

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 109

Representative Patmon

Cosponsors: Representatives Becker, Schaffer

A BILL

To amend sections 2152.17, 2929.13, and 2929.14 and 1
to enact sections 2941.1425 and 2941.1426 of the 2
Revised Code to create specifications that 3
impose an additional prison term on a felony 4
offender who commits the offense against a 5
disabled person or elderly person and a period 6
of Department of Youth Services commitment on a 7
delinquent child for felony act committed 8
against a disabled or elderly person, for felony 9
offenses that do not delineate enhanced 10
penalties when a disabled or elderly person is 11
the victim of the violation. 12

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

Section 1. That sections 2152.17, 2929.13, and 2929.14 be 13
amended and sections 2941.1425 and 2941.1426 of the Revised Code 14
be enacted to read as follows: 15

Sec. 2152.17. (A) Subject to division (D) of this section, 16
if a child is adjudicated a delinquent child for committing an 17
act, other than a violation of section 2923.12 of the Revised 18

Code, that would be a felony if committed by an adult and if the court determines that, if the child was an adult, the child would be guilty of a specification of the type set forth in section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 2941.1414, ~~or~~ 2941.1415, 2941.1425, or 2941.1426 of the Revised Code, in addition to any commitment or other disposition the court imposes for the underlying delinquent act, all of the following apply:

(1) If the court determines that the child would be guilty of a specification of the type set forth in section 2941.141 of the Revised Code, the court may commit the child to the department of youth services for the specification for a definite period of up to one year.

(2) If the court determines that the child would be guilty of a specification of the type set forth in section 2941.145 of the Revised Code or if the delinquent act is a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and the court determines that the child would be guilty of a specification of the type set forth in section 2941.1415 of the Revised Code, the court shall commit the child to the department of youth services for the specification for a definite period of not less than one and not more than three years, and the court also shall commit the child to the department for the underlying delinquent act under sections 2152.11 to 2152.16 of the Revised Code.

(3) If the court determines that the child would be guilty of a specification of the type set forth in section 2941.144, 2941.146, or 2941.1412 of the Revised Code or if the delinquent act is a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code and the court determines that the child

would be guilty of a specification of the type set forth in 49
section 2941.1414 of the Revised Code, the court shall commit 50
the child to the department of youth services for the 51
specification for a definite period of not less than one and not 52
more than five years, and the court also shall commit the child 53
to the department for the underlying delinquent act under 54
sections 2152.11 to 2152.16 of the Revised Code. 55

(4) If the court determines that the child would be guilty 56
of a specification of the type set forth in section 2941.1425 or 57
2941.1426 of the Revised Code and the act is not a violation 58
specified in division (B) (9) (b) or (10) (b) of section 2929.14 of 59
the Revised Code, the court shall commit the child to the 60
department of youth services for the specification for a 61
definite period of two years. 62

(B) (1) If a child is adjudicated a delinquent child for 63
committing an act, other than a violation of section 2923.12 of 64
the Revised Code, that would be a felony if committed by an 65
adult, if the court determines that the child is complicit in 66
another person's conduct that is of such a nature that the other 67
person would be guilty of a specification of the type set forth 68
in section 2941.141, 2941.144, 2941.145, or 2941.146 of the 69
Revised Code if the other person was an adult, if the other 70
person's conduct relates to the child's underlying delinquent 71
act, and if the child did not furnish, use, or dispose of any 72
firearm that was involved with the underlying delinquent act or 73
with the other person's specification-related conduct, in 74
addition to any other disposition the court imposes for the 75
underlying delinquent act, the court may commit the child to the 76
department of youth services for the specification for a 77
definite period of not more than one year, subject to division 78
(D) (2) of this section. 79

(2) Except as provided in division (B)(1) of this section, 80
division (A) of this section also applies to a child who is an 81
accomplice regarding a specification of the type set forth in 82
section 2941.1412, 2941.1414, or 2941.1415 of the Revised Code 83
to the same extent the specifications would apply to an adult 84
accomplice in a criminal proceeding. 85

(C) If a child is adjudicated a delinquent child for 86
committing an act that would be aggravated murder, murder, or a 87
first, second, or third degree felony offense of violence if 88
committed by an adult and if the court determines that, if the 89
child was an adult, the child would be guilty of a specification 90
of the type set forth in section 2941.142 of the Revised Code in 91
relation to the act for which the child was adjudicated a 92
delinquent child, the court shall commit the child for the 93
specification to the legal custody of the department of youth 94
services for institutionalization in a secure facility for a 95
definite period of not less than one and not more than three 96
years, subject to division (D)(2) of this section, and the court 97
also shall commit the child to the department for the underlying 98
delinquent act. 99

(D)(1) If the child is adjudicated a delinquent child for 100
committing an act that would be an offense of violence that is a 101
felony if committed by an adult and is committed to the legal 102
custody of the department of youth services pursuant to division 103
(A)(1) of section 2152.16 of the Revised Code and if the court 104
determines that the child, if the child was an adult, would be 105
guilty of a specification of the type set forth in section 106
2941.1411 of the Revised Code in relation to the act for which 107
the child was adjudicated a delinquent child, the court may 108
commit the child to the custody of the department of youth 109
services for institutionalization in a secure facility for up to 110

two years, subject to division (D)(2) of this section. 111

(2) A court that imposes a period of commitment under 112
division (A) of this section is not precluded from imposing an 113
additional period of commitment under division (C) or (D)(1) of 114
this section, a court that imposes a period of commitment under 115
division (C) of this section is not precluded from imposing an 116
additional period of commitment under division (A) or (D)(1) of 117
this section, and a court that imposes a period of commitment 118
under division (D)(1) of this section is not precluded from 119
imposing an additional period of commitment under division (A) 120
or (C) of this section. 121

(E) The court shall not commit a child to the legal 122
custody of the department of youth services for a specification 123
pursuant to this section for a period that exceeds five years 124
for any one delinquent act. Any commitment imposed pursuant to 125
division (A), (B), (C), or (D)(1) of this section shall be in 126
addition to, and shall be served consecutively with and prior 127
to, a period of commitment ordered under this chapter for the 128
underlying delinquent act, and each commitment imposed pursuant 129
to division (A), (B), (C), or (D)(1) of this section shall be in 130
addition to, and shall be served consecutively with, any other 131
period of commitment imposed under those divisions. If a 132
commitment is imposed under division (A) or (B) of this section 133
and a commitment also is imposed under division (C) of this 134
section, the period imposed under division (A) or (B) of this 135
section shall be served prior to the period imposed under 136
division (C) of this section. 137

In each case in which a court makes a disposition under 138
this section, the court retains control over the commitment for 139
the entire period of the commitment. 140

The total of all the periods of commitment imposed for any 141
specification under this section and for the underlying offense 142
shall not exceed the child's attainment of twenty-one years of 143
age. 144

(F) If a child is adjudicated a delinquent child for 145
committing two or more acts that would be felonies if committed 146
by an adult and if the court entering the delinquent child 147
adjudication orders the commitment of the child for two or more 148
of those acts to the legal custody of the department of youth 149
services for institutionalization in a secure facility pursuant 150
to section 2152.13 or 2152.16 of the Revised Code, the court may 151
order that all of the periods of commitment imposed under those 152
sections for those acts be served consecutively in the legal 153
custody of the department of youth services, provided that those 154
periods of commitment shall be in addition to and commence 155
immediately following the expiration of a period of commitment 156
that the court imposes pursuant to division (A), (B), (C), or 157
(D) (1) of this section. A court shall not commit a delinquent 158
child to the legal custody of the department of youth services 159
under this division for a period that exceeds the child's 160
attainment of twenty-one years of age. 161

Sec. 2929.13. (A) Except as provided in division (E), (F), 162
or (G) of this section and unless a specific sanction is 163
required to be imposed or is precluded from being imposed 164
pursuant to law, a court that imposes a sentence upon an 165
offender for a felony may impose any sanction or combination of 166
sanctions on the offender that are provided in sections 2929.14 167
to 2929.18 of the Revised Code. 168

If the offender is eligible to be sentenced to community 169
control sanctions, the court shall consider the appropriateness 170

of imposing a financial sanction pursuant to section 2929.18 of 171
the Revised Code or a sanction of community service pursuant to 172
section 2929.17 of the Revised Code as the sole sanction for the 173
offense. Except as otherwise provided in this division, if the 174
court is required to impose a mandatory prison term for the 175
offense for which sentence is being imposed, the court also 176
shall impose any financial sanction pursuant to section 2929.18 177
of the Revised Code that is required for the offense and may 178
impose any other financial sanction pursuant to that section but 179
may not impose any additional sanction or combination of 180
sanctions under section 2929.16 or 2929.17 of the Revised Code. 181

If the offender is being sentenced for a fourth degree 182
felony OVI offense or for a third degree felony OVI offense, in 183
addition to the mandatory term of local incarceration or the 184
mandatory prison term required for the offense by division (G) 185
(1) or (2) of this section, the court shall impose upon the 186
offender a mandatory fine in accordance with division (B) (3) of 187
section 2929.18 of the Revised Code and may impose whichever of 188
the following is applicable: 189

