person's unborn," as set forth in section 2903.09 of 602
the Revised Code, as it relates to the pregnant woman. Division 603
(C) of that section applies regarding the use of the term in 604
this section, except that the second and third sentences of 605
division (C) (1) of that section shall be construed for purposes 606
of this section as if they included a reference to this section 607
in the listing of Revised Code sections they contain. 608

(4) "Termination of the pregnant woman's pregnancy" has 609
the same meaning as "unlawful termination of another's 610
pregnancy," as set forth in section 2903.09 of the Revised Code, 611
as it relates to the pregnant woman. Division (C) of that 612
section applies regarding the use of the term in this section, 613
except that the second and third sentences of division (C) (1) of 614
that section shall be construed for purposes of this section as 615
if they included a reference to this section in the listing of 616
Revised Code sections they contain. 617

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 618
alleges a violation of section 2909.06, 2909.07, 2911.12, or 619
2911.211 of the Revised Code if the alleged victim of the 620
violation was a family or household member at the time of the 621
violation, a violation of a municipal ordinance that is 622
substantially similar to any of those sections if the alleged 623
victim of the violation was a family or household member at the 624
time of the violation, any offense of violence if the alleged 625
victim of the offense was a family or household member at the 626

time of the commission of the offense, or any sexually oriented 627
offense if the alleged victim of the offense was a family or 628
household member at the time of the commission of the offense, 629
the complainant, the alleged victim, or a family or household 630
member of an alleged victim may file, or, if in an emergency the 631
alleged victim is unable to file, a person who made an arrest 632
for the alleged violation or offense under section 2935.03 of 633
the Revised Code may file on behalf of the alleged victim, a 634
motion that requests the issuance of a temporary protection 635
order as a pretrial condition of release of the alleged 636
offender, in addition to any bail set under Criminal Rule 46. 637
The motion shall be filed with the clerk of the court that has 638
jurisdiction of the case at any time after the filing of the 639
complaint. 640

(2) For purposes of section 2930.09 of the Revised Code, 641
all stages of a proceeding arising out of a complaint alleging 642
the commission of a violation, offense of violence, or sexually 643
oriented offense described in division (A)(1) of this section, 644
including all proceedings on a motion for a temporary protection 645
order, are critical stages of the case, and a victim may be 646
accompanied by a victim advocate or another person to provide 647
support to the victim as provided in that section. 648

(B) ~~The A motion filed under division (A)(1) or (C)(1)(b)~~ 649
of this section shall be prepared on a form that is provided by 650
the clerk of the court, which form shall be substantially as 651
follows: 652

"MOTION FOR TEMPORARY OR EMERGENCY PROTECTION ORDER 653

..... Court 654

Name and address of court 655

State of Ohio 656

v. No. 657

..... 658

Name of Defendant or alleged offender, as applicable. 659

(name of person), moves the court to issue a temporary 660
protection order containing terms designed to ensure the safety 661
and protection of the complainant, alleged victim, and other 662
family or household members, in relation to the named defendant, 663
pursuant to its authority to issue such an order under section 664
2919.26 of the Revised Code. 665

~~A-If this motion was filed for a temporary protection 666
order, and a complaint has been filed in this court, a copy of 667
which has been that complaint is attached to this motion, has 668
been filed in this court charging the named defendant 669
with (name of the specified 670
violation, the offense of violence, or sexually oriented offense 671
charged) in circumstances in which the victim was a family or 672
household member in violation of (section of the Revised Code 673
designating the specified violation, offense of violence, or 674
sexually oriented offense charged), or charging the named 675
defendant with a violation of a municipal ordinance that is 676
substantially similar to (section of 677
the Revised Code designating the specified violation, offense of 678
violence, or sexually oriented offense charged) involving a 679
family or household member. If this motion was filed for an 680
emergency protection order, a peace officer responding to an 681
alleged incident of domestic violence had reasonable cause to 682
believe that a crime involving domestic violence has occurred. 683~~

I understand that, for a temporary protection order, I 684

must appear before the court, at a time set by the court within 685
twenty-four hours after the filing of this motion, for a hearing 686
on the motion ~~or that, if~~. If I am unable to appear because of 687
hospitalization or a medical condition resulting from the 688
offense alleged in the complaint, a person who can provide 689
information about my need for a temporary protection order must 690
appear before the court in lieu of my appearing in court. I 691
understand that any temporary protection order or emergency 692
protection order granted pursuant to this motion is a pretrial 693
condition of release and is effective only until the disposition 694
of ~~the any~~ criminal proceeding arising out of the attached 695
complaint or alleged incident of domestic violence, or the 696
issuance of a civil protection order or the approval of a 697
consent agreement, arising out of the same activities as those 698
that were the basis of the complaint, under section 3113.31 of 699
the Revised Code. 700

..... 701

Signature of person 702

(or signature of the arresting officer who filed the motion on 703
behalf of the alleged victim) 704

..... 705

Address of person (or office address of the arresting officer 706
who filed the motion on behalf of the alleged victim)" 707

(C) (1) (a) As soon as possible after the filing of a motion 708
that requests the issuance of a temporary protection order under 709
division (A) (1) of this section, but not later than twenty-four 710
hours after the filing of the motion, the court shall conduct a 711
hearing to determine whether to issue the order. The person who 712
requested the order shall appear before the court and provide 713

the court with the information that it requests concerning the 714
basis of the motion. If the person who requested the order is 715
unable to appear and if the court finds that the failure to 716
appear is because of the person's hospitalization or medical 717
condition resulting from the offense alleged in the complaint, 718
another person who is able to provide the court with the 719
information it requests may appear in lieu of the person who 720
requested the order. If the court finds that the safety and 721
protection of the complainant, alleged victim, or any other 722
family or household member of the alleged victim may be impaired 723
by the continued presence of the alleged offender, the court may 724
issue a temporary protection order, as a pretrial condition of 725
release, that contains terms designed to ensure the safety and 726
protection of the complainant, alleged victim, or the family or 727
household member, including a requirement that the alleged 728
offender refrain from entering the residence, school, business, 729
or place of employment of the complainant, alleged victim, or 730
the family or household member. The court may include within a 731
protection order issued under this section a term requiring that 732
the alleged offender not remove, damage, hide, harm, or dispose 733
of any companion animal owned or possessed by the complainant, 734
alleged victim, or any other family or household member of the 735
alleged victim, and may include within the order a term 736
authorizing the complainant, alleged victim, or other family or 737
household member of the alleged victim to remove a companion 738
animal owned by the complainant, alleged victim, or other family 739
or household member from the possession of the alleged offender. 740

(b) If a peace officer responding to an incident of 741
domestic violence has reasonable cause to believe that a crime 742
involving domestic violence has occurred, the officer, at the 743
request of the victim of the offense, shall file a motion for an 744

emergency protection order with the court. A judge of the court 745
or a designated magistrate shall be available to accept a 746
petition filed under this section and to hold an ex parte 747
hearing twenty-four hours a day and seven days a week. The 748
officer shall provide the court with the information it requests 749
concerning the motion. If the court finds that the safety and 750
protection of the complainant, alleged victim, or any other 751
family or household member of the alleged victim may be impaired 752
by the continued presence of the alleged offender, the court may 753
issue an emergency protection order containing any of the terms 754
that a temporary protection order under this section may 755
contain. The peace officer filing the motion shall serve notice 756
of the protection order to the victim and the alleged offender. 757

(2) (a) If the court issues a temporary or emergency 758
protection order under this section that includes a requirement 759
that the alleged offender refrain from entering the residence, 760
school, business, or place of employment of the complainant, the 761
alleged victim, or the family or household member, the order 762
shall state clearly that the order cannot be waived or nullified 763
by an invitation to the alleged offender from the complainant, 764
alleged victim, or family or household member to enter the 765
residence, school, business, or place of employment or by the 766
alleged offender's entry into one of those places otherwise upon 767
the consent of the complainant, alleged victim, or family or 768
household member. 769

(b) Division (C) (2) (a) of this section does not limit any 770
discretion of a court to determine that an alleged offender 771
charged with a violation of section 2919.27 of the Revised Code, 772
with a violation of a municipal ordinance substantially 773
equivalent to that section, or with contempt of court, which 774
charge is based on an alleged violation of a temporary 775

protection order or emergency protection order issued under this 776
section, did not commit the violation or was not in contempt of 777
court. 778

(D) (1) Upon the filing of a complaint that alleges a 779
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 780
the Revised Code if the alleged victim of the violation was a 781
family or household member at the time of the violation, a 782
violation of a municipal ordinance that is substantially similar 783
to any of those sections if the alleged victim of the violation 784
was a family or household member at the time of the violation, 785
any offense of violence if the alleged victim of the offense was 786
a family or household member at the time of the commission of 787
the offense, or any sexually oriented offense if the alleged 788
victim of the offense was a family or household member at the 789
time of the commission of the offense, the court, upon its own 790
motion, may issue a temporary protection order as a pretrial 791
condition of release if it finds that the safety and protection 792
of the complainant, alleged victim, or other family or household 793
member of the alleged offender may be impaired by the continued 794
presence of the alleged offender. 795

(2) If the court issues a temporary protection order or 796
emergency protection order under this section as an ex parte 797
order, it shall conduct, as soon as possible after the issuance 798
of the order, a hearing in the presence of the alleged offender 799
not later than the next day on which the court is scheduled to 800
conduct business after the day on which the alleged offender was 801
arrested ~~or at the time of the appearance of the alleged~~ 802
~~offender~~, appeared pursuant to summons, or was provided notice 803
of the ex parte order, whichever is earlier, to determine 804
whether the order should remain in effect, be modified, or be 805
revoked. The hearing shall be conducted under the standards set 806

forth in division (C) of this section. 807

(3) An order issued under this section shall contain only 808
those terms authorized in orders issued under division (C) of 809
this section. 810

(4) If a municipal court or a county court issues a 811
temporary protection order under this section and if, subsequent 812
to the issuance of the order, the alleged offender who is the 813
subject of the order is bound over to the court of common pleas 814
for prosecution of a felony arising out of the same activities 815
as those that were the basis of the complaint upon which the 816
order is based, notwithstanding the fact that the order was 817
issued by a municipal court or county court, the order shall 818
remain in effect, as though it were an order of the court of 819
common pleas, while the charges against the alleged offender are 820
pending in the court of common pleas, for the period of time 821
described in division (E)(2) of this section, and the court of 822
common pleas has exclusive jurisdiction to modify the order 823
issued by the municipal court or county court. This division 824
applies when the alleged offender is bound over to the court of 825
common pleas as a result of the person waiving a preliminary 826
hearing on the felony charge, as a result of the municipal court 827
or county court having determined at a preliminary hearing that 828
there is probable cause to believe that the felony has been 829
committed and that the alleged offender committed it, as a 830
result of the alleged offender having been indicted for the 831
felony, or in any other manner. 832

(E) A temporary protection order or emergency protection 833
order that is issued as a pretrial condition of release under 834
this section or on an emergency basis: 835

(1) Is in addition to, but shall not be construed as a 836

part of, any bail set under Criminal Rule 46; 837

(2) Is effective only until the occurrence of either of 838
the following: 839

(a) The disposition, by the court that issued the order 840
or, in the circumstances described in division (D)(4) of this 841
section, by the court of common pleas to which the alleged 842
offender is bound over for prosecution, of the criminal 843
proceeding arising out of the complaint or incident of domestic 844
violence upon which the order is based; 845

(b) The issuance of a protection order or the approval of 846
a consent agreement, arising out of the same activities as those 847
that were the basis of the complaint upon which the order is 848
based, under section 3113.31 of the Revised Code. 849

(3) Shall not be construed as a finding that the alleged 850
offender committed the alleged offense, and shall not be 851
introduced as evidence of the commission of the offense at the 852
trial of the alleged offender on the complaint upon which the 853
order is based. 854

(F) A person who meets the criteria for bail under 855
Criminal Rule 46 and who, if required to do so pursuant to that 856
rule, executes or posts bond or deposits cash or securities as 857
bail, shall not be held in custody pending a hearing before the 858
court on a motion requesting a temporary protection order or 859
emergency protection order. 860

(G) (1) A copy of any temporary protection order or 861
emergency protection order that is issued under this section 862
shall be issued by the court to the complainant, to the alleged 863
victim, to the person who requested the order, to the defendant_ 864
or alleged offender, and to all law enforcement agencies that 865

have jurisdiction to enforce the order. The court shall direct 866
that a copy of the order be delivered to the defendant or 867
alleged offender on the same day that the order is entered. If a 868
municipal court or a county court issues a temporary protection 869
order under this section and if, subsequent to the issuance of 870
the order, the defendant who is the subject of the order is 871
bound over to the court of common pleas for prosecution as 872
described in division (D) (4) of this section, the municipal 873
court or county court shall direct that a copy of the order be 874
delivered to the court of common pleas to which the defendant is 875
bound over. 876

(2) Upon the issuance of a protection order under this 877
section, the court shall provide the parties to the order with 878
the following notice orally or by form: 879

"NOTICE 880

As a result of this protection order, it may be unlawful 881
for you to possess or purchase a firearm, including a rifle, 882
pistol, or revolver, or ammunition pursuant to federal law under 883
18 U.S.C. 922(g) (8) for the duration of this order. If you have 884
any questions whether this law makes it illegal for you to 885
possess or purchase a firearm or ammunition, you should consult 886
an attorney." 887

(3) All law enforcement agencies shall establish and 888
maintain an index for the temporary protection orders and 889
emergency protection orders delivered to the agencies pursuant 890
to division (G) (1) of this section. With respect to each order 891
delivered, each agency shall note on the index, the date and 892
time of the receipt of the order by the agency. 893

(4) A complainant, alleged victim, or other person who 894

obtains a temporary protection order or an emergency protection 895
order under this section may provide notice of the issuance of 896
the temporary protection order or emergency protection order to 897
the judicial and law enforcement officials in any county other 898
than the county in which the order is issued by registering that 899
order in the other county in accordance with division (N) of 900
section 3113.31 of the Revised Code and filing a copy of the 901
registered protection order with a law enforcement agency in the 902
other county in accordance with that division. 903

(5) Any officer of a law enforcement agency shall enforce 904
a temporary protection order or emergency protection order 905
issued by any court in this state in accordance with the 906
provisions of the order, including removing the defendant from 907
the premises, regardless of whether the order is registered in 908
the county in which the officer's agency has jurisdiction as 909
authorized by division (G) (4) of this section. 910

(H) Upon a violation of a temporary protection order or 911
emergency protection order, the court may issue another 912
temporary protection order, as a pretrial condition of release, 913
that modifies the terms of the order that was violated. 914

(I) (1) As used in divisions (I) (1) and (2) of this 915
section, "defendant" means a person who is alleged in a 916
complaint to have committed a violation, offense of violence, or 917
sexually oriented offense of the type described in division (A) 918
of this section. 919

(2) If a complaint is filed that alleges that a person 920
committed a violation, offense of violence, or sexually oriented 921
offense of the type described in division (A) of this section, 922
the court may not issue a temporary protection order under this 923
section that requires the complainant, the alleged victim, or 924

another family or household member of the defendant to do or 925
refrain from doing an act that the court may require the 926
defendant to do or refrain from doing under a temporary 927
protection order unless both of the following apply: 928

(a) The defendant has filed a separate complaint that 929
alleges that the complainant, alleged victim, or other family or 930
household member in question who would be required under the 931
order to do or refrain from doing the act committed a violation 932
or offense of violence of the type described in division (A) of 933
this section. 934

(b) The court determines that both the complainant, 935
alleged victim, or other family or household member in question 936
who would be required under the order to do or refrain from 937
doing the act and the defendant acted primarily as aggressors, 938
that neither the complainant, alleged victim, or other family or 939
household member in question who would be required under the 940
order to do or refrain from doing the act nor the defendant 941
acted primarily in self-defense, and, in accordance with the 942
standards and criteria of this section as applied in relation to 943
the separate complaint filed by the defendant, that it should 944
issue the order to require the complainant, alleged victim, or 945
other family or household member in question to do or refrain 946
from doing the act. 947

(J) (1) Subject to division (J) (2) of this section and 948
regardless of whether a protection order is issued or a consent 949
agreement is approved by a court of another county or a court of 950
another state, no court or unit of state or local government 951
shall charge the movant any fee, cost, deposit, or money in 952
connection with the filing of a motion pursuant to this section, 953
in connection with the filing, issuance, registration, 954

modification, enforcement, dismissal, withdrawal, or service of 955
a protection order, consent agreement, or witness subpoena or 956
for obtaining a certified copy of a protection order or consent 957
agreement. 958

(2) Regardless of whether a protection order is issued or 959
a consent agreement is approved pursuant to this section, if the 960
defendant is convicted the court may assess costs against the 961
defendant in connection with the filing, issuance, registration, 962
modification, enforcement, dismissal, withdrawal, or service of 963
a protection order, consent agreement, or witness subpoena or 964
for obtaining a certified copy of a protection order or consent 965
agreement. 966

(K) As used in this section: 967

(1) "Companion animal" has the same meaning as in section 968
959.131 of the Revised Code. 969

(2) "Sexually oriented offense" has the same meaning as in 970
section 2950.01 of the Revised Code. 971

(3) "Victim advocate" means a person who provides support 972
and assistance for a victim of an offense during court 973
proceedings. 974

(4) "Domestic violence" has the same meaning as in section 975
2945.484 of the Revised Code. 976

Sec. 2929.022. (A) If an indictment or count in an 977
indictment charging a defendant with aggravated murder contains 978
a specification of the aggravating circumstance of a prior 979
conviction listed in division (A) (5) or (11) of section 2929.04 980
of the Revised Code, the defendant may elect to have the panel 981
of three judges, if the defendant waives trial by jury, or the 982
trial judge, if the defendant is tried by jury, determine the 983

existence of that aggravating circumstance at the sentencing 984
hearing held pursuant to divisions (C) and (D) of section 985
2929.03 of the Revised Code. 986

(1) If the defendant does not elect to have the existence 987
of the aggravating circumstance determined at the sentencing 988
hearing, the defendant shall be tried on the charge of 989
aggravated murder, on the specification of the aggravating 990
circumstance of a prior conviction listed in division (A) (5) or 991
(11) of section 2929.04 of the Revised Code, and on any other 992
specifications of an aggravating circumstance listed in division 993
(A) of section 2929.04 of the Revised Code in a single trial as 994
in any other criminal case in which a person is charged with 995
aggravated murder and specifications. 996

(2) If the defendant does elect to have the existence of 997
the aggravating circumstance of a prior conviction listed in 998
division (A) (5) or (11) of section 2929.04 of the Revised Code 999
determined at the sentencing hearing, then, following a verdict 1000
of guilty of the charge of aggravated murder, the panel of three 1001
judges or the trial judge shall: 1002

(a) Hold a sentencing hearing pursuant to division (B) of 1003
this section, unless required to do otherwise under division (A) 1004
(2)(b) of this section; 1005

(b) If the offender raises the matter of age at trial 1006
pursuant to section 2929.023 of the Revised Code and is not 1007
found at trial to have been eighteen years of age or older at 1008
the time of the commission of the offense, conduct a hearing to 1009
determine if the specification of the aggravating circumstance 1010
of a prior conviction listed in division (A) (5) or (11) of 1011
section 2929.04 of the Revised Code is proven beyond a 1012
reasonable doubt. After conducting the hearing, the panel or 1013

judge shall proceed as follows: 1014

(i) If that aggravating circumstance is proven beyond a 1015
reasonable doubt or if the defendant at trial was convicted of 1016
any other specification of an aggravating circumstance, the 1017
panel or judge shall impose sentence according to division (E) 1018
of section 2929.03 of the Revised Code. 1019

