

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 30

Representative Koehler

Cosponsors: Representatives Merrin, Riedel, Thompson

A BILL

To amend sections 2929.01, 2929.13, and 2929.14 and 1
to enact section 2941.1425 of the Revised Code 2
to require an additional prison term of 3 to 8 3
years for an offender who is convicted of or 4
pleads guilty to a felony offense of violence if 5
the offender is convicted of or pleads guilty to 6
a specification that the victim suffered 7
permanent disabling harm and that the victim was 8
under 6 years of age at the time of the offense. 9

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

Section 1. That sections 2929.01, 2929.13, and 2929.14 be 10
amended and section 2941.1425 of the Revised Code be enacted to 11
read as follows: 12

Sec. 2929.01. As used in this chapter: 13

(A) (1) "Alternative residential facility" means, subject 14
to division (A) (2) of this section, any facility other than an 15
offender's home or residence in which an offender is assigned to 16
live and that satisfies all of the following criteria: 17

(a) It provides programs through which the offender may 18

seek or maintain employment or may receive education, training, 19
treatment, or habilitation. 20

(b) It has received the appropriate license or certificate 21
for any specialized education, training, treatment, 22
habilitation, or other service that it provides from the 23
government agency that is responsible for licensing or 24
certifying that type of education, training, treatment, 25
habilitation, or service. 26

(2) "Alternative residential facility" does not include a 27
community-based correctional facility, jail, halfway house, or 28
prison. 29

(B) "Basic probation supervision" means a requirement that 30
the offender maintain contact with a person appointed to 31
supervise the offender in accordance with sanctions imposed by 32
the court or imposed by the parole board pursuant to section 33
2967.28 of the Revised Code. "Basic probation supervision" 34
includes basic parole supervision and basic post-release control 35
supervision. 36

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 37
the same meanings as in section 2925.01 of the Revised Code. 38

(D) "Community-based correctional facility" means a 39
community-based correctional facility and program or district 40
community-based correctional facility and program developed 41
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 42

(E) "Community control sanction" means a sanction that is 43
not a prison term and that is described in section 2929.15, 44
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 45
that is not a jail term and that is described in section 46
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 47

control sanction" includes probation if the sentence involved 48
was imposed for a felony that was committed prior to July 1, 49
1996, or if the sentence involved was imposed for a misdemeanor 50
that was committed prior to January 1, 2004. 51

(F) "Controlled substance," "marihuana," "schedule I," and 52
"schedule II" have the same meanings as in section 3719.01 of 53
the Revised Code. 54

(G) "Curfew" means a requirement that an offender during a 55
specified period of time be at a designated place. 56

(H) "Day reporting" means a sanction pursuant to which an 57
offender is required each day to report to and leave a center or 58
other approved reporting location at specified times in order to 59
participate in work, education or training, treatment, and other 60
approved programs at the center or outside the center. 61

(I) "Deadly weapon" has the same meaning as in section 62
2923.11 of the Revised Code. 63

(J) "Drug and alcohol use monitoring" means a program 64
under which an offender agrees to submit to random chemical 65
analysis of the offender's blood, breath, or urine to determine 66
whether the offender has ingested any alcohol or other drugs. 67

(K) "Drug treatment program" means any program under which 68
a person undergoes assessment and treatment designed to reduce 69
or completely eliminate the person's physical or emotional 70
reliance upon alcohol, another drug, or alcohol and another drug 71
and under which the person may be required to receive assessment 72
and treatment on an outpatient basis or may be required to 73
reside at a facility other than the person's home or residence 74
while undergoing assessment and treatment. 75

(L) "Economic loss" means any economic detriment suffered 76

by a victim as a direct and proximate result of the commission 77
of an offense and includes any loss of income due to lost time 78
at work because of any injury caused to the victim, and any 79
property loss, medical cost, or funeral expense incurred as a 80
result of the commission of the offense. "Economic loss" does 81
not include non-economic loss or any punitive or exemplary 82
damages. 83

(M) "Education or training" includes study at, or in 84
conjunction with a program offered by, a university, college, or 85
technical college or vocational study and also includes the 86
completion of primary school, secondary school, and literacy 87
curricula or their equivalent. 88

(N) "Firearm" has the same meaning as in section 2923.11 89
of the Revised Code. 90

(O) "Halfway house" means a facility licensed by the 91
division of parole and community services of the department of 92
rehabilitation and correction pursuant to section 2967.14 of the 93
Revised Code as a suitable facility for the care and treatment 94
of adult offenders. 95

(P) "House arrest" means a period of confinement of an 96
offender that is in the offender's home or in other premises 97
specified by the sentencing court or by the parole board 98
pursuant to section 2967.28 of the Revised Code and during which 99
all of the following apply: 100

(1) The offender is required to remain in the offender's 101
home or other specified premises for the specified period of 102
confinement, except for periods of time during which the 103
offender is at the offender's place of employment or at other 104
premises as authorized by the sentencing court or by the parole 105

| | |
|---|--|
| board. | 106 |
| (2) The offender is required to report periodically to a person designated by the court or parole board. | 107 108 |
| (3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board. | 109 110 111 |
| (Q) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision. | 112 113 114 115 116 117 118 119 120 121 |
| (R) "Jail" means a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or a combination of political subdivisions of this state. | 122 123 124 125 126 |
| (S) "Jail term" means the term in a jail that a sentencing court imposes or is authorized to impose pursuant to section 2929.24 or 2929.25 of the Revised Code or pursuant to any other provision of the Revised Code that authorizes a term in a jail for a misdemeanor conviction. | 127 128 129 130 131 |
| (T) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) of section 1547.99 of the Revised Code, division (E) of section | 132 133 134 |

2903.06 or division (D) of section 2903.08 of the Revised Code, 135
division (E) or (G) of section 2929.24 of the Revised Code, 136
division (B) of section 4510.14 of the Revised Code, or division 137
(G) of section 4511.19 of the Revised Code or pursuant to any 138
other provision of the Revised Code that requires a term in a 139
jail for a misdemeanor conviction. 140

(U) "Delinquent child" has the same meaning as in section 141
2152.02 of the Revised Code. 142

(V) "License violation report" means a report that is made 143
by a sentencing court, or by the parole board pursuant to 144
section 2967.28 of the Revised Code, to the regulatory or 145
licensing board or agency that issued an offender a professional 146
license or a license or permit to do business in this state and 147
that specifies that the offender has been convicted of or 148
pleaded guilty to an offense that may violate the conditions 149
under which the offender's professional license or license or 150
permit to do business in this state was granted or an offense 151
for which the offender's professional license or license or 152
permit to do business in this state may be revoked or suspended. 153