(1) For a fourth degree felony OVI offense for which 190
sentence is imposed under division (G) (1) of this section, an 191
additional community control sanction or combination of 192
community control sanctions under section 2929.16 or 2929.17 of 193
the Revised Code. If the court imposes upon the offender a 194
community control sanction and the offender violates any 195
condition of the community control sanction, the court may take 196
any action prescribed in division (B) of section 2929.15 of the 197
Revised Code relative to the offender, including imposing a 198
prison term on the offender pursuant to that division. 199

(2) For a third or fourth degree felony OVI offense for 200

which sentence is imposed under division (G) (2) of this section, 201
an additional prison term as described in division (B) (4) of 202
section 2929.14 of the Revised Code or a community control 203
sanction as described in division (G) (2) of this section. 204

(B) (1) (a) Except as provided in division (B) (1) (b) of this 205
section, if an offender is convicted of or pleads guilty to a 206
felony of the fourth or fifth degree that is not an offense of 207
violence or that is a qualifying assault offense, the court 208
shall sentence the offender to a community control sanction of 209
at least one year's duration if all of the following apply: 210

(i) The offender previously has not been convicted of or 211
pleaded guilty to a felony offense. 212

(ii) The most serious charge against the offender at the 213
time of sentencing is a felony of the fourth or fifth degree. 214

(iii) If the court made a request of the department of 215
rehabilitation and correction pursuant to division (B) (1) (c) of 216
this section, the department, within the forty-five-day period 217
specified in that division, provided the court with the names 218
of, contact information for, and program details of one or more 219
community control sanctions of at least one year's duration that 220
are available for persons sentenced by the court. 221

(iv) The offender previously has not been convicted of or 222
pleaded guilty to a misdemeanor offense of violence that the 223
offender committed within two years prior to the offense for 224
which sentence is being imposed. 225

(b) The court has discretion to impose a prison term upon 226
an offender who is convicted of or pleads guilty to a felony of 227
the fourth or fifth degree that is not an offense of violence or 228
that is a qualifying assault offense if any of the following 229

apply:	230
(i) The offender committed the offense while having a firearm on or about the offender's person or under the offender's control.	231 232 233
(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense.	234 235 236 237 238
(iii) The offender violated a term of the conditions of bond as set by the court.	239 240
(iv) The court made a request of the department of rehabilitation and correction pursuant to division (B)(1)(c) of this section, and the department, within the forty-five-day period specified in that division, did not provide the court with the name of, contact information for, and program details of any community control sanction of at least one year's duration that is available for persons sentenced by the court.	241 242 243 244 245 246 247
(v) The offense is a sex offense that is a fourth or fifth degree felony violation of any provision of Chapter 2907. of the Revised Code.	248 249 250
(vi) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon.	251 252 253
(vii) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person.	254 255 256 257

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

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

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

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

(c) If a court that is sentencing an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense believes that no community control sanctions are available for its use that, if imposed on the offender, will adequately fulfill the overriding principles and purposes of sentencing, the court shall contact the department of rehabilitation and correction and ask the department to provide the court with the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court. Not later than forty-five days after receipt of a request from a court under this division, the department shall provide the court with the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court, if any. Upon

making a request under this division that relates to a 288
particular offender, a court shall defer sentencing of that 289
offender until it receives from the department the names of, 290
contact information for, and program details of one or more 291
community control sanctions of at least one year's duration that 292
are available for persons sentenced by the court or for forty- 293
five days, whichever is the earlier. 294

If the department provides the court with the names of, 295
contact information for, and program details of one or more 296
community control sanctions of at least one year's duration that 297
are available for persons sentenced by the court within the 298
forty-five-day period specified in this division, the court 299
shall impose upon the offender a community control sanction 300
under division (B) (1) (a) of this section, except that the court 301
may impose a prison term under division (B) (1) (b) of this 302
section if a factor described in division (B) (1) (b) (i) or (ii) 303
of this section applies. If the department does not provide the 304
court with the names of, contact information for, and program 305
details of one or more community control sanctions of at least 306
one year's duration that are available for persons sentenced by 307
the court within the forty-five-day period specified in this 308
division, the court may impose upon the offender a prison term 309
under division (B) (1) (b) (iv) of this section. 310

(d) A sentencing court may impose an additional penalty 311
under division (B) of section 2929.15 of the Revised Code upon 312
an offender sentenced to a community control sanction under 313
division (B) (1) (a) of this section if the offender violates the 314
conditions of the community control sanction, violates a law, or 315
leaves the state without the permission of the court or the 316
offender's probation officer. 317

(2) If division (B) (1) of this section does not apply, 318
except as provided in division (E), (F), or (G) of this section, 319
in determining whether to impose a prison term as a sanction for 320
a felony of the fourth or fifth degree, the sentencing court 321
shall comply with the purposes and principles of sentencing 322
under section 2929.11 of the Revised Code and with section 323
2929.12 of the Revised Code. 324

(C) Except as provided in division (D), (E), (F), or (G) 325
of this section, in determining whether to impose a prison term 326
as a sanction for a felony of the third degree or a felony drug 327
offense that is a violation of a provision of Chapter 2925. of 328
the Revised Code and that is specified as being subject to this 329
division for purposes of sentencing, the sentencing court shall 330
comply with the purposes and principles of sentencing under 331
section 2929.11 of the Revised Code and with section 2929.12 of 332
the Revised Code. 333

(D) (1) Except as provided in division (E) or (F) of this 334
section, for a felony of the first or second degree, for a 335
felony drug offense that is a violation of any provision of 336
Chapter 2925., 3719., or 4729. of the Revised Code for which a 337
presumption in favor of a prison term is specified as being 338
applicable, and for a violation of division (A) (4) or (B) of 339
section 2907.05 of the Revised Code for which a presumption in 340
favor of a prison term is specified as being applicable, it is 341
presumed that a prison term is necessary in order to comply with 342
the purposes and principles of sentencing under section 2929.11 343
of the Revised Code. Division (D) (2) of this section does not 344
apply to a presumption established under this division for a 345
violation of division (A) (4) of section 2907.05 of the Revised 346
Code. 347

(2) Notwithstanding the presumption established under 348
division (D)(1) of this section for the offenses listed in that 349
division other than a violation of division (A)(4) or (B) of 350
section 2907.05 of the Revised Code, the sentencing court may 351
impose a community control sanction or a combination of 352
community control sanctions instead of a prison term on an 353
offender for a felony of the first or second degree or for a 354
felony drug offense that is a violation of any provision of 355
Chapter 2925., 3719., or 4729. of the Revised Code for which a 356
presumption in favor of a prison term is specified as being 357
applicable if it makes both of the following findings: 358

(a) A community control sanction or a combination of 359
community control sanctions would adequately punish the offender 360
and protect the public from future crime, because the applicable 361
factors under section 2929.12 of the Revised Code indicating a 362
lesser likelihood of recidivism outweigh the applicable factors 363
under that section indicating a greater likelihood of 364
recidivism. 365

(b) A community control sanction or a combination of 366
community control sanctions would not demean the seriousness of 367
the offense, because one or more factors under section 2929.12 368
of the Revised Code that indicate that the offender's conduct 369
was less serious than conduct normally constituting the offense 370
are applicable, and they outweigh the applicable factors under 371
that section that indicate that the offender's conduct was more 372
serious than conduct normally constituting the offense. 373

(E)(1) Except as provided in division (F) of this section, 374
for any drug offense that is a violation of any provision of 375
Chapter 2925. of the Revised Code and that is a felony of the 376
third, fourth, or fifth degree, the applicability of a 377

presumption under division (D) of this section in favor of a 378
prison term or of division (B) or (C) of this section in 379
determining whether to impose a prison term for the offense 380
shall be determined as specified in section 2925.02, 2925.03, 381
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 382
2925.36, or 2925.37 of the Revised Code, whichever is applicable 383
regarding the violation. 384

(2) If an offender who was convicted of or pleaded guilty 385
to a felony violates the conditions of a community control 386
sanction imposed for the offense solely by reason of producing 387
positive results on a drug test or by acting pursuant to 388
division (B) (2) (b) of section 2925.11 of the Revised Code with 389
respect to a minor drug possession offense, the court, as 390
punishment for the violation of the sanction, shall not order 391
that the offender be imprisoned unless the court determines on 392
the record either of the following: 393

(a) The offender had been ordered as a sanction for the 394
felony to participate in a drug treatment program, in a drug 395
education program, or in narcotics anonymous or a similar 396
program, and the offender continued to use illegal drugs after a 397
reasonable period of participation in the program. 398

(b) The imprisonment of the offender for the violation is 399
consistent with the purposes and principles of sentencing set 400
forth in section 2929.11 of the Revised Code. 401

(3) A court that sentences an offender for a drug abuse 402
offense that is a felony of the third, fourth, or fifth degree 403
may require that the offender be assessed by a properly 404
credentialed professional within a specified period of time. The 405
court shall require the professional to file a written 406
assessment of the offender with the court. If the offender is 407

eligible for a community control sanction and after considering 408
the written assessment, the court may impose a community control 409
sanction that includes treatment and recovery support services 410
authorized by division (A) (11) of section 340.03 of the Revised 411
Code. If the court imposes treatment and recovery support 412
services as a community control sanction, the court shall direct 413
the level and type of treatment and recovery support services 414
after considering the assessment and recommendation of community 415
addiction services providers. 416

