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**131st General Assembly**

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**Am. H. B. No. 57**

**Representative Maag**

**Cosponsors: Representatives Becker, Zeltwanger, Henne, Anielski, Blessing, Boose, Brown, Buchy, Butler, Cera, Conditt, Duffey, Ginter, Green, Grossman, Hambley, Hayes, Johnson, T., Koehler, Kunze, Manning, McClain, O'Brien, M., O'Brien, S., Retherford, Rogers, Schuring, Smith, R., Terhar, Young, Speaker Rosenberger**

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**A BILL**

To amend sections 2929.03, 2929.04, 2929.14, 1  
2941.148, 2971.03, 2971.07, and 5120.61 of the 2  
Revised Code to change the sentence for 3  
aggravated murder. 4

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

**Section 1.** That sections 2929.03, 2929.04, 2929.14, 5  
2941.148, 2971.03, 2971.07, and 5120.61 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 2929.03.** (A) If the indictment or count in the 8  
indictment charging aggravated murder does not contain one or 9  
more specifications of aggravating circumstances listed in 10  
division (A) of section 2929.04 of the Revised Code, then, 11  
following a verdict of guilty of the charge of aggravated 12  
murder, the trial court shall impose sentence on the offender as 13  
follows: 14

(1) Except as provided in division (A) (2) of this section, 15

the trial court shall impose one of the following sentences on 16  
the offender: 17

(a) Life imprisonment without parole; 18

(b) Subject to division (A) (1) ~~(e)~~ (j) of this section, 19  
life imprisonment with parole eligibility after serving twenty 20  
years of imprisonment; 21

(c) Subject to division (A) (1) ~~(e)~~ (j) of this section, 22  
life imprisonment with parole eligibility after serving twenty 23  
five full years of imprisonment; 24

(d) Subject to division (A) (1) ~~(e)~~ (j) of this section, 25  
life imprisonment with parole eligibility after serving thirty 26  
full years of imprisonment; 27

(e) ~~If~~ Subject to division (A) (1) (j) of this section, life 28  
imprisonment with parole eligibility after serving thirty-five 29  
full years of imprisonment; 30

(f) Subject to division (A) (1) (j) of this section, life 31  
imprisonment with parole eligibility after serving forty full 32  
years of imprisonment; 33

(g) Subject to division (A) (1) (j) of this section, life 34  
imprisonment with parole eligibility after serving forty-five 35  
full years of imprisonment; 36

(h) Subject to division (A) (1) (j) of this section, life 37  
imprisonment with parole eligibility after serving fifty full 38  
years of imprisonment; 39

(i) Subject to division (A) (1) (j) of this section, life 40  
imprisonment with parole eligibility after serving fifty-five 41  
full years of imprisonment; 42

(j) If the victim of the aggravated murder was less than 43  
thirteen years of age, the offender also is convicted of or 44  
pleads guilty to a sexual motivation specification that was 45  
included in the indictment, count in the indictment, or 46  
information charging the offense, and the trial court does not 47  
impose a sentence of life imprisonment without parole on the 48  
offender pursuant to division (A)(1)(a) of this section, the 49  
trial court shall sentence the offender pursuant to division (B) 50  
(3) of section 2971.03 of the Revised Code to an indefinite term 51  
consisting of a minimum term of thirty years and a maximum term 52  
of life imprisonment that shall be served pursuant to that 53  
section. 54

(2) If the offender also is convicted of or pleads guilty 55  
to a sexual motivation specification and a sexually violent 56  
predator specification that are included in the indictment, 57  
count in the indictment, or information that charged the 58  
aggravated murder, the trial court shall impose upon the 59  
offender a sentence of life imprisonment without parole that 60  
shall be served pursuant to section 2971.03 of the Revised Code 61  
unless the offender raised the matter of age pursuant to section 62  
2929.023 of the Revised Code and was found at trial not to have 63  
been eighteen years of age or older at the time of the 64  
commission of the offense. 65

(B) If the indictment or count in the indictment charging 66  
aggravated murder contains one or more specifications of 67  
aggravating circumstances listed in division (A) of section 68  
2929.04 of the Revised Code, the verdict shall separately state 69  
whether the accused is found guilty or not guilty of the 70  
principal charge and, if guilty of the principal charge, whether 71  
the offender was eighteen years of age or older at the time of 72  
the commission of the offense, if the matter of age was raised 73

by the offender pursuant to section 2929.023 of the Revised 74  
Code, and whether the offender is guilty or not guilty of each 75  
specification. The jury shall be instructed on its duties in 76  
this regard. The instruction to the jury shall include an 77  
instruction that a specification shall be proved beyond a 78  
reasonable doubt in order to support a guilty verdict on the 79  
specification, but the instruction shall not mention the penalty 80  
that may be the consequence of a guilty or not guilty verdict on 81  
any charge or specification. 82

(C) (1) If the indictment or count in the indictment 83  
charging aggravated murder contains one or more specifications 84  
of aggravating circumstances listed in division (A) of section 85  
2929.04 of the Revised Code, then, following a verdict of guilty 86  
of the charge but not guilty of each of the specifications, ~~and~~ 87  
~~regardless of whether the offender raised the matter of age~~ 88  
~~pursuant to section 2929.023 of the Revised Code,~~ the trial 89  
court shall impose sentence on the offender as follows: 90

(a) Except as provided in division (C) (1) (b) of this 91  
section, the trial court shall impose one of the following 92  
sentences on the offender: 93

(i) Life imprisonment without parole; 94

(ii) Subject to division (C) (1) (a) ~~(v)~~ (x) of this section, 95  
life imprisonment with parole eligibility after serving twenty 96  
years of imprisonment; 97

(iii) Subject to division (C) (1) (a) ~~(v)~~ (x) of this 98  
section, life imprisonment with parole eligibility after serving 99  
twenty-five full years of imprisonment; 100

(iv) Subject to division (C) (1) (a) ~~(v)~~ (x) of this 101  
section, life imprisonment with parole eligibility after serving 102

thirty full years of imprisonment;	103
(v) <del>If</del> <u>Subject to division (C) (1) (a) (x) of this section,</u>	104
<u>life imprisonment with parole eligibility after serving thirty-</u>	105
<u>five full years of imprisonment;</u>	106
(vi) <u>Subject to division (C) (1) (a) (x) of this section,</u>	107
<u>life imprisonment with parole eligibility after serving forty</u>	108
<u>full years of imprisonment;</u>	109
(vii) <u>Subject to division (C) (1) (a) (x) of this section,</u>	110
<u>life imprisonment with parole eligibility after serving forty-</u>	111
<u>five full years of imprisonment;</u>	112
(viii) <u>Subject to division (C) (1) (a) (x) of this section,</u>	113
<u>life imprisonment with parole eligibility after serving fifty</u>	114
<u>full years of imprisonment;</u>	115
(ix) <u>Subject to division (C) (1) (a) (x) of this section,</u>	116
<u>life imprisonment with parole eligibility after serving fifty-</u>	117
<u>five full years of imprisonment;</u>	118
(x) <u>If</u> the victim of the aggravated murder was less than	119
thirteen years of age, the offender also is convicted of or	120
pleads guilty to a sexual motivation specification that was	121
included in the indictment, count in the indictment, or	122
information charging the offense, and the trial court does not	123
impose a sentence of life imprisonment without parole on the	124
offender pursuant to division (C) (1) (a) (i) of this section, the	125
trial court shall sentence the offender pursuant to division (B)	126
(3) of section 2971.03 of the Revised Code to an indefinite term	127
consisting of a minimum term of thirty years and a maximum term	128
of life imprisonment.	129
(b) If the offender also is convicted of or pleads guilty	130
to a sexual motivation specification and a sexually violent	131

predator specification that are included in the indictment, 132  
count in the indictment, or information that charged the 133  
aggravated murder, the trial court shall impose upon the 134  
offender a sentence of life imprisonment without parole that 135  
shall be served pursuant to section 2971.03 of the Revised Code 136  
unless the offender raised the matter of age pursuant to section 137  
2929.023 of the Revised Code and was found at trial not to have 138  
been eighteen years of age or older at the time of the 139  
commission of the offense. 140

(2) (a) If the indictment or count in the indictment 141  
contains one or more specifications of aggravating circumstances 142  
listed in division (A) of section 2929.04 of the Revised Code 143  
and if the offender is found guilty of both the charge and one 144  
or more of the specifications, the penalty to be imposed on the 145  
offender shall be one of the following: 146

(i) Except as provided in division (C) (2) (a) (ii) or (iii) 147  
of this section, the penalty to be imposed on the offender shall 148  
be death, life imprisonment without parole, life imprisonment 149  
with parole eligibility after serving twenty full years of life 150  
imprisonment, life imprisonment with parole eligibility after 151  
serving twenty-five full years of imprisonment, life 152  
imprisonment with parole eligibility after serving thirty full 153  
years of imprisonment, ~~or~~ life imprisonment with parole 154  
eligibility after serving ~~thirty~~ thirty-five full years of 155  
imprisonment, life imprisonment with parole eligibility after 156  
serving forty full years of imprisonment, life imprisonment with 157  
parole eligibility after serving forty-five full years of 158  
imprisonment, life imprisonment with parole eligibility after 159  
serving fifty full years of imprisonment or life imprisonment 160  
with parole eligibility after serving fifty-five full years of 161  
imprisonment. 162

(ii) Except as provided in division (C) (2) (a) (iii) of this 163  
section, if the victim of the aggravated murder was less than 164  
thirteen years of age, the offender also is convicted of or 165  
pleads guilty to a sexual motivation specification that was 166  
included in the indictment, count in the indictment, or 167  
information charging the offense, and the trial court does not 168  
impose a sentence of death or life imprisonment without parole 169  
on the offender pursuant to division (C) (2) (a) (i) of this 170  
section, the penalty to be imposed on the offender shall be an 171  
indefinite term consisting of a minimum term of thirty years and 172  
a maximum term of life imprisonment that shall be imposed 173  
pursuant to division (B) (3) of section 2971.03 of the Revised 174  
Code and served pursuant to that section. 175

(iii) If the offender also is convicted of or pleads 176  
guilty to a sexual motivation specification and a sexually 177  
violent predator specification that are included in the 178  
indictment, count in the indictment, or information that charged 179  
the aggravated murder, the penalty to be imposed on the offender 180  
shall be death or life imprisonment without parole that shall be 181  
served pursuant to section 2971.03 of the Revised Code unless 182  
the offender raised the matter of age pursuant to section 183  
2929.023 of the Revised Code and was found at trial not to have 184  
been eighteen years of age or older at the time of the 185  
commission of the offense. 186

(b) A penalty imposed pursuant to division (C) (2) (a) (i), 187  
(ii), or (iii) of this section shall be determined pursuant to 188  
divisions (D) and (E) of this section and shall be determined by 189  
one of the following: 190

(i) By the panel of three judges that tried the offender 191  
upon the offender's waiver of the right to trial by jury; 192

(ii) By the trial jury and the trial judge, if the 193  
offender was tried by jury. 194

(D) (1) Death may not be imposed as a penalty for 195  
aggravated murder if the offender raised the matter of age at 196  
trial pursuant to section 2929.023 of the Revised Code and was 197  
not found at trial to have been eighteen years of age or older 198  
at the time of the commission of the offense. When death may be 199  
imposed as a penalty for aggravated murder, the court shall 200  
proceed under this division. When death may be imposed as a 201  
penalty, the court, upon the request of the defendant, shall 202  
require a pre-sentence investigation to be made and, upon the 203  
request of the defendant, shall require a mental examination to 204  
be made, and shall require reports of the investigation and of 205  
any mental examination submitted to the court, pursuant to 206  
section 2947.06 of the Revised Code. No statement made or 207  
information provided by a defendant in a mental examination or 208  
proceeding conducted pursuant to this division shall be 209  
disclosed to any person, except as provided in this division, or 210  
be used in evidence against the defendant on the issue of guilt 211  
in any retrial. A pre-sentence investigation or mental 212  
examination shall not be made except upon request of the 213  
defendant. Copies of any reports prepared under this division 214  
shall be furnished to the court, to the trial jury if the 215  
offender was tried by a jury, to the prosecutor, and to the 216  
offender or the offender's counsel for use under this division. 217  
The court, and the trial jury if the offender was tried by a 218  
jury, shall consider any report prepared pursuant to this 219  
division and furnished to it and any evidence raised at trial 220  
that is relevant to the aggravating circumstances the offender 221  
was found guilty of committing or to any factors in mitigation 222  
of the imposition of the sentence of death, shall hear testimony 223

and other evidence that is relevant to the nature and 224  
circumstances of the aggravating circumstances the offender was 225  
found guilty of committing, the mitigating factors set forth in 226  
division (B) of section 2929.04 of the Revised Code, and any 227  
other factors in mitigation of the imposition of the sentence of 228  
death, and shall hear the statement, if any, of the offender, 229  
and the arguments, if any, of counsel for the defense and 230  
prosecution, that are relevant to the penalty that should be 231  
imposed on the offender. The defendant shall be given great 232  
latitude in the presentation of evidence of the mitigating 233  
factors set forth in division (B) of section 2929.04 of the 234  
Revised Code and of any other factors in mitigation of the 235  
imposition of the sentence of death. If the offender chooses to 236  
make a statement, the offender is subject to cross-examination 237  
only if the offender consents to make the statement under oath 238  
or affirmation. 239