(ii) If that aggravating circumstance is not proven beyond 1020
a reasonable doubt and the defendant at trial was not convicted 1021
of any other specification of an aggravating circumstance, 1022
except as otherwise provided in this division, the panel or 1023
judge shall impose sentence of life imprisonment with parole 1024
eligibility after serving twenty years of imprisonment on the 1025
offender. If that aggravating circumstance is not proven beyond 1026
a reasonable doubt, the defendant at trial was not convicted of 1027
any other specification of an aggravating circumstance, the 1028
victim of the aggravated murder was less than thirteen years of 1029
age, and the offender also is convicted of or pleads guilty to a 1030
sexual motivation specification that was included in the 1031
indictment, count in the indictment, or information charging the 1032
offense, the panel or judge shall sentence the offender pursuant 1033
to division (B) (3) of section 2971.03 of the Revised Code to an 1034
indefinite term consisting of a minimum term of thirty years and 1035
a maximum term of life imprisonment. 1036

(B) At the sentencing hearing, the panel of judges, if the 1037
defendant was tried by a panel of three judges, or the trial 1038
judge, if the defendant was tried by jury, shall, when required 1039
pursuant to division (A) (2) of this section, first determine if 1040
the specification of the aggravating circumstance of a prior 1041
conviction listed in division (A) (5) or (11) of section 2929.04 1042
of the Revised Code is proven beyond a reasonable doubt. If the 1043

panel of judges or the trial judge determines that the 1044
specification of the aggravating circumstance of a prior 1045
conviction listed in division (A) (5) or (11) of section 2929.04 1046
of the Revised Code is proven beyond a reasonable doubt or if 1047
they do not determine that the specification is proven beyond a 1048
reasonable doubt but the defendant at trial was convicted of a 1049
specification of any other aggravating circumstance listed in 1050
division (A) of section 2929.04 of the Revised Code, the panel 1051
of judges or the trial judge and trial jury shall impose 1052
sentence on the offender pursuant to division (D) of section 1053
2929.03 and section 2929.04 of the Revised Code. If the panel of 1054
judges or the trial judge does not determine that the 1055
specification of the aggravating circumstance of a prior 1056
conviction listed in division (A) (5) or (11) of section 2929.04 1057
of the Revised Code is proven beyond a reasonable doubt and the 1058
defendant at trial was not convicted of any other specification 1059
of an aggravating circumstance listed in division (A) of section 1060
2929.04 of the Revised Code, the panel of judges or the trial 1061
judge shall terminate the sentencing hearing and impose sentence 1062
on the offender as follows: 1063

(1) Subject to division (B) (2) of this section, the panel 1064
or judge shall impose a sentence of life imprisonment with 1065
parole eligibility after serving twenty years of imprisonment on 1066
the offender. 1067

(2) If the victim of the aggravated murder was less than 1068
thirteen years of age and the offender also is convicted of or 1069
pleads guilty to a sexual motivation specification that was 1070
included in the indictment, count in the indictment, or 1071
information charging the offense, the panel or judge shall 1072
sentence the offender pursuant to division (B) (3) of section 1073
2971.03 of the Revised Code to an indefinite term consisting of 1074

a minimum term of thirty years and a maximum term of life 1075
imprisonment. 1076

Sec. 2929.04. (A) Imposition of the death penalty for 1077
aggravated murder is precluded unless one or more of the 1078
following is specified in the indictment or count in the 1079
indictment pursuant to section 2941.14 of the Revised Code and 1080
proved beyond a reasonable doubt: 1081

(1) The offense was the assassination of the president of 1082
the United States or a person in line of succession to the 1083
presidency, the governor or lieutenant governor of this state, 1084
the president-elect or vice president-elect of the United 1085
States, the governor-elect or lieutenant governor-elect of this 1086
state, or a candidate for any of the offices described in this 1087
division. For purposes of this division, a person is a candidate 1088
if the person has been nominated for election according to law, 1089
if the person has filed a petition or petitions according to law 1090
to have the person's name placed on the ballot in a primary or 1091
general election, or if the person campaigns as a write-in 1092
candidate in a primary or general election. 1093

(2) The offense was committed for hire. 1094

(3) The offense was committed for the purpose of escaping 1095
detection, apprehension, trial, or punishment for another 1096
offense committed by the offender. 1097

(4) The offense was committed while the offender was under 1098
detention or while the offender was at large after having broken 1099
detention. As used in division (A)(4) of this section, 1100
"detention" has the same meaning as in section 2921.01 of the 1101
Revised Code, except that detention does not include 1102
hospitalization, institutionalization, or confinement in a 1103

mental health facility or intellectual disabilities facility 1104
unless at the time of the commission of the offense either of 1105
the following circumstances apply: 1106

(a) The offender was in the facility as a result of being 1107
charged with a violation of a section of the Revised Code. 1108

(b) The offender was under detention as a result of being 1109
convicted of or pleading guilty to a violation of a section of 1110
the Revised Code. 1111

(5) Prior to the offense at bar, the offender was 1112
convicted of an offense an essential element of which was the 1113
purposeful killing of or attempt to kill another, or the offense 1114
at bar was part of a course of conduct involving the purposeful 1115
killing of or attempt to kill two or more persons by the 1116
offender. 1117

(6) The victim of the offense was a law enforcement 1118
officer, as defined in section 2911.01 of the Revised Code, whom 1119
the offender had reasonable cause to know or knew to be a law 1120
enforcement officer as so defined, and either the victim, at the 1121
time of the commission of the offense, was engaged in the 1122
victim's duties, or it was the offender's specific purpose to 1123
kill a law enforcement officer as so defined. 1124

(7) The offense was committed while the offender was 1125
committing, attempting to commit, or fleeing immediately after 1126
committing or attempting to commit kidnapping, rape, aggravated 1127
arson, aggravated robbery, or aggravated burglary, and either 1128
the offender was the principal offender in the commission of the 1129
aggravated murder or, if not the principal offender, committed 1130
the aggravated murder with prior calculation and design. 1131

(8) The victim of the aggravated murder was a witness to 1132

an offense who was purposely killed to prevent the victim's 1133
testimony in any criminal proceeding and the aggravated murder 1134
was not committed during the commission, attempted commission, 1135
or flight immediately after the commission or attempted 1136
commission of the offense to which the victim was a witness, or 1137
the victim of the aggravated murder was a witness to an offense 1138
and was purposely killed in retaliation for the victim's 1139
testimony in any criminal proceeding. 1140

(9) The offender, in the commission of the offense, 1141
purposefully caused the death of another who was under thirteen 1142
years of age at the time of the commission of the offense, and 1143
either the offender was the principal offender in the commission 1144
of the offense or, if not the principal offender, committed the 1145
offense with prior calculation and design. 1146

(10) The offense was committed while the offender was 1147
committing, attempting to commit, or fleeing immediately after 1148
committing or attempting to commit terrorism. 1149

(11) The offense was committed by a family or household 1150
member of the victim, the offender had previously been convicted 1151
of domestic violence or an offense of violence against the 1152
victim, and the victim had not previously physically harmed, 1153
sexually assaulted, or threatened the offender with imminent 1154
physical harm, serious physical harm, or sexual violence. 1155

(B) If one or more of the aggravating circumstances listed 1156
in division (A) of this section is specified in the indictment 1157
or count in the indictment and proved beyond a reasonable doubt, 1158
and if the offender did not raise the matter of age pursuant to 1159
section 2929.023 of the Revised Code or if the offender, after 1160
raising the matter of age, was found at trial to have been 1161
eighteen years of age or older at the time of the commission of 1162

the offense, the court, trial jury, or panel of three judges 1163
shall consider, and weigh against the aggravating circumstances 1164
proved beyond a reasonable doubt, the nature and circumstances 1165
of the offense, the history, character, and background of the 1166
offender, and all of the following factors: 1167

(1) Whether the victim of the offense induced or 1168
facilitated it; 1169

(2) Whether it is unlikely that the offense would have 1170
been committed, but for the fact that the offender was under 1171
duress, coercion, or strong provocation; 1172

(3) Whether, at the time of committing the offense, the 1173
offender, because of a mental disease or defect, lacked 1174
substantial capacity to appreciate the criminality of the 1175
offender's conduct or to conform the offender's conduct to the 1176
requirements of the law; 1177

(4) The youth of the offender; 1178

(5) The offender's lack of a significant history of prior 1179
criminal convictions and delinquency adjudications; 1180

(6) If the offender was a participant in the offense but 1181
not the principal offender, the degree of the offender's 1182
participation in the offense and the degree of the offender's 1183
participation in the acts that led to the death of the victim; 1184

(7) Any other factors that are relevant to the issue of 1185
whether the offender should be sentenced to death. 1186

(C) The defendant shall be given great latitude in the 1187
presentation of evidence of the factors listed in division (B) 1188
of this section and of any other factors in mitigation of the 1189
imposition of the sentence of death. 1190

The existence of any of the mitigating factors listed in 1191
division (B) of this section does not preclude the imposition of 1192
a sentence of death on the offender but shall be weighed 1193
pursuant to divisions (D) (2) and (3) of section 2929.03 of the 1194
Revised Code by the trial court, trial jury, or the panel of 1195
three judges against the aggravating circumstances the offender 1196
was found guilty of committing. 1197

(D) As used in this section, "family or household member" 1198
has the same meaning as in section 2903.01 of the Revised Code. 1199

Sec. 2929.13. (A) Except as provided in division (E), (F), 1200
or (G) of this section and unless a specific sanction is 1201
required to be imposed or is precluded from being imposed 1202
pursuant to law, a court that imposes a sentence upon an 1203
offender for a felony may impose any sanction or combination of 1204
sanctions on the offender that are provided in sections 2929.14 1205
to 2929.18 of the Revised Code. 1206

If the offender is eligible to be sentenced to community 1207
control sanctions, the court shall consider the appropriateness 1208
of imposing a financial sanction pursuant to section 2929.18 of 1209
the Revised Code or a sanction of community service pursuant to 1210
section 2929.17 of the Revised Code as the sole sanction for the 1211
offense. Except as otherwise provided in this division, if the 1212
court is required to impose a mandatory prison term for the 1213
offense for which sentence is being imposed, the court also 1214
shall impose any financial sanction pursuant to section 2929.18 1215
of the Revised Code that is required for the offense and may 1216
impose any other financial sanction pursuant to that section but 1217
may not impose any additional sanction or combination of 1218
sanctions under section 2929.16 or 2929.17 of the Revised Code. 1219

If the offender is being sentenced for a fourth degree 1220

felony OVI offense or for a third degree felony OVI offense, in 1221
addition to the mandatory term of local incarceration or the 1222
mandatory prison term required for the offense by division (G) 1223
(1) or (2) of this section, the court shall impose upon the 1224
offender a mandatory fine in accordance with division (B) (3) of 1225
section 2929.18 of the Revised Code and may impose whichever of 1226
the following is applicable: 1227

(1) For a fourth degree felony OVI offense for which 1228
sentence is imposed under division (G) (1) of this section, an 1229
additional community control sanction or combination of 1230
community control sanctions under section 2929.16 or 2929.17 of 1231
the Revised Code. If the court imposes upon the offender a 1232
community control sanction and the offender violates any 1233
condition of the community control sanction, the court may take 1234
any action prescribed in division (B) of section 2929.15 of the 1235
Revised Code relative to the offender, including imposing a 1236
prison term on the offender pursuant to that division. 1237

(2) For a third or fourth degree felony OVI offense for 1238
which sentence is imposed under division (G) (2) of this section, 1239
an additional prison term as described in division (B) (4) of 1240
section 2929.14 of the Revised Code or a community control 1241
sanction as described in division (G) (2) of this section. 1242

(B) (1) (a) Except as provided in division (B) (1) (b) of this 1243
section, if an offender is convicted of or pleads guilty to a 1244
felony of the fourth or fifth degree that is not an offense of 1245
violence or that is a qualifying assault offense, the court 1246
shall sentence the offender to a community control sanction or 1247
combination of community control sanctions if all of the 1248
following apply: 1249

(i) The offender previously has not been convicted of or 1250

pleaded guilty to a felony offense. 1251

(ii) The most serious charge against the offender at the 1252
time of sentencing is a felony of the fourth or fifth degree. 1253

(iii) If the court made a request of the department of 1254
rehabilitation and correction pursuant to division (B)(1)(c) of 1255
this section, the department, within the forty-five-day period 1256
specified in that division, provided the court with the names 1257
of, contact information for, and program details of one or more 1258
community control sanctions that are available for persons 1259
sentenced by the court. 1260

(iv) The offender previously has not been convicted of or 1261
pleaded guilty to a misdemeanor offense of violence that the 1262
offender committed within two years prior to the offense for 1263
which sentence is being imposed. 1264

(b) The court has discretion to impose a prison term upon 1265
an offender who is convicted of or pleads guilty to a felony of 1266
the fourth or fifth degree that is not an offense of violence or 1267
that is a qualifying assault offense if any of the following 1268
apply: 1269

(i) The offender committed the offense while having a 1270
firearm on or about the offender's person or under the 1271
offender's control. 1272

(ii) If the offense is a qualifying assault offense, the 1273
offender caused serious physical harm to another person while 1274
committing the offense, and, if the offense is not a qualifying 1275
assault offense, the offender caused physical harm to another 1276
person while committing the offense. 1277

(iii) The offender violated a term of the conditions of 1278
bond as set by the court. 1279

(iv) The court made a request of the department of 1280
rehabilitation and correction pursuant to division (B)(1)(c) of 1281
this section, and the department, within the forty-five-day 1282
period specified in that division, did not provide the court 1283
with the name of, contact information for, and program details 1284
of any community control sanction that is available for persons 1285
sentenced by the court. 1286

(v) The offense is a sex offense that is a fourth or fifth 1287
degree felony violation of any provision of Chapter 2907. of the 1288
Revised Code. 1289

(vi) In committing the offense, the offender attempted to 1290
cause or made an actual threat of physical harm to a person with 1291
a deadly weapon. 1292

(vii) In committing the offense, the offender attempted to 1293
cause or made an actual threat of physical harm to a person, and 1294
the offender previously was convicted of an offense that caused 1295
physical harm to a person. 1296

(viii) The offender held a public office or position of 1297
trust, and the offense related to that office or position; the 1298
offender's position obliged the offender to prevent the offense 1299
or to bring those committing it to justice; or the offender's 1300
professional reputation or position facilitated the offense or 1301
was likely to influence the future conduct of others. 1302

(ix) The offender committed the offense for hire or as 1303
part of an organized criminal activity. 1304

(x) The offender at the time of the offense was serving, 1305
or the offender previously had served, a prison term. 1306

(xi) The offender committed the offense while under a 1307
community control sanction, while on probation, or while 1308

released from custody on a bond or personal recognizance. 1309

(c) If a court that is sentencing an offender who is 1310
convicted of or pleads guilty to a felony of the fourth or fifth 1311
degree that is not an offense of violence or that is a 1312
qualifying assault offense believes that no community control 1313
sanctions are available for its use that, if imposed on the 1314
offender, will adequately fulfill the overriding principles and 1315
purposes of sentencing, the court shall contact the department 1316
of rehabilitation and correction and ask the department to 1317
provide the court with the names of, contact information for, 1318
and program details of one or more community control sanctions 1319
that are available for persons sentenced by the court. Not later 1320
than forty-five days after receipt of a request from a court 1321
under this division, the department shall provide the court with 1322
the names of, contact information for, and program details of 1323
one or more community control sanctions that are available for 1324
persons sentenced by the court, if any. Upon making a request 1325
under this division that relates to a particular offender, a 1326
court shall defer sentencing of that offender until it receives 1327
from the department the names of, contact information for, and 1328
program details of one or more community control sanctions that 1329
are available for persons sentenced by the court or for forty- 1330
five days, whichever is the earlier. 1331

If the department provides the court with the names of, 1332
contact information for, and program details of one or more 1333
community control sanctions that are available for persons 1334
sentenced by the court within the forty-five-day period 1335
specified in this division, the court shall impose upon the 1336
offender a community control sanction under division (B) (1) (a) 1337
of this section, except that the court may impose a prison term 1338
under division (B) (1) (b) of this section if a factor described 1339

in division (B) (1) (b) (i) or (ii) of this section applies. If the
department does not provide the court with the names of, contact
information for, and program details of one or more community
control sanctions that are available for persons sentenced by
the court within the forty-five-day period specified in this
division, the court may impose upon the offender a prison term
under division (B) (1) (b) (iv) of this section.

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

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

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

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

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

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

recidivism. 1401

(b) A community control sanction or a combination of 1402
community control sanctions would not demean the seriousness of 1403
the offense, because one or more factors under section 2929.12 1404
of the Revised Code that indicate that the offender's conduct 1405
was less serious than conduct normally constituting the offense 1406
are applicable, and they outweigh the applicable factors under 1407
that section that indicate that the offender's conduct was more 1408
serious than conduct normally constituting the offense. 1409

(E) (1) Except as provided in division (F) of this section, 1410
for any drug offense that is a violation of any provision of 1411
Chapter 2925. of the Revised Code and that is a felony of the 1412
third, fourth, or fifth degree, the applicability of a 1413
presumption under division (D) of this section in favor of a 1414
prison term or of division (B) or (C) of this section in 1415
determining whether to impose a prison term for the offense 1416
shall be determined as specified in section 2925.02, 2925.03, 1417
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 1418
2925.36, or 2925.37 of the Revised Code, whichever is applicable 1419
regarding the violation. 1420

(2) If an offender who was convicted of or pleaded guilty 1421
to a felony violates the conditions of a community control 1422
sanction imposed for the offense solely by reason of producing 1423
positive results on a drug test or by acting pursuant to 1424
division (B) (2) (b) of section 2925.11 of the Revised Code with 1425
respect to a minor drug possession offense, the court, as 1426
punishment for the violation of the sanction, shall not order 1427
that the offender be imprisoned unless the court determines on 1428
the record either of the following: 1429

(a) The offender had been ordered as a sanction for the 1430

felony to participate in a drug treatment program, in a drug 1431
education program, or in narcotics anonymous or a similar 1432
program, and the offender continued to use illegal drugs after a 1433
reasonable period of participation in the program. 1434

(b) The imprisonment of the offender for the violation is 1435
consistent with the purposes and principles of sentencing set 1436
forth in section 2929.11 of the Revised Code. 1437

(3) A court that sentences an offender for a drug abuse 1438
offense that is a felony of the third, fourth, or fifth degree 1439
may require that the offender be assessed by a properly 1440
credentialed professional within a specified period of time. The 1441
court shall require the professional to file a written 1442
assessment of the offender with the court. If the offender is 1443
eligible for a community control sanction and after considering 1444
the written assessment, the court may impose a community control 1445
sanction that includes addiction services and recovery supports 1446
included in a community-based continuum of care established 1447
under section 340.032 of the Revised Code. If the court imposes 1448
addiction services and recovery supports as a community control 1449
sanction, the court shall direct the level and type of addiction 1450
services and recovery supports after considering the assessment 1451
and recommendation of community addiction services providers. 1452

(F) Notwithstanding divisions (A) to (E) of this section, 1453
the court shall impose a prison term or terms under sections 1454
2929.02 to 2929.06, section 2929.14, section 2929.142, or 1455
section 2971.03 of the Revised Code and except as specifically 1456
provided in section 2929.20, divisions (C) to (I) of section 1457
2967.19, or section 2967.191 of the Revised Code or when parole 1458
is authorized for the offense under section 2967.13 of the 1459
Revised Code shall not reduce the term or terms pursuant to 1460

section 2929.20, section 2967.19, section 2967.193, or any other 1461
provision of Chapter 2967. or Chapter 5120. of the Revised Code 1462
for any of the following offenses: 1463