(F) Notwithstanding divisions (A) to (E) of this section, 417
the court shall impose a prison term or terms under sections 418
2929.02 to 2929.06, section 2929.14, section 2929.142, or 419
section 2971.03 of the Revised Code and except as specifically 420
provided in section 2929.20, divisions (C) to (I) of section 421
2967.19, or section 2967.191 of the Revised Code or when parole 422
is authorized for the offense under section 2967.13 of the 423
Revised Code shall not reduce the term or terms pursuant to 424
section 2929.20, section 2967.19, section 2967.193, or any other 425
provision of Chapter 2967. or Chapter 5120. of the Revised Code 426
for any of the following offenses: 427

(1) Aggravated murder when death is not imposed or murder; 428

(2) Any rape, regardless of whether force was involved and 429
regardless of the age of the victim, or an attempt to commit 430
rape if, had the offender completed the rape that was attempted, 431
the offender would have been guilty of a violation of division 432
(A) (1) (b) of section 2907.02 of the Revised Code and would be 433
sentenced under section 2971.03 of the Revised Code; 434

(3) Gross sexual imposition or sexual battery, if the 435
victim is less than thirteen years of age and if any of the 436
following applies: 437

(a) Regarding gross sexual imposition, the offender 438
previously was convicted of or pleaded guilty to rape, the 439
former offense of felonious sexual penetration, gross sexual 440
imposition, or sexual battery, and the victim of the previous 441
offense was less than thirteen years of age; 442

(b) Regarding gross sexual imposition, the offense was 443
committed on or after August 3, 2006, and evidence other than 444
the testimony of the victim was admitted in the case 445
corroborating the violation. 446

(c) Regarding sexual battery, either of the following 447
applies: 448

(i) The offense was committed prior to August 3, 2006, the 449
offender previously was convicted of or pleaded guilty to rape, 450
the former offense of felonious sexual penetration, or sexual 451
battery, and the victim of the previous offense was less than 452
thirteen years of age. 453

(ii) The offense was committed on or after August 3, 2006. 454

(4) A felony violation of section 2903.04, 2903.06, 455
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 456
or 2923.132 of the Revised Code if the section requires the 457
imposition of a prison term; 458

(5) A first, second, or third degree felony drug offense 459
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 460
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 461
or 4729.99 of the Revised Code, whichever is applicable 462
regarding the violation, requires the imposition of a mandatory 463
prison term; 464

(6) Any offense that is a first or second degree felony 465
and that is not set forth in division (F) (1), (2), (3), or (4) 466

of this section, if the offender previously was convicted of or 467
pleaded guilty to aggravated murder, murder, any first or second 468
degree felony, or an offense under an existing or former law of 469
this state, another state, or the United States that is or was 470
substantially equivalent to one of those offenses; 471

(7) Any offense that is a third degree felony and either 472
is a violation of section 2903.04 of the Revised Code or an 473
attempt to commit a felony of the second degree that is an 474
offense of violence and involved an attempt to cause serious 475
physical harm to a person or that resulted in serious physical 476
harm to a person if the offender previously was convicted of or 477
pleaded guilty to any of the following offenses: 478

(a) Aggravated murder, murder, involuntary manslaughter, 479
rape, felonious sexual penetration as it existed under section 480
2907.12 of the Revised Code prior to September 3, 1996, a felony 481
of the first or second degree that resulted in the death of a 482
person or in physical harm to a person, or complicity in or an 483
attempt to commit any of those offenses; 484

(b) An offense under an existing or former law of this 485
state, another state, or the United States that is or was 486
substantially equivalent to an offense listed in division (F) (7) 487
(a) of this section that resulted in the death of a person or in 488
physical harm to a person. 489

(8) Any offense, other than a violation of section 2923.12 490
of the Revised Code, that is a felony, if the offender had a 491
firearm on or about the offender's person or under the 492
offender's control while committing the felony, with respect to 493
a portion of the sentence imposed pursuant to division (B) (1) (a) 494
of section 2929.14 of the Revised Code for having the firearm; 495

(9) Any offense of violence that is a felony, if the 496
offender wore or carried body armor while committing the felony 497
offense of violence, with respect to the portion of the sentence 498
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 499
Revised Code for wearing or carrying the body armor; 500

(10) Corrupt activity in violation of section 2923.32 of 501
the Revised Code when the most serious offense in the pattern of 502
corrupt activity that is the basis of the offense is a felony of 503
the first degree; 504

(11) Any violent sex offense or designated homicide, 505
assault, or kidnapping offense if, in relation to that offense, 506
the offender is adjudicated a sexually violent predator; 507

(12) A violation of division (A) (1) or (2) of section 508
2921.36 of the Revised Code, or a violation of division (C) of 509
that section involving an item listed in division (A) (1) or (2) 510
of that section, if the offender is an officer or employee of 511
the department of rehabilitation and correction; 512

(13) A violation of division (A) (1) or (2) of section 513
2903.06 of the Revised Code if the victim of the offense is a 514
peace officer, as defined in section 2935.01 of the Revised 515
Code, or an investigator of the bureau of criminal 516
identification and investigation, as defined in section 2903.11 517
of the Revised Code, with respect to the portion of the sentence 518
imposed pursuant to division (B) (5) of section 2929.14 of the 519
Revised Code; 520

(14) A violation of division (A) (1) or (2) of section 521
2903.06 of the Revised Code if the offender has been convicted 522
of or pleaded guilty to three or more violations of division (A) 523
or (B) of section 4511.19 of the Revised Code or an equivalent 524

offense, as defined in section 2941.1415 of the Revised Code, or 525
three or more violations of any combination of those divisions 526
and offenses, with respect to the portion of the sentence 527
imposed pursuant to division (B) (6) of section 2929.14 of the 528
Revised Code; 529

(15) Kidnapping, in the circumstances specified in section 530
2971.03 of the Revised Code and when no other provision of 531
division (F) of this section applies; 532

(16) Kidnapping, abduction, compelling prostitution, 533
promoting prostitution, engaging in a pattern of corrupt 534
activity, illegal use of a minor in a nudity-oriented material 535
or performance in violation of division (A) (1) or (2) of section 536
2907.323 of the Revised Code, or endangering children in 537
violation of division (B) (1), (2), (3), (4), or (5) of section 538
2919.22 of the Revised Code, if the offender is convicted of or 539
pleads guilty to a specification as described in section 540
2941.1422 of the Revised Code that was included in the 541
indictment, count in the indictment, or information charging the 542
offense; 543

(17) A felony violation of division (A) or (B) of section 544
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 545
that section, and division (D) (6) of that section, require the 546
imposition of a prison term; 547

(18) A felony violation of section 2903.11, 2903.12, or 548
2903.13 of the Revised Code, if the victim of the offense was a 549
woman that the offender knew was pregnant at the time of the 550
violation, with respect to a portion of the sentence imposed 551
pursuant to division (B) (8) of section 2929.14 of the Revised 552
Code; 553

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

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

(20) A felony violation, if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1425 or 2941.1426 of the Revised Code, with respect to a portion of the sentence imposed pursuant to division (B) (9) or (10) of section 2929.14 of the Revised Code.

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

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G) (1) (d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to

section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G)(1) of this section is not subject to any other Revised Code provision that pertains to a prison term except as provided in division (A)(1) of this section.

(2) If the offender is being sentenced for a third degree felony OVI offense, or if the offender is being sentenced for a fourth degree felony OVI offense and the court does not impose a mandatory term of local incarceration under division (G)(1) of this section, the court shall impose upon the offender a mandatory prison term of one, two, three, four, or five years if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or shall impose upon the offender a mandatory prison term of sixty days or one hundred twenty days as specified in division (G)(1)(d) or (e) of section 4511.19 of the Revised Code if the offender has not been convicted of and has not pleaded guilty to a specification of that type. Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the court shall not reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or any other provision of the Revised Code. The offender shall serve the one-, two-, three-, four-, or five-year mandatory prison term consecutively to and prior to the prison term imposed for the underlying offense and consecutively to any other mandatory prison term imposed in relation to the

offense. In no case shall an offender who once has been 615
sentenced to a mandatory term of local incarceration pursuant to 616
division (G) (1) of this section for a fourth degree felony OVI 617
offense be sentenced to another mandatory term of local 618
incarceration under that division for any violation of division 619
(A) of section 4511.19 of the Revised Code. In addition to the 620
mandatory prison term described in division (G) (2) of this 621
section, the court may sentence the offender to a community 622
control sanction under section 2929.16 or 2929.17 of the Revised 623
Code, but the offender shall serve the prison term prior to 624
serving the community control sanction. The department of 625
rehabilitation and correction may place an offender sentenced to 626
a mandatory prison term under this division in an intensive 627
program prison established pursuant to section 5120.033 of the 628
Revised Code if the department gave the sentencing judge prior 629
notice of its intent to place the offender in an intensive 630
program prison established under that section and if the judge 631
did not notify the department that the judge disapproved the 632
placement. Upon the establishment of the initial intensive 633
program prison pursuant to section 5120.033 of the Revised Code 634
that is privately operated and managed by a contractor pursuant 635
to a contract entered into under section 9.06 of the Revised 636
Code, both of the following apply: 637

(a) The department of rehabilitation and correction shall 638
make a reasonable effort to ensure that a sufficient number of 639
offenders sentenced to a mandatory prison term under this 640
division are placed in the privately operated and managed prison 641
so that the privately operated and managed prison has full 642
occupancy. 643