The defendant shall have the burden of going forward with 240  
the evidence of any factors in mitigation of the imposition of 241  
the sentence of death. The prosecution shall have the burden of 242  
proving, by proof beyond a reasonable doubt, that the 243  
aggravating circumstances the defendant was found guilty of 244  
committing are sufficient to outweigh the factors in mitigation 245  
of the imposition of the sentence of death. 246

(2) Upon consideration of the relevant evidence raised at 247  
trial, the testimony, other evidence, statement of the offender, 248  
arguments of counsel, and, if applicable, the reports submitted 249  
pursuant to division (D)(1) of this section, the trial jury, if 250  
the offender was tried by a jury, shall determine whether the 251  
aggravating circumstances the offender was found guilty of 252  
committing are sufficient to outweigh the mitigating factors 253  
present in the case. If the trial jury unanimously finds, by 254

proof beyond a reasonable doubt, that the aggravating 255  
circumstances the offender was found guilty of committing 256  
outweigh the mitigating factors, the trial jury shall recommend 257  
to the court that the sentence of death be imposed on the 258  
offender. Absent such a finding, the jury shall recommend that 259  
the offender be sentenced to one of the following: 260

(a) Except as provided in division (D) (2) (b) or (c) of 261  
this section, to life imprisonment without parole, ~~or~~ life 262  
imprisonment with parole eligibility ~~after serving twenty five~~ 263  
~~full years of imprisonment, or life imprisonment with parole~~ 264  
~~eligibility after serving thirty full years of imprisonment;~~ 265

(b) Except as provided in division (D) (2) (c) of this 266  
section, if the victim of the aggravated murder was less than 267  
thirteen years of age, the offender also is convicted of or 268  
pleads guilty to a sexual motivation specification that was 269  
included in the indictment, count in the indictment, or 270  
information charging the offense, and the jury does not 271  
recommend a sentence of life imprisonment without parole 272  
pursuant to division (D) (2) (a) of this section, to an indefinite 273  
term consisting of a minimum term of thirty years and a maximum 274  
term of life imprisonment to be imposed pursuant to division (B) 275  
(3) of section 2971.03 of the Revised Code and served pursuant 276  
to that section. 277

(c) If the offender also is convicted of or pleads guilty 278  
to a sexual motivation specification and a sexually violent 279  
predator specification that are included in the indictment, 280  
count in the indictment, or information that charged the 281  
aggravated murder, to life imprisonment without parole. 282

If the trial jury recommends that the offender be 283  
sentenced to life imprisonment without parole, ~~life imprisonment~~ 284

~~with parole eligibility after serving twenty five full years of~~ 285  
~~imprisonment, life imprisonment with parole eligibility after~~ 286  
~~serving thirty full years of imprisonment, or an indefinite~~ 287  
term consisting of a minimum term of thirty years and a maximum 288  
term of life imprisonment to be imposed pursuant to division (B) 289  
(3) of section 2971.03 of the Revised Code, the court shall 290  
impose the sentence recommended by the jury upon the offender. 291  
If the trial jury recommends that the offender be sentenced to 292  
life imprisonment with parole eligibility, upon consideration of 293  
the relevant evidence raised at trial, the testimony, other 294  
evidence, statement of the offender, arguments of counsel, and, 295  
if applicable, the reports submitted to the court pursuant to 296  
division (D)(1) of this section, the court shall impose a 297  
sentence of life imprisonment with parole eligibility after 298  
serving twenty full years of imprisonment, life imprisonment 299  
with parole eligibility after serving twenty-five full years of 300  
imprisonment, life imprisonment with parole eligibility after 301  
serving thirty full years of imprisonment, life imprisonment 302  
with parole eligibility after serving thirty-five full years of 303  
imprisonment, life imprisonment with parole eligibility after 304  
serving forty full years of imprisonment, life imprisonment with 305  
parole eligibility after serving forty-five full years of 306  
imprisonment, life imprisonment with parole eligibility after 307  
serving fifty full years of imprisonment, or life imprisonment 308  
with parole eligibility after serving fifty-five full years of 309  
imprisonment. 310

If the sentence is an indefinite term consisting of a 311  
minimum term of thirty years and a maximum term of life 312  
imprisonment imposed as described in division (D)(2)(b) of this 313  
section or a sentence of life imprisonment without parole 314  
imposed under division (D)(2)(c) of this section, the sentence 315

shall be served pursuant to section 2971.03 of the Revised Code. 316  
If the trial jury recommends that the sentence of death be 317  
imposed upon the offender, the court shall proceed to impose 318  
sentence pursuant to division (D) (3) of this section. 319

(3) Upon consideration of the relevant evidence raised at 320  
trial, the testimony, other evidence, statement of the offender, 321  
arguments of counsel, and, if applicable, the reports submitted 322  
to the court pursuant to division (D) (1) of this section, if, 323  
after receiving pursuant to division (D) (2) of this section the 324  
trial jury's recommendation that the sentence of death be 325  
imposed, the court finds, by proof beyond a reasonable doubt, or 326  
if the panel of three judges unanimously finds, by proof beyond 327  
a reasonable doubt, that the aggravating circumstances the 328  
offender was found guilty of committing outweigh the mitigating 329  
factors, it shall impose sentence of death on the offender. 330  
Absent such a finding by the court or panel, the court or the 331  
panel shall impose one of the following sentences on the 332  
offender: 333

(a) Except as provided in division (D) (3) (b) of this 334  
section, one of the following: 335

(i) Life imprisonment without parole; 336

(ii) Subject to division (D) (3) (a) ~~(iv)~~ (x) of this 337  
section, life imprisonment with parole eligibility after serving 338  
~~twenty-five~~ twenty full years of imprisonment; 339

(iii) Subject to division (D) (3) (a) ~~(iv)~~ (x) of this 340  
section, life imprisonment with parole eligibility after serving 341  
~~thirty~~ twenty-five full years of imprisonment; 342

(iv) ~~If~~ Subject to division (D) (3) (a) (x) of this section, 343  
life imprisonment with parole eligibility after serving thirty 344

<u>full years of imprisonment;</u>	345
<u>(v) Subject to division (D) (3) (a) (x) of this section, life imprisonment with parole eligibility after serving thirty-five full years of imprisonment;</u>	346 347 348
<u>(vi) Subject to division (D) (3) (a) (x) of this section, life imprisonment with parole eligibility after serving forty full years of imprisonment;</u>	349 350 351
<u>(vii) Subject to division (D) (3) (a) (x) of this section, life imprisonment with parole eligibility after serving forty-five full years of imprisonment;</u>	352 353 354
<u>(viii) Subject to division (D) (3) (a) (x) of this section, life imprisonment with parole eligibility after serving fifty full years of imprisonment;</u>	355 356 357
<u>(ix) Subject to division (D) (3) (a) (x) of this section, life imprisonment with parole eligibility after serving fifty-five full years of imprisonment;</u>	358 359 360
<u>(x) If the victim of the aggravated murder was less than thirteen years of age, the offender also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the offense, and the trial court does not impose a sentence of life imprisonment without parole on the offender pursuant to division (D) (3) (a) (i) of this section, the court or panel shall sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code to an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment.</u>	361 362 363 364 365 366 367 368 369 370 371
(b) If the offender also is convicted of or pleads guilty to a sexual motivation specification and a sexually violent	372 373

predator specification that are included in the indictment, 374  
count in the indictment, or information that charged the 375  
aggravated murder, life imprisonment without parole that shall 376  
be served pursuant to section 2971.03 of the Revised Code. 377

(E) If the offender raised the matter of age at trial 378  
pursuant to section 2929.023 of the Revised Code, was convicted 379  
of aggravated murder and one or more specifications of an 380  
aggravating circumstance listed in division (A) of section 381  
2929.04 of the Revised Code, and was not found at trial to have 382  
been eighteen years of age or older at the time of the 383  
commission of the offense, the court or the panel of three 384  
judges shall not impose a sentence of death on the offender. 385  
Instead, the court or panel shall impose one of the following 386  
sentences on the offender: 387

~~(1) Except as provided in division (E) (2) of this section,~~ 388  
~~one of the following:~~ 389

~~(a) (1) Life imprisonment without parole;~~ 390

~~(b) (2) Subject to division (E) (2) (d) (10) of this~~ 391  
~~section, life imprisonment with parole eligibility after serving~~ 392  
~~twenty-five twenty~~ full years of imprisonment; 393

~~(c) (3) Subject to division (E) (2) (d) (10) of this~~ 394  
~~section, life imprisonment with parole eligibility after serving~~ 395  
~~thirty twenty-five~~ full years of imprisonment; 396

~~(d) If (4) Subject to division (E) (10) of this section,~~ 397  
life imprisonment with parole eligibility after serving thirty 398  
full years of imprisonment; 399

(5) Subject to division (E) (10) of this section, life 400  
imprisonment with parole eligibility after serving thirty-five 401  
full years of imprisonment; 402

(6) Subject to division (E) (10) of this section, life imprisonment with parole eligibility after serving forty full years of imprisonment; 403  
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(7) Subject to division (E) (10) of this section, life imprisonment with parole eligibility after serving forty-five full years of imprisonment; 406  
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(8) Subject to division (E) (10) of this section, life imprisonment with parole eligibility after serving fifty full years of imprisonment; 409  
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(9) Subject to division (E) (10) of this section, life imprisonment with parole eligibility after serving fifty-five full years of imprisonment; 412  
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(10) If the victim of the aggravated murder was less than thirteen years of age, the offender also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the offense, and the trial court does not impose a sentence of life imprisonment without parole on the offender pursuant to division (E) ~~(2) (a)~~ (1) of this section, the court or panel shall sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code to an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment. 415  
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~~(2) If the offender also is convicted of or pleads guilty to a sexual motivation specification and a sexually violent predator specification that are included in the indictment, count in the indictment, or information that charged the aggravated murder, life imprisonment without parole that shall be served pursuant to section 2971.03 of the Revised Code.~~ 426  
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(F) The court or the panel of three judges, when it 432  
imposes sentence of death, shall state in a separate opinion its 433  
specific findings as to the existence of any of the mitigating 434  
factors set forth in division (B) of section 2929.04 of the 435  
Revised Code, the existence of any other mitigating factors, the 436  
aggravating circumstances the offender was found guilty of 437  
committing, and the reasons why the aggravating circumstances 438  
the offender was found guilty of committing were sufficient to 439  
outweigh the mitigating factors. The court or panel, when it 440  
imposes life imprisonment or an indefinite term consisting of a 441  
minimum term of thirty years and a maximum term of life 442  
imprisonment under division (D) of this section, shall state in 443  
a separate opinion its specific findings of which of the 444  
mitigating factors set forth in division (B) of section 2929.04 445  
of the Revised Code it found to exist, what other mitigating 446  
factors it found to exist, what aggravating circumstances the 447  
offender was found guilty of committing, and why it could not 448  
find that these aggravating circumstances were sufficient to 449  
outweigh the mitigating factors. For cases in which a sentence 450  
of death is imposed for an offense committed before January 1, 451  
1995, the court or panel shall file the opinion required to be 452  
prepared by this division with the clerk of the appropriate 453  
court of appeals and with the clerk of the supreme court within 454  
fifteen days after the court or panel imposes sentence. For 455  
cases in which a sentence of death is imposed for an offense 456  
committed on or after January 1, 1995, the court or panel shall 457  
file the opinion required to be prepared by this division with 458  
the clerk of the supreme court within fifteen days after the 459  
court or panel imposes sentence. The judgment in a case in which 460  
a sentencing hearing is held pursuant to this section is not 461  
final until the opinion is filed. 462