(1) Aggravated murder when death is not imposed or murder; 1464

(2) Any rape, regardless of whether force was involved and 1465
regardless of the age of the victim, or an attempt to commit 1466
rape if, had the offender completed the rape that was attempted, 1467
the offender would have been guilty of a violation of division 1468
(A) (1) (b) of section 2907.02 of the Revised Code and would be 1469
sentenced under section 2971.03 of the Revised Code; 1470

(3) Gross sexual imposition or sexual battery, if the 1471
victim is less than thirteen years of age and if any of the 1472
following applies: 1473

(a) Regarding gross sexual imposition, the offender 1474
previously was convicted of or pleaded guilty to rape, the 1475
former offense of felonious sexual penetration, gross sexual 1476
imposition, or sexual battery, and the victim of the previous 1477
offense was less than thirteen years of age; 1478

(b) Regarding gross sexual imposition, the offense was 1479
committed on or after August 3, 2006, and evidence other than 1480
the testimony of the victim was admitted in the case 1481
corroborating the violation. 1482

(c) Regarding sexual battery, either of the following 1483
applies: 1484

(i) The offense was committed prior to August 3, 2006, the 1485
offender previously was convicted of or pleaded guilty to rape, 1486
the former offense of felonious sexual penetration, or sexual 1487
battery, and the victim of the previous offense was less than 1488
thirteen years of age. 1489

(ii) The offense was committed on or after August 3, 2006.	1490
(4) A felony violation of section 2903.04, 2903.06,	1491
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321,	1492
or 2923.132 of the Revised Code if the section requires the	1493
imposition of a prison term;	1494
(5) A first, second, or third degree felony drug offense	1495
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,	1496
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99,	1497
or 4729.99 of the Revised Code, whichever is applicable	1498
regarding the violation, requires the imposition of a mandatory	1499
prison term;	1500
(6) Any offense that is a first or second degree felony	1501
and that is not set forth in division (F)(1), (2), (3), or (4)	1502
of this section, if the offender previously was convicted of or	1503
pleaded guilty to aggravated murder, murder, any first or second	1504
degree felony, or an offense under an existing or former law of	1505
this state, another state, or the United States that is or was	1506
substantially equivalent to one of those offenses;	1507
(7) Any offense that is a third degree felony and either	1508
is a violation of section 2903.04 of the Revised Code or an	1509
attempt to commit a felony of the second degree that is an	1510
offense of violence and involved an attempt to cause serious	1511
physical harm to a person or that resulted in serious physical	1512
harm to a person if the offender previously was convicted of or	1513
pleaded guilty to any of the following offenses:	1514
(a) Aggravated murder, murder, involuntary manslaughter,	1515
rape, felonious sexual penetration as it existed under section	1516
2907.12 of the Revised Code prior to September 3, 1996, a felony	1517
of the first or second degree that resulted in the death of a	1518

person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;

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

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

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

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

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

(12) A violation of division (A) (1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A) (1) or (2) of that section, if the offender is an officer or employee of

the department of rehabilitation and correction; 1548

(13) A violation of division (A) (1) or (2) of section 1549
2903.06 of the Revised Code if the victim of the offense is a 1550
peace officer, as defined in section 2935.01 of the Revised 1551
Code, or an investigator of the bureau of criminal 1552
identification and investigation, as defined in section 2903.11 1553
of the Revised Code, with respect to the portion of the sentence 1554
imposed pursuant to division (B) (5) of section 2929.14 of the 1555
Revised Code; 1556

(14) A violation of division (A) (1) or (2) of section 1557
2903.06 of the Revised Code if the offender has been convicted 1558
of or pleaded guilty to three or more violations of division (A) 1559
or (B) of section 4511.19 of the Revised Code or an equivalent 1560
offense, as defined in section 2941.1415 of the Revised Code, or 1561
three or more violations of any combination of those divisions 1562
and offenses, with respect to the portion of the sentence 1563
imposed pursuant to division (B) (6) of section 2929.14 of the 1564
Revised Code; 1565

(15) Kidnapping, in the circumstances specified in section 1566
2971.03 of the Revised Code and when no other provision of 1567
division (F) of this section applies; 1568

(16) Kidnapping, abduction, compelling prostitution, 1569
promoting prostitution, engaging in a pattern of corrupt 1570
activity, a violation of division (A) (1) or (2) of section 1571
2907.323 of the Revised Code that involves a minor, or 1572
endangering children in violation of division (B) (1), (2), (3), 1573
(4), or (5) of section 2919.22 of the Revised Code, if the 1574
offender is convicted of or pleads guilty to a specification as 1575
described in section 2941.1422 of the Revised Code that was 1576
included in the indictment, count in the indictment, or 1577

information charging the offense; 1578

(17) A felony violation of division (A) or (B) of section 1579
2919.25 of the Revised Code if division ~~(D)~~(E) (3), (4), or (5) 1580
of that section, and division ~~(D)~~(E) ~~(6)~~(8) of that section, 1581
require the imposition of a prison term; 1582

(18) A felony violation of section 2903.11, 2903.12, or 1583
2903.13 of the Revised Code, if the victim of the offense was a 1584
woman that the offender knew was pregnant at the time of the 1585
violation, with respect to a portion of the sentence imposed 1586
pursuant to division (B) (8) of section 2929.14 of the Revised 1587
Code; 1588

(19) (a) Any violent felony offense if the offender is a 1589
violent career criminal and had a firearm on or about the 1590
offender's person or under the offender's control during the 1591
commission of the violent felony offense and displayed or 1592
brandished the firearm, indicated that the offender possessed a 1593
firearm, or used the firearm to facilitate the offense, with 1594
respect to the portion of the sentence imposed under division 1595
(K) of section 2929.14 of the Revised Code. 1596

(b) As used in division (F) (19) (a) of this section, 1597
"violent career criminal" and "violent felony offense" have the 1598
same meanings as in section 2923.132 of the Revised Code~~+~~. 1599

(20) Any violation of division (A) (1) of section 2903.11 1600
of the Revised Code if the offender used an accelerant in 1601
committing the violation and the serious physical harm to 1602
another or another's unborn caused by the violation resulted in 1603
a permanent, serious disfigurement or permanent, substantial 1604
incapacity or any violation of division (A) (2) of that section 1605
if the offender used an accelerant in committing the violation, 1606

the violation caused physical harm to another or another's 1607
unborn, and the physical harm resulted in a permanent, serious 1608
disfigurement or permanent, substantial incapacity, with respect 1609
to a portion of the sentence imposed pursuant to division (B) (9) 1610
of section 2929.14 of the Revised Code. The provisions of this 1611
division and of division (D) (2) of section 2903.11, divisions 1612
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 1613
the Revised Code shall be known as "Judy's Law." 1614

(21) Any violation of division (A) of section 2903.11 of 1615
the Revised Code if the victim of the offense suffered permanent 1616
disabling harm as a result of the offense and the victim was 1617
under ten years of age at the time of the offense, with respect 1618
to a portion of the sentence imposed pursuant to division (B) 1619
(10) of section 2929.14 of the Revised Code. 1620

(22) A felony violation of section 2925.03, 2925.05, or 1621
2925.11 of the Revised Code, if the drug involved in the 1622
violation is a fentanyl-related compound or a compound, mixture, 1623
preparation, or substance containing a fentanyl-related compound 1624
and the offender is convicted of or pleads guilty to a 1625
specification of the type described in division (B) of section 1626
2941.1410 of the Revised Code that was included in the 1627
indictment, count in the indictment, or information charging the 1628
offense, with respect to the portion of the sentence imposed 1629
under division (B) (11) of section 2929.14 of the Revised Code. 1630

(G) Notwithstanding divisions (A) to (E) of this section, 1631
if an offender is being sentenced for a fourth degree felony OVI 1632
offense or for a third degree felony OVI offense, the court 1633
shall impose upon the offender a mandatory term of local 1634
incarceration or a mandatory prison term in accordance with the 1635
following: 1636

(1) If the offender is being sentenced for a fourth degree 1637
felony OVI offense and if the offender has not been convicted of 1638
and has not pleaded guilty to a specification of the type 1639
described in section 2941.1413 of the Revised Code, the court 1640
may impose upon the offender a mandatory term of local 1641
incarceration of sixty days or one hundred twenty days as 1642
specified in division (G)(1)(d) of section 4511.19 of the 1643
Revised Code. The court shall not reduce the term pursuant to 1644
section 2929.20, 2967.193, or any other provision of the Revised 1645
Code. The court that imposes a mandatory term of local 1646
incarceration under this division shall specify whether the term 1647
is to be served in a jail, a community-based correctional 1648
facility, a halfway house, or an alternative residential 1649
facility, and the offender shall serve the term in the type of 1650
facility specified by the court. A mandatory term of local 1651
incarceration imposed under division (G)(1) of this section is 1652
not subject to any other Revised Code provision that pertains to 1653
a prison term except as provided in division (A)(1) of this 1654
section. 1655

(2) If the offender is being sentenced for a third degree 1656
felony OVI offense, or if the offender is being sentenced for a 1657
fourth degree felony OVI offense and the court does not impose a 1658
mandatory term of local incarceration under division (G)(1) of 1659
this section, the court shall impose upon the offender a 1660
mandatory prison term of one, two, three, four, or five years if 1661
the offender also is convicted of or also pleads guilty to a 1662
specification of the type described in section 2941.1413 of the 1663
Revised Code or shall impose upon the offender a mandatory 1664
prison term of sixty days or one hundred twenty days as 1665
specified in division (G)(1)(d) or (e) of section 4511.19 of the 1666
Revised Code if the offender has not been convicted of and has 1667

not pleaded guilty to a specification of that type. Subject to 1668
divisions (C) to (I) of section 2967.19 of the Revised Code, the 1669
court shall not reduce the term pursuant to section 2929.20, 1670
2967.19, 2967.193, or any other provision of the Revised Code. 1671
The offender shall serve the one-, two-, three-, four-, or five- 1672
year mandatory prison term consecutively to and prior to the 1673
prison term imposed for the underlying offense and consecutively 1674
to any other mandatory prison term imposed in relation to the 1675
offense. In no case shall an offender who once has been 1676
sentenced to a mandatory term of local incarceration pursuant to 1677
division (G)(1) of this section for a fourth degree felony OVI 1678
offense be sentenced to another mandatory term of local 1679
incarceration under that division for any violation of division 1680
(A) of section 4511.19 of the Revised Code. In addition to the 1681
mandatory prison term described in division (G)(2) of this 1682
section, the court may sentence the offender to a community 1683
control sanction under section 2929.16 or 2929.17 of the Revised 1684
Code, but the offender shall serve the prison term prior to 1685
serving the community control sanction. The department of 1686
rehabilitation and correction may place an offender sentenced to 1687
a mandatory prison term under this division in an intensive 1688
program prison established pursuant to section 5120.033 of the 1689
Revised Code if the department gave the sentencing judge prior 1690
notice of its intent to place the offender in an intensive 1691
program prison established under that section and if the judge 1692
did not notify the department that the judge disapproved the 1693
placement. Upon the establishment of the initial intensive 1694
program prison pursuant to section 5120.033 of the Revised Code 1695
that is privately operated and managed by a contractor pursuant 1696
to a contract entered into under section 9.06 of the Revised 1697
Code, both of the following apply: 1698

(a) The department of rehabilitation and correction shall 1699
make a reasonable effort to ensure that a sufficient number of 1700
offenders sentenced to a mandatory prison term under this 1701
division are placed in the privately operated and managed prison 1702
so that the privately operated and managed prison has full 1703
occupancy. 1704

(b) Unless the privately operated and managed prison has 1705
full occupancy, the department of rehabilitation and correction 1706
shall not place any offender sentenced to a mandatory prison 1707
term under this division in any intensive program prison 1708
established pursuant to section 5120.033 of the Revised Code 1709
other than the privately operated and managed prison. 1710

(H) If an offender is being sentenced for a sexually 1711
oriented offense or child-victim oriented offense that is a 1712
felony committed on or after January 1, 1997, the judge shall 1713
require the offender to submit to a DNA specimen collection 1714
procedure pursuant to section 2901.07 of the Revised Code. 1715

(I) If an offender is being sentenced for a sexually 1716
oriented offense or a child-victim oriented offense committed on 1717
or after January 1, 1997, the judge shall include in the 1718
sentence a summary of the offender's duties imposed under 1719
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1720
Code and the duration of the duties. The judge shall inform the 1721
offender, at the time of sentencing, of those duties and of 1722
their duration. If required under division (A)(2) of section 1723
2950.03 of the Revised Code, the judge shall perform the duties 1724
specified in that section, or, if required under division (A)(6) 1725
of section 2950.03 of the Revised Code, the judge shall perform 1726
the duties specified in that division. 1727

(J)(1) Except as provided in division (J)(2) of this 1728

section, when considering sentencing factors under this section 1729
in relation to an offender who is convicted of or pleads guilty 1730
to an attempt to commit an offense in violation of section 1731
2923.02 of the Revised Code, the sentencing court shall consider 1732
the factors applicable to the felony category of the violation 1733
of section 2923.02 of the Revised Code instead of the factors 1734
applicable to the felony category of the offense attempted. 1735

(2) When considering sentencing factors under this section 1736
in relation to an offender who is convicted of or pleads guilty 1737
to an attempt to commit a drug abuse offense for which the 1738
penalty is determined by the amount or number of unit doses of 1739
the controlled substance involved in the drug abuse offense, the 1740
sentencing court shall consider the factors applicable to the 1741
felony category that the drug abuse offense attempted would be 1742
if that drug abuse offense had been committed and had involved 1743
an amount or number of unit doses of the controlled substance 1744
that is within the next lower range of controlled substance 1745
amounts than was involved in the attempt. 1746

(K) As used in this section: 1747

(1) "Community addiction services provider" has the same 1748
meaning as in section 5119.01 of the Revised Code. 1749

(2) "Drug abuse offense" has the same meaning as in 1750
section 2925.01 of the Revised Code. 1751

(3) "Minor drug possession offense" has the same meaning 1752
as in section 2925.11 of the Revised Code. 1753

(4) "Qualifying assault offense" means a violation of 1754
section 2903.13 of the Revised Code for which the penalty 1755
provision in division (C) (8) (b) or (C) (9) (b) of that section 1756
applies. 1757

(L) At the time of sentencing an offender for any sexually 1758
oriented offense, if the offender is a tier III sex 1759
offender/child-victim offender relative to that offense and the 1760
offender does not serve a prison term or jail term, the court 1761
may require that the offender be monitored by means of a global 1762
positioning device. If the court requires such monitoring, the 1763
cost of monitoring shall be borne by the offender. If the 1764
offender is indigent, the cost of compliance shall be paid by 1765
the crime victims reparations fund. 1766

Sec. 2929.14. (A) Except as provided in division (B) (1), 1767
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1768
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 1769
in division ~~(D) (6)~~ (E) (8) of section 2919.25 of the Revised Code 1770
and except in relation to an offense for which a sentence of 1771
death or life imprisonment is to be imposed, if the court 1772
imposing a sentence upon an offender for a felony elects or is 1773
required to impose a prison term on the offender pursuant to 1774
this chapter, the court shall impose a prison term that shall be 1775
one of the following: 1776

(1) (a) For a felony of the first degree committed on or 1777
after the effective date of this amendment, the prison term 1778
shall be an indefinite prison term with a stated minimum term 1779
selected by the court of three, four, five, six, seven, eight, 1780
nine, ten, or eleven years and a maximum term that is determined 1781
pursuant to section 2929.144 of the Revised Code, except that if 1782
the section that criminalizes the conduct constituting the 1783
felony specifies a different minimum term or penalty for the 1784
offense, the specific language of that section shall control in 1785
determining the minimum term or otherwise sentencing the 1786
offender but the minimum term or sentence imposed under that 1787
specific language shall be considered for purposes of the 1788

Revised Code as if it had been imposed under this division. 1789

(b) For a felony of the first degree committed prior to 1790
the effective date of this amendment, the prison term shall be a 1791
definite prison term of three, four, five, six, seven, eight, 1792
nine, ten, or eleven years. 1793

(2) (a) For a felony of the second degree committed on or 1794
after the effective date of this amendment, the prison term 1795
shall be an indefinite prison term with a stated minimum term 1796
selected by the court of two, three, four, five, six, seven, or 1797
eight years and a maximum term that is determined pursuant to 1798
section 2929.144 of the Revised Code, except that if the section 1799
that criminalizes the conduct constituting the felony specifies 1800
a different minimum term or penalty for the offense, the 1801
specific language of that section shall control in determining 1802
the minimum term or otherwise sentencing the offender but the 1803
minimum term or sentence imposed under that specific language 1804
shall be considered for purposes of the Revised Code as if it 1805
had been imposed under this division. 1806

(b) For a felony of the second degree committed prior to 1807
the effective date of this amendment, the prison term shall be a 1808
definite term of two, three, four, five, six, seven, or eight 1809
years. 1810

(3) (a) For a felony of the third degree that is a 1811
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1812
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 1813
Code or that is a violation of section 2911.02 or 2911.12 of the 1814
Revised Code if the offender previously has been convicted of or 1815
pleaded guilty in two or more separate proceedings to two or 1816
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 1817
of the Revised Code, the prison term shall be a definite term of 1818

twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 1819
forty-eight, fifty-four, or sixty months. 1820

(b) For a felony of the third degree that is not an 1821
offense for which division (A) (3) (a) of this section applies, 1822
the prison term shall be a definite term of nine, twelve, 1823
eighteen, twenty-four, thirty, or thirty-six months. 1824

(4) For a felony of the fourth degree, the prison term 1825
shall be a definite term of six, seven, eight, nine, ten, 1826
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1827
or eighteen months. 1828

(5) For a felony of the fifth degree, the prison term 1829
shall be a definite term of six, seven, eight, nine, ten, 1830
eleven, or twelve months. 1831

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1832
section, if an offender who is convicted of or pleads guilty to 1833
a felony also is convicted of or pleads guilty to a 1834
specification of the type described in section 2941.141, 1835
2941.144, or 2941.145 of the Revised Code, the court shall 1836
impose on the offender one of the following prison terms: 1837

(i) A prison term of six years if the specification is of 1838
the type described in division (A) of section 2941.144 of the 1839
Revised Code that charges the offender with having a firearm 1840
that is an automatic firearm or that was equipped with a firearm 1841
muffler or suppressor on or about the offender's person or under 1842
the offender's control while committing the offense; 1843

(ii) A prison term of three years if the specification is 1844
of the type described in division (A) of section 2941.145 of the 1845
Revised Code that charges the offender with having a firearm on 1846
or about the offender's person or under the offender's control 1847

while committing the offense and displaying the firearm, 1848
brandishing the firearm, indicating that the offender possessed 1849
the firearm, or using it to facilitate the offense; 1850

(iii) A prison term of one year if the specification is of 1851
the type described in division (A) of section 2941.141 of the 1852
Revised Code that charges the offender with having a firearm on 1853
or about the offender's person or under the offender's control 1854
while committing the offense; 1855

(iv) A prison term of nine years if the specification is 1856
of the type described in division (D) of section 2941.144 of the 1857
Revised Code that charges the offender with having a firearm 1858
that is an automatic firearm or that was equipped with a firearm 1859
muffler or suppressor on or about the offender's person or under 1860
the offender's control while committing the offense and 1861
specifies that the offender previously has been convicted of or 1862
pleaded guilty to a specification of the type described in 1863
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1864
the Revised Code; 1865