(b) Unless the privately operated and managed prison has 644
full occupancy, the department of rehabilitation and correction 645

shall not place any offender sentenced to a mandatory prison 646
term under this division in any intensive program prison 647
established pursuant to section 5120.033 of the Revised Code 648
other than the privately operated and managed prison. 649

(H) If an offender is being sentenced for a sexually 650
oriented offense or child-victim oriented offense that is a 651
felony committed on or after January 1, 1997, the judge shall 652
require the offender to submit to a DNA specimen collection 653
procedure pursuant to section 2901.07 of the Revised Code. 654

(I) If an offender is being sentenced for a sexually 655
oriented offense or a child-victim oriented offense committed on 656
or after January 1, 1997, the judge shall include in the 657
sentence a summary of the offender's duties imposed under 658
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 659
Code and the duration of the duties. The judge shall inform the 660
offender, at the time of sentencing, of those duties and of 661
their duration. If required under division (A) (2) of section 662
2950.03 of the Revised Code, the judge shall perform the duties 663
specified in that section, or, if required under division (A) (6) 664
of section 2950.03 of the Revised Code, the judge shall perform 665
the duties specified in that division. 666

(J) (1) Except as provided in division (J) (2) of this 667
section, when considering sentencing factors under this section 668
in relation to an offender who is convicted of or pleads guilty 669
to an attempt to commit an offense in violation of section 670
2923.02 of the Revised Code, the sentencing court shall consider 671
the factors applicable to the felony category of the violation 672
of section 2923.02 of the Revised Code instead of the factors 673
applicable to the felony category of the offense attempted. 674

(2) When considering sentencing factors under this section 675

in relation to an offender who is convicted of or pleads guilty 676
to an attempt to commit a drug abuse offense for which the 677
penalty is determined by the amount or number of unit doses of 678
the controlled substance involved in the drug abuse offense, the 679
sentencing court shall consider the factors applicable to the 680
felony category that the drug abuse offense attempted would be 681
if that drug abuse offense had been committed and had involved 682
an amount or number of unit doses of the controlled substance 683
that is within the next lower range of controlled substance 684
amounts than was involved in the attempt. 685

(K) As used in this section: 686

(1) "Community addiction services provider" has the same 687
meaning as in section 5119.01 of the Revised Code. 688

(2) "Drug abuse offense" has the same meaning as in 689
section 2925.01 of the Revised Code. 690

(3) "Minor drug possession offense" has the same meaning 691
as in section 2925.11 of the Revised Code. 692

(4) "Qualifying assault offense" means a violation of 693
section 2903.13 of the Revised Code for which the penalty 694
provision in division (C) (8) (b) or (C) (9) (b) of that section 695
applies. 696

(L) At the time of sentencing an offender for any sexually 697
oriented offense, if the offender is a tier III sex 698
offender/child-victim offender relative to that offense and the 699
offender does not serve a prison term or jail term, the court 700
may require that the offender be monitored by means of a global 701
positioning device. If the court requires such monitoring, the 702
cost of monitoring shall be borne by the offender. If the 703
offender is indigent, the cost of compliance shall be paid by 704

the crime victims reparations fund. 705

Sec. 2929.14. (A) Except as provided in division (B) (1), 706
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 707
(B) (10), (E), (G), (H), (J), or (K) of this section or in 708
division (D) (6) of section 2919.25 of the Revised Code and 709
except in relation to an offense for which a sentence of death 710
or life imprisonment is to be imposed, if the court imposing a 711
sentence upon an offender for a felony elects or is required to 712
impose a prison term on the offender pursuant to this chapter, 713
the court shall impose a definite prison term that shall be one 714
of the following: 715

(1) For a felony of the first degree, the prison term 716
shall be three, four, five, six, seven, eight, nine, ten, or 717
eleven years. 718

(2) For a felony of the second degree, the prison term 719
shall be two, three, four, five, six, seven, or eight years. 720

(3) (a) For a felony of the third degree that is a 721
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 722
2907.05 of the Revised Code or that is a violation of section 723
2911.02 or 2911.12 of the Revised Code if the offender 724
previously has been convicted of or pleaded guilty in two or 725
more separate proceedings to two or more violations of section 726
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 727
prison term shall be twelve, eighteen, twenty-four, thirty, 728
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 729

(b) For a felony of the third degree that is not an 730
offense for which division (A) (3) (a) of this section applies, 731
the prison term shall be nine, twelve, eighteen, twenty-four, 732
thirty, or thirty-six months. 733

(4) For a felony of the fourth degree, the prison term 734
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 735
fourteen, fifteen, sixteen, seventeen, or eighteen months. 736

(5) For a felony of the fifth degree, the prison term 737
shall be six, seven, eight, nine, ten, eleven, or twelve months. 738

(B) (1) (a) Except as provided in division (B) (1) (e) of this 739
section, if an offender who is convicted of or pleads guilty to 740
a felony also is convicted of or pleads guilty to a 741
specification of the type described in section 2941.141, 742
2941.144, or 2941.145 of the Revised Code, the court shall 743
impose on the offender one of the following prison terms: 744

(i) A prison term of six years if the specification is of 745
the type described in division (A) of section 2941.144 of the 746
Revised Code that charges the offender with having a firearm 747
that is an automatic firearm or that was equipped with a firearm 748
muffler or suppressor on or about the offender's person or under 749
the offender's control while committing the offense; 750

(ii) A prison term of three years if the specification is 751
of the type described in division (A) of section 2941.145 of the 752
Revised Code that charges the offender with having a firearm on 753
or about the offender's person or under the offender's control 754
while committing the offense and displaying the firearm, 755
brandishing the firearm, indicating that the offender possessed 756
the firearm, or using it to facilitate the offense; 757

(iii) A prison term of one year if the specification is of 758
the type described in division (A) of section 2941.141 of the 759
Revised Code that charges the offender with having a firearm on 760
or about the offender's person or under the offender's control 761
while committing the offense; 762

(iv) A prison term of nine years if the specification is 763
of the type described in division (D) of section 2941.144 of the 764
Revised Code that charges the offender with having a firearm 765
that is an automatic firearm or that was equipped with a firearm 766
muffler or suppressor on or about the offender's person or under 767
the offender's control while committing the offense and 768
specifies that the offender previously has been convicted of or 769
pleaded guilty to a specification of the type described in 770
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 771
the Revised Code; 772

(v) A prison term of fifty-four months if the 773
specification is of the type described in division (D) of 774
section 2941.145 of the Revised Code that charges the offender 775
with having a firearm on or about the offender's person or under 776
the offender's control while committing the offense and 777
displaying the firearm, brandishing the firearm, indicating that 778
the offender possessed the firearm, or using the firearm to 779
facilitate the offense and that the offender previously has been 780
convicted of or pleaded guilty to a specification of the type 781
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 782
2941.1412 of the Revised Code; 783

(vi) A prison term of eighteen months if the specification 784
is of the type described in division (D) of section 2941.141 of 785
the Revised Code that charges the offender with having a firearm 786
on or about the offender's person or under the offender's 787
control while committing the offense and that the offender 788
previously has been convicted of or pleaded guilty to a 789
specification of the type described in section 2941.141, 790
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 791

(b) If a court imposes a prison term on an offender under 792

division (B) (1) (a) of this section, the prison term shall not be 793
reduced pursuant to section 2967.19, section 2929.20, section 794
2967.193, or any other provision of Chapter 2967. or Chapter 795
5120. of the Revised Code. Except as provided in division (B) (1) 796
(g) of this section, a court shall not impose more than one 797
prison term on an offender under division (B) (1) (a) of this 798
section for felonies committed as part of the same act or 799
transaction. 800

(c) (i) Except as provided in division (B) (1) (e) of this 801
section, if an offender who is convicted of or pleads guilty to 802
a violation of section 2923.161 of the Revised Code or to a 803
felony that includes, as an essential element, purposely or 804
knowingly causing or attempting to cause the death of or 805
physical harm to another, also is convicted of or pleads guilty 806
to a specification of the type described in division (A) of 807
section 2941.146 of the Revised Code that charges the offender 808
with committing the offense by discharging a firearm from a 809
motor vehicle other than a manufactured home, the court, after 810
imposing a prison term on the offender for the violation of 811
section 2923.161 of the Revised Code or for the other felony 812
offense under division (A), (B) (2), or (B) (3) of this section, 813
shall impose an additional prison term of five years upon the 814
offender that shall not be reduced pursuant to section 2929.20, 815
section 2967.19, section 2967.193, or any other provision of 816
Chapter 2967. or Chapter 5120. of the Revised Code. 817

(ii) Except as provided in division (B) (1) (e) of this 818
section, if an offender who is convicted of or pleads guilty to 819
a violation of section 2923.161 of the Revised Code or to a 820
felony that includes, as an essential element, purposely or 821
knowingly causing or attempting to cause the death of or 822
physical harm to another, also is convicted of or pleads guilty 823

to a specification of the type described in division (C) of 824
section 2941.146 of the Revised Code that charges the offender 825
with committing the offense by discharging a firearm from a 826
motor vehicle other than a manufactured home and that the 827
offender previously has been convicted of or pleaded guilty to a 828
specification of the type described in section 2941.141, 829
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 830
the court, after imposing a prison term on the offender for the 831
violation of section 2923.161 of the Revised Code or for the 832
other felony offense under division (A), (B) (2), or (3) of this 833
section, shall impose an additional prison term of ninety months 834
upon the offender that shall not be reduced pursuant to section 835
2929.20, 2967.19, 2967.193, or any other provision of Chapter 836
2967. or Chapter 5120. of the Revised Code. 837