(G) (1) Whenever the court or a panel of three judges 463  
imposes a sentence of death for an offense committed before 464  
January 1, 1995, the clerk of the court in which the judgment is 465  
rendered shall deliver the entire record in the case to the 466  
appellate court. 467

(2) Whenever the court or a panel of three judges imposes 468  
a sentence of death for an offense committed on or after January 469  
1, 1995, the clerk of the court in which the judgment is 470  
rendered shall deliver the entire record in the case to the 471  
supreme court. 472

**Sec. 2929.04.** (A) Imposition of the death penalty for 473  
aggravated murder is precluded unless one or more of the 474  
following is specified in the indictment or count in the 475  
indictment pursuant to section 2941.14 of the Revised Code and 476  
proved beyond a reasonable doubt: 477

(1) The offense was the assassination of the president of 478  
the United States or a person in line of succession to the 479  
presidency, the governor or lieutenant governor of this state, 480  
the president-elect or vice president-elect of the United 481  
States, the governor-elect or lieutenant governor-elect of this 482  
state, or a candidate for any of the offices described in this 483  
division. For purposes of this division, a person is a candidate 484  
if the person has been nominated for election according to law, 485  
if the person has filed a petition or petitions according to law 486  
to have the person's name placed on the ballot in a primary or 487  
general election, or if the person campaigns as a write-in 488  
candidate in a primary or general election. 489

(2) The offense was committed for hire. 490

(3) The offense was committed for the purpose of escaping 491

detection, apprehension, trial, or punishment for another 492  
offense committed by the offender. 493

(4) The offense was committed while the offender was under 494  
detention or while the offender was at large after having broken 495  
detention. As used in division (A)(4) of this section, 496  
"detention" has the same meaning as in section 2921.01 of the 497  
Revised Code, except that detention does not include 498  
hospitalization, institutionalization, or confinement in a 499  
mental health facility or mental retardation and developmentally 500  
disabled facility unless at the time of the commission of the 501  
offense either of the following circumstances apply: 502

(a) The offender was in the facility as a result of being 503  
charged with a violation of a section of the Revised Code. 504

(b) The offender was under detention as a result of being 505  
convicted of or pleading guilty to a violation of a section of 506  
the Revised Code. 507

(5) Prior to the offense at bar, the offender was 508  
convicted of an offense an essential element of which was the 509  
purposeful killing of or attempt to kill another, or the offense 510  
at bar was part of a course of conduct involving the purposeful 511  
killing of or attempt to kill two or more persons by the 512  
offender. 513

(6) The victim of the offense was a law enforcement 514  
officer, as defined in section 2911.01 of the Revised Code, whom 515  
the offender had reasonable cause to know or knew to be a law 516  
enforcement officer as so defined, and either the victim, at the 517  
time of the commission of the offense, was engaged in the 518  
victim's duties, or it was the offender's specific purpose to 519  
kill a law enforcement officer as so defined. 520

(7) The offense was committed while the offender was 521  
committing, attempting to commit, or fleeing immediately after 522  
committing or attempting to commit kidnapping, rape, aggravated 523  
arson, aggravated robbery, or aggravated burglary, and either 524  
the offender was the principal offender in the commission of the 525  
aggravated murder or, if not the principal offender, committed 526  
the aggravated murder with prior calculation and design. 527

(8) The victim of the aggravated murder was a witness to 528  
an offense who was purposely killed to prevent the victim's 529  
testimony in any criminal proceeding and the aggravated murder 530  
was not committed during the commission, attempted commission, 531  
or flight immediately after the commission or attempted 532  
commission of the offense to which the victim was a witness, or 533  
the victim of the aggravated murder was a witness to an offense 534  
and was purposely killed in retaliation for the victim's 535  
testimony in any criminal proceeding. 536

(9) The offender, in the commission of the offense, 537  
purposefully caused the death of another who was under thirteen 538  
years of age at the time of the commission of the offense, and 539  
either the offender was the principal offender in the commission 540  
of the offense or, if not the principal offender, committed the 541  
offense with prior calculation and design. 542

(10) The offense was committed while the offender was 543  
committing, attempting to commit, or fleeing immediately after 544  
committing or attempting to commit terrorism. 545

(11) The offense was a violation of division (A) of 546  
section 2903.01 of the Revised Code. 547

(B) If one or more of the aggravating circumstances listed 548  
in division (A) of this section is specified in the indictment 549

or count in the indictment and proved beyond a reasonable doubt, 550  
and if the offender did not raise the matter of age pursuant to 551  
section 2929.023 of the Revised Code or if the offender, after 552  
raising the matter of age, was found at trial to have been 553  
eighteen years of age or older at the time of the commission of 554  
the offense, the court, trial jury, or panel of three judges 555  
shall consider, and weigh against the aggravating circumstances 556  
proved beyond a reasonable doubt, the nature and circumstances 557  
of the offense, the history, character, and background of the 558  
offender, and all of the following factors: 559

(1) Whether the victim of the offense induced or 560  
facilitated it; 561

(2) Whether it is unlikely that the offense would have 562  
been committed, but for the fact that the offender was under 563  
duress, coercion, or strong provocation; 564

(3) Whether, at the time of committing the offense, the 565  
offender, because of a mental disease or defect, lacked 566  
substantial capacity to appreciate the criminality of the 567  
offender's conduct or to conform the offender's conduct to the 568  
requirements of the law; 569

(4) The youth of the offender; 570

(5) The offender's lack of a significant history of prior 571  
criminal convictions and delinquency adjudications; 572

(6) If the offender was a participant in the offense but 573  
not the principal offender, the degree of the offender's 574  
participation in the offense and the degree of the offender's 575  
participation in the acts that led to the death of the victim; 576

(7) Any other factors that are relevant to the issue of 577  
whether the offender should be sentenced to death. 578

(C) The defendant shall be given great latitude in the 579  
presentation of evidence of the factors listed in division (B) 580  
of this section and of any other factors in mitigation of the 581  
imposition of the sentence of death. 582

The existence of any of the mitigating factors listed in 583  
division (B) of this section does not preclude the imposition of 584  
a sentence of death on the offender but shall be weighed 585  
pursuant to divisions (D) (2) and (3) of section 2929.03 of the 586  
Revised Code by the trial court, trial jury, or the panel of 587  
three judges against the aggravating circumstances the offender 588  
was found guilty of committing. 589

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 590  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 591  
(G), (H), or (J) of this section or in division (D) (6) of 592  
section 2919.25 of the Revised Code and except in relation to an 593  
offense for which a sentence of death or life imprisonment is to 594  
be imposed, if the court imposing a sentence upon an offender 595  
for a felony elects or is required to impose a prison term on 596  
the offender pursuant to this chapter, the court shall impose a 597  
definite prison term that shall be one of the following: 598

(1) For a felony of the first degree, the prison term 599  
shall be three, four, five, six, seven, eight, nine, ten, or 600  
eleven years. 601

(2) For a felony of the second degree, the prison term 602  
shall be two, three, four, five, six, seven, or eight years. 603

(3) (a) For a felony of the third degree that is a 604  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 605  
2907.05 of the Revised Code or that is a violation of section 606  
2911.02 or 2911.12 of the Revised Code if the offender 607

previously has been convicted of or pleaded guilty in two or 608  
more separate proceedings to two or more violations of section 609  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 610  
prison term shall be twelve, eighteen, twenty-four, thirty, 611  
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 612

(b) For a felony of the third degree that is not an 613  
offense for which division (A) (3) (a) of this section applies, 614  
the prison term shall be nine, twelve, eighteen, twenty-four, 615  
thirty, or thirty-six months. 616

(4) For a felony of the fourth degree, the prison term 617  
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 618  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 619

(5) For a felony of the fifth degree, the prison term 620  
shall be six, seven, eight, nine, ten, eleven, or twelve months. 621

(B) (1) (a) Except as provided in division (B) (1) (e) of this 622  
section, if an offender who is convicted of or pleads guilty to 623  
a felony also is convicted of or pleads guilty to a 624  
specification of the type described in section 2941.141, 625  
2941.144, or 2941.145 of the Revised Code, the court shall 626  
impose on the offender one of the following prison terms: 627

(i) A prison term of six years if the specification is of 628  
the type described in section 2941.144 of the Revised Code that 629  
charges the offender with having a firearm that is an automatic 630  
firearm or that was equipped with a firearm muffler or silencer 631  
on or about the offender's person or under the offender's 632  
control while committing the felony; 633

(ii) A prison term of three years if the specification is 634  
of the type described in section 2941.145 of the Revised Code 635  
that charges the offender with having a firearm on or about the 636

offender's person or under the offender's control while 637  
committing the offense and displaying the firearm, brandishing 638  
the firearm, indicating that the offender possessed the firearm, 639  
or using it to facilitate the offense; 640

(iii) A prison term of one year if the specification is of 641  
the type described in section 2941.141 of the Revised Code that 642  
charges the offender with having a firearm on or about the 643  
offender's person or under the offender's control while 644  
committing the felony. 645

(b) If a court imposes a prison term on an offender under 646  
division (B)(1)(a) of this section, the prison term shall not be 647  
reduced pursuant to section 2967.19, section 2929.20, section 648  
2967.193, or any other provision of Chapter 2967. or Chapter 649  
5120. of the Revised Code. Except as provided in division (B)(1) 650  
(g) of this section, a court shall not impose more than one 651  
prison term on an offender under division (B)(1)(a) of this 652  
section for felonies committed as part of the same act or 653  
transaction. 654

(c) Except as provided in division (B)(1)(e) of this 655  
section, if an offender who is convicted of or pleads guilty to 656  
a violation of section 2923.161 of the Revised Code or to a 657  
felony that includes, as an essential element, purposely or 658  
knowingly causing or attempting to cause the death of or 659  
physical harm to another, also is convicted of or pleads guilty 660  
to a specification of the type described in section 2941.146 of 661  
the Revised Code that charges the offender with committing the 662  
offense by discharging a firearm from a motor vehicle other than 663  
a manufactured home, the court, after imposing a prison term on 664  
the offender for the violation of section 2923.161 of the 665  
Revised Code or for the other felony offense under division (A), 666

(B) (2), or (B) (3) of this section, shall impose an additional 667  
prison term of five years upon the offender that shall not be 668  
reduced pursuant to section 2929.20, section 2967.19, section 669  
2967.193, or any other provision of Chapter 2967. or Chapter 670  
5120. of the Revised Code. A court shall not impose more than 671  
one additional prison term on an offender under division (B) (1) 672  
(c) of this section for felonies committed as part of the same 673  
act or transaction. If a court imposes an additional prison term 674  
on an offender under division (B) (1) (c) of this section relative 675  
to an offense, the court also shall impose a prison term under 676  
division (B) (1) (a) of this section relative to the same offense, 677  
provided the criteria specified in that division for imposing an 678  
additional prison term are satisfied relative to the offender 679  
and the offense. 680

(d) If an offender who is convicted of or pleads guilty to 681  
an offense of violence that is a felony also is convicted of or 682  
pleads guilty to a specification of the type described in 683  
section 2941.1411 of the Revised Code that charges the offender 684  
with wearing or carrying body armor while committing the felony 685  
offense of violence, the court shall impose on the offender a 686  
prison term of two years. The prison term so imposed, subject to 687  
divisions (C) to (I) of section 2967.19 of the Revised Code, 688  
shall not be reduced pursuant to section 2929.20, section 689  
2967.19, section 2967.193, or any other provision of Chapter 690  
2967. or Chapter 5120. of the Revised Code. A court shall not 691  
impose more than one prison term on an offender under division 692  
(B) (1) (d) of this section for felonies committed as part of the 693  
same act or transaction. If a court imposes an additional prison 694  
term under division (B) (1) (a) or (c) of this section, the court 695  
is not precluded from imposing an additional prison term under 696  
division (B) (1) (d) of this section. 697