(v) A prison term of fifty-four months if the 1866
specification is of the type described in division (D) of 1867
section 2941.145 of the Revised Code that charges the offender 1868
with having a firearm on or about the offender's person or under 1869
the offender's control while committing the offense and 1870
displaying the firearm, brandishing the firearm, indicating that 1871
the offender possessed the firearm, or using the firearm to 1872
facilitate the offense and that the offender previously has been 1873
convicted of or pleaded guilty to a specification of the type 1874
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1875
2941.1412 of the Revised Code; 1876

(vi) A prison term of eighteen months if the specification 1877

is of the type described in division (D) of section 2941.141 of 1878
the Revised Code that charges the offender with having a firearm 1879
on or about the offender's person or under the offender's 1880
control while committing the offense and that the offender 1881
previously has been convicted of or pleaded guilty to a 1882
specification of the type described in section 2941.141, 1883
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1884

(b) If a court imposes a prison term on an offender under 1885
division (B) (1) (a) of this section, the prison term shall not be 1886
reduced pursuant to section 2967.19, section 2929.20, section 1887
2967.193, or any other provision of Chapter 2967. or Chapter 1888
5120. of the Revised Code. Except as provided in division (B) (1) 1889
(g) of this section, a court shall not impose more than one 1890
prison term on an offender under division (B) (1) (a) of this 1891
section for felonies committed as part of the same act or 1892
transaction. 1893

(c) (i) Except as provided in division (B) (1) (e) of this 1894
section, if an offender who is convicted of or pleads guilty to 1895
a violation of section 2923.161 of the Revised Code or to a 1896
felony that includes, as an essential element, purposely or 1897
knowingly causing or attempting to cause the death of or 1898
physical harm to another, also is convicted of or pleads guilty 1899
to a specification of the type described in division (A) of 1900
section 2941.146 of the Revised Code that charges the offender 1901
with committing the offense by discharging a firearm from a 1902
motor vehicle other than a manufactured home, the court, after 1903
imposing a prison term on the offender for the violation of 1904
section 2923.161 of the Revised Code or for the other felony 1905
offense under division (A), (B) (2), or (B) (3) of this section, 1906
shall impose an additional prison term of five years upon the 1907
offender that shall not be reduced pursuant to section 2929.20, 1908

section 2967.19, section 2967.193, or any other provision of 1909
Chapter 2967. or Chapter 5120. of the Revised Code. 1910

(ii) Except as provided in division (B)(1)(e) of this 1911
section, if an offender who is convicted of or pleads guilty to 1912
a violation of section 2923.161 of the Revised Code or to a 1913
felony that includes, as an essential element, purposely or 1914
knowingly causing or attempting to cause the death of or 1915
physical harm to another, also is convicted of or pleads guilty 1916
to a specification of the type described in division (C) of 1917
section 2941.146 of the Revised Code that charges the offender 1918
with committing the offense by discharging a firearm from a 1919
motor vehicle other than a manufactured home and that the 1920
offender previously has been convicted of or pleaded guilty to a 1921
specification of the type described in section 2941.141, 1922
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1923
the court, after imposing a prison term on the offender for the 1924
violation of section 2923.161 of the Revised Code or for the 1925
other felony offense under division (A), (B)(2), or (3) of this 1926
section, shall impose an additional prison term of ninety months 1927
upon the offender that shall not be reduced pursuant to section 1928
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1929
2967. or Chapter 5120. of the Revised Code. 1930

(iii) A court shall not impose more than one additional 1931
prison term on an offender under division (B)(1)(c) of this 1932
section for felonies committed as part of the same act or 1933
transaction. If a court imposes an additional prison term on an 1934
offender under division (B)(1)(c) of this section relative to an 1935
offense, the court also shall impose a prison term under 1936
division (B)(1)(a) of this section relative to the same offense, 1937
provided the criteria specified in that division for imposing an 1938
additional prison term are satisfied relative to the offender 1939

and the offense. 1940

(d) If an offender who is convicted of or pleads guilty to 1941
an offense of violence that is a felony also is convicted of or 1942
pleads guilty to a specification of the type described in 1943
section 2941.1411 of the Revised Code that charges the offender 1944
with wearing or carrying body armor while committing the felony 1945
offense of violence, the court shall impose on the offender an 1946
additional prison term of two years. The prison term so imposed, 1947
subject to divisions (C) to (I) of section 2967.19 of the 1948
Revised Code, shall not be reduced pursuant to section 2929.20, 1949
section 2967.19, section 2967.193, or any other provision of 1950
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1951
shall not impose more than one prison term on an offender under 1952
division (B) (1) (d) of this section for felonies committed as 1953
part of the same act or transaction. If a court imposes an 1954
additional prison term under division (B) (1) (a) or (c) of this 1955
section, the court is not precluded from imposing an additional 1956
prison term under division (B) (1) (d) of this section. 1957

(e) The court shall not impose any of the prison terms 1958
described in division (B) (1) (a) of this section or any of the 1959
additional prison terms described in division (B) (1) (c) of this 1960
section upon an offender for a violation of section 2923.12 or 1961
2923.123 of the Revised Code. The court shall not impose any of 1962
the prison terms described in division (B) (1) (a) or (b) of this 1963
section upon an offender for a violation of section 2923.122 1964
that involves a deadly weapon that is a firearm other than a 1965
dangerous ordnance, section 2923.16, or section 2923.121 of the 1966
Revised Code. The court shall not impose any of the prison terms 1967
described in division (B) (1) (a) of this section or any of the 1968
additional prison terms described in division (B) (1) (c) of this 1969
section upon an offender for a violation of section 2923.13 of 1970

the Revised Code unless all of the following apply: 1971

(i) The offender previously has been convicted of 1972
aggravated murder, murder, or any felony of the first or second 1973
degree. 1974

(ii) Less than five years have passed since the offender 1975
was released from prison or post-release control, whichever is 1976
later, for the prior offense. 1977

(f) (i) If an offender is convicted of or pleads guilty to 1978
a felony that includes, as an essential element, causing or 1979
attempting to cause the death of or physical harm to another and 1980
also is convicted of or pleads guilty to a specification of the 1981
type described in division (A) of section 2941.1412 of the 1982
Revised Code that charges the offender with committing the 1983
offense by discharging a firearm at a peace officer as defined 1984
in section 2935.01 of the Revised Code or a corrections officer, 1985
as defined in section 2941.1412 of the Revised Code, the court, 1986
after imposing a prison term on the offender for the felony 1987
offense under division (A), (B) (2), or (B) (3) of this section, 1988
shall impose an additional prison term of seven years upon the 1989
offender that shall not be reduced pursuant to section 2929.20, 1990
section 2967.19, section 2967.193, or any other provision of 1991
Chapter 2967. or Chapter 5120. of the Revised Code. 1992

(ii) If an offender is convicted of or pleads guilty to a 1993
felony that includes, as an essential element, causing or 1994
attempting to cause the death of or physical harm to another and 1995
also is convicted of or pleads guilty to a specification of the 1996
type described in division (B) of section 2941.1412 of the 1997
Revised Code that charges the offender with committing the 1998
offense by discharging a firearm at a peace officer, as defined 1999
in section 2935.01 of the Revised Code, or a corrections 2000

officer, as defined in section 2941.1412 of the Revised Code, 2001
and that the offender previously has been convicted of or 2002
pleaded guilty to a specification of the type described in 2003
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2004
the Revised Code, the court, after imposing a prison term on the 2005
offender for the felony offense under division (A), (B) (2), or 2006
(3) of this section, shall impose an additional prison term of 2007
one hundred twenty-six months upon the offender that shall not 2008
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 2009
any other provision of Chapter 2967. or 5120. of the Revised 2010
Code. 2011

(iii) If an offender is convicted of or pleads guilty to 2012
two or more felonies that include, as an essential element, 2013
causing or attempting to cause the death or physical harm to 2014
another and also is convicted of or pleads guilty to a 2015
specification of the type described under division (B) (1) (f) of 2016
this section in connection with two or more of the felonies of 2017
which the offender is convicted or to which the offender pleads 2018
guilty, the sentencing court shall impose on the offender the 2019
prison term specified under division (B) (1) (f) of this section 2020
for each of two of the specifications of which the offender is 2021
convicted or to which the offender pleads guilty and, in its 2022
discretion, also may impose on the offender the prison term 2023
specified under that division for any or all of the remaining 2024
specifications. If a court imposes an additional prison term on 2025
an offender under division (B) (1) (f) of this section relative to 2026
an offense, the court shall not impose a prison term under 2027
division (B) (1) (a) or (c) of this section relative to the same 2028
offense. 2029

(g) If an offender is convicted of or pleads guilty to two 2030
or more felonies, if one or more of those felonies are 2031

aggravated murder, murder, attempted aggravated murder, 2032
attempted murder, aggravated robbery, felonious assault, or 2033
rape, and if the offender is convicted of or pleads guilty to a 2034
specification of the type described under division (B) (1) (a) of 2035
this section in connection with two or more of the felonies, the 2036
sentencing court shall impose on the offender the prison term 2037
specified under division (B) (1) (a) of this section for each of 2038
the two most serious specifications of which the offender is 2039
convicted or to which the offender pleads guilty and, in its 2040
discretion, also may impose on the offender the prison term 2041
specified under that division for any or all of the remaining 2042
specifications. 2043

(2) (a) If division (B) (2) (b) of this section does not 2044
apply, the court may impose on an offender, in addition to the 2045
longest prison term authorized or required for the offense or, 2046
for offenses for which division (A) (1) (a) or (2) (a) of this 2047
section applies, in addition to the longest minimum prison term 2048
authorized or required for the offense, an additional definite 2049
prison term of one, two, three, four, five, six, seven, eight, 2050
nine, or ten years if all of the following criteria are met: 2051

(i) The offender is convicted of or pleads guilty to a 2052
specification of the type described in section 2941.149 of the 2053
Revised Code that the offender is a repeat violent offender. 2054

(ii) The offense of which the offender currently is 2055
convicted or to which the offender currently pleads guilty is 2056
aggravated murder and the court does not impose a sentence of 2057
death or life imprisonment without parole, murder, terrorism and 2058
the court does not impose a sentence of life imprisonment 2059
without parole, any felony of the first degree that is an 2060
offense of violence and the court does not impose a sentence of 2061

life imprisonment without parole, or any felony of the second 2062
degree that is an offense of violence and the trier of fact 2063
finds that the offense involved an attempt to cause or a threat 2064
to cause serious physical harm to a person or resulted in 2065
serious physical harm to a person. 2066

(iii) The court imposes the longest prison term for the 2067
offense or the longest minimum prison term for the offense, 2068
whichever is applicable, that is not life imprisonment without 2069
parole. 2070

(iv) The court finds that the prison terms imposed 2071
pursuant to division (B) (2) (a) (iii) of this section and, if 2072
applicable, division (B) (1) or (3) of this section are 2073
inadequate to punish the offender and protect the public from 2074
future crime, because the applicable factors under section 2075
2929.12 of the Revised Code indicating a greater likelihood of 2076
recidivism outweigh the applicable factors under that section 2077
indicating a lesser likelihood of recidivism. 2078

(v) The court finds that the prison terms imposed pursuant 2079
to division (B) (2) (a) (iii) of this section and, if applicable, 2080
division (B) (1) or (3) of this section are demeaning to the 2081
seriousness of the offense, because one or more of the factors 2082
under section 2929.12 of the Revised Code indicating that the 2083
offender's conduct is more serious than conduct normally 2084
constituting the offense are present, and they outweigh the 2085
applicable factors under that section indicating that the 2086
offender's conduct is less serious than conduct normally 2087
constituting the offense. 2088

(b) The court shall impose on an offender the longest 2089
prison term authorized or required for the offense or, for 2090
offenses for which division (A) (1) (a) or (2) (a) of this section 2091

applies, the longest minimum prison term authorized or required 2092
for the offense, and shall impose on the offender an additional 2093
definite prison term of one, two, three, four, five, six, seven, 2094
eight, nine, or ten years if all of the following criteria are 2095
met: 2096

(i) The offender is convicted of or pleads guilty to a 2097
specification of the type described in section 2941.149 of the 2098
Revised Code that the offender is a repeat violent offender. 2099

(ii) The offender within the preceding twenty years has 2100
been convicted of or pleaded guilty to three or more offenses 2101
described in division (CC) (1) of section 2929.01 of the Revised 2102
Code, including all offenses described in that division of which 2103
the offender is convicted or to which the offender pleads guilty 2104
in the current prosecution and all offenses described in that 2105
division of which the offender previously has been convicted or 2106
to which the offender previously pleaded guilty, whether 2107
prosecuted together or separately. 2108

(iii) The offense or offenses of which the offender 2109
currently is convicted or to which the offender currently pleads 2110
guilty is aggravated murder and the court does not impose a 2111
sentence of death or life imprisonment without parole, murder, 2112
terrorism and the court does not impose a sentence of life 2113
imprisonment without parole, any felony of the first degree that 2114
is an offense of violence and the court does not impose a 2115
sentence of life imprisonment without parole, or any felony of 2116
the second degree that is an offense of violence and the trier 2117
of fact finds that the offense involved an attempt to cause or a 2118
threat to cause serious physical harm to a person or resulted in 2119
serious physical harm to a person. 2120

(c) For purposes of division (B) (2) (b) of this section, 2121

two or more offenses committed at the same time or as part of 2122
the same act or event shall be considered one offense, and that 2123
one offense shall be the offense with the greatest penalty. 2124

(d) A sentence imposed under division (B) (2) (a) or (b) of 2125
this section shall not be reduced pursuant to section 2929.20, 2126
section 2967.19, or section 2967.193, or any other provision of 2127
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 2128
shall serve an additional prison term imposed under division (B) 2129
(2) (a) or (b) of this section consecutively to and prior to the 2130
prison term imposed for the underlying offense. 2131

(e) When imposing a sentence pursuant to division (B) (2) 2132
(a) or (b) of this section, the court shall state its findings 2133
explaining the imposed sentence. 2134

(3) Except when an offender commits a violation of section 2135
2903.01 or 2907.02 of the Revised Code and the penalty imposed 2136
for the violation is life imprisonment or commits a violation of 2137
section 2903.02 of the Revised Code, if the offender commits a 2138
violation of section 2925.03 or 2925.11 of the Revised Code and 2139
that section classifies the offender as a major drug offender, 2140
if the offender commits a violation of section 2925.05 of the 2141
Revised Code and division (E) (1) of that section classifies the 2142
offender as a major drug offender, if the offender commits a 2143
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 2144
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 2145
division (C) or (D) of section 3719.172, division (E) of section 2146
4729.51, or division (J) of section 4729.54 of the Revised Code 2147
that includes the sale, offer to sell, or possession of a 2148
schedule I or II controlled substance, with the exception of 2149
marihuana, and the court imposing sentence upon the offender 2150
finds that the offender is guilty of a specification of the type 2151

described in division (A) of section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code and, had the offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term determined as described in this division that, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, cannot be reduced pursuant to section 2929.20, section 2967.19, or any other provision of Chapter 2967. or 5120. of the Revised Code. The mandatory prison term shall be the maximum definite prison term prescribed in division (A)(1)(b) of this section for a felony of the first degree, except that for offenses for which division (A)(1)(a) of this section applies, the mandatory prison term shall be the longest minimum prison term prescribed in that division for the offense.

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

not less than six months and not more than thirty months, and if 2183
the offender is being sentenced for a third degree felony OVI 2184
offense, the sentencing court may sentence the offender to an 2185
additional prison term of any duration specified in division (A) 2186
(3) of this section. In either case, the additional prison term 2187
imposed shall be reduced by the sixty or one hundred twenty days 2188
imposed upon the offender as the mandatory prison term. The 2189
total of the additional prison term imposed under division (B) 2190
(4) of this section plus the sixty or one hundred twenty days 2191
imposed as the mandatory prison term shall equal a definite term 2192
in the range of six months to thirty months for a fourth degree 2193
felony OVI offense and shall equal one of the authorized prison 2194
terms specified in division (A) (3) of this section for a third 2195
degree felony OVI offense. If the court imposes an additional 2196
prison term under division (B) (4) of this section, the offender 2197
shall serve the additional prison term after the offender has 2198
served the mandatory prison term required for the offense. In 2199
addition to the mandatory prison term or mandatory and 2200
additional prison term imposed as described in division (B) (4) 2201
of this section, the court also may sentence the offender to a 2202
community control sanction under section 2929.16 or 2929.17 of 2203
the Revised Code, but the offender shall serve all of the prison 2204
terms so imposed prior to serving the community control 2205
sanction. 2206

If the offender is being sentenced for a fourth degree 2207
felony OVI offense under division (G) (1) of section 2929.13 of 2208
the Revised Code and the court imposes a mandatory term of local 2209
incarceration, the court may impose a prison term as described 2210
in division (A) (1) of that section. 2211

(5) If an offender is convicted of or pleads guilty to a 2212
violation of division (A) (1) or (2) of section 2903.06 of the 2213

Revised Code and also is convicted of or pleads guilty to a 2214
specification of the type described in section 2941.1414 of the 2215
Revised Code that charges that the victim of the offense is a 2216
peace officer, as defined in section 2935.01 of the Revised 2217
Code, or an investigator of the bureau of criminal 2218
identification and investigation, as defined in section 2903.11 2219
of the Revised Code, the court shall impose on the offender a 2220
prison term of five years. If a court imposes a prison term on 2221
an offender under division (B) (5) of this section, the prison 2222
term, subject to divisions (C) to (I) of section 2967.19 of the 2223
Revised Code, shall not be reduced pursuant to section 2929.20, 2224
section 2967.19, section 2967.193, or any other provision of 2225
Chapter 2967. or Chapter 5120. of the Revised Code. A court 2226
shall not impose more than one prison term on an offender under 2227
division (B) (5) of this section for felonies committed as part 2228
of the same act. 2229

(6) If an offender is convicted of or pleads guilty to a 2230
violation of division (A) (1) or (2) of section 2903.06 of the 2231
Revised Code and also is convicted of or pleads guilty to a 2232
specification of the type described in section 2941.1415 of the 2233
Revised Code that charges that the offender previously has been 2234
convicted of or pleaded guilty to three or more violations of 2235
division (A) or (B) of section 4511.19 of the Revised Code or an 2236
equivalent offense, as defined in section 2941.1415 of the 2237
Revised Code, or three or more violations of any combination of 2238
those divisions and offenses, the court shall impose on the 2239
offender a prison term of three years. If a court imposes a 2240
prison term on an offender under division (B) (6) of this 2241
section, the prison term, subject to divisions (C) to (I) of 2242
section 2967.19 of the Revised Code, shall not be reduced 2243
pursuant to section 2929.20, section 2967.19, section 2967.193, 2244

or any other provision of Chapter 2967. or Chapter 5120. of the 2245
Revised Code. A court shall not impose more than one prison term 2246
on an offender under division (B) (6) of this section for 2247
felonies committed as part of the same act. 2248

(7) (a) If an offender is convicted of or pleads guilty to 2249
a felony violation of section 2905.01, 2905.02, 2907.21, 2250
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 2251
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 2252
section 2919.22 of the Revised Code and also is convicted of or 2253
pleads guilty to a specification of the type described in 2254
section 2941.1422 of the Revised Code that charges that the 2255
offender knowingly committed the offense in furtherance of human 2256
trafficking, the court shall impose on the offender a mandatory 2257
prison term that is one of the following: 2258

(i) If the offense is a felony of the first degree, a 2259
definite prison term of not less than five years and not greater 2260
than eleven years, except that if the offense is a felony of the 2261
first degree committed on or after the effective date of this 2262
amendment, the court shall impose as the minimum prison term a 2263
mandatory term of not less than five years and not greater than 2264
eleven years; 2265

(ii) If the offense is a felony of the second or third 2266
degree, a definite prison term of not less than three years and 2267
not greater than the maximum prison term allowed for the offense 2268
by division (A) (2) (b) or (3) of this section, except that if the 2269
offense is a felony of the second degree committed on or after 2270
the effective date of this amendment, the court shall impose as 2271
the minimum prison term a mandatory term of not less than three 2272
years and not greater than eight years; 2273

(iii) If the offense is a felony of the fourth or fifth 2274

degree, a definite prison term that is the maximum prison term 2275
allowed for the offense by division (A) of section 2929.14 of 2276
the Revised Code. 2277

(b) Subject to divisions (C) to (I) of section 2967.19 of 2278
the Revised Code, the prison term imposed under division (B) (7) 2279
(a) of this section shall not be reduced pursuant to section 2280
2929.20, section 2967.19, section 2967.193, or any other 2281
provision of Chapter 2967. of the Revised Code. A court shall 2282
not impose more than one prison term on an offender under 2283
division (B) (7) (a) of this section for felonies committed as 2284
part of the same act, scheme, or plan. 2285

(8) If an offender is convicted of or pleads guilty to a 2286
felony violation of section 2903.11, 2903.12, or 2903.13 of the 2287
Revised Code and also is convicted of or pleads guilty to a 2288
specification of the type described in section 2941.1423 of the 2289
Revised Code that charges that the victim of the violation was a 2290
woman whom the offender knew was pregnant at the time of the 2291
violation, notwithstanding the range prescribed in division (A) 2292
of this section as the definite prison term or minimum prison 2293
term for felonies of the same degree as the violation, the court 2294
shall impose on the offender a mandatory prison term that is 2295
either a definite prison term of six months or one of the prison 2296
terms prescribed in division (A) of this section for felonies of 2297
the same degree as the violation, except that if the violation 2298
is a felony of the first or second degree committed on or after 2299
the effective date of this amendment, the court shall impose as 2300
the minimum prison term under division (A) (1) (a) or (2) (a) of 2301
this section a mandatory term that is one of the terms 2302
prescribed in that division, whichever is applicable, for the 2303
offense. 2304

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

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

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

(b) If a court imposes a prison term on an offender under division (B) (9) (a) of this section, the prison term 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) (9) of this section for felonies committed as part of the same act.