(W) "Major drug offender" means an offender who is 154
convicted of or pleads guilty to the possession of, sale of, or 155
offer to sell any drug, compound, mixture, preparation, or 156
substance that consists of or contains at least one thousand 157
grams of hashish; at least one hundred grams of cocaine; at 158
least one thousand unit doses or one hundred grams of heroin; at 159
least five thousand unit doses of L.S.D. or five hundred grams 160
of L.S.D. in a liquid concentrate, liquid extract, or liquid 161
distillate form; at least fifty grams of a controlled substance 162
analog; or at least one hundred times the amount of any other 163
schedule I or II controlled substance other than marihuana that 164

is necessary to commit a felony of the third degree pursuant to 165
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 166
Code that is based on the possession of, sale of, or offer to 167
sell the controlled substance. 168

(X) "Mandatory prison term" means any of the following: 169

(1) Subject to division (X) (2) of this section, the term 170
in prison that must be imposed for the offenses or circumstances 171
set forth in divisions (F) (1) to (8) or (F) (12) to (18) of 172
section 2929.13 and division (B) of section 2929.14 of the 173
Revised Code. Except as provided in sections 2925.02, 2925.03, 174
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 175
maximum or another specific term is required under section 176
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 177
described in this division may be any prison term authorized for 178
the level of offense. 179

(2) The term of sixty or one hundred twenty days in prison 180
that a sentencing court is required to impose for a third or 181
fourth degree felony OVI offense pursuant to division (G) (2) of 182
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 183
of the Revised Code or the term of one, two, three, four, or 184
five years in prison that a sentencing court is required to 185
impose pursuant to division (G) (2) of section 2929.13 of the 186
Revised Code. 187

(3) The term in prison imposed pursuant to division (A) of 188
section 2971.03 of the Revised Code for the offenses and in the 189
circumstances described in division (F) (11) of section 2929.13 190
of the Revised Code or pursuant to division (B) (1) (a), (b), or 191
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 192
section 2971.03 of the Revised Code and that term as modified or 193
terminated pursuant to section 2971.05 of the Revised Code. 194

(Y) "Monitored time" means a period of time during which 195
an offender continues to be under the control of the sentencing 196
court or parole board, subject to no conditions other than 197
leading a law-abiding life. 198

(Z) "Offender" means a person who, in this state, is 199
convicted of or pleads guilty to a felony or a misdemeanor. 200

(AA) "Prison" means a residential facility used for the 201
confinement of convicted felony offenders that is under the 202
control of the department of rehabilitation and correction but 203
does not include a violation sanction center operated under 204
authority of section 2967.141 of the Revised Code. 205

(BB) "Prison term" includes either of the following 206
sanctions for an offender: 207

(1) A stated prison term; 208

(2) A term in a prison shortened by, or with the approval 209
of, the sentencing court pursuant to section 2929.143, 2929.20, 210
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 211

(CC) "Repeat violent offender" means a person about whom 212
both of the following apply: 213

(1) The person is being sentenced for committing or for 214
complicity in committing any of the following: 215

(a) Aggravated murder, murder, any felony of the first or 216
second degree that is an offense of violence, or an attempt to 217
commit any of these offenses if the attempt is a felony of the 218
first or second degree; 219

(b) An offense under an existing or former law of this 220
state, another state, or the United States that is or was 221
substantially equivalent to an offense described in division 222

| | |
|--|--|
| (CC) (1) (a) of this section. | 223 |
| (2) The person previously was convicted of or pleaded guilty to an offense described in division (CC) (1) (a) or (b) of this section. | 224 225 226 |
| (DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code. | 227 228 229 230 231 |
| (EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense. | 232 233 234 |
| (FF) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code. If an offender is serving a prison term as a risk reduction sentence under sections 2929.143 and 5120.036 of the Revised Code, "stated prison term" includes any period of time by which the prison term imposed upon the offender is shortened by the offender's successful completion of all assessment and treatment or programming pursuant to those sections. | 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 |
| (GG) "Victim-offender mediation" means a reconciliation or | 251 |

mediation program that involves an offender and the victim of 252
the offense committed by the offender and that includes a 253
meeting in which the offender and the victim may discuss the 254
offense, discuss restitution, and consider other sanctions for 255
the offense. 256

(HH) "Fourth degree felony OVI offense" means a violation 257
of division (A) of section 4511.19 of the Revised Code that, 258
under division (G) of that section, is a felony of the fourth 259
degree. 260

(II) "Mandatory term of local incarceration" means the 261
term of sixty or one hundred twenty days in a jail, a community- 262
based correctional facility, a halfway house, or an alternative 263
residential facility that a sentencing court may impose upon a 264
person who is convicted of or pleads guilty to a fourth degree 265
felony OVI offense pursuant to division (G) (1) of section 266
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 267
section 4511.19 of the Revised Code. 268

(JJ) "Designated homicide, assault, or kidnapping 269
offense," "violent sex offense," "sexual motivation 270
specification," "sexually violent offense," "sexually violent 271
predator," and "sexually violent predator specification" have 272
the same meanings as in section 2971.01 of the Revised Code. 273

(KK) "Sexually oriented offense," "child-victim oriented 274
offense," and "tier III sex offender/child-victim offender" have 275
the same meanings as in section 2950.01 of the Revised Code. 276

(LL) An offense is "committed in the vicinity of a child" 277
if the offender commits the offense within thirty feet of or 278
within the same residential unit as a child who is under 279
eighteen years of age, regardless of whether the offender knows 280

| | |
|--|-----|
| the age of the child or whether the offender knows the offense | 281 |
| is being committed within thirty feet of or within the same | 282 |
| residential unit as the child and regardless of whether the | 283 |
| child actually views the commission of the offense. | 284 |
| (MM) "Family or household member" has the same meaning as | 285 |
| in section 2919.25 of the Revised Code. | 286 |
| (NN) "Motor vehicle" and "manufactured home" have the same | 287 |
| meanings as in section 4501.01 of the Revised Code. | 288 |
| (OO) "Detention" and "detention facility" have the same | 289 |
| meanings as in section 2921.01 of the Revised Code. | 290 |
| (PP) "Third degree felony OVI offense" means a violation | 291 |
| of division (A) of section 4511.19 of the Revised Code that, | 292 |
| under division (G) of that section, is a felony of the third | 293 |
| degree. | 294 |
| (QQ) "Random drug testing" has the same meaning as in | 295 |
| section 5120.63 of the Revised Code. | 296 |
| (RR) "Felony sex offense" has the same meaning as in | 297 |
| section 2967.28 of the Revised Code. | 298 |
| (SS) "Body armor" has the same meaning as in section | 299 |
| 2941.1411 of the Revised Code. | 300 |
| (TT) "Electronic monitoring" means monitoring through the | 301 |
| use of an electronic monitoring device. | 302 |
| (UU) "Electronic monitoring device" means any of the | 303 |
| following: | 304 |
| (1) Any device that can be operated by electrical or | 305 |
| battery power and that conforms with all of the following: | 306 |
| (a) The device has a transmitter that can be attached to a | 307 |

person, that will transmit a specified signal to a receiver of 308
the type described in division (UU) (1) (b) of this section if the 309
transmitter is removed from the person, turned off, or altered 310
in any manner without prior court approval in relation to 311
electronic monitoring or without prior approval of the 312
department of rehabilitation and correction in relation to the 313
use of an electronic monitoring device for an inmate on 314
transitional control or otherwise is tampered with, that can 315
transmit continuously and periodically a signal to that receiver 316
when the person is within a specified distance from the 317
receiver, and that can transmit an appropriate signal to that 318
receiver if the person to whom it is attached travels a 319
specified distance from that receiver. 320