(iii) A court shall not impose more than one additional 838
prison term on an offender under division (B) (1) (c) of this 839
section for felonies committed as part of the same act or 840
transaction. If a court imposes an additional prison term on an 841
offender under division (B) (1) (c) of this section relative to an 842
offense, the court also shall impose a prison term under 843
division (B) (1) (a) of this section relative to the same offense, 844
provided the criteria specified in that division for imposing an 845
additional prison term are satisfied relative to the offender 846
and the offense. 847

(d) If an offender who is convicted of or pleads guilty to 848
an offense of violence that is a felony also is convicted of or 849
pleads guilty to a specification of the type described in 850
section 2941.1411 of the Revised Code that charges the offender 851
with wearing or carrying body armor while committing the felony 852
offense of violence, the court shall impose on the offender a 853
prison term of two years. The prison term so imposed, subject to 854

divisions (C) to (I) of section 2967.19 of the Revised Code, 855
shall not be reduced pursuant to section 2929.20, section 856
2967.19, section 2967.193, or any other provision of Chapter 857
2967. or Chapter 5120. of the Revised Code. A court shall not 858
impose more than one prison term on an offender under division 859
(B)(1)(d) of this section for felonies committed as part of the 860
same act or transaction. If a court imposes an additional prison 861
term under division (B)(1)(a) or (c) of this section, the court 862
is not precluded from imposing an additional prison term under 863
division (B)(1)(d) of this section. 864

(e) The court shall not impose any of the prison terms 865
described in division (B)(1)(a) of this section or any of the 866
additional prison terms described in division (B)(1)(c) of this 867
section upon an offender for a violation of section 2923.12 or 868
2923.123 of the Revised Code. The court shall not impose any of 869
the prison terms described in division (B)(1)(a) or (b) of this 870
section upon an offender for a violation of section 2923.122 871
that involves a deadly weapon that is a firearm other than a 872
dangerous ordnance, section 2923.16, or section 2923.121 of the 873
Revised Code. The court shall not impose any of the prison terms 874
described in division (B)(1)(a) of this section or any of the 875
additional prison terms described in division (B)(1)(c) of this 876
section upon an offender for a violation of section 2923.13 of 877
the Revised Code unless all of the following apply: 878

(i) The offender previously has been convicted of 879
aggravated murder, murder, or any felony of the first or second 880
degree. 881

(ii) Less than five years have passed since the offender 882
was released from prison or post-release control, whichever is 883
later, for the prior offense. 884

(f) (i) If an offender is convicted of or pleads guilty to 885
a felony that includes, as an essential element, causing or 886
attempting to cause the death of or physical harm to another and 887
also is convicted of or pleads guilty to a specification of the 888
type described in division (A) of section 2941.1412 of the 889
Revised Code that charges the offender with committing the 890
offense by discharging a firearm at a peace officer as defined 891
in section 2935.01 of the Revised Code or a corrections officer, 892
as defined in section 2941.1412 of the Revised Code, the court, 893
after imposing a prison term on the offender for the felony 894
offense under division (A), (B) (2), or (B) (3) of this section, 895
shall impose an additional prison term of seven years upon the 896
offender that shall not be reduced pursuant to section 2929.20, 897
section 2967.19, section 2967.193, or any other provision of 898
Chapter 2967. or Chapter 5120. of the Revised Code. 899

(ii) If an offender is convicted of or pleads guilty to a 900
felony that includes, as an essential element, causing or 901
attempting to cause the death of or physical harm to another and 902
also is convicted of or pleads guilty to a specification of the 903
type described in division (B) of section 2941.1412 of the 904
Revised Code that charges the offender with committing the 905
offense by discharging a firearm at a peace officer, as defined 906
in section 2935.01 of the Revised Code, or a corrections 907
officer, as defined in section 2941.1412 of the Revised Code, 908
and that the offender previously has been convicted of or 909
pleaded guilty to a specification of the type described in 910
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 911
the Revised Code, the court, after imposing a prison term on the 912
offender for the felony offense under division (A), (B) (2), or 913
(3) of this section, shall impose an additional prison term of 914
one hundred twenty-six months upon the offender that shall not 915

be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 916
any other provision of Chapter 2967. or 5120. of the Revised 917
Code. 918

(iii) If an offender is convicted of or pleads guilty to 919
two or more felonies that include, as an essential element, 920
causing or attempting to cause the death or physical harm to 921
another and also is convicted of or pleads guilty to a 922
specification of the type described under division (B) (1) (f) of 923
this section in connection with two or more of the felonies of 924
which the offender is convicted or to which the offender pleads 925
guilty, the sentencing court shall impose on the offender the 926
prison term specified under division (B) (1) (f) of this section 927
for each of two of the specifications of which the offender is 928
convicted or to which the offender pleads guilty and, in its 929
discretion, also may impose on the offender the prison term 930
specified under that division for any or all of the remaining 931
specifications. If a court imposes an additional prison term on 932
an offender under division (B) (1) (f) of this section relative to 933
an offense, the court shall not impose a prison term under 934
division (B) (1) (a) or (c) of this section relative to the same 935
offense. 936

(g) If an offender is convicted of or pleads guilty to two 937
or more felonies, if one or more of those felonies are 938
aggravated murder, murder, attempted aggravated murder, 939
attempted murder, aggravated robbery, felonious assault, or 940
rape, and if the offender is convicted of or pleads guilty to a 941
specification of the type described under division (B) (1) (a) of 942
this section in connection with two or more of the felonies, the 943
sentencing court shall impose on the offender the prison term 944
specified under division (B) (1) (a) of this section for each of 945
the two most serious specifications of which the offender is 946

convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications.

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

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

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

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

(iv) The court finds that the prison terms imposed pursuant to division (B) (2) (a) (iii) of this section and, if

applicable, division (B) (1) or (3) of this section are 976
inadequate to punish the offender and protect the public from 977
future crime, because the applicable factors under section 978
2929.12 of the Revised Code indicating a greater likelihood of 979
recidivism outweigh the applicable factors under that section 980
indicating a lesser likelihood of recidivism. 981

(v) The court finds that the prison terms imposed pursuant 982
to division (B) (2) (a) (iii) of this section and, if applicable, 983
division (B) (1) or (3) of this section are demeaning to the 984
seriousness of the offense, because one or more of the factors 985
under section 2929.12 of the Revised Code indicating that the 986
offender's conduct is more serious than conduct normally 987
constituting the offense are present, and they outweigh the 988
applicable factors under that section indicating that the 989
offender's conduct is less serious than conduct normally 990
constituting the offense. 991

(b) The court shall impose on an offender the longest 992
prison term authorized or required for the offense and shall 993
impose on the offender an additional definite prison term of 994
one, two, three, four, five, six, seven, eight, nine, or ten 995
years if all of the following criteria are met: 996

(i) The offender is convicted of or pleads guilty to a 997
specification of the type described in section 2941.149 of the 998
Revised Code that the offender is a repeat violent offender. 999

(ii) The offender within the preceding twenty years has 1000
been convicted of or pleaded guilty to three or more offenses 1001
described in division (CC) (1) of section 2929.01 of the Revised 1002
Code, including all offenses described in that division of which 1003
the offender is convicted or to which the offender pleads guilty 1004
in the current prosecution and all offenses described in that 1005

division of which the offender previously has been convicted or 1006
to which the offender previously pleaded guilty, whether 1007
prosecuted together or separately. 1008

(iii) The offense or offenses of which the offender 1009
currently is convicted or to which the offender currently pleads 1010
guilty is aggravated murder and the court does not impose a 1011
sentence of death or life imprisonment without parole, murder, 1012
terrorism and the court does not impose a sentence of life 1013
imprisonment without parole, any felony of the first degree that 1014
is an offense of violence and the court does not impose a 1015
sentence of life imprisonment without parole, or any felony of 1016
the second degree that is an offense of violence and the trier 1017
of fact finds that the offense involved an attempt to cause or a 1018
threat to cause serious physical harm to a person or resulted in 1019
serious physical harm to a person. 1020

(c) For purposes of division (B) (2) (b) of this section, 1021
two or more offenses committed at the same time or as part of 1022
the same act or event shall be considered one offense, and that 1023
one offense shall be the offense with the greatest penalty. 1024

(d) A sentence imposed under division (B) (2) (a) or (b) of 1025
this section shall not be reduced pursuant to section 2929.20, 1026
section 2967.19, or section 2967.193, or any other provision of 1027
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1028
shall serve an additional prison term imposed under this section 1029
consecutively to and prior to the prison term imposed for the 1030
underlying offense. 1031

(e) When imposing a sentence pursuant to division (B) (2) 1032
(a) or (b) of this section, the court shall state its findings 1033
explaining the imposed sentence. 1034