(e) The court shall not impose any of the prison terms 698  
described in division (B) (1) (a) of this section or any of the 699  
additional prison terms described in division (B) (1) (c) of this 700  
section upon an offender for a violation of section 2923.12 or 701  
2923.123 of the Revised Code. The court shall not impose any of 702  
the prison terms described in division (B) (1) (a) or (b) of this 703  
section upon an offender for a violation of section 2923.122 704  
that involves a deadly weapon that is a firearm other than a 705  
dangerous ordnance, section 2923.16, or section 2923.121 of the 706  
Revised Code. The court shall not impose any of the prison terms 707  
described in division (B) (1) (a) of this section or any of the 708  
additional prison terms described in division (B) (1) (c) of this 709  
section upon an offender for a violation of section 2923.13 of 710  
the Revised Code unless all of the following apply: 711

(i) The offender previously has been convicted of 712  
aggravated murder, murder, or any felony of the first or second 713  
degree. 714

(ii) Less than five years have passed since the offender 715  
was released from prison or post-release control, whichever is 716  
later, for the prior offense. 717

(f) If an offender is convicted of or pleads guilty to a 718  
felony that includes, as an essential element, causing or 719  
attempting to cause the death of or physical harm to another and 720  
also is convicted of or pleads guilty to a specification of the 721  
type described in section 2941.1412 of the Revised Code that 722  
charges the offender with committing the offense by discharging 723  
a firearm at a peace officer as defined in section 2935.01 of 724  
the Revised Code or a corrections officer, as defined in section 725  
2941.1412 of the Revised Code, the court, after imposing a 726  
prison term on the offender for the felony offense under 727

division (A), (B) (2), or (B) (3) of this section, shall impose an 728  
additional prison term of seven years upon the offender that 729  
shall not be reduced pursuant to section 2929.20, section 730  
2967.19, section 2967.193, or any other provision of Chapter 731  
2967. or Chapter 5120. of the Revised Code. If an offender is 732  
convicted of or pleads guilty to two or more felonies that 733  
include, as an essential element, causing or attempting to cause 734  
the death or physical harm to another and also is convicted of 735  
or pleads guilty to a specification of the type described under 736  
division (B) (1) (f) of this section in connection with two or 737  
more of the felonies of which the offender is convicted or to 738  
which the offender pleads guilty, the sentencing court shall 739  
impose on the offender the prison term specified under division 740  
(B) (1) (f) of this section for each of two of the specifications 741  
of which the offender is convicted or to which the offender 742  
pleads guilty and, in its discretion, also may impose on the 743  
offender the prison term specified under that division for any 744  
or all of the remaining specifications. If a court imposes an 745  
additional prison term on an offender under division (B) (1) (f) 746  
of this section relative to an offense, the court shall not 747  
impose a prison term under division (B) (1) (a) or (c) of this 748  
section relative to the same offense. 749

(g) If an offender is convicted of or pleads guilty to two 750  
or more felonies, if one or more of those felonies are 751  
aggravated murder, murder, attempted aggravated murder, 752  
attempted murder, aggravated robbery, felonious assault, or 753  
rape, and if the offender is convicted of or pleads guilty to a 754  
specification of the type described under division (B) (1) (a) of 755  
this section in connection with two or more of the felonies, the 756  
sentencing court shall impose on the offender the prison term 757  
specified under division (B) (1) (a) of this section for each of 758

the two most serious specifications of which the offender is 759  
convicted or to which the offender pleads guilty and, in its 760  
discretion, also may impose on the offender the prison term 761  
specified under that division for any or all of the remaining 762  
specifications. 763

(2) (a) If division (B) (2) (b) of this section does not 764  
apply, the court may impose on an offender, in addition to the 765  
longest prison term authorized or required for the offense, an 766  
additional definite prison term of one, two, three, four, five, 767  
six, seven, eight, nine, or ten years if all of the following 768  
criteria are met: 769

(i) The offender is convicted of or pleads guilty to a 770  
specification of the type described in section 2941.149 of the 771  
Revised Code that the offender is a repeat violent offender. 772

(ii) The offense of which the offender currently is 773  
convicted or to which the offender currently pleads guilty is 774  
aggravated murder and the court does not impose a sentence of 775  
death or life imprisonment without parole, murder, terrorism and 776  
the court does not impose a sentence of life imprisonment 777  
without parole, any felony of the first degree that is an 778  
offense of violence and the court does not impose a sentence of 779  
life imprisonment without parole, or any felony of the second 780  
degree that is an offense of violence and the trier of fact 781  
finds that the offense involved an attempt to cause or a threat 782  
to cause serious physical harm to a person or resulted in 783  
serious physical harm to a person. 784

(iii) The court imposes the longest prison term for the 785  
offense that is not life imprisonment without parole. 786

(iv) The court finds that the prison terms imposed 787

pursuant to division (B) (2) (a) (iii) of this section and, if 788  
applicable, division (B) (1) or (3) of this section are 789  
inadequate to punish the offender and protect the public from 790  
future crime, because the applicable factors under section 791  
2929.12 of the Revised Code indicating a greater likelihood of 792  
recidivism outweigh the applicable factors under that section 793  
indicating a lesser likelihood of recidivism. 794

(v) The court finds that the prison terms imposed pursuant 795  
to division (B) (2) (a) (iii) of this section and, if applicable, 796  
division (B) (1) or (3) of this section are demeaning to the 797  
seriousness of the offense, because one or more of the factors 798  
under section 2929.12 of the Revised Code indicating that the 799  
offender's conduct is more serious than conduct normally 800  
constituting the offense are present, and they outweigh the 801  
applicable factors under that section indicating that the 802  
offender's conduct is less serious than conduct normally 803  
constituting the offense. 804

(b) The court shall impose on an offender the longest 805  
prison term authorized or required for the offense and shall 806  
impose on the offender an additional definite prison term of 807  
one, two, three, four, five, six, seven, eight, nine, or ten 808  
years if all of the following criteria are met: 809

(i) The offender is convicted of or pleads guilty to a 810  
specification of the type described in section 2941.149 of the 811  
Revised Code that the offender is a repeat violent offender. 812

(ii) The offender within the preceding twenty years has 813  
been convicted of or pleaded guilty to three or more offenses 814  
described in division (CC) (1) of section 2929.01 of the Revised 815  
Code, including all offenses described in that division of which 816  
the offender is convicted or to which the offender pleads guilty 817

in the current prosecution and all offenses described in that 818  
division of which the offender previously has been convicted or 819  
to which the offender previously pleaded guilty, whether 820  
prosecuted together or separately. 821

(iii) The offense or offenses of which the offender 822  
currently is convicted or to which the offender currently pleads 823  
guilty is aggravated murder and the court does not impose a 824  
sentence of death or life imprisonment without parole, murder, 825  
terrorism and the court does not impose a sentence of life 826  
imprisonment without parole, any felony of the first degree that 827  
is an offense of violence and the court does not impose a 828  
sentence of life imprisonment without parole, or any felony of 829  
the second degree that is an offense of violence and the trier 830  
of fact finds that the offense involved an attempt to cause or a 831  
threat to cause serious physical harm to a person or resulted in 832  
serious physical harm to a person. 833

(c) For purposes of division (B) (2) (b) of this section, 834  
two or more offenses committed at the same time or as part of 835  
the same act or event shall be considered one offense, and that 836  
one offense shall be the offense with the greatest penalty. 837

(d) A sentence imposed under division (B) (2) (a) or (b) of 838  
this section shall not be reduced pursuant to section 2929.20, 839  
section 2967.19, or section 2967.193, or any other provision of 840  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 841  
shall serve an additional prison term imposed under this section 842  
consecutively to and prior to the prison term imposed for the 843  
underlying offense. 844

(e) When imposing a sentence pursuant to division (B) (2) 845  
(a) or (b) of this section, the court shall state its findings 846  
explaining the imposed sentence. 847

(3) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03 or 2925.11 of the Revised Code and that section classifies the offender as a major drug offender, if the offender commits a felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, division (C) or (D) of section 3719.172, division (C) of section 4729.51, or division (J) of section 4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence upon the offender finds that the offender is guilty of a specification of the type described in 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 of the maximum prison term prescribed for a felony of the first degree 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.

(4) If the offender is being sentenced for a third or 880  
fourth degree felony OVI offense under division (G) (2) of 881  
section 2929.13 of the Revised Code, the sentencing court shall 882  
impose upon the offender a mandatory prison term in accordance 883  
with that division. In addition to the mandatory prison term, if 884  
the offender is being sentenced for a fourth degree felony OVI 885  
offense, the court, notwithstanding division (A) (4) of this 886  
section, may sentence the offender to a definite prison term of 887  
not less than six months and not more than thirty months, and if 888  
the offender is being sentenced for a third degree felony OVI 889  
offense, the sentencing court may sentence the offender to an 890  
additional prison term of any duration specified in division (A) 891  
(3) of this section. In either case, the additional prison term 892  
imposed shall be reduced by the sixty or one hundred twenty days 893  
imposed upon the offender as the mandatory prison term. The 894  
total of the additional prison term imposed under division (B) 895  
(4) of this section plus the sixty or one hundred twenty days 896  
imposed as the mandatory prison term shall equal a definite term 897  
in the range of six months to thirty months for a fourth degree 898  
felony OVI offense and shall equal one of the authorized prison 899  
terms specified in division (A) (3) of this section for a third 900  
degree felony OVI offense. If the court imposes an additional 901  
prison term under division (B) (4) of this section, the offender 902  
shall serve the additional prison term after the offender has 903  
served the mandatory prison term required for the offense. In 904  
addition to the mandatory prison term or mandatory and 905  
additional prison term imposed as described in division (B) (4) 906  
of this section, the court also may sentence the offender to a 907  
community control sanction under section 2929.16 or 2929.17 of 908  
the Revised Code, but the offender shall serve all of the prison 909  
terms so imposed prior to serving the community control 910  
sanction. 911

If the offender is being sentenced for a fourth degree 912  
felony OVI offense under division (G) (1) of section 2929.13 of 913  
the Revised Code and the court imposes a mandatory term of local 914  
incarceration, the court may impose a prison term as described 915  
in division (A) (1) of that section. 916

(5) If an offender is convicted of or pleads guilty to a 917  
violation of division (A) (1) or (2) of section 2903.06 of the 918  
Revised Code and also is convicted of or pleads guilty to a 919  
specification of the type described in section 2941.1414 of the 920  
Revised Code that charges that the victim of the offense is a 921  
peace officer, as defined in section 2935.01 of the Revised 922  
Code, or an investigator of the bureau of criminal 923  
identification and investigation, as defined in section 2903.11 924  
of the Revised Code, the court shall impose on the offender a 925  
prison term of five years. If a court imposes a prison term on 926  
an offender under division (B) (5) of this section, the prison 927  
term, subject to divisions (C) to (I) of section 2967.19 of the 928  
Revised Code, shall not be reduced pursuant to section 2929.20, 929  
section 2967.19, section 2967.193, or any other provision of 930  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 931  
shall not impose more than one prison term on an offender under 932  
division (B) (5) of this section for felonies committed as part 933  
of the same act. 934

(6) If an offender is convicted of or pleads guilty to a 935  
violation of division (A) (1) or (2) of section 2903.06 of the 936  
Revised Code and also is convicted of or pleads guilty to a 937  
specification of the type described in section 2941.1415 of the 938  
Revised Code that charges that the offender previously has been 939  
convicted of or pleaded guilty to three or more violations of 940  
division (A) or (B) of section 4511.19 of the Revised Code or an 941  
equivalent offense, as defined in section 2941.1415 of the 942

Revised Code, or three or more violations of any combination of 943  
those divisions and offenses, the court shall impose on the 944  
offender a prison term of three years. If a court imposes a 945  
prison term on an offender under division (B) (6) of this 946  
section, the prison term, subject to divisions (C) to (I) of 947  
section 2967.19 of the Revised Code, shall not be reduced 948  
pursuant to section 2929.20, section 2967.19, section 2967.193, 949  
or any other provision of Chapter 2967. or Chapter 5120. of the 950  
Revised Code. A court shall not impose more than one prison term 951  
on an offender under division (B) (6) of this section for 952  
felonies committed as part of the same act. 953