(b) The device has a receiver that can receive 321
continuously the signals transmitted by a transmitter of the 322
type described in division (UU) (1) (a) of this section, can 323
transmit continuously those signals by a wireless or landline 324
telephone connection to a central monitoring computer of the 325
type described in division (UU) (1) (c) of this section, and can 326
transmit continuously an appropriate signal to that central 327
monitoring computer if the device has been turned off or altered 328
without prior court approval or otherwise tampered with. The 329
device is designed specifically for use in electronic 330
monitoring, is not a converted wireless phone or another 331
tracking device that is clearly not designed for electronic 332
monitoring, and provides a means of text-based or voice 333
communication with the person. 334

(c) The device has a central monitoring computer that can 335
receive continuously the signals transmitted by a wireless or 336
landline telephone connection by a receiver of the type 337
described in division (UU) (1) (b) of this section and can monitor 338

continuously the person to whom an electronic monitoring device 339
of the type described in division (UU) (1) (a) of this section is 340
attached. 341

(2) Any device that is not a device of the type described 342
in division (UU) (1) of this section and that conforms with all 343
of the following: 344

(a) The device includes a transmitter and receiver that 345
can monitor and determine the location of a subject person at 346
any time, or at a designated point in time, through the use of a 347
central monitoring computer or through other electronic means. 348

(b) The device includes a transmitter and receiver that 349
can determine at any time, or at a designated point in time, 350
through the use of a central monitoring computer or other 351
electronic means the fact that the transmitter is turned off or 352
altered in any manner without prior approval of the court in 353
relation to the electronic monitoring or without prior approval 354
of the department of rehabilitation and correction in relation 355
to the use of an electronic monitoring device for an inmate on 356
transitional control or otherwise is tampered with. 357

(3) Any type of technology that can adequately track or 358
determine the location of a subject person at any time and that 359
is approved by the director of rehabilitation and correction, 360
including, but not limited to, any satellite technology, voice 361
tracking system, or retinal scanning system that is so approved. 362

(VV) "Non-economic loss" means nonpecuniary harm suffered 363
by a victim of an offense as a result of or related to the 364
commission of the offense, including, but not limited to, pain 365
and suffering; loss of society, consortium, companionship, care, 366
assistance, attention, protection, advice, guidance, counsel, 367

instruction, training, or education; mental anguish; and any 368
other intangible loss. 369

(WW) "Prosecutor" has the same meaning as in section 370
2935.01 of the Revised Code. 371

(XX) "Continuous alcohol monitoring" means the ability to 372
automatically test and periodically transmit alcohol consumption 373
levels and tamper attempts at least every hour, regardless of 374
the location of the person who is being monitored. 375

(YY) A person is "adjudicated a sexually violent predator" 376
if the person is convicted of or pleads guilty to a violent sex 377
offense and also is convicted of or pleads guilty to a sexually 378
violent predator specification that was included in the 379
indictment, count in the indictment, or information charging 380
that violent sex offense or if the person is convicted of or 381
pleads guilty to a designated homicide, assault, or kidnapping 382
offense and also is convicted of or pleads guilty to both a 383
sexual motivation specification and a sexually violent predator 384
specification that were included in the indictment, count in the 385
indictment, or information charging that designated homicide, 386
assault, or kidnapping offense. 387

(ZZ) An offense is "committed in proximity to a school" if 388
the offender commits the offense in a school safety zone or 389
within five hundred feet of any school building or the 390
boundaries of any school premises, regardless of whether the 391
offender knows the offense is being committed in a school safety 392
zone or within five hundred feet of any school building or the 393
boundaries of any school premises. 394

(AAA) "Human trafficking" means a scheme or plan to which 395
all of the following apply: 396

| | |
|---|--|
| (1) Its object is one or more of the following: | 397 |
| (a) To subject a victim or victims to involuntary servitude, as defined in section 2905.31 of the Revised Code or to compel a victim or victims to engage in sexual activity for hire, to engage in a performance that is obscene, sexually oriented, or nudity oriented, or to be a model or participant in the production of material that is obscene, sexually oriented, or nudity oriented; | 398 399 400 401 402 403 404 |
| (b) To facilitate, encourage, or recruit a victim who is less than sixteen years of age or is a person with a developmental disability, or victims who are less than sixteen years of age or are persons with developmental disabilities, for any purpose listed in divisions (A) (2) (a) to (c) of section 2905.32 of the Revised Code; | 405 406 407 408 409 410 |
| (c) To facilitate, encourage, or recruit a victim who is sixteen or seventeen years of age, or victims who are sixteen or seventeen years of age, for any purpose listed in divisions (A) (2) (a) to (c) of section 2905.32 of the Revised Code, if the circumstances described in division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) of section 2907.03 of the Revised Code apply with respect to the person engaging in the conduct and the victim or victims. | 411 412 413 414 415 416 417 418 |
| (2) It involves at least two felony offenses, whether or not there has been a prior conviction for any of the felony offenses, to which all of the following apply: | 419 420 421 |
| (a) Each of the felony offenses is a violation of section 2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code or | 422 423 424 425 |

is a violation of a law of any state other than this state that 426
is substantially similar to any of the sections or divisions of 427
the Revised Code identified in this division. 428

(b) At least one of the felony offenses was committed in 429
this state. 430

(c) The felony offenses are related to the same scheme or 431
plan and are not isolated instances. 432

(BBB) "Material," "nudity," "obscene," "performance," and 433
"sexual activity" have the same meanings as in section 2907.01 434
of the Revised Code. 435

(CCC) "Material that is obscene, sexually oriented, or 436
nudity oriented" means any material that is obscene, that shows 437
a person participating or engaging in sexual activity, 438
masturbation, or bestiality, or that shows a person in a state 439
of nudity. 440

(DDD) "Performance that is obscene, sexually oriented, or 441
nudity oriented" means any performance that is obscene, that 442
shows a person participating or engaging in sexual activity, 443
masturbation, or bestiality, or that shows a person in a state 444
of nudity. 445

(EEE) "Permanent disabling harm" means serious physical 446
harm that results in permanent injury to the intellectual, 447
physical, or sensory functions and that permanently and 448
substantially impairs a person's ability to meet one or more of 449
the ordinary demands of life, including the functions of caring 450
for one's self, performing manual tasks, walking, seeing, 451
hearing, speaking, breathing, learning, and working. 452