(3) Except when an offender commits a violation of section 1035
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1036
for the violation is life imprisonment or commits a violation of 1037
section 2903.02 of the Revised Code, if the offender commits a 1038
violation of section 2925.03 or 2925.11 of the Revised Code and 1039
that section classifies the offender as a major drug offender, 1040
if the offender commits a felony violation of section 2925.02, 1041
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1042
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1043
division (C) of section 4729.51, or division (J) of section 1044
4729.54 of the Revised Code that includes the sale, offer to 1045
sell, or possession of a schedule I or II controlled substance, 1046
with the exception of marihuana, and the court imposing sentence 1047
upon the offender finds that the offender is guilty of a 1048
specification of the type described in section 2941.1410 of the 1049
Revised Code charging that the offender is a major drug 1050
offender, if the court imposing sentence upon an offender for a 1051
felony finds that the offender is guilty of corrupt activity 1052
with the most serious offense in the pattern of corrupt activity 1053
being a felony of the first degree, or if the offender is guilty 1054
of an attempted violation of section 2907.02 of the Revised Code 1055
and, had the offender completed the violation of section 2907.02 1056
of the Revised Code that was attempted, the offender would have 1057
been subject to a sentence of life imprisonment or life 1058
imprisonment without parole for the violation of section 2907.02 1059
of the Revised Code, the court shall impose upon the offender 1060
for the felony violation a mandatory prison term of the maximum 1061
prison term prescribed for a felony of the first degree that, 1062
subject to divisions (C) to (I) of section 2967.19 of the 1063
Revised Code, cannot be reduced pursuant to section 2929.20, 1064
section 2967.19, or any other provision of Chapter 2967. or 1065
5120. of the Revised Code. 1066

(4) If the offender is being sentenced for a third or 1067
fourth degree felony OVI offense under division (G) (2) of 1068
section 2929.13 of the Revised Code, the sentencing court shall 1069
impose upon the offender a mandatory prison term in accordance 1070
with that division. In addition to the mandatory prison term, if 1071
the offender is being sentenced for a fourth degree felony OVI 1072
offense, the court, notwithstanding division (A) (4) of this 1073
section, may sentence the offender to a definite prison term of 1074
not less than six months and not more than thirty months, and if 1075
the offender is being sentenced for a third degree felony OVI 1076
offense, the sentencing court may sentence the offender to an 1077
additional prison term of any duration specified in division (A) 1078
(3) of this section. In either case, the additional prison term 1079
imposed shall be reduced by the sixty or one hundred twenty days 1080
imposed upon the offender as the mandatory prison term. The 1081
total of the additional prison term imposed under division (B) 1082
(4) of this section plus the sixty or one hundred twenty days 1083
imposed as the mandatory prison term shall equal a definite term 1084
in the range of six months to thirty months for a fourth degree 1085
felony OVI offense and shall equal one of the authorized prison 1086
terms specified in division (A) (3) of this section for a third 1087
degree felony OVI offense. If the court imposes an additional 1088
prison term under division (B) (4) of this section, the offender 1089
shall serve the additional prison term after the offender has 1090
served the mandatory prison term required for the offense. In 1091
addition to the mandatory prison term or mandatory and 1092
additional prison term imposed as described in division (B) (4) 1093
of this section, the court also may sentence the offender to a 1094
community control sanction under section 2929.16 or 2929.17 of 1095
the Revised Code, but the offender shall serve all of the prison 1096
terms so imposed prior to serving the community control 1097
sanction. 1098

If the offender is being sentenced for a fourth degree 1099
felony OVI offense under division (G) (1) of section 2929.13 of 1100
the Revised Code and the court imposes a mandatory term of local 1101
incarceration, the court may impose a prison term as described 1102
in division (A) (1) of that section. 1103

(5) If an offender is convicted of or pleads guilty to a 1104
violation of division (A) (1) or (2) of section 2903.06 of the 1105
Revised Code and also is convicted of or pleads guilty to a 1106
specification of the type described in section 2941.1414 of the 1107
Revised Code that charges that the victim of the offense is a 1108
peace officer, as defined in section 2935.01 of the Revised 1109
Code, or an investigator of the bureau of criminal 1110
identification and investigation, as defined in section 2903.11 1111
of the Revised Code, the court shall impose on the offender a 1112
prison term of five years. If a court imposes a prison term on 1113
an offender under division (B) (5) of this section, the prison 1114
term, subject to divisions (C) to (I) of section 2967.19 of the 1115
Revised Code, shall not be reduced pursuant to section 2929.20, 1116
section 2967.19, section 2967.193, or any other provision of 1117
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1118
shall not impose more than one prison term on an offender under 1119
division (B) (5) of this section for felonies committed as part 1120
of the same act. 1121

(6) If an offender is convicted of or pleads guilty to a 1122
violation of division (A) (1) or (2) of section 2903.06 of the 1123
Revised Code and also is convicted of or pleads guilty to a 1124
specification of the type described in section 2941.1415 of the 1125
Revised Code that charges that the offender previously has been 1126
convicted of or pleaded guilty to three or more violations of 1127
division (A) or (B) of section 4511.19 of the Revised Code or an 1128
equivalent offense, as defined in section 2941.1415 of the 1129

Revised Code, or three or more violations of any combination of 1130
those divisions and offenses, the court shall impose on the 1131
offender a prison term of three years. If a court imposes a 1132
prison term on an offender under division (B) (6) of this 1133
section, the prison term, subject to divisions (C) to (I) of 1134
section 2967.19 of the Revised Code, shall not be reduced 1135
pursuant to section 2929.20, section 2967.19, section 2967.193, 1136
or any other provision of Chapter 2967. or Chapter 5120. of the 1137
Revised Code. A court shall not impose more than one prison term 1138
on an offender under division (B) (6) of this section for 1139
felonies committed as part of the same act. 1140

(7) (a) If an offender is convicted of or pleads guilty to 1141
a felony violation of section 2905.01, 2905.02, 2907.21, 1142
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 1143
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 1144
the Revised Code and also is convicted of or pleads guilty to a 1145
specification of the type described in section 2941.1422 of the 1146
Revised Code that charges that the offender knowingly committed 1147
the offense in furtherance of human trafficking, the court shall 1148
impose on the offender a mandatory prison term that is one of 1149
the following: 1150

(i) If the offense is a felony of the first degree, a 1151
definite prison term of not less than five years and not greater 1152
than ten years; 1153

(ii) If the offense is a felony of the second or third 1154
degree, a definite prison term of not less than three years and 1155
not greater than the maximum prison term allowed for the offense 1156
by division (A) of section 2929.14 of the Revised Code; 1157

(iii) If the offense is a felony of the fourth or fifth 1158
degree, a definite prison term that is the maximum prison term 1159

allowed for the offense by division (A) of section 2929.14 of 1160
the Revised Code. 1161

(b) Subject to divisions (C) to (I) of section 2967.19 of 1162
the Revised Code, the prison term imposed under division (B) (7) 1163
(a) of this section shall not be reduced pursuant to section 1164
2929.20, section 2967.19, section 2967.193, or any other 1165
provision of Chapter 2967. of the Revised Code. A court shall 1166
not impose more than one prison term on an offender under 1167
division (B) (7) (a) of this section for felonies committed as 1168
part of the same act, scheme, or plan. 1169

(8) If an offender is convicted of or pleads guilty to a 1170
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1171
Revised Code and also is convicted of or pleads guilty to a 1172
specification of the type described in section 2941.1423 of the 1173
Revised Code that charges that the victim of the violation was a 1174
woman whom the offender knew was pregnant at the time of the 1175
violation, notwithstanding the range of prison terms prescribed 1176
in division (A) of this section for felonies of the same degree 1177
as the violation, the court shall impose on the offender a 1178
mandatory prison term that is either a definite prison term of 1179
six months or one of the prison terms prescribed in section 1180
2929.14 of the Revised Code for felonies of the same degree as 1181
the violation. 1182

(9) (a) Except as provided in division (B) (9) (b) of this 1183
section, if an offender who is convicted of or pleads guilty to 1184
a felony also is convicted of or pleads guilty to a 1185
specification of the type described in section 2941.1425 of the 1186
Revised Code that charges the victim of the offense is a 1187
disabled person, as defined in that section, the court shall 1188
impose upon the offender a mandatory prison term of two years. 1189

If a court imposes a prison term on an offender under division (B) (9) of this section, the prison term shall not be reduced pursuant to any provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (9) of this section for felonies committed as part of the same act. 1190
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(b) The court shall not impose the prison term described in division (B) (9) (a) of this section upon an offender if the offender is convicted of or pleads guilty to a violation of section 2913.02, 2913.03, 2913.21, 2913.43, or 2913.49 of the Revised Code, a violation of division (A) (1) of section 1716.14, division (A) (3) (b) of section 2907.24, division (A) or (B) of section 2913.04, or division (A) of section 2913.31 of the Revised Code, or a violation of section 2903.13 of the Revised Code that is committed by a caretaker against a functionally impaired person under the caretaker's care. 1196
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(10) (a) Except as provided in division (B) (10) (b) of this section, if an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.1426 of the Revised Code that charges the victim of the offense is an elderly person, as defined in that section, the court shall impose upon the offender a mandatory prison term of two years. If a court imposes a prison term on an offender under division (B) (10) of this section, the prison term shall not be reduced pursuant to any provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (10) of this section for felonies committed as part of the same act. 1206
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(b) The court shall not impose the prison term described 1219

in division (B) (1) (a) of this section upon an offender if the 1220
offender is convicted of or pleads guilty to a violation of 1221
section 2913.02, 2913.03, 2913.21, 2913.43, or 2913.49 of the 1222
Revised Code, a violation of division (A) (1) of section 1716.14, 1223
division (A) or (B) of section 2913.04, or division (A) of 1224
section 2913.31 of the Revised Code, or a violation of section 1225
2903.13 of the Revised Code that is committed by a caretaker 1226
against a functionally impaired person under the caretaker's 1227
care. 1228