(7) (a) If an offender is convicted of or pleads guilty to 954  
a felony violation of section 2905.01, 2905.02, 2907.21, 955  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 956  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 957  
the Revised Code and also is convicted of or pleads guilty to a 958  
specification of the type described in section 2941.1422 of the 959  
Revised Code that charges that the offender knowingly committed 960  
the offense in furtherance of human trafficking, the court shall 961  
impose on the offender a mandatory prison term that is one of 962  
the following: 963

(i) If the offense is a felony of the first degree, a 964  
definite prison term of not less than five years and not greater 965  
than ten years; 966

(ii) If the offense is a felony of the second or third 967  
degree, a definite prison term of not less than three years and 968  
not greater than the maximum prison term allowed for the offense 969  
by division (A) of section 2929.14 of the Revised Code; 970

(iii) If the offense is a felony of the fourth or fifth 971  
degree, a definite prison term that is the maximum prison term 972

allowed for the offense by division (A) of section 2929.14 of 973  
the Revised Code. 974

(b) Subject to divisions (C) to (I) of section 2967.19 of 975  
the Revised Code, the prison term imposed under division (B) (7) 976  
(a) of this section shall not be reduced pursuant to section 977  
2929.20, section 2967.19, section 2967.193, or any other 978  
provision of Chapter 2967. of the Revised Code. A court shall 979  
not impose more than one prison term on an offender under 980  
division (B) (7) (a) of this section for felonies committed as 981  
part of the same act, scheme, or plan. 982

(8) If an offender is convicted of or pleads guilty to a 983  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 984  
Revised Code and also is convicted of or pleads guilty to a 985  
specification of the type described in section 2941.1423 of the 986  
Revised Code that charges that the victim of the violation was a 987  
woman whom the offender knew was pregnant at the time of the 988  
violation, notwithstanding the range of prison terms prescribed 989  
in division (A) of this section for felonies of the same degree 990  
as the violation, the court shall impose on the offender a 991  
mandatory prison term that is either a definite prison term of 992  
six months or one of the prison terms prescribed in section 993  
2929.14 of the Revised Code for felonies of the same degree as 994  
the violation. 995

(C) (1) (a) Subject to division (C) (1) (b) of this section, 996  
if a mandatory prison term is imposed upon an offender pursuant 997  
to division (B) (1) (a) of this section for having a firearm on or 998  
about the offender's person or under the offender's control 999  
while committing a felony, if a mandatory prison term is imposed 1000  
upon an offender pursuant to division (B) (1) (c) of this section 1001  
for committing a felony specified in that division by 1002

discharging a firearm from a motor vehicle, or if both types of 1003  
mandatory prison terms are imposed, the offender shall serve any 1004  
mandatory prison term imposed under either division 1005  
consecutively to any other mandatory prison term imposed under 1006  
either division or under division (B) (1) (d) of this section, 1007  
consecutively to and prior to any prison term imposed for the 1008  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1009  
this section or any other section of the Revised Code, and 1010  
consecutively to any other prison term or mandatory prison term 1011  
previously or subsequently imposed upon the offender. 1012

(b) If a mandatory prison term is imposed upon an offender 1013  
pursuant to division (B) (1) (d) of this section for wearing or 1014  
carrying body armor while committing an offense of violence that 1015  
is a felony, the offender shall serve the mandatory term so 1016  
imposed consecutively to any other mandatory prison term imposed 1017  
under that division or under division (B) (1) (a) or (c) of this 1018  
section, consecutively to and prior to any prison term imposed 1019  
for the underlying felony under division (A), (B) (2), or (B) (3) 1020  
of this section or any other section of the Revised Code, and 1021  
consecutively to any other prison term or mandatory prison term 1022  
previously or subsequently imposed upon the offender. 1023

(c) If a mandatory prison term is imposed upon an offender 1024  
pursuant to division (B) (1) (f) of this section, the offender 1025  
shall serve the mandatory prison term so imposed consecutively 1026  
to and prior to any prison term imposed for the underlying 1027  
felony under division (A), (B) (2), or (B) (3) of this section or 1028  
any other section of the Revised Code, and consecutively to any 1029  
other prison term or mandatory prison term previously or 1030  
subsequently imposed upon the offender. 1031

(d) If a mandatory prison term is imposed upon an offender 1032

pursuant to division (B) (7) or (8) of this section, the offender 1033  
shall serve the mandatory prison term so imposed consecutively 1034  
to any other mandatory prison term imposed under that division 1035  
or under any other provision of law and consecutively to any 1036  
other prison term or mandatory prison term previously or 1037  
subsequently imposed upon the offender. 1038

(2) If an offender who is an inmate in a jail, prison, or 1039  
other residential detention facility violates section 2917.02, 1040  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1041  
(2) of section 2921.34 of the Revised Code, if an offender who 1042  
is under detention at a detention facility commits a felony 1043  
violation of section 2923.131 of the Revised Code, or if an 1044  
offender who is an inmate in a jail, prison, or other 1045  
residential detention facility or is under detention at a 1046  
detention facility commits another felony while the offender is 1047  
an escapee in violation of division (A) (1) or (2) of section 1048  
2921.34 of the Revised Code, any prison term imposed upon the 1049  
offender for one of those violations shall be served by the 1050  
offender consecutively to the prison term or term of 1051  
imprisonment the offender was serving when the offender 1052  
committed that offense and to any other prison term previously 1053  
or subsequently imposed upon the offender. 1054

(3) If a prison term is imposed for a violation of 1055  
division (B) of section 2911.01 of the Revised Code, a violation 1056  
of division (A) of section 2913.02 of the Revised Code in which 1057  
the stolen property is a firearm or dangerous ordnance, or a 1058  
felony violation of division (B) of section 2921.331 of the 1059  
Revised Code, the offender shall serve that prison term 1060  
consecutively to any other prison term or mandatory prison term 1061  
previously or subsequently imposed upon the offender. 1062

(4) If multiple prison terms are imposed on an offender 1063  
for convictions of multiple offenses, the court may require the 1064  
offender to serve the prison terms consecutively if the court 1065  
finds that the consecutive service is necessary to protect the 1066  
public from future crime or to punish the offender and that 1067  
consecutive sentences are not disproportionate to the 1068  
seriousness of the offender's conduct and to the danger the 1069  
offender poses to the public, and if the court also finds any of 1070  
the following: 1071

(a) The offender committed one or more of the multiple 1072  
offenses while the offender was awaiting trial or sentencing, 1073  
was under a sanction imposed pursuant to section 2929.16, 1074  
2929.17, or 2929.18 of the Revised Code, or was under post- 1075  
release control for a prior offense. 1076

(b) At least two of the multiple offenses were committed 1077  
as part of one or more courses of conduct, and the harm caused 1078  
by two or more of the multiple offenses so committed was so 1079  
great or unusual that no single prison term for any of the 1080  
offenses committed as part of any of the courses of conduct 1081  
adequately reflects the seriousness of the offender's conduct. 1082

(c) The offender's history of criminal conduct 1083  
demonstrates that consecutive sentences are necessary to protect 1084  
the public from future crime by the offender. 1085

(5) If a mandatory prison term is imposed upon an offender 1086  
pursuant to division (B) (5) or (6) of this section, the offender 1087  
shall serve the mandatory prison term consecutively to and prior 1088  
to any prison term imposed for the underlying violation of 1089  
division (A) (1) or (2) of section 2903.06 of the Revised Code 1090  
pursuant to division (A) of this section or section 2929.142 of 1091  
the Revised Code. If a mandatory prison term is imposed upon an 1092

offender pursuant to division (B)(5) of this section, and if a  
mandatory prison term also is imposed upon the offender pursuant  
to division (B)(6) of this section in relation to the same  
violation, the offender shall serve the mandatory prison term  
imposed pursuant to division (B)(5) of this section  
consecutively to and prior to the mandatory prison term imposed  
pursuant to division (B)(6) of this section and consecutively to  
and prior to any prison term imposed for the underlying  
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) When consecutive prison terms are imposed pursuant to  
division (C)(1), (2), (3), (4), or (5) or division (H)(1) or (2)  
of this section, the term to be served is the aggregate of all  
of the terms so imposed.

(D)(1) If a court imposes a prison term for a felony of  
the first degree, for a felony of the second degree, for a  
felony sex offense, or for a felony of the third degree that is  
not a felony sex offense and in the commission of which the  
offender caused or threatened to cause physical harm to a  
person, it shall include in the sentence a requirement that the  
offender be subject to a period of post-release control after  
the offender's release from imprisonment, in accordance with  
that division. If a court imposes a sentence including a prison  
term of a type described in this division on or after July 11,  
2006, the failure of a court to include a post-release control  
requirement in the sentence pursuant to this division does not  
negate, limit, or otherwise affect the mandatory period of post-  
release control that is required for the offender under division  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of  
the Revised Code applies if, prior to July 11, 2006, a court

imposed a sentence including a prison term of a type described 1124  
in this division and failed to include in the sentence pursuant 1125  
to this division a statement regarding post-release control. 1126

(2) If a court imposes a prison term for a felony of the 1127  
third, fourth, or fifth degree that is not subject to division 1128  
(D) (1) of this section, it shall include in the sentence a 1129  
requirement that the offender be subject to a period of post- 1130  
release control after the offender's release from imprisonment, 1131  
in accordance with that division, if the parole board determines 1132  
that a period of post-release control is necessary. Section 1133  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1134  
a court imposed a sentence including a prison term of a type 1135  
described in this division and failed to include in the sentence 1136  
pursuant to this division a statement regarding post-release 1137  
control. 1138

(E) The court shall impose sentence upon the offender in 1139  
accordance with section 2971.03 of the Revised Code, and Chapter 1140  
2971. of the Revised Code applies regarding the prison term or 1141  
term of life imprisonment without parole imposed upon the 1142  
offender and the service of that term of imprisonment if any of 1143  
the following apply: 1144

(1) A person is convicted of or pleads guilty to a violent 1145  
sex offense or a designated homicide, assault, or kidnapping 1146  
offense, and, in relation to that offense, the offender is 1147  
adjudicated a sexually violent predator. 1148

(2) A person is convicted of or pleads guilty to a 1149  
violation of division (A) (1) (b) of section 2907.02 of the 1150  
Revised Code committed on or after January 2, 2007, and either 1151  
the court does not impose a sentence of life without parole when 1152  
authorized pursuant to division (B) of section 2907.02 of the 1153

Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.

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

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

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and division (A) (2) (b) (ii) of section 2929.022, division (A) (1) ~~(e)~~ (j), (C) (1) (a) ~~(v)~~ (x), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) ~~(iv)~~ (x), or (E) ~~(1)~~ ~~(d)~~ (10) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.