Sec. 2929.13. (A) Except as provided in division (E), (F), 453
or (G) of this section and unless a specific sanction is 454

required to be imposed or is precluded from being imposed 455
pursuant to law, a court that imposes a sentence upon an 456
offender for a felony may impose any sanction or combination of 457
sanctions on the offender that are provided in sections 2929.14 458
to 2929.18 of the Revised Code. 459

If the offender is eligible to be sentenced to community 460
control sanctions, the court shall consider the appropriateness 461
of imposing a financial sanction pursuant to section 2929.18 of 462
the Revised Code or a sanction of community service pursuant to 463
section 2929.17 of the Revised Code as the sole sanction for the 464
offense. Except as otherwise provided in this division, if the 465
court is required to impose a mandatory prison term for the 466
offense for which sentence is being imposed, the court also 467
shall impose any financial sanction pursuant to section 2929.18 468
of the Revised Code that is required for the offense and may 469
impose any other financial sanction pursuant to that section but 470
may not impose any additional sanction or combination of 471
sanctions under section 2929.16 or 2929.17 of the Revised Code. 472

If the offender is being sentenced for a fourth degree 473
felony OVI offense or for a third degree felony OVI offense, in 474
addition to the mandatory term of local incarceration or the 475
mandatory prison term required for the offense by division (G) 476
(1) or (2) of this section, the court shall impose upon the 477
offender a mandatory fine in accordance with division (B) (3) of 478
section 2929.18 of the Revised Code and may impose whichever of 479
the following is applicable: 480

(1) For a fourth degree felony OVI offense for which 481
sentence is imposed under division (G) (1) of this section, an 482
additional community control sanction or combination of 483
community control sanctions under section 2929.16 or 2929.17 of 484

the Revised Code. If the court imposes upon the offender a 485
community control sanction and the offender violates any 486
condition of the community control sanction, the court may take 487
any action prescribed in division (B) of section 2929.15 of the 488
Revised Code relative to the offender, including imposing a 489
prison term on the offender pursuant to that division. 490

(2) For a third or fourth degree felony OVI offense for 491
which sentence is imposed under division (G) (2) of this section, 492
an additional prison term as described in division (B) (4) of 493
section 2929.14 of the Revised Code or a community control 494
sanction as described in division (G) (2) of this section. 495

(B) (1) (a) Except as provided in division (B) (1) (b) of this 496
section, if an offender is convicted of or pleads guilty to a 497
felony of the fourth or fifth degree that is not an offense of 498
violence or that is a qualifying assault offense, the court 499
shall sentence the offender to a community control sanction of 500
at least one year's duration if all of the following apply: 501

(i) The offender previously has not been convicted of or 502
pleaded guilty to a felony offense. 503

(ii) The most serious charge against the offender at the 504
time of sentencing is a felony of the fourth or fifth degree. 505

(iii) If the court made a request of the department of 506
rehabilitation and correction pursuant to division (B) (1) (c) of 507
this section, the department, within the forty-five-day period 508
specified in that division, provided the court with the names 509
of, contact information for, and program details of one or more 510
community control sanctions of at least one year's duration that 511
are available for persons sentenced by the court. 512

(iv) The offender previously has not been convicted of or 513

pleaded guilty to a misdemeanor offense of violence that the 514
offender committed within two years prior to the offense for 515
which sentence is being imposed. 516

(b) The court has discretion to impose a prison term upon 517
an offender who is convicted of or pleads guilty to a felony of 518
the fourth or fifth degree that is not an offense of violence or 519
that is a qualifying assault offense if any of the following 520
apply: 521

(i) The offender committed the offense while having a 522
firearm on or about the offender's person or under the 523
offender's control. 524

(ii) If the offense is a qualifying assault offense, the 525
offender caused serious physical harm to another person while 526
committing the offense, and, if the offense is not a qualifying 527
assault offense, the offender caused physical harm to another 528
person while committing the offense. 529

(iii) The offender violated a term of the conditions of 530
bond as set by the court. 531

(iv) The court made a request of the department of 532
rehabilitation and correction pursuant to division (B)(1)(c) of 533
this section, and the department, within the forty-five-day 534
period specified in that division, did not provide the court 535
with the name of, contact information for, and program details 536
of any community control sanction of at least one year's 537
duration that is available for persons sentenced by the court. 538

(v) The offense is a sex offense that is a fourth or fifth 539
degree felony violation of any provision of Chapter 2907. of the 540
Revised Code. 541

(vi) In committing the offense, the offender attempted to 542

cause or made an actual threat of physical harm to a person with 543
a deadly weapon. 544

(vii) In committing the offense, the offender attempted to 545
cause or made an actual threat of physical harm to a person, and 546
the offender previously was convicted of an offense that caused 547
physical harm to a person. 548

(viii) The offender held a public office or position of 549
trust, and the offense related to that office or position; the 550
offender's position obliged the offender to prevent the offense 551
or to bring those committing it to justice; or the offender's 552
professional reputation or position facilitated the offense or 553
was likely to influence the future conduct of others. 554

(ix) The offender committed the offense for hire or as 555
part of an organized criminal activity. 556

(x) The offender at the time of the offense was serving, 557
or the offender previously had served, a prison term. 558

(xi) The offender committed the offense while under a 559
community control sanction, while on probation, or while 560
released from custody on a bond or personal recognizance. 561

(c) If a court that is sentencing an offender who is 562
convicted of or pleads guilty to a felony of the fourth or fifth 563
degree that is not an offense of violence or that is a 564
qualifying assault offense believes that no community control 565
sanctions are available for its use that, if imposed on the 566
offender, will adequately fulfill the overriding principles and 567
purposes of sentencing, the court shall contact the department 568
of rehabilitation and correction and ask the department to 569
provide the court with the names of, contact information for, 570
and program details of one or more community control sanctions 571

of at least one year's duration that are available for persons 572
sentenced by the court. Not later than forty-five days after 573
receipt of a request from a court under this division, the 574
department shall provide the court with the names of, contact 575
information for, and program details of one or more community 576
control sanctions of at least one year's duration that are 577
available for persons sentenced by the court, if any. Upon 578
making a request under this division that relates to a 579
particular offender, a court shall defer sentencing of that 580
offender until it receives from the department the names of, 581
contact information for, and program details of one or more 582
community control sanctions of at least one year's duration that 583
are available for persons sentenced by the court or for forty- 584
five days, whichever is the earlier. 585

If the department provides the court with the names of, 586
contact information for, and program details of one or more 587
community control sanctions of at least one year's duration that 588
are available for persons sentenced by the court within the 589
forty-five-day period specified in this division, the court 590
shall impose upon the offender a community control sanction 591
under division (B) (1) (a) of this section, except that the court 592
may impose a prison term under division (B) (1) (b) of this 593
section if a factor described in division (B) (1) (b) (i) or (ii) 594
of this section applies. If the department does not provide the 595
court with the names of, contact information for, and program 596
details of one or more community control sanctions of at least 597
one year's duration that are available for persons sentenced by 598
the court within the forty-five-day period specified in this 599
division, the court may impose upon the offender a prison term 600
under division (B) (1) (b) (iv) of this section. 601