(c) The provisions of divisions (B) (9) and (C) (6) of this section and of division (D) (2) of section 2903.11, division (F) (20) of section 2929.13, and section 2941.1425 of the Revised

Code shall be known as "Judy's Law." 2335

(10) If an offender is convicted of or pleads guilty to a 2336
violation of division (A) of section 2903.11 of the Revised Code 2337
and also is convicted of or pleads guilty to a specification of 2338
the type described in section 2941.1426 of the Revised Code that 2339
charges that the victim of the offense suffered permanent 2340
disabling harm as a result of the offense and that the victim 2341
was under ten years of age at the time of the offense, 2342
regardless of whether the offender knew the age of the victim, 2343
the court shall impose upon the offender an additional definite 2344
prison term of six years. A prison term imposed on an offender 2345
under division (B) (10) of this section shall not be reduced 2346
pursuant to section 2929.20, section 2967.193, or any other 2347
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 2348
If a court imposes an additional prison term on an offender 2349
under this division relative to a violation of division (A) of 2350
section 2903.11 of the Revised Code, the court shall not impose 2351
any other additional prison term on the offender relative to the 2352
same offense. 2353

(11) If an offender is convicted of or pleads guilty to a 2354
felony violation of section 2925.03 or 2925.05 of the Revised 2355
Code or a felony violation of section 2925.11 of the Revised 2356
Code for which division (C) (11) of that section applies in 2357
determining the sentence for the violation, if the drug involved 2358
in the violation is a fentanyl-related compound or a compound, 2359
mixture, preparation, or substance containing a fentanyl-related 2360
compound, and if the offender also is convicted of or pleads 2361
guilty to a specification of the type described in division (B) 2362
of section 2941.1410 of the Revised Code that charges that the 2363
offender is a major drug offender, in addition to any other 2364
penalty imposed for the violation, the court shall impose on the 2365

offender a mandatory prison term of three, four, five, six, 2366
seven, or eight years. If a court imposes a prison term on an 2367
offender under division (B) (11) of this section, the prison 2368
term, subject to divisions (C) to (I) of section 2967.19 of the 2369
Revised Code, shall not be reduced pursuant to section 2929.20, 2370
2967.19, or 2967.193, or any other provision of Chapter 2967. or 2371
5120. of the Revised Code. A court shall not impose more than 2372
one prison term on an offender under division (B) (11) of this 2373
section for felonies committed as part of the same act. 2374

(C) (1) (a) Subject to division (C) (1) (b) of this section, 2375
if a mandatory prison term is imposed upon an offender pursuant 2376
to division (B) (1) (a) of this section for having a firearm on or 2377
about the offender's person or under the offender's control 2378
while committing a felony, if a mandatory prison term is imposed 2379
upon an offender pursuant to division (B) (1) (c) of this section 2380
for committing a felony specified in that division by 2381
discharging a firearm from a motor vehicle, or if both types of 2382
mandatory prison terms are imposed, the offender shall serve any 2383
mandatory prison term imposed under either division 2384
consecutively to any other mandatory prison term imposed under 2385
either division or under division (B) (1) (d) of this section, 2386
consecutively to and prior to any prison term imposed for the 2387
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 2388
this section or any other section of the Revised Code, and 2389
consecutively to any other prison term or mandatory prison term 2390
previously or subsequently imposed upon the offender. 2391

(b) If a mandatory prison term is imposed upon an offender 2392
pursuant to division (B) (1) (d) of this section for wearing or 2393
carrying body armor while committing an offense of violence that 2394
is a felony, the offender shall serve the mandatory term so 2395
imposed consecutively to any other mandatory prison term imposed 2396

under that division or under division (B) (1) (a) or (c) of this 2397
section, consecutively to and prior to any prison term imposed 2398
for the underlying felony under division (A), (B) (2), or (B) (3) 2399
of this section or any other section of the Revised Code, and 2400
consecutively to any other prison term or mandatory prison term 2401
previously or subsequently imposed upon the offender. 2402

(c) If a mandatory prison term is imposed upon an offender 2403
pursuant to division (B) (1) (f) of this section, the offender 2404
shall serve the mandatory prison term so imposed consecutively 2405
to and prior to any prison term imposed for the underlying 2406
felony under division (A), (B) (2), or (B) (3) of this section or 2407
any other section of the Revised Code, and consecutively to any 2408
other prison term or mandatory prison term previously or 2409
subsequently imposed upon the offender. 2410

(d) If a mandatory prison term is imposed upon an offender 2411
pursuant to division (B) (7) or (8) of this section, the offender 2412
shall serve the mandatory prison term so imposed consecutively 2413
to any other mandatory prison term imposed under that division 2414
or under any other provision of law and consecutively to any 2415
other prison term or mandatory prison term previously or 2416
subsequently imposed upon the offender. 2417

(e) If a mandatory prison term is imposed upon an offender 2418
pursuant to division (B) (11) of this section, the offender shall 2419
serve the mandatory prison term consecutively to any other 2420
mandatory prison term imposed under that division, consecutively 2421
to and prior to any prison term imposed for the underlying 2422
felony, and consecutively to any other prison term or mandatory 2423
prison term previously or subsequently imposed upon the 2424
offender. 2425

(2) If an offender who is an inmate in a jail, prison, or 2426

other residential detention facility violates section 2917.02, 2427
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 2428
(2) of section 2921.34 of the Revised Code, if an offender who 2429
is under detention at a detention facility commits a felony 2430
violation of section 2923.131 of the Revised Code, or if an 2431
offender who is an inmate in a jail, prison, or other 2432
residential detention facility or is under detention at a 2433
detention facility commits another felony while the offender is 2434
an escapee in violation of division (A) (1) or (2) of section 2435
2921.34 of the Revised Code, any prison term imposed upon the 2436
offender for one of those violations shall be served by the 2437
offender consecutively to the prison term or term of 2438
imprisonment the offender was serving when the offender 2439
committed that offense and to any other prison term previously 2440
or subsequently imposed upon the offender. 2441

(3) If a prison term is imposed for a violation of 2442
division (B) of section 2911.01 of the Revised Code, a violation 2443
of division (A) of section 2913.02 of the Revised Code in which 2444
the stolen property is a firearm or dangerous ordnance, or a 2445
felony violation of division (B) of section 2921.331 of the 2446
Revised Code, the offender shall serve that prison term 2447
consecutively to any other prison term or mandatory prison term 2448
previously or subsequently imposed upon the offender. 2449

(4) If multiple prison terms are imposed on an offender 2450
for convictions of multiple offenses, the court may require the 2451
offender to serve the prison terms consecutively if the court 2452
finds that the consecutive service is necessary to protect the 2453
public from future crime or to punish the offender and that 2454
consecutive sentences are not disproportionate to the 2455
seriousness of the offender's conduct and to the danger the 2456
offender poses to the public, and if the court also finds any of 2457

the following: 2458

(a) The offender committed one or more of the multiple 2459
offenses while the offender was awaiting trial or sentencing, 2460
was under a sanction imposed pursuant to section 2929.16, 2461
2929.17, or 2929.18 of the Revised Code, or was under post- 2462
release control for a prior offense. 2463

(b) At least two of the multiple offenses were committed 2464
as part of one or more courses of conduct, and the harm caused 2465
by two or more of the multiple offenses so committed was so 2466
great or unusual that no single prison term for any of the 2467
offenses committed as part of any of the courses of conduct 2468
adequately reflects the seriousness of the offender's conduct. 2469

(c) The offender's history of criminal conduct 2470
demonstrates that consecutive sentences are necessary to protect 2471
the public from future crime by the offender. 2472

(5) If a mandatory prison term is imposed upon an offender 2473
pursuant to division (B) (5) or (6) of this section, the offender 2474
shall serve the mandatory prison term consecutively to and prior 2475
to any prison term imposed for the underlying violation of 2476
division (A) (1) or (2) of section 2903.06 of the Revised Code 2477
pursuant to division (A) of this section or section 2929.142 of 2478
the Revised Code. If a mandatory prison term is imposed upon an 2479
offender pursuant to division (B) (5) of this section, and if a 2480
mandatory prison term also is imposed upon the offender pursuant 2481
to division (B) (6) of this section in relation to the same 2482
violation, the offender shall serve the mandatory prison term 2483
imposed pursuant to division (B) (5) of this section 2484
consecutively to and prior to the mandatory prison term imposed 2485
pursuant to division (B) (6) of this section and consecutively to 2486
and prior to any prison term imposed for the underlying 2487

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

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

(7) If a mandatory prison term is imposed on an offender pursuant to division (B) (10) of this section, the offender shall serve that mandatory prison term consecutively to and prior to any prison term imposed for the underlying felonious assault. Except as otherwise provided in division (C) of this section, any other prison term or mandatory prison term previously or subsequently imposed upon the offender may be served concurrently with, or consecutively to, the prison term imposed pursuant to division (B) (10) of this section.

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

(9) When consecutive prison terms are imposed pursuant to division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or division (H) (1) or (2) of this section, subject to division (C)

(10) of this section, the term to be served is the aggregate of 2518
all of the terms so imposed. 2519

(10) When a court sentences an offender to a non-life 2520
felony indefinite prison term, any definite prison term or 2521
mandatory definite prison term previously or subsequently 2522
imposed on the offender in addition to that indefinite sentence 2523
that is required to be served consecutively to that indefinite 2524
sentence shall be served prior to the indefinite sentence. 2525

(11) If a court is sentencing an offender for a felony of 2526
the first or second degree, if division (A) (1) (a) or (2) (a) of 2527
this section applies with respect to the sentencing for the 2528
offense, and if the court is required under the Revised Code 2529
section that sets forth the offense or any other Revised Code 2530
provision to impose a mandatory prison term for the offense, the 2531
court shall impose the required mandatory prison term as the 2532
minimum term imposed under division (A) (1) (a) or (2) (a) of this 2533
section, whichever is applicable. 2534

(D) (1) If a court imposes a prison term, other than a term 2535
of life imprisonment, for a felony of the first degree, for a 2536
felony of the second degree, for a felony sex offense, or for a 2537
felony of the third degree that is an offense of violence and 2538
that is not a felony sex offense, it shall include in the 2539
sentence a requirement that the offender be subject to a period 2540
of post-release control after the offender's release from 2541
imprisonment, in accordance with section 2967.28 of the Revised 2542
Code. If a court imposes a sentence including a prison term of a 2543
type described in this division on or after July 11, 2006, the 2544
failure of a court to include a post-release control requirement 2545
in the sentence pursuant to this division does not negate, 2546
limit, or otherwise affect the mandatory period of post-release 2547

control that is required for the offender under division (B) of 2548
section 2967.28 of the Revised Code. Section 2929.191 of the 2549
Revised Code applies if, prior to July 11, 2006, a court imposed 2550
a sentence including a prison term of a type described in this 2551
division and failed to include in the sentence pursuant to this 2552
division a statement regarding post-release control. 2553

(2) If a court imposes a prison term for a felony of the 2554
third, fourth, or fifth degree that is not subject to division 2555
(D) (1) of this section, it shall include in the sentence a 2556
requirement that the offender be subject to a period of post- 2557
release control after the offender's release from imprisonment, 2558
in accordance with that division, if the parole board determines 2559
that a period of post-release control is necessary. Section 2560
2929.191 of the Revised Code applies if, prior to July 11, 2006, 2561
a court imposed a sentence including a prison term of a type 2562
described in this division and failed to include in the sentence 2563
pursuant to this division a statement regarding post-release 2564
control. 2565

(E) The court shall impose sentence upon the offender in 2566
accordance with section 2971.03 of the Revised Code, and Chapter 2567
2971. of the Revised Code applies regarding the prison term or 2568
term of life imprisonment without parole imposed upon the 2569
offender and the service of that term of imprisonment if any of 2570
the following apply: 2571

(1) A person is convicted of or pleads guilty to a violent 2572
sex offense or a designated homicide, assault, or kidnapping 2573
offense, and, in relation to that offense, the offender is 2574
adjudicated a sexually violent predator. 2575

(2) A person is convicted of or pleads guilty to a 2576
violation of division (A) (1) (b) of section 2907.02 of the 2577

Revised Code committed on or after January 2, 2007, and either 2578
the court does not impose a sentence of life without parole when 2579
authorized pursuant to division (B) of section 2907.02 of the 2580
Revised Code, or division (B) of section 2907.02 of the Revised 2581
Code provides that the court shall not sentence the offender 2582
pursuant to section 2971.03 of the Revised Code. 2583

(3) A person is convicted of or pleads guilty to attempted 2584
rape committed on or after January 2, 2007, and a specification 2585
of the type described in section 2941.1418, 2941.1419, or 2586
2941.1420 of the Revised Code. 2587

(4) A person is convicted of or pleads guilty to a 2588
violation of section 2905.01 of the Revised Code committed on or 2589
after January 1, 2008, and that section requires the court to 2590
sentence the offender pursuant to section 2971.03 of the Revised 2591
Code. 2592

(5) A person is convicted of or pleads guilty to 2593
aggravated murder committed on or after January 1, 2008, and 2594
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 2595
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 2596
(d) of section 2929.03, or division (A) or (B) of section 2597
2929.06 of the Revised Code requires the court to sentence the 2598
offender pursuant to division (B) (3) of section 2971.03 of the 2599
Revised Code. 2600

(6) A person is convicted of or pleads guilty to murder 2601
committed on or after January 1, 2008, and division (B) (2) of 2602
section 2929.02 of the Revised Code requires the court to 2603
sentence the offender pursuant to section 2971.03 of the Revised 2604
Code. 2605

(F) If a person who has been convicted of or pleaded 2606

guilty to a felony is sentenced to a prison term or term of 2607
imprisonment under this section, sections 2929.02 to 2929.06 of 2608
the Revised Code, section 2929.142 of the Revised Code, section 2609
2971.03 of the Revised Code, or any other provision of law, 2610
section 5120.163 of the Revised Code applies regarding the 2611
person while the person is confined in a state correctional 2612
institution. 2613

(G) If an offender who is convicted of or pleads guilty to 2614
a felony that is an offense of violence also is convicted of or 2615
pleads guilty to a specification of the type described in 2616
section 2941.142 of the Revised Code that charges the offender 2617
with having committed the felony while participating in a 2618
criminal gang, the court shall impose upon the offender an 2619
additional prison term of one, two, or three years. 2620

(H) (1) If an offender who is convicted of or pleads guilty 2621
to aggravated murder, murder, or a felony of the first, second, 2622
or third degree that is an offense of violence also is convicted 2623
of or pleads guilty to a specification of the type described in 2624
section 2941.143 of the Revised Code that charges the offender 2625
with having committed the offense in a school safety zone or 2626
towards a person in a school safety zone, the court shall impose 2627
upon the offender an additional prison term of two years. The 2628
offender shall serve the additional two years consecutively to 2629
and prior to the prison term imposed for the underlying offense. 2630

(2) (a) If an offender is convicted of or pleads guilty to 2631
a felony violation of section 2907.22, 2907.24, 2907.241, or 2632
2907.25 of the Revised Code and to a specification of the type 2633
described in section 2941.1421 of the Revised Code and if the 2634
court imposes a prison term on the offender for the felony 2635
violation, the court may impose upon the offender an additional 2636

prison term as follows: 2637

(i) Subject to division (H) (2) (a) (ii) of this section, an 2638
additional prison term of one, two, three, four, five, or six 2639
months; 2640

(ii) If the offender previously has been convicted of or 2641
pleaded guilty to one or more felony or misdemeanor violations 2642
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 2643
the Revised Code and also was convicted of or pleaded guilty to 2644
a specification of the type described in section 2941.1421 of 2645
the Revised Code regarding one or more of those violations, an 2646
additional prison term of one, two, three, four, five, six, 2647
seven, eight, nine, ten, eleven, or twelve months. 2648

(b) In lieu of imposing an additional prison term under 2649
division (H) (2) (a) of this section, the court may directly 2650
impose on the offender a sanction that requires the offender to 2651
wear a real-time processing, continual tracking electronic 2652
monitoring device during the period of time specified by the 2653
court. The period of time specified by the court shall equal the 2654
duration of an additional prison term that the court could have 2655
imposed upon the offender under division (H) (2) (a) of this 2656
section. A sanction imposed under this division shall commence 2657
on the date specified by the court, provided that the sanction 2658
shall not commence until after the offender has served the 2659
prison term imposed for the felony violation of section 2907.22, 2660
2907.24, 2907.241, or 2907.25 of the Revised Code and any 2661
residential sanction imposed for the violation under section 2662
2929.16 of the Revised Code. A sanction imposed under this 2663
division shall be considered to be a community control sanction 2664
for purposes of section 2929.15 of the Revised Code, and all 2665
provisions of the Revised Code that pertain to community control 2666

sanctions shall apply to a sanction imposed under this division, 2667
except to the extent that they would by their nature be clearly 2668
inapplicable. The offender shall pay all costs associated with a 2669
sanction imposed under this division, including the cost of the 2670
use of the monitoring device. 2671