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

(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section

2971.03 of the Revised Code, or any other provision of law, 1183  
section 5120.163 of the Revised Code applies regarding the 1184  
person while the person is confined in a state correctional 1185  
institution. 1186

(G) If an offender who is convicted of or pleads guilty to 1187  
a felony that is an offense of violence also is convicted of or 1188  
pleads guilty to a specification of the type described in 1189  
section 2941.142 of the Revised Code that charges the offender 1190  
with having committed the felony while participating in a 1191  
criminal gang, the court shall impose upon the offender an 1192  
additional prison term of one, two, or three years. 1193

(H) (1) If an offender who is convicted of or pleads guilty 1194  
to aggravated murder, murder, or a felony of the first, second, 1195  
or third degree that is an offense of violence also is convicted 1196  
of or pleads guilty to a specification of the type described in 1197  
section 2941.143 of the Revised Code that charges the offender 1198  
with having committed the offense in a school safety zone or 1199  
towards a person in a school safety zone, the court shall impose 1200  
upon the offender an additional prison term of two years. The 1201  
offender shall serve the additional two years consecutively to 1202  
and prior to the prison term imposed for the underlying offense. 1203

(2) (a) If an offender is convicted of or pleads guilty to 1204  
a felony violation of section 2907.22, 2907.24, 2907.241, or 1205  
2907.25 of the Revised Code and to a specification of the type 1206  
described in section 2941.1421 of the Revised Code and if the 1207  
court imposes a prison term on the offender for the felony 1208  
violation, the court may impose upon the offender an additional 1209  
prison term as follows: 1210

(i) Subject to division (H) (2) (a) (ii) of this section, an 1211  
additional prison term of one, two, three, four, five, or six 1212

months; 1213

(ii) If the offender previously has been convicted of or 1214  
pleaded guilty to one or more felony or misdemeanor violations 1215  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1216  
the Revised Code and also was convicted of or pleaded guilty to 1217  
a specification of the type described in section 2941.1421 of 1218  
the Revised Code regarding one or more of those violations, an 1219  
additional prison term of one, two, three, four, five, six, 1220  
seven, eight, nine, ten, eleven, or twelve months. 1221

(b) In lieu of imposing an additional prison term under 1222  
division (H)(2)(a) of this section, the court may directly 1223  
impose on the offender a sanction that requires the offender to 1224  
wear a real-time processing, continual tracking electronic 1225  
monitoring device during the period of time specified by the 1226  
court. The period of time specified by the court shall equal the 1227  
duration of an additional prison term that the court could have 1228  
imposed upon the offender under division (H)(2)(a) of this 1229  
section. A sanction imposed under this division shall commence 1230  
on the date specified by the court, provided that the sanction 1231  
shall not commence until after the offender has served the 1232  
prison term imposed for the felony violation of section 2907.22, 1233  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1234  
residential sanction imposed for the violation under section 1235  
2929.16 of the Revised Code. A sanction imposed under this 1236  
division shall be considered to be a community control sanction 1237  
for purposes of section 2929.15 of the Revised Code, and all 1238  
provisions of the Revised Code that pertain to community control 1239  
sanctions shall apply to a sanction imposed under this division, 1240  
except to the extent that they would by their nature be clearly 1241  
inapplicable. The offender shall pay all costs associated with a 1242  
sanction imposed under this division, including the cost of the 1243

use of the monitoring device. 1244

(I) At the time of sentencing, the court may recommend the 1245  
offender for placement in a program of shock incarceration under 1246  
section 5120.031 of the Revised Code or for placement in an 1247  
intensive program prison under section 5120.032 of the Revised 1248  
Code, disapprove placement of the offender in a program of shock 1249  
incarceration or an intensive program prison of that nature, or 1250  
make no recommendation on placement of the offender. In no case 1251  
shall the department of rehabilitation and correction place the 1252  
offender in a program or prison of that nature unless the 1253  
department determines as specified in section 5120.031 or 1254  
5120.032 of the Revised Code, whichever is applicable, that the 1255  
offender is eligible for the placement. 1256

If the court disapproves placement of the offender in a 1257  
program or prison of that nature, the department of 1258  
rehabilitation and correction shall not place the offender in 1259  
any program of shock incarceration or intensive program prison. 1260

If the court recommends placement of the offender in a 1261  
program of shock incarceration or in an intensive program 1262  
prison, and if the offender is subsequently placed in the 1263  
recommended program or prison, the department shall notify the 1264  
court of the placement and shall include with the notice a brief 1265  
description of the placement. 1266

If the court recommends placement of the offender in a 1267  
program of shock incarceration or in an intensive program prison 1268  
and the department does not subsequently place the offender in 1269  
the recommended program or prison, the department shall send a 1270  
notice to the court indicating why the offender was not placed 1271  
in the recommended program or prison. 1272

If the court does not make a recommendation under this 1273  
division with respect to an offender and if the department 1274  
determines as specified in section 5120.031 or 5120.032 of the 1275  
Revised Code, whichever is applicable, that the offender is 1276  
eligible for placement in a program or prison of that nature, 1277  
the department shall screen the offender and determine if there 1278  
is an available program of shock incarceration or an intensive 1279  
program prison for which the offender is suited. If there is an 1280  
available program of shock incarceration or an intensive program 1281  
prison for which the offender is suited, the department shall 1282  
notify the court of the proposed placement of the offender as 1283  
specified in section 5120.031 or 5120.032 of the Revised Code 1284  
and shall include with the notice a brief description of the 1285  
placement. The court shall have ten days from receipt of the 1286  
notice to disapprove the placement. 1287

(J) If a person is convicted of or pleads guilty to 1288  
aggravated vehicular homicide in violation of division (A) (1) of 1289  
section 2903.06 of the Revised Code and division (B) (2) (c) of 1290  
that section applies, the person shall be sentenced pursuant to 1291  
section 2929.142 of the Revised Code. 1292

**Sec. 2941.148.** (A) (1) The application of Chapter 2971. of 1293  
the Revised Code to an offender is precluded unless one of the 1294  
following applies: 1295

(a) The offender is charged with a violent sex offense, 1296  
and the indictment, count in the indictment, or information 1297  
charging the violent sex offense also includes a specification 1298  
that the offender is a sexually violent predator, or the 1299  
offender is charged with a designated homicide, assault, or 1300  
kidnapping offense, and the indictment, count in the indictment, 1301  
or information charging the designated homicide, assault, or 1302

kidnapping offense also includes both a specification of the 1303  
type described in section 2941.147 of the Revised Code and a 1304  
specification that the offender is a sexually violent predator. 1305

(b) The offender is convicted of or pleads guilty to a 1306  
violation of division (A) (1) (b) of section 2907.02 of the 1307  
Revised Code committed on or after January 2, 2007, and division 1308  
(B) of section 2907.02 of the Revised Code does not prohibit the 1309  
court from sentencing the offender pursuant to section 2971.03 1310  
of the Revised Code. 1311

(c) The offender is convicted of or pleads guilty to 1312  
attempted rape committed on or after January 2, 2007, and to a 1313  
specification of the type described in section 2941.1418, 1314  
2941.1419, or 2941.1420 of the Revised Code. 1315

(d) The offender is convicted of or pleads guilty to a 1316  
violation of section 2905.01 of the Revised Code and to a 1317  
specification of the type described in section 2941.147 of the 1318  
Revised Code, and section 2905.01 of the Revised Code requires a 1319  
court to sentence the offender pursuant to section 2971.03 of 1320  
the Revised Code. 1321

(e) The offender is convicted of or pleads guilty to 1322  
aggravated murder and to a specification of the type described 1323  
in section 2941.147 of the Revised Code, and division (A) (2) (b) 1324  
(ii) of section 2929.022, division (A) (1) ~~(e)~~ (j), (C) (1) (a) ~~(v)~~ 1325  
~~(x)~~, (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) ~~(iv)~~ (x), or (E) ~~(1)~~ (d) 1326  
~~(10)~~ of section 2929.03, or division (A) or (B) of section 1327  
2929.06 of the Revised Code requires a court to sentence the 1328  
offender pursuant to division (B) (3) of section 2971.03 of the 1329  
Revised Code. 1330

(f) The offender is convicted of or pleads guilty to 1331

murder and to a specification of the type described in section 1332  
2941.147 of the Revised Code, and division (B)(2) of section 1333  
2929.02 of the Revised Code requires a court to sentence the 1334  
offender pursuant to section 2971.03 of the Revised Code. 1335

(2) A specification required under division (A)(1)(a) of 1336  
this section that an offender is a sexually violent predator 1337  
shall be stated at the end of the body of the indictment, count, 1338  
or information and shall be stated in substantially the 1339  
following form: 1340

"Specification (or, specification to the first count). The 1341  
grand jury (or insert the person's or prosecuting attorney's 1342  
name when appropriate) further find and specify that the 1343  
offender is a sexually violent predator." 1344

(B) In determining for purposes of this section whether a 1345  
person is a sexually violent predator, all of the factors set 1346  
forth in divisions (H)(1) to (6) of section 2971.01 of the 1347  
Revised Code that apply regarding the person may be considered 1348  
as evidence tending to indicate that it is likely that the 1349  
person will engage in the future in one or more sexually violent 1350  
offenses. 1351

(C) As used in this section, "designated homicide, 1352  
assault, or kidnapping offense," "violent sex offense," and 1353  
"sexually violent predator" have the same meanings as in section 1354  
2971.01 of the Revised Code. 1355

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 1356  
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 1357  
another section of the Revised Code, other than divisions (B) 1358  
and (C) of section 2929.14 of the Revised Code, that authorizes 1359  
or requires a specified prison term or a mandatory prison term 1360

for a person who is convicted of or pleads guilty to a felony or 1361  
that specifies the manner and place of service of a prison term 1362  
or term of imprisonment, the court shall impose a sentence upon 1363  
a person who is convicted of or pleads guilty to a violent sex 1364  
offense and who also is convicted of or pleads guilty to a 1365  
sexually violent predator specification that was included in the 1366  
indictment, count in the indictment, or information charging 1367  
that offense, and upon a person who is convicted of or pleads 1368  
guilty to a designated homicide, assault, or kidnapping offense 1369  
and also is convicted of or pleads guilty to both a sexual 1370  
motivation specification and a sexually violent predator 1371  
specification that were included in the indictment, count in the 1372  
indictment, or information charging that offense, as follows: 1373

(1) If the offense for which the sentence is being imposed 1374  
is aggravated murder and if the court does not impose upon the 1375  
offender a sentence of death, it shall impose upon the offender 1376  
a term of life imprisonment without parole. If the court 1377  
sentences the offender to death and the sentence of death is 1378  
vacated, overturned, or otherwise set aside, the court shall 1379  
impose upon the offender a term of life imprisonment without 1380  
parole. 1381

(2) If the offense for which the sentence is being imposed 1382  
is murder; or if the offense is rape committed in violation of 1383  
division (A) (1) (b) of section 2907.02 of the Revised Code when 1384  
the offender purposely compelled the victim to submit by force 1385  
or threat of force, when the victim was less than ten years of 1386  
age, when the offender previously has been convicted of or 1387  
pleaded guilty to either rape committed in violation of that 1388  
division or a violation of an existing or former law of this 1389  
state, another state, or the United States that is substantially 1390  
similar to division (A) (1) (b) of section 2907.02 of the Revised 1391

Code, or when the offender during or immediately after the 1392  
commission of the rape caused serious physical harm to the 1393  
victim; or if the offense is an offense other than aggravated 1394  
murder or murder for which a term of life imprisonment may be 1395  
imposed, it shall impose upon the offender a term of life 1396  
imprisonment without parole. 1397

(3) (a) Except as otherwise provided in division (A) (3) (b), 1398  
(c), (d), or (e) or (A) (4) of this section, if the offense for 1399  
which the sentence is being imposed is an offense other than 1400  
aggravated murder, murder, or rape and other than an offense for 1401  
which a term of life imprisonment may be imposed, it shall 1402  
impose an indefinite prison term consisting of a minimum term 1403  
fixed by the court from among the range of terms available as a 1404  
definite term for the offense, but not less than two years, and 1405  
a maximum term of life imprisonment. 1406

(b) Except as otherwise provided in division (A) (4) of 1407  
this section, if the offense for which the sentence is being 1408  
imposed is kidnapping that is a felony of the first degree, it 1409  
shall impose an indefinite prison term as follows: 1410

(i) If the kidnapping is committed on or after January 1, 1411  
2008, and the victim of the offense is less than thirteen years 1412  
of age, except as otherwise provided in this division, it shall 1413  
impose an indefinite prison term consisting of a minimum term of 1414  
fifteen years and a maximum term of life imprisonment. If the 1415  
kidnapping is committed on or after January 1, 2008, the victim 1416  
of the offense is less than thirteen years of age, and the 1417  
offender released the victim in a safe place unharmed, it shall 1418  
impose an indefinite prison term consisting of a minimum term of 1419  
ten years and a maximum term of life imprisonment. 1420

(ii) If the kidnapping is committed prior to January 1, 1421

2008, or division (A) (3) (b) (i) of this section does not apply, 1422  
it shall impose an indefinite term consisting of a minimum term 1423  
fixed by the court that is not less than ten years and a maximum 1424  
term of life imprisonment. 1425

(c) Except as otherwise provided in division (A) (4) of 1426  
this section, if the offense for which the sentence is being 1427  
imposed is kidnapping that is a felony of the second degree, it 1428  
shall impose an indefinite prison term consisting of a minimum 1429  
term fixed by the court that is not less than eight years, and a 1430  
maximum term of life imprisonment. 1431