(d) A sentencing court may impose an additional penalty 602

under division (B) of section 2929.15 of the Revised Code upon 603
an offender sentenced to a community control sanction under 604
division (B)(1)(a) of this section if the offender violates the 605
conditions of the community control sanction, violates a law, or 606
leaves the state without the permission of the court or the 607
offender's probation officer. 608

(2) If division (B)(1) of this section does not apply, 609
except as provided in division (E), (F), or (G) of this section, 610
in determining whether to impose a prison term as a sanction for 611
a felony of the fourth or fifth degree, the sentencing court 612
shall comply with the purposes and principles of sentencing 613
under section 2929.11 of the Revised Code and with section 614
2929.12 of the Revised Code. 615

(C) Except as provided in division (D), (E), (F), or (G) 616
of this section, in determining whether to impose a prison term 617
as a sanction for a felony of the third degree or a felony drug 618
offense that is a violation of a provision of Chapter 2925. of 619
the Revised Code and that is specified as being subject to this 620
division for purposes of sentencing, the sentencing court shall 621
comply with the purposes and principles of sentencing under 622
section 2929.11 of the Revised Code and with section 2929.12 of 623
the Revised Code. 624

(D)(1) Except as provided in division (E) or (F) of this 625
section, for a felony of the first or second degree, for a 626
felony drug offense that is a violation of any provision of 627
Chapter 2925., 3719., or 4729. of the Revised Code for which a 628
presumption in favor of a prison term is specified as being 629
applicable, and for a violation of division (A)(4) or (B) of 630
section 2907.05 of the Revised Code for which a presumption in 631
favor of a prison term is specified as being applicable, it is 632

presumed that a prison term is necessary in order to comply with 633
the purposes and principles of sentencing under section 2929.11 634
of the Revised Code. Division (D) (2) of this section does not 635
apply to a presumption established under this division for a 636
violation of division (A) (4) of section 2907.05 of the Revised 637
Code. 638

(2) Notwithstanding the presumption established under 639
division (D) (1) of this section for the offenses listed in that 640
division other than a violation of division (A) (4) or (B) of 641
section 2907.05 of the Revised Code, the sentencing court may 642
impose a community control sanction or a combination of 643
community control sanctions instead of a prison term on an 644
offender for a felony of the first or second degree or for a 645
felony drug offense that is a violation of any provision of 646
Chapter 2925., 3719., or 4729. of the Revised Code for which a 647
presumption in favor of a prison term is specified as being 648
applicable if it makes both of the following findings: 649

(a) A community control sanction or a combination of 650
community control sanctions would adequately punish the offender 651
and protect the public from future crime, because the applicable 652
factors under section 2929.12 of the Revised Code indicating a 653
lesser likelihood of recidivism outweigh the applicable factors 654
under that section indicating a greater likelihood of 655
recidivism. 656

(b) A community control sanction or a combination of 657
community control sanctions would not demean the seriousness of 658
the offense, because one or more factors under section 2929.12 659
of the Revised Code that indicate that the offender's conduct 660
was less serious than conduct normally constituting the offense 661
are applicable, and they outweigh the applicable factors under 662

that section that indicate that the offender's conduct was more 663
serious than conduct normally constituting the offense. 664

(E) (1) Except as provided in division (F) of this section, 665
for any drug offense that is a violation of any provision of 666
Chapter 2925. of the Revised Code and that is a felony of the 667
third, fourth, or fifth degree, the applicability of a 668
presumption under division (D) of this section in favor of a 669
prison term or of division (B) or (C) of this section in 670
determining whether to impose a prison term for the offense 671
shall be determined as specified in section 2925.02, 2925.03, 672
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 673
2925.36, or 2925.37 of the Revised Code, whichever is applicable 674
regarding the violation. 675

(2) If an offender who was convicted of or pleaded guilty 676
to a felony violates the conditions of a community control 677
sanction imposed for the offense solely by reason of producing 678
positive results on a drug test or by acting pursuant to 679
division (B) (2) (b) of section 2925.11 of the Revised Code with 680
respect to a minor drug possession offense, the court, as 681
punishment for the violation of the sanction, shall not order 682
that the offender be imprisoned unless the court determines on 683
the record either of the following: 684

(a) The offender had been ordered as a sanction for the 685
felony to participate in a drug treatment program, in a drug 686
education program, or in narcotics anonymous or a similar 687
program, and the offender continued to use illegal drugs after a 688
reasonable period of participation in the program. 689

(b) The imprisonment of the offender for the violation is 690
consistent with the purposes and principles of sentencing set 691
forth in section 2929.11 of the Revised Code. 692

(3) A court that sentences an offender for a drug abuse offense that is a felony of the third, fourth, or fifth degree may require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes treatment and recovery support services authorized by division (A) (11) of section 340.03 of the Revised Code. If the court imposes treatment and recovery support services as a community control sanction, the court shall direct the level and type of treatment and recovery support services after considering the assessment and recommendation of community addiction services providers.

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

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

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted,

the offender would have been guilty of a violation of division 723
(A) (1) (b) of section 2907.02 of the Revised Code and would be 724
sentenced under section 2971.03 of the Revised Code; 725

(3) Gross sexual imposition or sexual battery, if the 726
victim is less than thirteen years of age and if any of the 727
following applies: 728

(a) Regarding gross sexual imposition, the offender 729
previously was convicted of or pleaded guilty to rape, the 730
former offense of felonious sexual penetration, gross sexual 731
imposition, or sexual battery, and the victim of the previous 732
offense was less than thirteen years of age; 733

(b) Regarding gross sexual imposition, the offense was 734
committed on or after August 3, 2006, and evidence other than 735
the testimony of the victim was admitted in the case 736
corroborating the violation. 737

(c) Regarding sexual battery, either of the following 738
applies: 739

(i) The offense was committed prior to August 3, 2006, the 740
offender previously was convicted of or pleaded guilty to rape, 741
the former offense of felonious sexual penetration, or sexual 742
battery, and the victim of the previous offense was less than 743
thirteen years of age. 744

(ii) The offense was committed on or after August 3, 2006. 745

(4) A felony violation of section 2903.04, 2903.06, 746
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 747
or 2923.132 of the Revised Code if the section requires the 748
imposition of a prison term; 749

(5) A first, second, or third degree felony drug offense 750

for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 751
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 752
or 4729.99 of the Revised Code, whichever is applicable 753
regarding the violation, requires the imposition of a mandatory 754
prison term; 755

(6) Any offense that is a first or second degree felony 756
and that is not set forth in division (F) (1), (2), (3), or (4) 757
of this section, if the offender previously was convicted of or 758
pleaded guilty to aggravated murder, murder, any first or second 759
degree felony, or an offense under an existing or former law of 760
this state, another state, or the United States that is or was 761
substantially equivalent to one of those offenses; 762