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1229
if a mandatory prison term is imposed upon an offender pursuant 1230
to division (B) (1) (a) of this section for having a firearm on or 1231
about the offender's person or under the offender's control 1232
while committing a felony, if a mandatory prison term is imposed 1233
upon an offender pursuant to division (B) (1) (c) of this section 1234
for committing a felony specified in that division by 1235
discharging a firearm from a motor vehicle, or if both types of 1236
mandatory prison terms are imposed, the offender shall serve any 1237
mandatory prison term imposed under either division 1238
consecutively to any other mandatory prison term imposed under 1239
either division or under division (B) (1) (d) of this section, 1240
consecutively to and prior to any prison term imposed for the 1241
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1242
this section or any other section of the Revised Code, and 1243
consecutively to any other prison term or mandatory prison term 1244
previously or subsequently imposed upon the offender. 1245

(b) If a mandatory prison term is imposed upon an offender 1246
pursuant to division (B) (1) (d) of this section for wearing or 1247
carrying body armor while committing an offense of violence that 1248
is a felony, the offender shall serve the mandatory term so 1249
imposed consecutively to any other mandatory prison term imposed 1250

under that division or under division (B) (1) (a) or (c) of this 1251
section, consecutively to and prior to any prison term imposed 1252
for the underlying felony under division (A), (B) (2), or (B) (3) 1253
of this section or any other section of the Revised Code, and 1254
consecutively to any other prison term or mandatory prison term 1255
previously or subsequently imposed upon the offender. 1256

(c) If a mandatory prison term is imposed upon an offender 1257
pursuant to division (B) (1) (f) of this section, the offender 1258
shall serve the mandatory prison term so imposed consecutively 1259
to and prior to any prison term imposed for the underlying 1260
felony under division (A), (B) (2), or (B) (3) of this section or 1261
any other section of the Revised Code, and consecutively to any 1262
other prison term or mandatory prison term previously or 1263
subsequently imposed upon the offender. 1264

(d) If a mandatory prison term is imposed upon an offender 1265
pursuant to division (B) (7) ~~or~~, (8), (9), or (10) of this 1266
section, the offender shall serve the mandatory prison term so 1267
imposed consecutively to any other mandatory prison term imposed 1268
under that division or under any other provision of law and 1269
consecutively to any other prison term or mandatory prison term 1270
previously or subsequently imposed upon the offender. 1271

(2) If an offender who is an inmate in a jail, prison, or 1272
other residential detention facility violates section 2917.02, 1273
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1274
(2) of section 2921.34 of the Revised Code, if an offender who 1275
is under detention at a detention facility commits a felony 1276
violation of section 2923.131 of the Revised Code, or if an 1277
offender who is an inmate in a jail, prison, or other 1278
residential detention facility or is under detention at a 1279
detention facility commits another felony while the offender is 1280

an escapee in violation of division (A) (1) or (2) of section 1281
2921.34 of the Revised Code, any prison term imposed upon the 1282
offender for one of those violations shall be served by the 1283
offender consecutively to the prison term or term of 1284
imprisonment the offender was serving when the offender 1285
committed that offense and to any other prison term previously 1286
or subsequently imposed upon the offender. 1287

(3) If a prison term is imposed for a violation of 1288
division (B) of section 2911.01 of the Revised Code, a violation 1289
of division (A) of section 2913.02 of the Revised Code in which 1290
the stolen property is a firearm or dangerous ordnance, or a 1291
felony violation of division (B) of section 2921.331 of the 1292
Revised Code, the offender shall serve that prison term 1293
consecutively to any other prison term or mandatory prison term 1294
previously or subsequently imposed upon the offender. 1295

(4) If multiple prison terms are imposed on an offender 1296
for convictions of multiple offenses, the court may require the 1297
offender to serve the prison terms consecutively if the court 1298
finds that the consecutive service is necessary to protect the 1299
public from future crime or to punish the offender and that 1300
consecutive sentences are not disproportionate to the 1301
seriousness of the offender's conduct and to the danger the 1302
offender poses to the public, and if the court also finds any of 1303
the following: 1304

(a) The offender committed one or more of the multiple 1305
offenses while the offender was awaiting trial or sentencing, 1306
was under a sanction imposed pursuant to section 2929.16, 1307
2929.17, or 2929.18 of the Revised Code, or was under post- 1308
release control for a prior offense. 1309

(b) At least two of the multiple offenses were committed 1310

as part of one or more courses of conduct, and the harm caused 1311
by two or more of the multiple offenses so committed was so 1312
great or unusual that no single prison term for any of the 1313
offenses committed as part of any of the courses of conduct 1314
adequately reflects the seriousness of the offender's conduct. 1315

(c) The offender's history of criminal conduct 1316
demonstrates that consecutive sentences are necessary to protect 1317
the public from future crime by the offender. 1318

(5) If a mandatory prison term is imposed upon an offender 1319
pursuant to division (B) (5) or (6) of this section, the offender 1320
shall serve the mandatory prison term consecutively to and prior 1321
to any prison term imposed for the underlying violation of 1322
division (A) (1) or (2) of section 2903.06 of the Revised Code 1323
pursuant to division (A) of this section or section 2929.142 of 1324
the Revised Code. If a mandatory prison term is imposed upon an 1325
offender pursuant to division (B) (5) of this section, and if a 1326
mandatory prison term also is imposed upon the offender pursuant 1327
to division (B) (6) of this section in relation to the same 1328
violation, the offender shall serve the mandatory prison term 1329
imposed pursuant to division (B) (5) of this section 1330
consecutively to and prior to the mandatory prison term imposed 1331
pursuant to division (B) (6) of this section and consecutively to 1332
and prior to any prison term imposed for the underlying 1333
violation of division (A) (1) or (2) of section 2903.06 of the 1334
Revised Code pursuant to division (A) of this section or section 1335
2929.142 of the Revised Code. 1336

(6) When consecutive prison terms are imposed pursuant to 1337
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 1338
of this section, the term to be served is the aggregate of all 1339
of the terms so imposed. 1340

(D) (1) If a court imposes a prison term for a felony of 1341
the first degree, for a felony of the second degree, for a 1342
felony sex offense, or for a felony of the third degree that is 1343
not a felony sex offense and in the commission of which the 1344
offender caused or threatened to cause physical harm to a 1345
person, it shall include in the sentence a requirement that the 1346
offender be subject to a period of post-release control after 1347
the offender's release from imprisonment, in accordance with 1348
that division. If a court imposes a sentence including a prison 1349
term of a type described in this division on or after July 11, 1350
2006, the failure of a court to include a post-release control 1351
requirement in the sentence pursuant to this division does not 1352
negate, limit, or otherwise affect the mandatory period of post- 1353
release control that is required for the offender under division 1354
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1355
the Revised Code applies if, prior to July 11, 2006, a court 1356
imposed a sentence including a prison term of a type described 1357
in this division and failed to include in the sentence pursuant 1358
to this division a statement regarding post-release control. 1359

(2) If a court imposes a prison term for a felony of the 1360
third, fourth, or fifth degree that is not subject to division 1361
(D) (1) of this section, it shall include in the sentence a 1362
requirement that the offender be subject to a period of post- 1363
release control after the offender's release from imprisonment, 1364
in accordance with that division, if the parole board determines 1365
that a period of post-release control is necessary. Section 1366
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1367
a court imposed a sentence including a prison term of a type 1368
described in this division and failed to include in the sentence 1369
pursuant to this division a statement regarding post-release 1370
control. 1371

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

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

(2) A person is convicted of or pleads guilty to a violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the 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), 1401
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1402
(d) of section 2929.03, or division (A) or (B) of section 1403
2929.06 of the Revised Code requires the court to sentence the 1404
offender pursuant to division (B) (3) of section 2971.03 of the 1405
Revised Code. 1406

(6) A person is convicted of or pleads guilty to murder 1407
committed on or after January 1, 2008, and division (B) (2) of 1408
section 2929.02 of the Revised Code requires the court to 1409
sentence the offender pursuant to section 2971.03 of the Revised 1410
Code. 1411

(F) If a person who has been convicted of or pleaded 1412
guilty to a felony is sentenced to a prison term or term of 1413
imprisonment under this section, sections 2929.02 to 2929.06 of 1414
the Revised Code, section 2929.142 of the Revised Code, section 1415
2971.03 of the Revised Code, or any other provision of law, 1416
section 5120.163 of the Revised Code applies regarding the 1417
person while the person is confined in a state correctional 1418
institution. 1419

(G) If an offender who is convicted of or pleads guilty to 1420
a felony that is an offense of violence also is convicted of or 1421
pleads guilty to a specification of the type described in 1422
section 2941.142 of the Revised Code that charges the offender 1423
with having committed the felony while participating in a 1424
criminal gang, the court shall impose upon the offender an 1425
additional prison term of one, two, or three years. 1426

(H) (1) If an offender who is convicted of or pleads guilty 1427
to aggravated murder, murder, or a felony of the first, second, 1428
or third degree that is an offense of violence also is convicted 1429
of or pleads guilty to a specification of the type described in 1430

section 2941.143 of the Revised Code that charges the offender 1431
with having committed the offense in a school safety zone or 1432
towards a person in a school safety zone, the court shall impose 1433
upon the offender an additional prison term of two years. The 1434
offender shall serve the additional two years consecutively to 1435
and prior to the prison term imposed for the underlying offense. 1436