(d) Except as otherwise provided in division (A) (4) of 1432  
this section, if the offense for which the sentence is being 1433  
imposed is rape for which a term of life imprisonment is not 1434  
imposed under division (A) (2) of this section or division (B) of 1435  
section 2907.02 of the Revised Code, it shall impose an 1436  
indefinite prison term as follows: 1437

(i) If the rape is committed on or after January 2, 2007, 1438  
in violation of division (A) (1) (b) of section 2907.02 of the 1439  
Revised Code, it shall impose an indefinite prison term 1440  
consisting of a minimum term of twenty-five years and a maximum 1441  
term of life imprisonment. 1442

(ii) If the rape is committed prior to January 2, 2007, or 1443  
the rape is committed on or after January 2, 2007, other than in 1444  
violation of division (A) (1) (b) of section 2907.02 of the 1445  
Revised Code, it shall impose an indefinite prison term 1446  
consisting of a minimum term fixed by the court that is not less 1447  
than ten years, and a maximum term of life imprisonment. 1448

(e) Except as otherwise provided in division (A) (4) of 1449  
this section, if the offense for which sentence is being imposed 1450

is attempted rape, it shall impose an indefinite prison term as 1451  
follows: 1452

(i) Except as otherwise provided in division (A) (3) (e) 1453  
(ii), (iii), or (iv) of this section, it shall impose an 1454  
indefinite prison term pursuant to division (A) (3) (a) of this 1455  
section. 1456

(ii) If the attempted rape for which sentence is being 1457  
imposed was committed on or after January 2, 2007, and if the 1458  
offender also is convicted of or pleads guilty to a 1459  
specification of the type described in section 2941.1418 of the 1460  
Revised Code, it shall impose an indefinite prison term 1461  
consisting of a minimum term of five years and a maximum term of 1462  
twenty-five years. 1463

(iii) If the attempted rape for which sentence is being 1464  
imposed was committed on or after January 2, 2007, and if the 1465  
offender also is convicted of or pleads guilty to a 1466  
specification of the type described in section 2941.1419 of the 1467  
Revised Code, it shall impose an indefinite prison term 1468  
consisting of a minimum term of ten years and a maximum of life 1469  
imprisonment. 1470

(iv) If the attempted rape for which sentence is being 1471  
imposed was committed on or after January 2, 2007, and if the 1472  
offender also is convicted of or pleads guilty to a 1473  
specification of the type described in section 2941.1420 of the 1474  
Revised Code, it shall impose an indefinite prison term 1475  
consisting of a minimum term of fifteen years and a maximum of 1476  
life imprisonment. 1477

(4) For any offense for which the sentence is being 1478  
imposed, if the offender previously has been convicted of or 1479

pleaded guilty to a violent sex offense and also to a sexually 1480  
violent predator specification that was included in the 1481  
indictment, count in the indictment, or information charging 1482  
that offense, or previously has been convicted of or pleaded 1483  
guilty to a designated homicide, assault, or kidnapping offense 1484  
and also to both a sexual motivation specification and a 1485  
sexually violent predator specification that were included in 1486  
the indictment, count in the indictment, or information charging 1487  
that offense, it shall impose upon the offender a term of life 1488  
imprisonment without parole. 1489

(B) (1) Notwithstanding section 2929.13, division (A) or 1490  
(D) of section 2929.14, or another section of the Revised Code 1491  
other than division (B) of section 2907.02 or divisions (B) and 1492  
(C) of section 2929.14 of the Revised Code that authorizes or 1493  
requires a specified prison term or a mandatory prison term for 1494  
a person who is convicted of or pleads guilty to a felony or 1495  
that specifies the manner and place of service of a prison term 1496  
or term of imprisonment, if a person is convicted of or pleads 1497  
guilty to a violation of division (A) (1) (b) of section 2907.02 1498  
of the Revised Code committed on or after January 2, 2007, if 1499  
division (A) of this section does not apply regarding the 1500  
person, and if the court does not impose a sentence of life 1501  
without parole when authorized pursuant to division (B) of 1502  
section 2907.02 of the Revised Code, the court shall impose upon 1503  
the person an indefinite prison term consisting of one of the 1504  
following: 1505

(a) Except as otherwise required in division (B) (1) (b) or 1506  
(c) of this section, a minimum term of ten years and a maximum 1507  
term of life imprisonment. 1508

(b) If the victim was less than ten years of age, a 1509

minimum term of fifteen years and a maximum of life 1510  
imprisonment. 1511

(c) If the offender purposely compels the victim to submit 1512  
by force or threat of force, or if the offender previously has 1513  
been convicted of or pleaded guilty to violating division (A) (1) 1514  
(b) of section 2907.02 of the Revised Code or to violating an 1515  
existing or former law of this state, another state, or the 1516  
United States that is substantially similar to division (A) (1) 1517  
(b) of that section, or if the offender during or immediately 1518  
after the commission of the offense caused serious physical harm 1519  
to the victim, a minimum term of twenty-five years and a maximum 1520  
of life imprisonment. 1521

(2) Notwithstanding section 2929.13, division (A) or (D) 1522  
of section 2929.14, or another section of the Revised Code other 1523  
than divisions (B) and (C) of section 2929.14 of the Revised 1524  
Code that authorizes or requires a specified prison term or a 1525  
mandatory prison term for a person who is convicted of or pleads 1526  
guilty to a felony or that specifies the manner and place of 1527  
service of a prison term or term of imprisonment and except as 1528  
otherwise provided in division (B) of section 2907.02 of the 1529  
Revised Code, if a person is convicted of or pleads guilty to 1530  
attempted rape committed on or after January 2, 2007, and if 1531  
division (A) of this section does not apply regarding the 1532  
person, the court shall impose upon the person an indefinite 1533  
prison term consisting of one of the following: 1534

(a) If the person also is convicted of or pleads guilty to 1535  
a specification of the type described in section 2941.1418 of 1536  
the Revised Code, the court shall impose upon the person an 1537  
indefinite prison term consisting of a minimum term of five 1538  
years and a maximum term of twenty-five years. 1539

(b) If the person also is convicted of or pleads guilty to 1540  
a specification of the type described in section 2941.1419 of 1541  
the Revised Code, the court shall impose upon the person an 1542  
indefinite prison term consisting of a minimum term of ten years 1543  
and a maximum term of life imprisonment. 1544

(c) If the person also is convicted of or pleads guilty to 1545  
a specification of the type described in section 2941.1420 of 1546  
the Revised Code, the court shall impose upon the person an 1547  
indefinite prison term consisting of a minimum term of fifteen 1548  
years and a maximum term of life imprisonment. 1549

(3) Notwithstanding section 2929.13, division (A) or (D) 1550  
of section 2929.14, or another section of the Revised Code other 1551  
than divisions (B) and (C) of section 2929.14 of the Revised 1552  
Code that authorizes or requires a specified prison term or a 1553  
mandatory prison term for a person who is convicted of or pleads 1554  
guilty to a felony or that specifies the manner and place of 1555  
service of a prison term or term of imprisonment, if a person is 1556  
convicted of or pleads guilty to an offense described in 1557  
division (B) (3) (a), (b), (c), or (d) of this section committed 1558  
on or after January 1, 2008, if the person also is convicted of 1559  
or pleads guilty to a sexual motivation specification that was 1560  
included in the indictment, count in the indictment, or 1561  
information charging that offense, and if division (A) of this 1562  
section does not apply regarding the person, the court shall 1563  
impose upon the person an indefinite prison term consisting of 1564  
one of the following: 1565

(a) An indefinite prison term consisting of a minimum of 1566  
ten years and a maximum term of life imprisonment if the offense 1567  
for which the sentence is being imposed is kidnapping, the 1568  
victim of the offense is less than thirteen years of age, and 1569

the offender released the victim in a safe place unharmed; 1570

(b) An indefinite prison term consisting of a minimum of 1571  
fifteen years and a maximum term of life imprisonment if the 1572  
offense for which the sentence is being imposed is kidnapping 1573  
when the victim of the offense is less than thirteen years of 1574  
age and division (B) (3) (a) of this section does not apply; 1575

(c) An indefinite term consisting of a minimum of thirty 1576  
years and a maximum term of life imprisonment if the offense for 1577  
which the sentence is being imposed is aggravated murder, when 1578  
the victim of the offense is less than thirteen years of age, a 1579  
sentence of death or life imprisonment without parole is not 1580  
imposed for the offense, and division (A) (2) (b) (ii) of section 1581  
2929.022, division (A) (1) ~~(e)~~ (j), (C) (1) (a) ~~(v)~~ (x), (C) (2) (a) (ii), 1582  
(D) (2) (b), (D) (3) (a) ~~(iv)~~ (x), or (E) ~~(1) (d)~~ (10) of section 1583  
2929.03, or division (A) or (B) of section 2929.06 of the 1584  
Revised Code requires that the sentence for the offense be 1585  
imposed pursuant to this division; 1586

(d) An indefinite prison term consisting of a minimum of 1587  
thirty years and a maximum term of life imprisonment if the 1588  
offense for which the sentence is being imposed is murder when 1589  
the victim of the offense is less than thirteen years of age. 1590

(C) (1) If the offender is sentenced to a prison term 1591  
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 1592  
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 1593  
parole board shall have control over the offender's service of 1594  
the term during the entire term unless the parole board 1595  
terminates its control in accordance with section 2971.04 of the 1596  
Revised Code. 1597

(2) Except as provided in division (C) (3) of this section, 1598

an offender sentenced to a prison term or term of life 1599  
imprisonment without parole pursuant to division (A) of this 1600  
section shall serve the entire prison term or term of life 1601  
imprisonment in a state correctional institution. The offender 1602  
is not eligible for judicial release under section 2929.20 of 1603  
the Revised Code. 1604

(3) For a prison term imposed pursuant to division (A) (3), 1605  
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 1606  
(b), (c), or (d) of this section, the court, in accordance with 1607  
section 2971.05 of the Revised Code, may terminate the prison 1608  
term or modify the requirement that the offender serve the 1609  
entire term in a state correctional institution if all of the 1610  
following apply: 1611

(a) The offender has served at least the minimum term 1612  
imposed as part of that prison term. 1613

(b) The parole board, pursuant to section 2971.04 of the 1614  
Revised Code, has terminated its control over the offender's 1615  
service of that prison term. 1616

(c) The court has held a hearing and found, by clear and 1617  
convincing evidence, one of the following: 1618

(i) In the case of termination of the prison term, that 1619  
the offender is unlikely to commit a sexually violent offense in 1620  
the future; 1621

(ii) In the case of modification of the requirement, that 1622  
the offender does not represent a substantial risk of physical 1623  
harm to others. 1624

(4) An offender who has been sentenced to a term of life 1625  
imprisonment without parole pursuant to division (A) (1), (2), or 1626  
(4) of this section shall not be released from the term of life 1627

imprisonment or be permitted to serve a portion of it in a place 1628  
other than a state correctional institution. 1629

(D) If a court sentences an offender to a prison term or 1630  
term of life imprisonment without parole pursuant to division 1631  
(A) of this section and the court also imposes on the offender 1632  
one or more additional prison terms pursuant to division (B) of 1633  
section 2929.14 of the Revised Code, all of the additional 1634  
prison terms shall be served consecutively with, and prior to, 1635  
the prison term or term of life imprisonment without parole 1636  
imposed upon the offender pursuant to division (A) of this 1637  
section. 1638

(E) If the offender is convicted of or pleads guilty to 1639  
two or more offenses for which a prison term or term of life 1640  
imprisonment without parole is required to be imposed pursuant 1641  
to division (A) of this section, divisions (A) to (D) of this 1642  
section shall be applied for each offense. All minimum terms 1643  
imposed upon the offender pursuant to division (A) (3) or (B) of 1644  
this section for those offenses shall be aggregated and served 1645  
consecutively, as if they were a single minimum term imposed 1646  
under that division. 1647