(7) Any offense that is a third degree felony and either 763
is a violation of section 2903.04 of the Revised Code or an 764
attempt to commit a felony of the second degree that is an 765
offense of violence and involved an attempt to cause serious 766
physical harm to a person or that resulted in serious physical 767
harm to a person if the offender previously was convicted of or 768
pleaded guilty to any of the following offenses: 769

(a) Aggravated murder, murder, involuntary manslaughter, 770
rape, felonious sexual penetration as it existed under section 771
2907.12 of the Revised Code prior to September 3, 1996, a felony 772
of the first or second degree that resulted in the death of a 773
person or in physical harm to a person, or complicity in or an 774
attempt to commit any of those offenses; 775

(b) An offense under an existing or former law of this 776
state, another state, or the United States that is or was 777
substantially equivalent to an offense listed in division (F) (7) 778
(a) of this section that resulted in the death of a person or in 779
physical harm to a person. 780

(8) Any offense, other than a violation of section 2923.12 781
of the Revised Code, that is a felony, if the offender had a 782
firearm on or about the offender's person or under the 783
offender's control while committing the felony, with respect to 784
a portion of the sentence imposed pursuant to division (B) (1) (a) 785
of section 2929.14 of the Revised Code for having the firearm; 786

(9) Any offense of violence that is a felony, if the 787
offender wore or carried body armor while committing the felony 788
offense of violence, with respect to the portion of the sentence 789
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 790
Revised Code for wearing or carrying the body armor; 791

(10) Corrupt activity in violation of section 2923.32 of 792
the Revised Code when the most serious offense in the pattern of 793
corrupt activity that is the basis of the offense is a felony of 794
the first degree; 795

(11) Any violent sex offense or designated homicide, 796
assault, or kidnapping offense if, in relation to that offense, 797
the offender is adjudicated a sexually violent predator; 798

(12) A violation of division (A) (1) or (2) of section 799
2921.36 of the Revised Code, or a violation of division (C) of 800
that section involving an item listed in division (A) (1) or (2) 801
of that section, if the offender is an officer or employee of 802
the department of rehabilitation and correction; 803

(13) A violation of division (A) (1) or (2) of section 804
2903.06 of the Revised Code if the victim of the offense is a 805
peace officer, as defined in section 2935.01 of the Revised 806
Code, or an investigator of the bureau of criminal 807
identification and investigation, as defined in section 2903.11 808
of the Revised Code, with respect to the portion of the sentence 809

imposed pursuant to division (B) (5) of section 2929.14 of the Revised Code;

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

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

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

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

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

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

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

(20) Any offense of violence that is a felony, if the offender is convicted of or pleads guilty to a specification as described in section 2941.1425 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense.

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

(1) If the offender is being sentenced for a fourth degree

felony OVI offense and if the offender has not been convicted of 868
and has not pleaded guilty to a specification of the type 869
described in section 2941.1413 of the Revised Code, the court 870
may impose upon the offender a mandatory term of local 871
incarceration of sixty days or one hundred twenty days as 872
specified in division (G)(1)(d) of section 4511.19 of the 873
Revised Code. The court shall not reduce the term pursuant to 874
section 2929.20, 2967.193, or any other provision of the Revised 875
Code. The court that imposes a mandatory term of local 876
incarceration under this division shall specify whether the term 877
is to be served in a jail, a community-based correctional 878
facility, a halfway house, or an alternative residential 879
facility, and the offender shall serve the term in the type of 880
facility specified by the court. A mandatory term of local 881
incarceration imposed under division (G)(1) of this section is 882
not subject to any other Revised Code provision that pertains to 883
a prison term except as provided in division (A)(1) of this 884
section. 885

(2) If the offender is being sentenced for a third degree 886
felony OVI offense, or if the offender is being sentenced for a 887
fourth degree felony OVI offense and the court does not impose a 888
mandatory term of local incarceration under division (G)(1) of 889
this section, the court shall impose upon the offender a 890
mandatory prison term of one, two, three, four, or five years if 891
the offender also is convicted of or also pleads guilty to a 892
specification of the type described in section 2941.1413 of the 893
Revised Code or shall impose upon the offender a mandatory 894
prison term of sixty days or one hundred twenty days as 895
specified in division (G)(1)(d) or (e) of section 4511.19 of the 896
Revised Code if the offender has not been convicted of and has 897
not pleaded guilty to a specification of that type. Subject to 898

divisions (C) to (I) of section 2967.19 of the Revised Code, the 899
court shall not reduce the term pursuant to section 2929.20, 900
2967.19, 2967.193, or any other provision of the Revised Code. 901
The offender shall serve the one-, two-, three-, four-, or five- 902
year mandatory prison term consecutively to and prior to the 903
prison term imposed for the underlying offense and consecutively 904
to any other mandatory prison term imposed in relation to the 905
offense. In no case shall an offender who once has been 906
sentenced to a mandatory term of local incarceration pursuant to 907
division (G)(1) of this section for a fourth degree felony OVI 908
offense be sentenced to another mandatory term of local 909
incarceration under that division for any violation of division 910
(A) of section 4511.19 of the Revised Code. In addition to the 911
mandatory prison term described in division (G)(2) of this 912
section, the court may sentence the offender to a community 913
control sanction under section 2929.16 or 2929.17 of the Revised 914
Code, but the offender shall serve the prison term prior to 915
serving the community control sanction. The department of 916
rehabilitation and correction may place an offender sentenced to 917
a mandatory prison term under this division in an intensive 918
program prison established pursuant to section 5120.033 of the 919
Revised Code if the department gave the sentencing judge prior 920
notice of its intent to place the offender in an intensive 921
program prison established under that section and if the judge 922
did not notify the department that the judge disapproved the 923
placement. Upon the establishment of the initial intensive 924
program prison pursuant to section 5120.033 of the Revised Code 925
that is privately operated and managed by a contractor pursuant 926
to a contract entered into under section 9.06 of the Revised 927
Code, both of the following apply: 928

(a) The department of rehabilitation and correction shall 929

make a reasonable effort to ensure that a sufficient number of 930
offenders sentenced to a mandatory prison term under this 931
division are placed in the privately operated and managed prison 932
so that the privately operated and managed prison has full 933
occupancy. 934

(b) Unless the privately operated and managed prison has 935
full occupancy, the department of rehabilitation and correction 936
shall not place any offender sentenced to a mandatory prison 937
term under this division in any intensive program prison 938
established pursuant to section 5120.033 of the Revised Code 939
other than the privately operated and managed prison. 940

(H) If an offender is being sentenced for a sexually 941
oriented offense or child-victim oriented offense that is a 942
felony committed on or after January 1, 1997, the judge shall 943
require the offender to submit to a DNA specimen collection 944
procedure pursuant to section 2901.07 of the Revised Code. 945