(I) At the time of sentencing, the court may recommend the 2672
offender for placement in a program of shock incarceration under 2673
section 5120.031 of the Revised Code or for placement in an 2674
intensive program prison under section 5120.032 of the Revised 2675
Code, disapprove placement of the offender in a program of shock 2676
incarceration or an intensive program prison of that nature, or 2677
make no recommendation on placement of the offender. In no case 2678
shall the department of rehabilitation and correction place the 2679
offender in a program or prison of that nature unless the 2680
department determines as specified in section 5120.031 or 2681
5120.032 of the Revised Code, whichever is applicable, that the 2682
offender is eligible for the placement. 2683

If the court disapproves placement of the offender in a 2684
program or prison of that nature, the department of 2685
rehabilitation and correction shall not place the offender in 2686
any program of shock incarceration or intensive program prison. 2687

If the court recommends placement of the offender in a 2688
program of shock incarceration or in an intensive program 2689
prison, and if the offender is subsequently placed in the 2690
recommended program or prison, the department shall notify the 2691
court of the placement and shall include with the notice a brief 2692
description of the placement. 2693

If the court recommends placement of the offender in a 2694
program of shock incarceration or in an intensive program prison 2695
and the department does not subsequently place the offender in 2696

the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

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

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

(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1424 of the Revised Code that charges that the offender is a violent career criminal and had a firearm

on or about the offender's person or under the offender's 2727
control while committing the presently charged violent felony 2728
offense and displayed or brandished the firearm, indicated that 2729
the offender possessed a firearm, or used the firearm to 2730
facilitate the offense. The offender shall serve the prison term 2731
imposed under this division consecutively to and prior to the 2732
prison term imposed for the underlying offense. The prison term 2733
shall not be reduced pursuant to section 2929.20 or 2967.19 or 2734
any other provision of Chapter 2967. or 5120. of the Revised 2735
Code. A court may not impose more than one sentence under 2736
division (B) (2) (a) of this section and this division for acts 2737
committed as part of the same act or transaction. 2738

(2) As used in division (K) (1) of this section, "violent 2739
career criminal" and "violent felony offense" have the same 2740
meanings as in section 2923.132 of the Revised Code. 2741

Sec. 2935.032. (A) Not later than ninety days after ~~the~~ 2742
~~effective date of this amendment~~ October 21, 1997, each agency, 2743
instrumentality, or political subdivision that is served by any 2744
peace officer described in division ~~(B) (1)~~ (A) of section 2745
2935.03 of the Revised Code shall adopt, in accordance with 2746
division (E) of this section, written policies, written 2747
procedures implementing the policies, and other written 2748
procedures for the peace officers who serve it to follow in 2749
implementing division (B) (3) of section 2935.03 of the Revised 2750
Code and for their appropriate response to each report of an 2751
alleged incident of the offense of domestic violence or an 2752
alleged incident of the offense of violating a protection order. 2753
The policies and procedures shall conform to and be consistent 2754
with the provisions of divisions (B) (1) and (B) (3) of section 2755
2935.03 of the Revised Code and divisions (B) to (D) of this 2756
section. Each policy adopted under this division shall include, 2757

but not be limited to, all of the following: 2758

(1) Provisions specifying that, if a peace officer who 2759
serves the agency, instrumentality, or political subdivision 2760
responds to an alleged incident of the offense of domestic 2761
violence, an alleged incident of the offense of violating a 2762
protection order, or an alleged incident of any other offense, 2763
both of the following apply: 2764

(a) If the officer determines that there are reasonable 2765
grounds to believe that a person knowingly caused serious 2766
physical harm to another or to another's unborn or knowingly 2767
caused or attempted to cause physical harm to another or to 2768
another's unborn by means of a deadly weapon or dangerous 2769
ordnance, then, regardless of whether the victim of the offense 2770
was a family or household member of the offender, the officer 2771
shall treat the incident as felonious assault, shall consider 2772
the offender to have committed and the victim to have been the 2773
victim of felonious assault, shall consider the offense that was 2774
committed to have been felonious assault in determining the 2775
manner in which the offender should be treated, and shall comply 2776
with whichever of the following is applicable: 2777

(i) Unless the officer has reasonable cause to believe 2778
that, during the incident, the offender who committed the 2779
felonious assault and one or more other persons committed 2780
offenses against each other, the officer shall arrest the 2781
offender who committed the felonious assault pursuant to section 2782
2935.03 of the Revised Code and shall detain that offender 2783
pursuant to that section until a warrant can be obtained, and 2784
the arrest shall be for felonious assault. 2785

(ii) If the officer has reasonable cause to believe that, 2786
during the incident, the offender who committed the felonious 2787

assault and one or more other persons committed offenses against 2788
each other, the officer shall determine in accordance with 2789
division (B) (3) (d) of section 2935.03 of the Revised Code which 2790
of those persons is the primary physical aggressor. If the 2791
offender who committed the felonious assault is the primary 2792
physical aggressor, the officer shall arrest that offender for 2793
felonious assault pursuant to section 2935.03 of the Revised 2794
Code and shall detain that offender pursuant to that section 2795
until a warrant can be obtained, and the officer is not required 2796
to arrest but may arrest pursuant to section 2935.03 of the 2797
Revised Code any other person who committed an offense but who 2798
is not the primary physical aggressor. If the offender who 2799
committed the felonious assault is not the primary physical 2800
aggressor, the officer is not required to arrest that offender 2801
or any other person who committed an offense during the incident 2802
but may arrest any of them pursuant to section 2935.03 of the 2803
Revised Code and detain them pursuant to that section until a 2804
warrant can be obtained. 2805

(b) If the officer determines that there are reasonable 2806
grounds to believe that a person, while under the influence of 2807
sudden passion or in a sudden fit of rage, either of which is 2808
brought on by serious provocation occasioned by the victim that 2809
is reasonably sufficient to incite the person into using deadly 2810
force, knowingly caused serious physical harm to another or to 2811
another's unborn or knowingly caused or attempted to cause 2812
physical harm to another or to another's unborn by means of a 2813
deadly weapon or dangerous ordnance, then, regardless of whether 2814
the victim of the offense was a family or household member of 2815
the offender, the officer shall treat the incident as aggravated 2816
assault, shall consider the offender to have committed and the 2817
victim to have been the victim of aggravated assault, shall 2818

consider the offense that was committed to have been aggravated 2819
assault in determining the manner in which the offender should 2820
be treated, and shall comply with whichever of the following is 2821
applicable: 2822

(i) Unless the officer has reasonable cause to believe 2823
that, during the incident, the offender who committed the 2824
aggravated assault and one or more other persons committed 2825
offenses against each other, the officer shall arrest the 2826
offender who committed the aggravated assault pursuant to 2827
section 2935.03 of the Revised Code and shall detain that 2828
offender pursuant to that section until a warrant can be 2829
obtained, and the arrest shall be for aggravated assault. 2830

(ii) If the officer has reasonable cause to believe that, 2831
during the incident, the offender who committed the aggravated 2832
assault and one or more other persons committed offenses against 2833
each other, the officer shall determine in accordance with 2834
division (B)(3)(d) of section 2935.03 of the Revised Code which 2835
of those persons is the primary physical aggressor. If the 2836
offender who committed the aggravated assault is the primary 2837
physical aggressor, the officer shall arrest that offender for 2838
aggravated assault pursuant to section 2935.03 of the Revised 2839
Code and shall detain that offender pursuant to that section 2840
until a warrant can be obtained, and the officer is not required 2841
to arrest but may arrest pursuant to section 2935.03 of the 2842
Revised Code any other person who committed an offense but who 2843
is not the primary physical aggressor. If the offender who 2844
committed the aggravated assault is not the primary physical 2845
aggressor, the officer is not required to arrest that offender 2846
or any other person who committed an offense during the incident 2847
but may arrest any of them pursuant to section 2935.03 of the 2848
Revised Code and detain them pursuant to that section until a 2849

warrant can be obtained. 2850

(2) Provisions requiring the peace officers who serve the 2851
agency, instrumentality, or political subdivision to do all of 2852
the following: 2853

(a) Respond without undue delay to a report of an alleged 2854
incident of the offense of domestic violence or the offense of 2855
violating a protection order; 2856

(b) If the alleged offender has been granted pretrial 2857
release from custody on a prior charge of the offense of 2858
domestic violence or the offense of violating a protection order 2859
and has violated one or more conditions of that pretrial 2860
release, document the facts and circumstances of the violation 2861
in the report to the law enforcement agency that the peace 2862
officer makes pursuant to division (D) of this section; 2863

(c) Separate the victim of the offense of domestic 2864
violence or the offense of violating a protection order and the 2865
alleged offender, conduct separate interviews with the victim 2866
and the alleged offender in separate locations, and take a 2867
written statement from the victim that indicates the frequency 2868
and severity of any prior incidents of physical abuse of the 2869
victim by the alleged offender, the number of times the victim 2870
has called peace officers for assistance, and the disposition of 2871
those calls, if known; 2872

(d) Comply with divisions (B) (1) and (B) (3) of section 2873
2935.03 of the Revised Code and with divisions (B), (C), and (D) 2874
of this section; 2875

(e) Screen the victim of the offense of domestic violence 2876
or the offense of violating a protection order using an 2877
evidence-based lethality assessment screening tool adopted under 2878

section 2935.033 of the Revised Code to determine if the case 2879
should be referred to local or regional domestic violence 2880
advocacy services or to the domestic violence high risk team 2881
that serves the agency, instrumentality, or political 2882
subdivision, as required under section 2935.033 of the Revised 2883
Code. 2884

(3) Sanctions to be imposed upon a peace officer who 2885
serves the agency, instrumentality, or political subdivision and 2886
who fails to comply with any provision in the policy or with 2887
division (B) (1) or (B) (3) of section 2935.03 of the Revised Code 2888
or division (B), (C), or (D) of this section. 2889

(4) Examples of reasons that a peace officer may consider 2890
for not arresting and detaining until a warrant can be obtained 2891
a person who allegedly committed the offense of domestic 2892
violence or the offense of violating a protection order when it 2893
is the preferred course of action in this state that the officer 2894
arrest the alleged offender, as described in division (B) (3) (b) 2895
of section 2935.03 of the Revised Code. 2896

(B) (1) Nothing in this section or in division (B) (1) or 2897
(B) (3) of section 2935.03 of the Revised Code precludes an 2898
agency, instrumentality, or political subdivision that is served 2899
by any peace officer described in division ~~(B) (1)~~ (A) of section 2900
2935.03 of the Revised Code from including in the policy it 2901
adopts under division (A) of this section either of the 2902
following types of provisions: 2903

(a) A provision that requires the peace officers who serve 2904
it, if they have reasonable grounds to believe that the offense 2905
of domestic violence or the offense of violating a protection 2906
order has been committed within the limits of the jurisdiction 2907
of the agency, instrumentality, or political subdivision and 2908

reasonable cause to believe that a particular person committed 2909
the offense, to arrest the alleged offender; 2910

(b) A provision that does not require the peace officers 2911
who serve it, if they have reasonable grounds to believe that 2912
the offense of domestic violence or the offense of violating a 2913
protection order has been committed within the limits of the 2914
jurisdiction of the agency, instrumentality, or political 2915
subdivision and reasonable cause to believe that a particular 2916
person committed the offense, to arrest the alleged offender, 2917
but that grants the officers less discretion in those 2918
circumstances in deciding whether to arrest the alleged offender 2919
than peace officers are granted by divisions (B) (1) and (B) (3) 2920
of section 2935.03 of the Revised Code. 2921

(2) If an agency, instrumentality, or political 2922
subdivision that is served by any peace officer described in 2923
division ~~(B) (1)~~ (A) of section 2935.03 of the Revised Code 2924
includes in the policy it adopts under division (A) of this 2925
section a provision of the type described in division (B) (1) (a) 2926
or (b) of this section, the peace officers who serve the agency, 2927
instrumentality, or political subdivision shall comply with the 2928
provision in making arrests authorized under division (B) (1) of 2929
section 2935.03 of the Revised Code. 2930

(C) When a peace officer described in division ~~(B) (1)~~ (A) 2931
of section 2935.03 of the Revised Code investigates a report of 2932
an alleged incident of the offense of domestic violence or an 2933
alleged incident of the offense of violating a protection order, 2934
the officer shall do all of the following: 2935

(1) Complete a domestic violence report in accordance with 2936
division (D) of this section; 2937

(2) Advise the victim of the availability of a ~~an~~ emergency temporary protection order pursuant to section 2919.26 of the Revised Code or a protection order or consent agreement pursuant to section 3113.31 of the Revised Code;

(3) Give the victim the officer's name, the officer's badge number if the officer has a badge and the badge has a number, the report number for the incident if a report number is available at the time of the officer's investigation, a telephone number that the victim can call for information about the case, the telephone number of a domestic violence shelter in the area, and information on any local victim advocate program;

(4) Issue a copy of any emergency protection order issued under section 2919.26 of the Revised Code to the victim and the alleged offender.

(D) A peace officer who investigates a report of an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order shall make a written report of the incident whether or not an arrest is made. The report shall document the officer's observations of the victim and the alleged offender, any visible injuries of the victim or alleged offender, any weapons at the scene, the actions of the alleged offender, any statements made by the victim or witnesses, and any other significant facts or circumstances. If the officer does not arrest and detain until a warrant can be obtained a person who allegedly committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B) (3) (b) of section 2935.03 of the Revised Code that the alleged offender be arrested, the officer must articulate in the report a clear statement of the

officer's reasons for not arresting and detaining that alleged 2968
offender until a warrant can be obtained. The officer shall 2969
submit the written report to the law enforcement agency to which 2970
the officer has been appointed, employed, or elected. 2971

(E) Each agency, instrumentality, or political subdivision 2972
that is required to adopt policies and procedures under division 2973
(A) of this section shall adopt those policies and procedures in 2974
conjunction and consultation with shelters in the community for 2975
victims of domestic violence and private organizations, law 2976
enforcement agencies, and other public agencies in the community 2977
that have expertise in the recognition and handling of domestic 2978
violence cases. 2979

(F) To the extent described in and in accordance with 2980
section 9.86 or 2744.03 of the Revised Code, a peace officer who 2981
arrests an offender for the offense of violating a protection 2982
order with respect to a protection order or consent agreement of 2983
this state or another state that on its face is valid is immune 2984
from liability in a civil action for damages for injury, death, 2985
or loss to person or property that allegedly was caused by or 2986
related to the arrest. 2987

(G) Each agency, instrumentality, or political subdivision 2988
described in division (A) of this section that arrests an 2989
offender for an alleged incident of the offense of domestic 2990
violence or an alleged incident of the offense of violating a 2991
protection order shall consider referring the case to federal 2992
authorities for prosecution under 18 U.S.C. 2261 if the incident 2993
constitutes a violation of federal law. 2994

(H) As used in this section: 2995

(1) "Another's unborn" has the same meaning as in section 2996

2903.09 of the Revised Code. 2997

(2) "Dangerous ordnance" and "deadly weapon" have the same 2998
meanings as in section 2923.11 of the Revised Code. 2999

(3) "The offense of violating a protection order" includes 3000
the former offense of violating a protection order or consent 3001
agreement or anti-stalking protection order as set forth in 3002
section 2919.27 of the Revised Code as it existed prior to ~~the~~ 3003
~~effective date of this amendment~~ October 21, 1997. 3004

Sec. 2935.033. (A) As used in this section, "qualified 3005
lethality assessment screening tool" means a lethality 3006
assessment screening tool included in the list of validated and 3007
evidence-based lethality assessment screening tools by the 3008
attorney general pursuant to division (C) of section 109.744 of 3009
the Revised Code. 3010

(B) Except as provided in division (D) of this section, 3011
not later than ninety days after the effective date of this 3012
section, the chief law enforcement officer of each agency, 3013
instrumentality, or political subdivision that is served by any 3014
peace officer described in division (A) of section 2935.03 of 3015
the Revised Code shall identify local and regional domestic 3016
violence advocacy services to which individuals experiencing 3017
domestic violence or violation of a protection order and 3018
determined to be high risk may be referred. The chief law 3019
enforcement officer may, and if no appropriate local or regional 3020
domestic violence advocacy services exist, the chief law 3021
enforcement officer shall, create a domestic violence high risk 3022
team for handling alleged incidents of the offense of domestic 3023
violence and alleged incidents of the offense of violating a 3024
protection order whose victims are determined to be high risk. 3025

A domestic violence high risk team created under this 3026
section shall create individualized intervention plans that 3027
incorporate the entire domestic violence response system to 3028
increase victim safety and hold offenders accountable and shall 3029
be built based upon the following fundamental strategies: 3030

(1) Early identification of high risk cases through the 3031
use of risk assessment; 3032

(2) Engagement of a multidisciplinary team; 3033

(3) Ongoing monitoring and management of high risk 3034
offenders; 3035

(4) Victim services. 3036

(C) Members of a domestic violence high risk team shall be 3037
appointed by the chief law enforcement officer of the agency, 3038
instrumentality, or political subdivision and each team shall 3039
consist of all of the following members: 3040

(1) At least one peace officer, probation officer, or 3041
parole officer who regularly handles domestic violence cases and 3042
works in partnership with community advocacy groups to connect 3043
victims of domestic violence with available resources; 3044

(2) At least one person who represents a community 3045
advocacy group that responds to domestic violence cases and who 3046
works in partnership with peace officers handling domestic 3047
violence cases; 3048

(3) Any other person whom the chief law enforcement 3049
officer determines is necessary to allow the team to keep 3050
victims safe, refer victims to available community resources, 3051
and hold abusers accountable. 3052

(D) Two or more agencies, instrumentalities, or political 3053

subdivisions may work together to create a joint domestic 3054
violence high risk team to serve a geographic area consisting of 3055
the cumulative geographic jurisdiction of each of the agencies, 3056
instrumentalities, and political subdivisions participating in 3057
the team. The chief law enforcement officers shall choose one 3058
chief, among themselves, to serve as head of the joint team. The 3059
head of the joint domestic violence high risk team shall appoint 3060
members to the team in the same manner that a chief law 3061
enforcement officer appoints members to a team under division 3062
(C) of this section. 3063

(E) Each law enforcement agency, instrumentality, or 3064
political subdivision that is served by any peace officer 3065
described in division (A) of section 2935.03 of the Revised Code 3066
shall adopt written policies, written procedures implementing 3067
the policies, and any other necessary written procedures for the 3068
peace officers who serve the agency, instrumentality, or 3069
political subdivision to follow in screening alleged incidents 3070
of the offense of domestic violence and alleged incidents of the 3071
offense of violating a protection order for referral to the 3072
domestic violence high risk team or to local or regional 3073
domestic violence advocacy services. The policies and procedures 3074
adopted by the team shall include all of the following: 3075

(1) A requirement that peace officers who serve the 3076
agency, instrumentality, or political subdivision automatically 3077
refer any case of domestic violence that involves an allegation 3078
of strangulation to the domestic violence high risk team or to 3079
local or regional domestic violence advocacy services; 3080

(2) A lethality assessment screening tool, selected by the 3081
team from those qualified by the attorney general under division 3082
(C) of section 109.774 of the Revised Code, to be used by peace 3083

officers to screen victims of alleged incidents of domestic 3084
violence and alleged incidents of violating a protection order 3085
for referral to the domestic violence high risk team or to local 3086
or regional domestic violence advocacy services; 3087

(3) Procedures for connecting high risk victims to 3088
domestic violence advocacy programs, community and faith-based 3089
programs, nonprofit mental health programs, and other programs 3090
that may be able to assist high risk victims; 3091

(4) Procedures for the domestic violence high risk team 3092
and local or regional domestic violence advocacy services to 3093
consult with prosecutors on charges and negotiated plea 3094
agreements in cases referred to the team or services. 3095