(F) (1) If an offender is convicted of or pleads guilty to 1648  
a violent sex offense and also is convicted of or pleads guilty 1649  
to a sexually violent predator specification that was included 1650  
in the indictment, count in the indictment, or information 1651  
charging that offense, or is convicted of or pleads guilty to a 1652  
designated homicide, assault, or kidnapping offense and also is 1653  
convicted of or pleads guilty to both a sexual motivation 1654  
specification and a sexually violent predator specification that 1655  
were included in the indictment, count in the indictment, or 1656  
information charging that offense, the conviction of or plea of 1657

guilty to the offense and the sexually violent predator 1658  
specification automatically classifies the offender as a tier 1659  
III sex offender/child-victim offender for purposes of Chapter 1660  
2950. of the Revised Code. 1661

(2) If an offender is convicted of or pleads guilty to 1662  
committing on or after January 2, 2007, a violation of division 1663  
(A) (1) (b) of section 2907.02 of the Revised Code and either the 1664  
offender is sentenced under section 2971.03 of the Revised Code 1665  
or a sentence of life without parole is imposed under division 1666  
(B) of section 2907.02 of the Revised Code, the conviction of or 1667  
plea of guilty to the offense automatically classifies the 1668  
offender as a tier III sex offender/child-victim offender for 1669  
purposes of Chapter 2950. of the Revised Code. 1670

(3) If a person is convicted of or pleads guilty to 1671  
committing on or after January 2, 2007, attempted rape and also 1672  
is convicted of or pleads guilty to a specification of the type 1673  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1674  
Revised Code, the conviction of or plea of guilty to the offense 1675  
and the specification automatically classify the offender as a 1676  
tier III sex offender/child-victim offender for purposes of 1677  
Chapter 2950. of the Revised Code. 1678

(4) If a person is convicted of or pleads guilty to one of 1679  
the offenses described in division (B) (3) (a), (b), (c), or (d) 1680  
of this section and a sexual motivation specification related to 1681  
the offense and the victim of the offense is less than thirteen 1682  
years of age, the conviction of or plea of guilty to the offense 1683  
automatically classifies the offender as a tier III sex 1684  
offender/child-victim offender for purposes of Chapter 2950. of 1685  
the Revised Code. 1686

**Sec. 2971.07.** (A) This chapter does not apply to any 1687

offender unless the offender is one of the following: 1688

(1) The offender is convicted of or pleads guilty to a 1689  
violent sex offense and also is convicted of or pleads guilty to 1690  
a sexually violent predator specification that was included in 1691  
the indictment, count in the indictment, or information charging 1692  
that offense. 1693

(2) The offender is convicted of or pleads guilty to a 1694  
designated homicide, assault, or kidnapping offense and also is 1695  
convicted of or pleads guilty to both a sexual motivation 1696  
specification and a sexually violent predator specification that 1697  
were included in the indictment, count in the indictment, or 1698  
information charging that offense. 1699

(3) The offender is convicted of or pleads guilty to a 1700  
violation of division (A) (1) (b) of section 2907.02 of the 1701  
Revised Code committed on or after January 2, 2007, and the 1702  
court does not sentence the offender to a term of life without 1703  
parole pursuant to division (B) of section 2907.02 of the 1704  
Revised Code or division (B) of that section prohibits the court 1705  
from sentencing the offender pursuant to section 2971.03 of the 1706  
Revised Code. 1707

(4) The offender is convicted of or pleads guilty to 1708  
attempted rape committed on or after January 2, 2007, and also 1709  
is convicted of or pleads guilty to a specification of the type 1710  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1711  
Revised Code. 1712

(5) The offender is convicted of or pleads guilty to a 1713  
violation of section 2905.01 of the Revised Code and also is 1714  
convicted of or pleads guilty to a sexual motivation 1715  
specification that was included in the indictment, count in the 1716

indictment, or information charging that offense, and that 1717  
section requires a court to sentence the offender pursuant to 1718  
section 2971.03 of the Revised Code. 1719

(6) The offender is convicted of or pleads guilty to 1720  
aggravated murder and also is convicted of or pleads guilty to a 1721  
sexual motivation specification that was included in the 1722  
indictment, count in the indictment, or information charging 1723  
that offense, and division (A) (2) (b) (ii) of section 2929.022, 1724  
division (A) (1) ~~(e)~~ (j), (C) (1) (a) ~~(v)~~ (x), (C) (2) (a) (ii), (D) (2) 1725  
(b), (D) (3) (a) ~~(iv)~~ (x), or (E) ~~(1) (d)~~ (10) of section 2929.03, or 1726  
division (A) or (B) of section 2929.06 of the Revised Code 1727  
requires a court to sentence the offender pursuant to division 1728  
(B) (3) of section 2971.03 of the Revised Code. 1729

(7) The offender is convicted of or pleads guilty to 1730  
murder and also is convicted of or pleads guilty to a sexual 1731  
motivation specification that was included in the indictment, 1732  
count in the indictment, or information charging that offense, 1733  
and division (B) (2) of section 2929.02 of the Revised Code 1734  
requires a court to sentence the offender pursuant to section 1735  
2971.03 of the Revised Code. 1736

(B) This chapter does not limit or affect a court in 1737  
imposing upon an offender described in divisions (A) (1) to (9) 1738  
of this section any financial sanction under section 2929.18 or 1739  
any other section of the Revised Code, or, except as 1740  
specifically provided in this chapter, any other sanction that 1741  
is authorized or required for the offense or violation by any 1742  
other provision of law. 1743

(C) If an offender is sentenced to a prison term under 1744  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 1745  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 1746

Code and if, pursuant to section 2971.05 of the Revised Code, 1747  
the court modifies the requirement that the offender serve the 1748  
entire prison term in a state correctional institution or places 1749  
the offender on conditional release that involves the placement 1750  
of the offender under the supervision of the adult parole 1751  
authority, authorized field officers of the authority who are 1752  
engaged within the scope of their supervisory duties or 1753  
responsibilities may search, with or without a warrant, the 1754  
person of the offender, the place of residence of the offender, 1755  
and a motor vehicle, another item of tangible or intangible 1756  
personal property, or any other real property in which the 1757  
offender has the express or implied permission of a person with 1758  
a right, title, or interest to use, occupy, or possess if the 1759  
field officer has reasonable grounds to believe that the 1760  
offender is not abiding by the law or otherwise is not complying 1761  
with the terms and conditions of the offender's modification or 1762  
release. The authority shall provide each offender with a 1763  
written notice that informs the offender that authorized field 1764  
officers of the authority who are engaged within the scope of 1765  
their supervisory duties or responsibilities may conduct those 1766  
types of searches during the period of the modification or 1767  
release if they have reasonable grounds to believe that the 1768  
offender is not abiding by the law or otherwise is not complying 1769  
with the terms and conditions of the offender's modification or 1770  
release. 1771

**Sec. 5120.61.** (A) (1) Not later than ninety days after 1772  
January 1, 1997, the department of rehabilitation and correction 1773  
shall adopt standards that it will use under this section to 1774  
assess the following criminal offenders and may periodically 1775  
revise the standards: 1776

(a) A criminal offender who is convicted of or pleads 1777

guilty to a violent sex offense or designated homicide, assault, 1778  
or kidnapping offense and is adjudicated a sexually violent 1779  
predator in relation to that offense; 1780

(b) A criminal offender who is convicted of or pleads 1781  
guilty to a violation of division (A) (1) (b) of section 2907.02 1782  
of the Revised Code committed on or after January 2, 2007, and 1783  
either who is sentenced under section 2971.03 of the Revised 1784  
Code or upon whom a sentence of life without parole is imposed 1785  
under division (B) of section 2907.02 of the Revised Code; 1786

(c) A criminal offender who is convicted of or pleads 1787  
guilty to attempted rape committed on or after January 2, 2007, 1788  
and a specification of the type described in section 2941.1418, 1789  
2941.1419, or 2941.1420 of the Revised Code; 1790

(d) A criminal offender who is convicted of or pleads 1791  
guilty to a violation of section 2905.01 of the Revised Code and 1792  
also is convicted of or pleads guilty to a sexual motivation 1793  
specification that was included in the indictment, count in the 1794  
indictment, or information charging that offense, and who is 1795  
sentenced pursuant to section 2971.03 of the Revised Code; 1796

(e) A criminal offender who is convicted of or pleads 1797  
guilty to aggravated murder and also is convicted of or pleads 1798  
guilty to a sexual motivation specification that was included in 1799  
the indictment, count in the indictment, or information charging 1800  
that offense, and who pursuant to division (A) (2) (b) (ii) of 1801  
section 2929.022, division (A) (1) ~~(e)~~ (j), (C) (1) (a) ~~(v)~~ (x), (C) (2) 1802  
(a) (ii), (D) (2) (b), (D) (3) (a) ~~(iv)~~ (x), or (E) ~~(1) (d)~~ (10) of 1803  
section 2929.03, or division (A) or (B) of section 2929.06 of 1804  
the Revised Code is sentenced pursuant to division (B) (3) of 1805  
section 2971.03 of the Revised Code; 1806

(f) A criminal offender who is convicted of or pleads guilty to murder and also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging that offense, and who pursuant to division (B)(2) of section 2929.02 of the Revised Code is sentenced pursuant to section 2971.03 of the Revised Code. 1807  
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(2) When the department is requested by the parole board or the court to provide a risk assessment report of the offender under section 2971.04 or 2971.05 of the Revised Code, it shall assess the offender and complete the assessment as soon as possible after the offender has commenced serving the prison term or term of life imprisonment without parole imposed under division (A), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code. Thereafter, the department shall update a risk assessment report pertaining to an offender as follows: 1814  
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(a) Periodically, in the discretion of the department, provided that each report shall be updated no later than two years after its initial preparation or most recent update; 1824  
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(b) Upon the request of the parole board for use in determining pursuant to section 2971.04 of the Revised Code whether it should terminate its control over an offender's service of a prison term imposed upon the offender under division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code; 1827  
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(c) Upon the request of the court. 1834

(3) After the department of rehabilitation and correction 1835

assesses an offender pursuant to division (A) (2) of this 1836  
section, it shall prepare a report that contains its risk 1837  
assessment for the offender or, if a risk assessment report 1838  
previously has been prepared, it shall update the risk 1839  
assessment report. 1840

(4) The department of rehabilitation and correction shall 1841  
provide each risk assessment report that it prepares or updates 1842  
pursuant to this section regarding an offender to all of the 1843  
following: 1844

(a) The parole board for its use in determining pursuant 1845  
to section 2971.04 of the Revised Code whether it should 1846  
terminate its control over an offender's service of a prison 1847  
term imposed upon the offender under division (A) (3), (B) (1) (a), 1848  
(b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or 1849  
(d) of section 2971.03 of the Revised Code, if the parole board 1850  
has not terminated its control over the offender; 1851

(b) The court for use in determining, pursuant to section 1852  
2971.05 of the Revised Code, whether to modify the requirement 1853  
that the offender serve the entire prison term imposed upon the 1854  
offender under division (A) (3), (B) (1) (a), (b), or (c), (B) (2) 1855  
(a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of section 1856  
2971.03 of the Revised Code in a state correctional institution, 1857  
whether to revise any modification previously made, or whether 1858  
to terminate the prison term; 1859

(c) The prosecuting attorney who prosecuted the case, or 1860  
the successor in office to that prosecuting attorney; 1861

(d) The offender. 1862

(B) When the department of rehabilitation and correction 1863  
provides a risk assessment report regarding an offender to the 1864

parole board or court pursuant to division (A) (4) (a) or (b) of 1865  
this section, the department, prior to the parole board's or 1866  
court's hearing, also shall provide to the offender or to the 1867  
offender's attorney of record a copy of the report and a copy of 1868  
any other relevant documents the department possesses regarding 1869  
the offender that the department does not consider to be 1870  
confidential. 1871

(C) As used in this section: 1872

(1) "Adjudicated a sexually violent predator" has the same 1873  
meaning as in section 2929.01 of the Revised Code, and a person 1874  
is "adjudicated a sexually violent predator" in the same manner 1875  
and the same circumstances as are described in that section. 1876

(2) "Designated homicide, assault, or kidnapping offense" 1877  
and "violent sex offense" have the same meanings as in section 1878  
2971.01 of the Revised Code. 1879

**Section 2.** That existing sections 2929.03, 2929.04, 1880  
2929.14, 2941.148, 2971.03, 2971.07, and 5120.61 of the Revised 1881  
Code are hereby repealed. 1882

**Section 3.** This act shall be known as "Justin's Law." 1883