(I) If an offender is being sentenced for a sexually 946
oriented offense or a child-victim oriented offense committed on 947
or after January 1, 1997, the judge shall include in the 948
sentence a summary of the offender's duties imposed under 949
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 950
Code and the duration of the duties. The judge shall inform the 951
offender, at the time of sentencing, of those duties and of 952
their duration. If required under division (A)(2) of section 953
2950.03 of the Revised Code, the judge shall perform the duties 954
specified in that section, or, if required under division (A)(6) 955
of section 2950.03 of the Revised Code, the judge shall perform 956
the duties specified in that division. 957

(J)(1) Except as provided in division (J)(2) of this 958
section, when considering sentencing factors under this section 959

in relation to an offender who is convicted of or pleads guilty 960
to an attempt to commit an offense in violation of section 961
2923.02 of the Revised Code, the sentencing court shall consider 962
the factors applicable to the felony category of the violation 963
of section 2923.02 of the Revised Code instead of the factors 964
applicable to the felony category of the offense attempted. 965

(2) When considering sentencing factors under this section 966
in relation to an offender who is convicted of or pleads guilty 967
to an attempt to commit a drug abuse offense for which the 968
penalty is determined by the amount or number of unit doses of 969
the controlled substance involved in the drug abuse offense, the 970
sentencing court shall consider the factors applicable to the 971
felony category that the drug abuse offense attempted would be 972
if that drug abuse offense had been committed and had involved 973
an amount or number of unit doses of the controlled substance 974
that is within the next lower range of controlled substance 975
amounts than was involved in the attempt. 976

(K) As used in this section: 977

(1) "Community addiction services provider" has the same 978
meaning as in section 5119.01 of the Revised Code. 979

(2) "Drug abuse offense" has the same meaning as in 980
section 2925.01 of the Revised Code. 981

(3) "Minor drug possession offense" has the same meaning 982
as in section 2925.11 of the Revised Code. 983

(4) "Qualifying assault offense" means a violation of 984
section 2903.13 of the Revised Code for which the penalty 985
provision in division (C) (8) (b) or (C) (9) (b) of that section 986
applies. 987

(L) At the time of sentencing an offender for any sexually 988

oriented offense, if the offender is a tier III sex 989
offender/child-victim offender relative to that offense and the 990
offender does not serve a prison term or jail term, the court 991
may require that the offender be monitored by means of a global 992
positioning device. If the court requires such monitoring, the 993
cost of monitoring shall be borne by the offender. If the 994
offender is indigent, the cost of compliance shall be paid by 995
the crime victims reparations fund. 996

Sec. 2929.14. (A) Except as provided in division (B) (1), 997
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 998
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 999
of section 2919.25 of the Revised Code and except in relation to 1000
an offense for which a sentence of death or life imprisonment is 1001
to be imposed, if the court imposing a sentence upon an offender 1002
for a felony elects or is required to impose a prison term on 1003
the offender pursuant to this chapter, the court shall impose a 1004
definite prison term that shall be one of the following: 1005

(1) For a felony of the first degree, the prison term 1006
shall be three, four, five, six, seven, eight, nine, ten, or 1007
eleven years. 1008

(2) For a felony of the second degree, the prison term 1009
shall be two, three, four, five, six, seven, or eight years. 1010

(3) (a) For a felony of the third degree that is a 1011
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 1012
2907.05 of the Revised Code or that is a violation of section 1013
2911.02 or 2911.12 of the Revised Code if the offender 1014
previously has been convicted of or pleaded guilty in two or 1015
more separate proceedings to two or more violations of section 1016
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 1017
prison term shall be twelve, eighteen, twenty-four, thirty, 1018

thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 1019

(b) For a felony of the third degree that is not an 1020
offense for which division (A) (3) (a) of this section applies, 1021
the prison term shall be nine, twelve, eighteen, twenty-four, 1022
thirty, or thirty-six months. 1023

(4) For a felony of the fourth degree, the prison term 1024
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1025
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1026

(5) For a felony of the fifth degree, the prison term 1027
shall be six, seven, eight, nine, ten, eleven, or twelve months. 1028

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1029
section, if an offender who is convicted of or pleads guilty to 1030
a felony also is convicted of or pleads guilty to a 1031
specification of the type described in section 2941.141, 1032
2941.144, or 2941.145 of the Revised Code, the court shall 1033
impose on the offender one of the following prison terms: 1034

(i) A prison term of six years if the specification is of 1035
the type described in division (A) of section 2941.144 of the 1036
Revised Code that charges the offender with having a firearm 1037
that is an automatic firearm or that was equipped with a firearm 1038
muffler or suppressor on or about the offender's person or under 1039
the offender's control while committing the offense; 1040

(ii) A prison term of three years if the specification is 1041
of the type described in division (A) of section 2941.145 of the 1042
Revised Code that charges the offender with having a firearm on 1043
or about the offender's person or under the offender's control 1044
while committing the offense and displaying the firearm, 1045
brandishing the firearm, indicating that the offender possessed 1046
the firearm, or using it to facilitate the offense; 1047

(iii) A prison term of one year if the specification is of 1048
the type described in division (A) of section 2941.141 of the 1049
Revised Code that charges the offender with having a firearm on 1050
or about the offender's person or under the offender's control 1051
while committing the offense; 1052

(iv) A prison term of nine years if the specification is 1053
of the type described in division (D) of section 2941.144 of the 1054
Revised Code that charges the offender with having a firearm 1055
that is an automatic firearm or that was equipped with a firearm 1056
muffler or suppressor on or about the offender's person or under 1057
the offender's control while committing the offense and 1058
specifies that the offender previously has been convicted of or 1059
pleaded guilty to a specification of the type described in 1060
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1061
the Revised Code; 1062

(v) A prison term of fifty-four months if the 1063
specification is of the type described in division (D) of 1064
section 2941.145 of the Revised Code that charges the offender 1065
with having a firearm on or about the offender's person or under 1066
the offender's control while committing the offense and 1067
displaying the firearm, brandishing the firearm, indicating that 1068
the offender possessed the firearm, or using the firearm to 1069
facilitate the offense and that the offender previously has been 1070
convicted of or pleaded guilty to a specification of the type 1071
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1072
2941.1412 of the Revised Code; 1073

(vi) A prison term of eighteen months if the specification 1074
is of the type described in division (D) of section 2941.141 of 1075
the Revised Code that charges the offender with having a firearm 1076
on or about the offender's person or under the offender's 1077

control while committing the offense and that the offender 1078
previously has been convicted of or pleaded guilty to a 1079
specification of the type described in section 2941.141, 1080
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1081

(b) If a court imposes a prison term on an offender under 1082
division (B) (1) (a) of this section, the prison term shall not be 1083
reduced pursuant to section 2967.19, section 2929.20, section 1084
2967.193, or any other provision of Chapter 2967. or Chapter 1085
5120. of the Revised Code. Except as provided in division (B) (1) 1086
(g) of this section, a court shall not impose more than one 1087
prison term on an offender under division (B) (1) (a) of this 1088
section for felonies committed as part of the same act or 1089
transaction. 1090