Sec. ~~2935.033~~ 2935.034. (A) Any peace officer may render 3096
assistance to any federal law enforcement officer who has arrest 3097
authority under the "Uniting and Strengthening America by 3098
Providing Appropriate Tools Required to Intercept and Obstruct 3099
Terrorism (USA Patriot Act) Act of 2001," Pub. L. No. 107-056, 3100
115 Stat. 272, as amended, if both of the following apply: 3101

(1) There is a threat of imminent physical danger to the 3102
federal law enforcement officer, a threat of physical harm to 3103
another person, or any other serious emergency situation 3104
present. 3105

(2) Either the federal law enforcement officer requests 3106
emergency assistance or it appears that the federal law 3107
enforcement officer is unable to request assistance, and the 3108
circumstances reasonably indicate that assistance is 3109
appropriate. 3110

(B) "Federal law enforcement officer" has the same meaning 3111
as in section 9.88 of the Revised Code. 3112

Sec. 2945.483. All of the following apply to a criminal proceeding involving domestic violence: 3113
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(A) Evidence of a statement by a declarant is not made inadmissible by the hearsay rule if all of the following conditions are met: 3115
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(1) The statement purports to narrate, describe, or explain the infliction or threat of physical injury upon the declarant. 3118
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(2) The declarant is unavailable as a witness under Evidence Rule 804. 3121
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(3) The statement was made at or near the time of the infliction or threat of physical injury. Evidence of statements made more than five years before the filing of the current proceeding shall be inadmissible. 3123
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(4) The statement was made under circumstances that would indicate its trustworthiness. 3127
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(5) The statement was made in writing, was electronically recorded, or was made to a physician, nurse, paramedic, or law enforcement officer. 3129
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(B) Evidence of a statement made by a declarant is not made inadmissible by the hearsay rule if the declarant is unavailable as a witness, under Evidence Rule 804, and all of the following are true: 3132
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(1) The party offering the statement has made a showing of particularized guarantees of trustworthiness regarding the statement, the statement was made under circumstances which indicate its trustworthiness, and the statement was not the result of promise, inducement, threat, or coercion. In making 3136
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its determination, the court may consider only the circumstances 3141
that surround the making of the statement and that render the 3142
declarant particularly worthy of belief. 3143

(2) There is no evidence that the unavailability of the 3144
declarant was caused by, aided by, solicited by, or procured on 3145
behalf of, the party who is offering the statement. 3146

(3) The entire statement has been memorialized in a 3147
videotape recording made by a law enforcement official, prior to 3148
the death or disabling of the declarant. 3149

(4) The statement was made by the victim of the alleged 3150
violation. 3151

(5) The statement is supported by corroborative evidence. 3152

(6) The victim of the alleged violation is an individual 3153
who meets both of the following requirements: 3154

(a) Was sixty-five years of age or older or was a 3155
dependent adult when the alleged violation or attempted 3156
violation occurred; 3157

(b) At the time of any criminal proceeding, including, but 3158
not limited to, a preliminary hearing or trial, regarding the 3159
alleged violation or attempted violation, is either deceased or 3160
suffers from the infirmities of aging as manifested by advanced 3161
age or organic brain damage, or other physical, mental, or 3162
emotional dysfunction, to the extent that the ability of the 3163
person to provide adequately for the person's own care or 3164
protection is impaired. 3165

(C) For the purpose of division (A) (4) of this section, 3166
circumstances relevant to the issue of trustworthiness include 3167
the following: 3168

(1) Whether the statement was made in contemplation of 3169
pending or anticipated litigation in which the declarant was 3170
interested; 3171

(2) Whether the declarant has a bias or motive for 3172
fabricating the statement, and the extent of any bias or motive; 3173

(3) Whether the statement is corroborated by evidence 3174
other than statements that are admissible only pursuant to this 3175
section. 3176

(D) A statement is admissible pursuant to division (A) or 3177
(B) of this section only if the proponent of the statement makes 3178
known to the adverse party the intention to offer the statement 3179
and the particulars of the statement sufficiently in advance of 3180
the proceedings in order to provide the adverse party with a 3181
fair opportunity to prepare to meet the statement. 3182

(E) If the prosecution intends to offer a statement 3183
pursuant to division (A) or (B) of this section, the prosecution 3184
shall serve a written notice upon the defendant at least ten 3185
days prior to the hearing or trial at which the prosecution 3186
intends to offer the statement, unless the prosecution shows 3187
good cause for the failure to provide that notice. In the event 3188
that good cause is shown, the defendant shall be entitled to a 3189
reasonable continuance of the hearing or trial. 3190

(F) If a statement is offered under division (A) or (B) of 3191
this section during trial, the court's determination as to the 3192
availability of the victim as a witness shall be made out of the 3193
presence of the jury. If the defendant elects to testify at the 3194
hearing on a motion brought pursuant to division (A) or (B) of 3195
this section, the court shall exclude from the examination every 3196
person except the clerk, the court reporter, the bailiff, the 3197

prosecutor, the investigating officer, the defendant and the 3198
defendant's counsel, an investigator for the defendant, and the 3199
officer having custody of the defendant. Notwithstanding any 3200
other provision of law, the defendant's testimony at the hearing 3201
shall not be admissible in any other proceeding except the 3202
hearing brought on the motion under division (A) or (B) of this 3203
section. If a transcript is made of the defendant's testimony, 3204
it shall be sealed and transmitted to the clerk of the court in 3205
which the action is pending. 3206

(G) This section shall apply to any criminal proceeding 3207
involving domestic violence initiated or pending as of January 3208
1, 2020. 3209

Sec. 2945.484. (A) (1) A statement is not made inadmissible 3210
by the hearsay rule in a criminal proceeding involving domestic 3211
violence if the statement is offered against a party that has 3212
engaged, or aided and abetted, in wrongdoing that was intended 3213
to, and did, procure the unavailability of the declarant as a 3214
witness. 3215

(2) (a) The party seeking to introduce a statement under 3216
division (A) (1) of this section must establish, by a 3217
preponderance of the evidence, that the elements of division (A) 3218
(1) of this section have been met at a preliminary hearing. 3219

(b) The hearsay evidence that is the subject of the 3220
preliminary hearing is admissible at the preliminary hearing. 3221
However, a finding that the elements of division (A) (1) of this 3222
section have been met shall not be based solely on a hearsay 3223
statement of the unavailable declarant that was not subject to 3224
confrontation, and shall be supported by independent 3225
corroborative evidence. 3226

(c) The preliminary hearing shall be conducted outside the presence of the jury. However, if the hearing is conducted after a jury trial has begun, the judge presiding at the hearing may consider evidence already presented to the jury in deciding whether the elements of division (A)(1) of this section have been met. 3227
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(d) In deciding whether or not to admit the statement, the judge may take into account whether it is trustworthy and reliable. 3233
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(B) Except as provided in division (E) or (G) of this section, in a criminal proceeding involving domestic violence, evidence of the defendant's commission of other acts of domestic violence is not inadmissible character evidence if it is not otherwise inadmissible under Evidence Rule 403. 3236
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(C) In an action in which evidence is to be offered under division (B) of this section, the prosecution must disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, in accordance with Criminal Rule 12(E) and the Rules of Civil Procedure, as applicable. 3241
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(D) Divisions (B) to (F) of this section should not be construed to limit or preclude the admission or consideration of evidence under any other law. 3247
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(E) Evidence of acts occurring more than ten years before the conduct involved in a criminal action should not be admissible under this section, unless the court determines that the admission of this evidence is in the interest of justice. 3250
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(F) As used in this section: 3254

(1) "Domestic violence" means any of the following: 3255

<u>(a) The occurrence of one or more of the following acts</u>	3256
<u>against a family or household member:</u>	3257
<u>(i) Attempting to cause or recklessly causing bodily</u>	3258
<u>injury;</u>	3259
<u>(ii) Placing another person by the threat of force in fear</u>	3260
<u>of imminent serious physical harm or committing a violation of</u>	3261
<u>section 2903.211 or 2911.211 of the Revised Code;</u>	3262
<u>(iii) Committing any act with respect to a child that</u>	3263
<u>would result in the child being an abused child, as defined in</u>	3264
<u>section 2151.031 of the Revised Code;</u>	3265
<u>(iv) Committing a sexually oriented offense.</u>	3266
<u>(b) The occurrence of one or more of the acts identified</u>	3267
<u>in divisions (F) (1) (a) (i) to (iv) of this section against a</u>	3268
<u>person with whom the defendant is or was in a dating</u>	3269
<u>relationship.</u>	3270
<u>(2) "Family or household member" means any of the</u>	3271
<u>following:</u>	3272
<u>(a) Any of the following who is residing with or has</u>	3273
<u>resided with the defendant:</u>	3274
<u>(i) A spouse, a person living as a spouse, or a former</u>	3275
<u>spouse of the defendant;</u>	3276
<u>(ii) A parent, a foster parent, or a child of the</u>	3277
<u>defendant, or another person related by consanguinity or</u>	3278
<u>affinity to the defendant;</u>	3279
<u>(iii) A parent or a child of a spouse, person living as a</u>	3280
<u>spouse, or former spouse of the defendant, or another person</u>	3281
<u>related by consanguinity or affinity to a spouse, person living</u>	3282

as a spouse, or former spouse of the defendant; 3283

(iv) A child whose guardian or custodian is a spouse, 3284
person living as a spouse, or former spouse of the defendant. 3285

(b) The natural parent of any child of whom the defendant 3286
is the other natural parent or is the putative other natural 3287
parent. 3288

(3) "Person living as a spouse" means a person who is 3289
living or has lived with the defendant in a common law marital 3290
relationship, who otherwise is cohabiting with the defendant, or 3291
who otherwise has cohabited with the defendant within five years 3292
prior to the date of the alleged occurrence of the act in 3293
question. 3294

(4) "Dating relationship" means a relationship between 3295
individuals who have, or have had, a relationship of a romantic 3296
or intimate nature. "Dating relationship" does not include a 3297
casual acquaintanceship or ordinary fraternization in a business 3298
or social context. 3299

(5) "Person with whom the defendant is or was in a dating 3300
relationship" means an adult who, at the time of the conduct in 3301
question, is in a dating relationship with the defendant who 3302
also is an adult or who, within the twelve months preceding the 3303
conduct in question, has had a dating relationship with the 3304
defendant who also is an adult. 3305

(6) "Child," "custodian," and "guardian" have the same 3306
meanings as in section 3109.51 of the Revised Code. 3307

(G) This section shall apply to any criminal proceeding 3308
involving domestic violence initiated or pending as of January 3309
1, 2020. 3310

Sec. 3113.31. (A) As used in this section:	3311
(1) "Domestic violence" means any of the following:	3312
(a) The occurrence of one or more of the following acts against a family or household member:	3313
(i) Attempting to cause or recklessly causing bodily injury;	3314
(ii) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;	3315
(iii) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;	3316
(iv) Committing a sexually oriented offense.	3317
(b) The occurrence of one or more of the acts identified in divisions (A)(1)(a)(i) to (iv) of this section against a person with whom the respondent is or was in a dating relationship.	3318
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than eighteen years of age.	3319
(3) "Family or household member" means any of the following:	3320
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- (a) Any of the following who is residing with or has resided with the respondent: 3338
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- (i) A spouse, a person living as a spouse, or a former spouse of the respondent; 3340
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- (ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent; 3342
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- (iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent; 3345
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- (iv) A child whose guardian or custodian is a spouse, person living as a spouse, or former spouse of the respondent. 3349
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- (b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent. 3351
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- (4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question. 3354
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- (5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section. 3360
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- (6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 3363
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- (7) "Companion animal" has the same meaning as in section 3365

959.131 of the Revised Code. 3366

(8) "Dating relationship" means a relationship between 3367
individuals who have, or have had, a relationship of a romantic 3368
or intimate nature. "Dating relationship" does not include a 3369
casual acquaintanceship or ordinary fraternization in a business 3370
or social context. 3371

(9) "Person with whom the respondent is or was in a dating 3372
relationship" means an adult who, at the time of the conduct in 3373
question, is in a dating relationship with the respondent who 3374
also is an adult or who, within the twelve months preceding the 3375
conduct in question, has had a dating relationship with the 3376
respondent who also is an adult. 3377

(10) "Child," "custodian," and "guardian" have the same 3378
meanings as in section 3109.51 of the Revised Code. 3379

(B) The court has jurisdiction over all proceedings under 3380
this section. The petitioner's right to relief under this 3381
section is not affected by the petitioner's leaving the 3382
residence or household to avoid further domestic violence. 3383

(C) A person may seek relief under this section on the 3384
person's own behalf, or any parent or adult household member may 3385
seek relief under this section on behalf of any other family or 3386
household member, by filing a petition with the court. The 3387
petition shall contain or state: 3388

(1) An allegation that the respondent engaged in domestic 3389
violence against a family or household member of the respondent 3390
or against a person with whom the respondent is or was in a 3391
dating relationship, including a description of the nature and 3392
extent of the domestic violence; 3393

(2) The relationship of the respondent to the petitioner, 3394

and to the victim if other than the petitioner; 3395

(3) If the petition is for protection of a person with 3396
whom the respondent is or was in a dating relationship, the 3397
facts upon which the court may conclude that a dating 3398
relationship existed between the person to be protected and the 3399
respondent; 3400

(4) A request for relief under this section. 3401

(D) (1) If a person who files a petition pursuant to this 3402
section requests an ex parte order, the court shall hold an ex 3403
parte hearing on the same day that the petition is filed. Not 3404
later than ninety days after the effective date of this 3405
amendment, a judge of the court or a designated magistrate shall 3406
be available to accept a petition filed under this section and 3407
to hold an ex parte hearing twenty-four hours a day and seven 3408
days a week. The court, for good cause shown at the ex parte 3409
hearing, may enter any temporary orders, with or without bond, 3410
including, but not limited to, an order described in division 3411
(E) (1) (a), (b), or (c) of this section, that the court finds 3412
necessary to protect the family or household member or the 3413
person with whom the respondent is or was in a dating 3414
relationship from domestic violence. Immediate and present 3415
danger of domestic violence to the family or household member or 3416
to the person with whom the respondent is or was in a dating 3417
relationship constitutes good cause for purposes of this 3418
section. Immediate and present danger includes, but is not 3419
limited to, situations in which the respondent has threatened 3420
the family or household member or person with whom the 3421
respondent is or was in a dating relationship with bodily harm, 3422
in which the respondent has threatened the family or household 3423
member or person with whom the respondent is or was in a dating 3424

relationship with a sexually oriented offense, or in which the 3425
respondent previously has been convicted of, pleaded guilty to, 3426
or been adjudicated a delinquent child for an offense that 3427
constitutes domestic violence against the family or household 3428
member or person with whom the respondent is or was in a dating 3429
relationship. 3430

(2) (a) If the court, after an ex parte hearing, issues an 3431
order described in division (E) (1) (b) or (c) of this section, 3432
the court shall schedule a full hearing for a date that is 3433
within seven court days after the ex parte hearing. If any other 3434
type of protection order that is authorized under division (E) 3435
of this section is issued by the court after an ex parte 3436
hearing, the court shall schedule a full hearing for a date that 3437
is within ten court days after the ex parte hearing. The court 3438
shall give the respondent notice of, and an opportunity to be 3439
heard at, the full hearing. The court shall hold the full 3440
hearing on the date scheduled under this division unless the 3441
court grants a continuance of the hearing in accordance with 3442
this division. Under any of the following circumstances or for 3443
any of the following reasons, the court may grant a continuance 3444
of the full hearing to a reasonable time determined by the 3445
court: 3446

(i) Prior to the date scheduled for the full hearing under 3447
this division, the respondent has not been served with the 3448
petition filed pursuant to this section and notice of the full 3449
hearing. 3450

(ii) The parties consent to the continuance. 3451

(iii) The continuance is needed to allow a party to obtain 3452
counsel. 3453

(iv) The continuance is needed for other good cause. 3454

(b) An ex parte order issued under this section does not 3455
expire because of a failure to serve notice of the full hearing 3456
upon the respondent before the date set for the full hearing 3457
under division (D) (2) (a) of this section or because the court 3458
grants a continuance under that division. 3459

(3) If a person who files a petition pursuant to this 3460
section does not request an ex parte order, or if a person 3461
requests an ex parte order but the court does not issue an ex 3462
parte order after an ex parte hearing, the court shall proceed 3463
as in a normal civil action and grant a full hearing on the 3464
matter. 3465

(E) (1) After an ex parte or full hearing, the court may 3466
grant any protection order, with or without bond, or approve any 3467
consent agreement to bring about a cessation of domestic 3468
violence against the family or household members or persons with 3469
whom the respondent is or was in a dating relationship. The 3470
order or agreement may: 3471

(a) Direct the respondent to refrain from abusing or from 3472
committing sexually oriented offenses against the family or 3473
household members or persons with whom the respondent is or was 3474
in a dating relationship; 3475

(b) With respect to a petition involving family or 3476
household members, grant possession of the residence or 3477
household to the petitioner or other family or household member, 3478
to the exclusion of the respondent, by evicting the respondent, 3479
when the residence or household is owned or leased solely by the 3480
petitioner or other family or household member, or by ordering 3481
the respondent to vacate the premises, when the residence or 3482

household is jointly owned or leased by the respondent, and the 3483
petitioner or other family or household member; 3484

(c) With respect to a petition involving family or 3485
household members, when the respondent has a duty to support the 3486
petitioner or other family or household member living in the 3487
residence or household and the respondent is the sole owner or 3488
lessee of the residence or household, grant possession of the 3489
residence or household to the petitioner or other family or 3490
household member, to the exclusion of the respondent, by 3491
ordering the respondent to vacate the premises, or, in the case 3492
of a consent agreement, allow the respondent to provide 3493
suitable, alternative housing; 3494

(d) With respect to a petition involving family or 3495
household members, temporarily allocate parental rights and 3496
responsibilities for the care of, or establish temporary 3497
parenting time rights with regard to, minor children, if no 3498
other court has determined, or is determining, the allocation of 3499
parental rights and responsibilities for the minor children or 3500
parenting time rights; 3501

(e) With respect to a petition involving family or 3502
household members, require the respondent to maintain support, 3503
if the respondent customarily provides for or contributes to the 3504
support of the family or household member, or if the respondent 3505
has a duty to support the petitioner or family or household 3506
member; 3507

(f) Require the respondent, petitioner, victim of domestic 3508
violence, or any combination of those persons, to seek 3509
counseling; 3510

(g) Require the respondent to refrain from entering the 3511

residence, school, business, or place of employment of the 3512
petitioner or, with respect to a petition involving family or 3513
household members, a family or household member; 3514

(h) Grant other relief that the court considers equitable 3515
and fair, including, but not limited to, ordering the respondent 3516
to permit the use of a motor vehicle by the petitioner or, with 3517
respect to a petition involving family or household members, 3518
other family or household members and the apportionment of 3519
household and family personal property; 3520

(i) Require that the respondent not remove, damage, hide, 3521
harm, or dispose of any companion animal owned or possessed by 3522
the petitioner; 3523

(j) Authorize the petitioner to remove a companion animal 3524
owned by the petitioner from the possession of the respondent; 3525

(k) Require a wireless service transfer in accordance with 3526
sections 3113.45 to 3113.459 of the Revised Code. 3527