(2) (a) If an offender is convicted of or pleads guilty to 1437
a felony violation of section 2907.22, 2907.24, 2907.241, or 1438
2907.25 of the Revised Code and to a specification of the type 1439
described in section 2941.1421 of the Revised Code and if the 1440
court imposes a prison term on the offender for the felony 1441
violation, the court may impose upon the offender an additional 1442
prison term as follows: 1443

(i) Subject to division (H) (2) (a) (ii) of this section, an 1444
additional prison term of one, two, three, four, five, or six 1445
months; 1446

(ii) If the offender previously has been convicted of or 1447
pleaded guilty to one or more felony or misdemeanor violations 1448
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1449
the Revised Code and also was convicted of or pleaded guilty to 1450
a specification of the type described in section 2941.1421 of 1451
the Revised Code regarding one or more of those violations, an 1452
additional prison term of one, two, three, four, five, six, 1453
seven, eight, nine, ten, eleven, or twelve months. 1454

(b) In lieu of imposing an additional prison term under 1455
division (H) (2) (a) of this section, the court may directly 1456
impose on the offender a sanction that requires the offender to 1457
wear a real-time processing, continual tracking electronic 1458
monitoring device during the period of time specified by the 1459
court. The period of time specified by the court shall equal the 1460

duration of an additional prison term that the court could have 1461
imposed upon the offender under division (H) (2) (a) of this 1462
section. A sanction imposed under this division shall commence 1463
on the date specified by the court, provided that the sanction 1464
shall not commence until after the offender has served the 1465
prison term imposed for the felony violation of section 2907.22, 1466
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1467
residential sanction imposed for the violation under section 1468
2929.16 of the Revised Code. A sanction imposed under this 1469
division shall be considered to be a community control sanction 1470
for purposes of section 2929.15 of the Revised Code, and all 1471
provisions of the Revised Code that pertain to community control 1472
sanctions shall apply to a sanction imposed under this division, 1473
except to the extent that they would by their nature be clearly 1474
inapplicable. The offender shall pay all costs associated with a 1475
sanction imposed under this division, including the cost of the 1476
use of the monitoring device. 1477

(I) At the time of sentencing, the court may recommend the 1478
offender for placement in a program of shock incarceration under 1479
section 5120.031 of the Revised Code or for placement in an 1480
intensive program prison under section 5120.032 of the Revised 1481
Code, disapprove placement of the offender in a program of shock 1482
incarceration or an intensive program prison of that nature, or 1483
make no recommendation on placement of the offender. In no case 1484
shall the department of rehabilitation and correction place the 1485
offender in a program or prison of that nature unless the 1486
department determines as specified in section 5120.031 or 1487
5120.032 of the Revised Code, whichever is applicable, that the 1488
offender is eligible for the placement. 1489

If the court disapproves placement of the offender in a 1490
program or prison of that nature, the department of 1491

rehabilitation and correction shall not place the offender in 1492
any program of shock incarceration or intensive program prison. 1493

If the court recommends placement of the offender in a 1494
program of shock incarceration or in an intensive program 1495
prison, and if the offender is subsequently placed in the 1496
recommended program or prison, the department shall notify the 1497
court of the placement and shall include with the notice a brief 1498
description of the placement. 1499

If the court recommends placement of the offender in a 1500
program of shock incarceration or in an intensive program prison 1501
and the department does not subsequently place the offender in 1502
the recommended program or prison, the department shall send a 1503
notice to the court indicating why the offender was not placed 1504
in the recommended program or prison. 1505

If the court does not make a recommendation under this 1506
division with respect to an offender and if the department 1507
determines as specified in section 5120.031 or 5120.032 of the 1508
Revised Code, whichever is applicable, that the offender is 1509
eligible for placement in a program or prison of that nature, 1510
the department shall screen the offender and determine if there 1511
is an available program of shock incarceration or an intensive 1512
program prison for which the offender is suited. If there is an 1513
available program of shock incarceration or an intensive program 1514
prison for which the offender is suited, the department shall 1515
notify the court of the proposed placement of the offender as 1516
specified in section 5120.031 or 5120.032 of the Revised Code 1517
and shall include with the notice a brief description of the 1518
placement. The court shall have ten days from receipt of the 1519
notice to disapprove the placement. 1520

(J) If a person is convicted of or pleads guilty to 1521

aggravated vehicular homicide in violation of division (A) (1) of 1522
section 2903.06 of the Revised Code and division (B) (2) (c) of 1523
that section applies, the person shall be sentenced pursuant to 1524
section 2929.142 of the Revised Code. 1525

(K) (1) The court shall impose an additional mandatory 1526
prison term of two, three, four, five, six, seven, eight, nine, 1527
ten, or eleven years on an offender who is convicted of or 1528
pleads guilty to a violent felony offense if the offender also 1529
is convicted of or pleads guilty to a specification of the type 1530
described in section 2941.1424 of the Revised Code that charges 1531
that the offender is a violent career criminal and had a firearm 1532
on or about the offender's person or under the offender's 1533
control while committing the presently charged violent felony 1534
offense and displayed or brandished the firearm, indicated that 1535
the offender possessed a firearm, or used the firearm to 1536
facilitate the offense. The offender shall serve the prison term 1537
imposed under this division consecutively to and prior to the 1538
prison term imposed for the underlying offense. The prison term 1539
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1540
any other provision of Chapter 2967. or 5120. of the Revised 1541
Code. A court may not impose more than one sentence under 1542
division (B) (2) (a) of this section and this division for acts 1543
committed as part of the same act or transaction. 1544

(2) As used in division (K) (1) of this section, "violent 1545
career criminal" and "violent felony offense" have the same 1546
meanings as in section 2923.132 of the Revised Code. 1547

Sec. 2941.1425. (A) Imposition of a two-year mandatory 1548
prison term upon an offender under division (B) (9) of section 1549
2929.14 of the Revised Code is precluded unless the indictment, 1550
count in the indictment, or information charging the offense 1551

specifies that the victim of the offense is a disabled person. 1552
The specification shall be stated at the end of the body of the 1553
indictment, count, or information, and shall be in substantially 1554
the following form: 1555

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1556
Grand Jurors (or insert the person's or the prosecuting 1557
attorney's name when appropriate) further find and specify that 1558
(set forth that the victim of the offense is a disabled 1559
person)." 1560

(B) The specification described in division (A) of this 1561
section may be used in a delinquent child proceeding in the 1562
manner and for the purpose described in section 2152.17 of the 1563
Revised Code. 1564

(C) As used in this section: 1565

(1) "Disabled person" means a person who has a physical or 1566
mental impairment which substantially limits one or more of the 1567
person's major life activities. 1568

(2) "Physical or mental impairment" means any of the 1569
following: 1570

(a) Any physiological disorder or condition, cosmetic 1571
disfigurement, or anatomical loss substantially affecting one or 1572
more of the following body systems: neurological; 1573
musculoskeletal; special sense organs; respiratory, including 1574
speech organs; cardiovascular; reproductive; digestive; 1575
genitourinary; hemic and lymphatic; skin; or endocrine. 1576

(b) Any mental or psychological disorder, such as mental 1577
retardation, organic brain syndrome, emotional or mental 1578
illness, and specific learning disabilities. 1579

(3) "Substantially limits" means substantially interferes 1580
with or affects over an extended period of time. Minor temporary 1581
ailments or injuries shall not be considered physical or mental 1582
impairments that substantially limit a person's major life 1583
activities. Examples of minor temporary ailments are colds, 1584
influenza, sprains, or minor injuries. 1585

(4) "Major life activities" include functions such as 1586
caring for oneself, performing manual tasks, walking, seeing, 1587
hearing, speaking, breathing, learning, and working. 1588

Sec. 2941.1426. (A) Imposition of a two-year mandatory 1589
prison term upon an offender under division (B) (10) of section 1590
2929.14 of the Revised Code is precluded unless the indictment, 1591
count in the indictment, or information charging the offense 1592
specifies that the victim of the offense is an elderly person. 1593
The specification shall be stated at the end of the body of the 1594
indictment, count, or information, and shall be in substantially 1595
the following form: 1596

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1597
Grand Jurors (or insert the person's or the prosecuting 1598
attorney's name when appropriate) further find and specify that 1599
(set forth that the victim of the offense is an elderly 1600
person)." 1601

(B) The specification described in division (A) of this 1602
section may be used in a delinquent child proceeding in the 1603
manner and for the purpose described in section 2152.17 of the 1604
Revised Code. 1605

(C) As used in this section, "elderly person" means a 1606
person who is sixty-five years of age or older. 1607

Section 2. That existing sections 2152.17, 2929.13, and 1608

2929.14 of the Revised Code are hereby repealed. 1609

Section 3. Section 2929.13 of the Revised Code is 1610
presented in this act as a composite of the section as amended 1611
by Sub. H.B. 60, Sub. H.B. 110, and Am. Sub. S.B. 97, all of the 1612
131st General Assembly. The General Assembly, applying the 1613
principle stated in division (B) of section 1.52 of the Revised 1614
Code that amendments are to be harmonized if reasonably capable 1615
of simultaneous operation, finds that the composite is the 1616
resulting version of the section in effect prior to the 1617
effective date of the section as presented in this act. 1618