(2) If a protection order has been issued pursuant to this 3528
section in a prior action involving the respondent and the 3529
petitioner or, with respect to a petition involving family or 3530
household members, one or more of the family or household 3531
members or victims, the court may include in a protection order 3532
that it issues a prohibition against the respondent returning to 3533
the residence or household. If it includes a prohibition against 3534
the respondent returning to the residence or household in the 3535
order, it also shall include in the order provisions of the type 3536
described in division (E) (7) of this section. This division does 3537
not preclude the court from including in a protection order or 3538
consent agreement, in circumstances other than those described 3539
in this division, a requirement that the respondent be evicted 3540

from or vacate the residence or household or refrain from 3541
entering the residence, school, business, or place of employment 3542
of the petitioner or, with respect to a petition involving 3543
family or household members, a family or household member, and, 3544
if the court includes any requirement of that type in an order 3545
or agreement, the court also shall include in the order 3546
provisions of the type described in division (E) (7) of this 3547
section. 3548

(3) (a) Any protection order issued or consent agreement 3549
approved under this section shall be valid until a date certain, 3550
but not later than five years from the date of its issuance or 3551
approval, or not later than the date a respondent who is less 3552
than eighteen years of age attains nineteen years of age, unless 3553
modified or terminated as provided in division (E) (8) of this 3554
section. 3555

(b) With respect to an order involving family or household 3556
members, subject to the limitation on the duration of an order 3557
or agreement set forth in division (E) (3) (a) of this section, 3558
any order under division (E) (1) (d) of this section shall 3559
terminate on the date that a court in an action for divorce, 3560
dissolution of marriage, or legal separation brought by the 3561
petitioner or respondent issues an order allocating parental 3562
rights and responsibilities for the care of children or on the 3563
date that a juvenile court in an action brought by the 3564
petitioner or respondent issues an order awarding legal custody 3565
of minor children. Subject to the limitation on the duration of 3566
an order or agreement set forth in division (E) (3) (a) of this 3567
section, any order under division (E) (1) (e) of this section 3568
shall terminate on the date that a court in an action for 3569
divorce, dissolution of marriage, or legal separation brought by 3570
the petitioner or respondent issues a support order or on the 3571

date that a juvenile court in an action brought by the 3572
petitioner or respondent issues a support order. 3573

(c) Any protection order issued or consent agreement 3574
approved pursuant to this section may be renewed in the same 3575
manner as the original order or agreement was issued or 3576
approved. 3577

(4) A court may not issue a protection order that requires 3578
a petitioner to do or to refrain from doing an act that the 3579
court may require a respondent to do or to refrain from doing 3580
under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of 3581
this section unless all of the following apply: 3582

(a) The respondent files a separate petition for a 3583
protection order in accordance with this section. 3584

(b) The petitioner is served notice of the respondent's 3585
petition at least forty-eight hours before the court holds a 3586
hearing with respect to the respondent's petition, or the 3587
petitioner waives the right to receive this notice. 3588

(c) If the petitioner has requested an ex parte order 3589
pursuant to division (D) of this section, the court does not 3590
delay any hearing required by that division beyond the time 3591
specified in that division in order to consolidate the hearing 3592
with a hearing on the petition filed by the respondent. 3593

(d) After a full hearing at which the respondent presents 3594
evidence in support of the request for a protection order and 3595
the petitioner is afforded an opportunity to defend against that 3596
evidence, the court determines that the petitioner has committed 3597
an act of domestic violence or has violated a temporary 3598
protection order issued pursuant to section 2919.26 of the 3599
Revised Code, that both the petitioner and the respondent acted 3600

primarily as aggressors, and that neither the petitioner nor the
respondent acted primarily in self-defense.

(5) No protection order issued or consent agreement
approved under this section shall in any manner affect title to
any real property.

(6) (a) With respect to an order involving family or
household members, if a petitioner, or the child of a
petitioner, who obtains a protection order or consent agreement
pursuant to division (E) (1) of this section or a temporary
protection order pursuant to section 2919.26 of the Revised Code
and is the subject of a parenting time order issued pursuant to
section 3109.051 or 3109.12 of the Revised Code or a visitation
or companionship order issued pursuant to section 3109.051,
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of
this section granting parenting time rights to the respondent,
the court may require the public children services agency of the
county in which the court is located to provide supervision of
the respondent's exercise of parenting time or visitation or
companionship rights with respect to the child for a period not
to exceed nine months, if the court makes the following findings
of fact:

(i) The child is in danger from the respondent;

(ii) No other person or agency is available to provide the
supervision.

(b) A court that requires an agency to provide supervision
pursuant to division (E) (6) (a) of this section shall order the
respondent to reimburse the agency for the cost of providing the
supervision, if it determines that the respondent has sufficient
income or resources to pay that cost.

(7) (a) If a protection order issued or consent agreement 3630
approved under this section includes a requirement that the 3631
respondent be evicted from or vacate the residence or household 3632
or refrain from entering the residence, school, business, or 3633
place of employment of the petitioner or, with respect to a 3634
petition involving family or household members, a family or 3635
household member, the order or agreement shall state clearly 3636
that the order or agreement cannot be waived or nullified by an 3637
invitation to the respondent from the petitioner or other family 3638
or household member to enter the residence, school, business, or 3639
place of employment or by the respondent's entry into one of 3640
those places otherwise upon the consent of the petitioner or 3641
other family or household member. 3642

(b) Division (E) (7) (a) of this section does not limit any 3643
discretion of a court to determine that a respondent charged 3644
with a violation of section 2919.27 of the Revised Code, with a 3645
violation of a municipal ordinance substantially equivalent to 3646
that section, or with contempt of court, which charge is based 3647
on an alleged violation of a protection order issued or consent 3648
agreement approved under this section, did not commit the 3649
violation or was not in contempt of court. 3650

(8) (a) The court may modify or terminate as provided in 3651
division (E) (8) of this section a protection order or consent 3652
agreement that was issued after a full hearing under this 3653
section. The court that issued the protection order or approved 3654
the consent agreement shall hear a motion for modification or 3655
termination of the protection order or consent agreement 3656
pursuant to division (E) (8) of this section. 3657

(b) Either the petitioner or the respondent of the 3658
original protection order or consent agreement may bring a 3659

motion for modification or termination of a protection order or 3660
consent agreement that was issued or approved after a full 3661
hearing. The court shall require notice of the motion to be made 3662
as provided by the Rules of Civil Procedure. If the petitioner 3663
for the original protection order or consent agreement has 3664
requested that the petitioner's address be kept confidential, 3665
the court shall not disclose the address to the respondent of 3666
the original protection order or consent agreement or any other 3667
person, except as otherwise required by law. The moving party 3668
has the burden of proof to show, by a preponderance of the 3669
evidence, that modification or termination of the protection 3670
order or consent agreement is appropriate because either the 3671
protection order or consent agreement is no longer needed or 3672
because the terms of the original protection order or consent 3673
agreement are no longer appropriate. 3674

(c) In considering whether to modify or terminate a 3675
protection order or consent agreement issued or approved under 3676
this section, the court shall consider all relevant factors, 3677
including, but not limited to, the following: 3678

(i) Whether the petitioner consents to modification or 3679
termination of the protection order or consent agreement; 3680

(ii) Whether the petitioner fears the respondent; 3681

(iii) The current nature of the relationship between the 3682
petitioner and the respondent; 3683

(iv) The circumstances of the petitioner and respondent, 3684
including the relative proximity of the petitioner's and 3685
respondent's workplaces and residences and whether the 3686
petitioner and respondent have minor children together; 3687

(v) Whether the respondent has complied with the terms and 3688

conditions of the original protection order or consent agreement; 3689
3690

(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol; 3691
3692

(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement; 3693
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(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state; 3697
3698
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(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling; 3702
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(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved; 3706
3707

(xi) The age and health of the respondent; 3708

(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties. 3709
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(d) If a protection order or consent agreement is modified or terminated as provided in division (E) (8) of this section, the court shall issue copies of the modified or terminated order or agreement as provided in division (F) of this section. A 3713
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petitioner may also provide notice of the modification or 3717
termination to the judicial and law enforcement officials in any 3718
county other than the county in which the order or agreement is 3719
modified or terminated as provided in division (N) of this 3720
section. 3721

(e) If the respondent moves for modification or 3722
termination of a protection order or consent agreement pursuant 3723
to this section and the court denies the motion, the court may 3724
assess costs against the respondent for the filing of the 3725
motion. 3726

(9) Any protection order issued or any consent agreement 3727
approved pursuant to this section shall include a provision that 3728
the court will automatically seal all of the records of the 3729
proceeding in which the order is issued or agreement approved on 3730
the date the respondent attains the age of nineteen years unless 3731
the petitioner provides the court with evidence that the 3732
respondent has not complied with all of the terms of the 3733
protection order or consent agreement. The protection order or 3734
consent agreement shall specify the date when the respondent 3735
attains the age of nineteen years. 3736

(F) (1) A copy of any protection order, or consent 3737
agreement, that is issued, approved, modified, or terminated 3738
under this section shall be issued by the court to the 3739
petitioner, to the respondent, and to all law enforcement 3740
agencies that have jurisdiction to enforce the order or 3741
agreement. The court shall direct that a copy of an order be 3742
delivered to the respondent on the same day that the order is 3743
entered. 3744

(2) Upon the issuance of a protection order or the 3745
approval of a consent agreement under this section, the court 3746

shall provide the parties to the order or agreement with the 3747
following notice orally or by form: 3748

"NOTICE 3749

As a result of this order or consent agreement, it may be 3750
unlawful for you to possess or purchase a firearm, including a 3751
rifle, pistol, or revolver, or ammunition pursuant to federal 3752
law under 18 U.S.C. 922(g)(8) for the duration of this order or 3753
consent agreement. If you have any questions whether this law 3754
makes it illegal for you to possess or purchase a firearm or 3755
ammunition, you should consult an attorney." 3756

(3) All law enforcement agencies shall establish and 3757
maintain an index for the protection orders and the approved 3758
consent agreements delivered to the agencies pursuant to 3759
division (F)(1) of this section. With respect to each order and 3760
consent agreement delivered, each agency shall note on the index 3761
the date and time that it received the order or consent 3762
agreement. 3763

(4) Regardless of whether the petitioner has registered 3764
the order or agreement in the county in which the officer's 3765
agency has jurisdiction pursuant to division (N) of this 3766
section, any officer of a law enforcement agency shall enforce a 3767
protection order issued or consent agreement approved by any 3768
court in this state in accordance with the provisions of the 3769
order or agreement, including removing the respondent from the 3770
premises, if appropriate. 3771

(G)(1) Any proceeding under this section shall be 3772
conducted in accordance with the Rules of Civil Procedure, 3773
except that an order under this section may be obtained with or 3774
without bond. An order issued under this section, other than an 3775

ex parte order, that grants a protection order or approves a 3776
consent agreement, that refuses to grant a protection order or 3777
approve a consent agreement that modifies or terminates a 3778
protection order or consent agreement, or that refuses to modify 3779
or terminate a protection order or consent agreement, is a 3780
final, appealable order. The remedies and procedures provided in 3781
this section are in addition to, and not in lieu of, any other 3782
available civil or criminal remedies. 3783

(2) If as provided in division (G)(1) of this section an 3784
order issued under this section, other than an ex parte order, 3785
refuses to grant a protection order, the court, on its own 3786
motion, shall order that the ex parte order issued under this 3787
section and all of the records pertaining to that ex parte order 3788
be sealed after either of the following occurs: 3789

(a) No party has exercised the right to appeal pursuant to 3790
Rule 4 of the Rules of Appellate Procedure. 3791

(b) All appellate rights have been exhausted. 3792

(H) The filing of proceedings under this section does not 3793
excuse a person from filing any report or giving any notice 3794
required by section 2151.421 of the Revised Code or by any other 3795
law. When a petition under this section alleges domestic 3796
violence against minor children, the court shall report the 3797
fact, or cause reports to be made, to a county, township, or 3798
municipal peace officer under section 2151.421 of the Revised 3799
Code. 3800

(I) Any law enforcement agency that investigates a 3801
domestic dispute shall provide information to the family or 3802
household members involved, or the persons in the dating 3803
relationship who are involved, whichever is applicable regarding 3804

the relief available under this section and, for family or 3805
household members, section 2919.26 of the Revised Code. 3806

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 3807
section and regardless of whether a protection order is issued 3808
or a consent agreement is approved by a court of another county 3809
or a court of another state, no court or unit of state or local 3810
government shall charge the petitioner any fee, cost, deposit, 3811
or money in connection with the filing of a petition pursuant to 3812
this section or in connection with the filing, issuance, 3813
registration, modification, enforcement, dismissal, withdrawal, 3814
or service of a protection order, consent agreement, or witness 3815
subpoena or for obtaining a certified copy of a protection order 3816
or consent agreement. 3817

(2) Regardless of whether a protection order is issued or 3818
a consent agreement is approved pursuant to this section, the 3819
court may assess costs against the respondent in connection with 3820
the filing, issuance, registration, modification, enforcement, 3821
dismissal, withdrawal, or service of a protection order, consent 3822
agreement, or witness subpoena or for obtaining a certified copy 3823
of a protection order or consent agreement. 3824

(K) (1) The court shall comply with Chapters 3119., 3121., 3825
3123., and 3125. of the Revised Code when it makes or modifies 3826
an order for child support under this section. 3827

(2) If any person required to pay child support under an 3828
order made under this section on or after April 15, 1985, or 3829
modified under this section on or after December 31, 1986, is 3830
found in contempt of court for failure to make support payments 3831
under the order, the court that makes the finding, in addition 3832
to any other penalty or remedy imposed, shall assess all court 3833
costs arising out of the contempt proceeding against the person 3834

and require the person to pay any reasonable attorney's fees of 3835
any adverse party, as determined by the court, that arose in 3836
relation to the act of contempt. 3837

(L) (1) A person who violates a protection order issued or 3838
a consent agreement approved under this section is subject to 3839
the following sanctions: 3840

(a) Criminal prosecution or a delinquent child proceeding 3841
for a violation of section 2919.27 of the Revised Code, if the 3842
violation of the protection order or consent agreement 3843
constitutes a violation of that section; 3844

(b) Punishment for contempt of court. 3845

(2) The punishment of a person for contempt of court for 3846
violation of a protection order issued or a consent agreement 3847
approved under this section does not bar criminal prosecution of 3848
the person or a delinquent child proceeding concerning the 3849
person for a violation of section 2919.27 of the Revised Code. 3850
However, a person punished for contempt of court is entitled to 3851
credit for the punishment imposed upon conviction of or 3852
adjudication as a delinquent child for a violation of that 3853
section, and a person convicted of or adjudicated a delinquent 3854
child for a violation of that section shall not subsequently be 3855
punished for contempt of court arising out of the same activity. 3856

(M) In all stages of a proceeding under this section, a 3857
petitioner may be accompanied by a victim advocate. 3858

(N) (1) A petitioner who obtains a protection order or 3859
consent agreement under this section or a temporary protection 3860
order under section 2919.26 of the Revised Code may provide 3861
notice of the issuance or approval of the order or agreement to 3862
the judicial and law enforcement officials in any county other 3863

than the county in which the order is issued or the agreement is 3864
approved by registering that order or agreement in the other 3865
county pursuant to division (N) (2) of this section and filing a 3866
copy of the registered order or registered agreement with a law 3867
enforcement agency in the other county in accordance with that 3868
division. A person who obtains a protection order issued by a 3869
court of another state may provide notice of the issuance of the 3870
order to the judicial and law enforcement officials in any 3871
county of this state by registering the order in that county 3872
pursuant to section 2919.272 of the Revised Code and filing a 3873
copy of the registered order with a law enforcement agency in 3874
that county. 3875

(2) A petitioner may register a temporary protection 3876
order, protection order, or consent agreement in a county other 3877
than the county in which the court that issued the order or 3878
approved the agreement is located in the following manner: 3879

(a) The petitioner shall obtain a certified copy of the 3880
order or agreement from the clerk of the court that issued the 3881
order or approved the agreement and present that certified copy 3882
to the clerk of the court of common pleas or the clerk of a 3883
municipal court or county court in the county in which the order 3884
or agreement is to be registered. 3885

(b) Upon accepting the certified copy of the order or 3886
agreement for registration, the clerk of the court of common 3887
pleas, municipal court, or county court shall place an 3888
endorsement of registration on the order or agreement and give 3889
the petitioner a copy of the order or agreement that bears that 3890
proof of registration. 3891

(3) The clerk of each court of common pleas, the clerk of 3892
each municipal court, and the clerk of each county court shall 3893

maintain a registry of certified copies of temporary protection 3894
orders, protection orders, or consent agreements that have been 3895
issued or approved by courts in other counties and that have 3896
been registered with the clerk. 3897

(O) Nothing in this section prohibits the domestic 3898
relations division of a court of common pleas in counties that 3899
have a domestic relations division or a court of common pleas in 3900
counties that do not have a domestic relations division from 3901
designating a minor child as a protected party on a protection 3902
order or consent agreement. 3903

Section 2. That existing sections 109.744, 109.803, 3904
2903.01, 2919.25, 2919.26, 2929.022, 2929.04, 2929.13, 2929.14, 3905
2935.032, 2935.033, and 3113.31 of the Revised Code are hereby 3906
repealed. 3907

Section 3. The General Assembly, in enacting this act, 3908
encourages prosecuting attorneys to employ no-drop policies in 3909
an effort to curb instances of domestic violence. No-drop 3910
policies rely on a presumption against seeking voluntary 3911
dismissal or an entry of nolle prosequi in a case related to an 3912
incident of domestic violence and may include any of the 3913
following: 3914

(A) A policy of informing the victim in a domestic 3915
violence case that the office generally does not drop charges of 3916
domestic violence, but that there are exceptions under certain 3917
circumstances; 3918

(B) A requirement that the victim of the offense of 3919
domestic violence must speak to a victim's advocate or 3920
prosecutor before charges may be dropped; 3921

(C) A requirement that certain categories of crimes or 3922

offenders be removed from consideration for voluntary dismissal 3923
or nolle prosequi, such as offenders with prior domestic 3924
violence convictions, offenders who have another concurrent case 3925
of domestic violence pending, or offenders on probation; 3926

(D) A policy that charges of domestic violence not be 3927
voluntarily dismissed prior to an initial hearing; 3928

(E) A requirement that, in the event that a victim 3929
requests a pending charge of domestic violence be dismissed 3930
voluntarily, the victim be advised about the increased risk of 3931
being victimized; 3932

(F) A requirement that the victim of an offense of 3933
domestic violence be asked to watch a video program about 3934
domestic violence or attend a victims' support group meeting 3935
prior to voluntarily dismissing charges of domestic violence; 3936

(G) A requirement that a victim of an offense of domestic 3937
violence be permitted to sign a "drop form" that the court may 3938
hold for ninety days, after which time the prosecutor will file 3939
a motion to dismiss if no further violence occurs. 3940

Section 4. Section 2929.13 of the Revised Code is 3941
presented in this act as a composite of the section as amended 3942
by Sub. H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 3943
66, and Am. Sub. S.B. 201, all of the 132nd General Assembly. 3944
The General Assembly, applying the principle stated in division 3945
(B) of section 1.52 of the Revised Code that amendments are to 3946
be harmonized if reasonably capable of simultaneous operation, 3947
finds that the composite is the resulting version of the section 3948
in effect prior to the effective date of the section as 3949
presented in this act. 3950

Section 2929.14 of the Revised Code is presented in this 3951

act as a composite of the section as amended by Sub. H.B. 63, 3952
Am. Sub. S.B. 1, Sub. S.B. 20, and Am. Sub. S.B. 201, all of the 3953
132nd General Assembly. The General Assembly, applying the 3954
principle stated in division (B) of section 1.52 of the Revised 3955
Code that amendments are to be harmonized if reasonably capable 3956
of simultaneous operation, finds that the composite is the 3957
resulting version of the section in effect prior to the 3958
effective date of the section as presented in this act. 3959