(c) (i) Except as provided in division (B) (1) (e) of this 1091
section, if an offender who is convicted of or pleads guilty to 1092
a violation of section 2923.161 of the Revised Code or to a 1093
felony that includes, as an essential element, purposely or 1094
knowingly causing or attempting to cause the death of or 1095
physical harm to another, also is convicted of or pleads guilty 1096
to a specification of the type described in division (A) of 1097
section 2941.146 of the Revised Code that charges the offender 1098
with committing the offense by discharging a firearm from a 1099
motor vehicle other than a manufactured home, the court, after 1100
imposing a prison term on the offender for the violation of 1101
section 2923.161 of the Revised Code or for the other felony 1102
offense under division (A), (B) (2), or (B) (3) of this section, 1103
shall impose an additional prison term of five years upon the 1104
offender that shall not be reduced pursuant to section 2929.20, 1105
section 2967.19, section 2967.193, or any other provision of 1106
Chapter 2967. or Chapter 5120. of the Revised Code. 1107

(ii) Except as provided in division (B) (1) (e) of this 1108
section, if an offender who is convicted of or pleads guilty to 1109
a violation of section 2923.161 of the Revised Code or to a 1110
felony that includes, as an essential element, purposely or 1111
knowingly causing or attempting to cause the death of or 1112
physical harm to another, also is convicted of or pleads guilty 1113
to a specification of the type described in division (C) of 1114
section 2941.146 of the Revised Code that charges the offender 1115
with committing the offense by discharging a firearm from a 1116
motor vehicle other than a manufactured home and that the 1117
offender previously has been convicted of or pleaded guilty to a 1118
specification of the type described in section 2941.141, 1119
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1120
the court, after imposing a prison term on the offender for the 1121
violation of section 2923.161 of the Revised Code or for the 1122
other felony offense under division (A), (B) (2), or (3) of this 1123
section, shall impose an additional prison term of ninety months 1124
upon the offender that shall not be reduced pursuant to section 1125
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1126
2967. or Chapter 5120. of the Revised Code. 1127

(iii) A court shall not impose more than one additional 1128
prison term on an offender under division (B) (1) (c) of this 1129
section for felonies committed as part of the same act or 1130
transaction. If a court imposes an additional prison term on an 1131
offender under division (B) (1) (c) of this section relative to an 1132
offense, the court also shall impose a prison term under 1133
division (B) (1) (a) of this section relative to the same offense, 1134
provided the criteria specified in that division for imposing an 1135
additional prison term are satisfied relative to the offender 1136
and the offense. 1137

(d) If an offender who is convicted of or pleads guilty to 1138

an offense of violence that is a felony also is convicted of or 1139
pleads guilty to a specification of the type described in 1140
section 2941.1411 of the Revised Code that charges the offender 1141
with wearing or carrying body armor while committing the felony 1142
offense of violence, the court shall impose on the offender a 1143
prison term of two years. The prison term so imposed, subject to 1144
divisions (C) to (I) of section 2967.19 of the Revised Code, 1145
shall not be reduced pursuant to section 2929.20, section 1146
2967.19, section 2967.193, or any other provision of Chapter 1147
2967. or Chapter 5120. of the Revised Code. A court shall not 1148
impose more than one prison term on an offender under division 1149
(B) (1) (d) of this section for felonies committed as part of the 1150
same act or transaction. If a court imposes an additional prison 1151
term under division (B) (1) (a) or (c) of this section, the court 1152
is not precluded from imposing an additional prison term under 1153
division (B) (1) (d) of this section. 1154

(e) The court shall not impose any of the prison terms 1155
described in division (B) (1) (a) of this section or any of the 1156
additional prison terms described in division (B) (1) (c) of this 1157
section upon an offender for a violation of section 2923.12 or 1158
2923.123 of the Revised Code. The court shall not impose any of 1159
the prison terms described in division (B) (1) (a) or (b) of this 1160
section upon an offender for a violation of section 2923.122 1161
that involves a deadly weapon that is a firearm other than a 1162
dangerous ordnance, section 2923.16, or section 2923.121 of the 1163
Revised Code. The court shall not impose any of the prison terms 1164
described in division (B) (1) (a) of this section or any of the 1165
additional prison terms described in division (B) (1) (c) of this 1166
section upon an offender for a violation of section 2923.13 of 1167
the Revised Code unless all of the following apply: 1168

(i) The offender previously has been convicted of 1169

aggravated murder, murder, or any felony of the first or second 1170
degree. 1171

(ii) Less than five years have passed since the offender 1172
was released from prison or post-release control, whichever is 1173
later, for the prior offense. 1174

(f) (i) If an offender is convicted of or pleads guilty to 1175
a felony that includes, as an essential element, causing or 1176
attempting to cause the death of or physical harm to another and 1177
also is convicted of or pleads guilty to a specification of the 1178
type described in division (A) of section 2941.1412 of the 1179
Revised Code that charges the offender with committing the 1180
offense by discharging a firearm at a peace officer as defined 1181
in section 2935.01 of the Revised Code or a corrections officer, 1182
as defined in section 2941.1412 of the Revised Code, the court, 1183
after imposing a prison term on the offender for the felony 1184
offense under division (A), (B) (2), or (B) (3) of this section, 1185
shall impose an additional prison term of seven years upon the 1186
offender that shall not be reduced pursuant to section 2929.20, 1187
section 2967.19, section 2967.193, or any other provision of 1188
Chapter 2967. or Chapter 5120. of the Revised Code. 1189

(ii) If an offender is convicted of or pleads guilty to a 1190
felony that includes, as an essential element, causing or 1191
attempting to cause the death of or physical harm to another and 1192
also is convicted of or pleads guilty to a specification of the 1193
type described in division (B) of section 2941.1412 of the 1194
Revised Code that charges the offender with committing the 1195
offense by discharging a firearm at a peace officer, as defined 1196
in section 2935.01 of the Revised Code, or a corrections 1197
officer, as defined in section 2941.1412 of the Revised Code, 1198
and that the offender previously has been convicted of or 1199

pleaded guilty to a specification of the type described in 1200
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1201
the Revised Code, the court, after imposing a prison term on the 1202
offender for the felony offense under division (A), (B) (2), or 1203
(3) of this section, shall impose an additional prison term of 1204
one hundred twenty-six months upon the offender that shall not 1205
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1206
any other provision of Chapter 2967. or 5120. of the Revised 1207
Code. 1208

(iii) If an offender is convicted of or pleads guilty to 1209
two or more felonies that include, as an essential element, 1210
causing or attempting to cause the death or physical harm to 1211
another and also is convicted of or pleads guilty to a 1212
specification of the type described under division (B) (1) (f) of 1213
this section in connection with two or more of the felonies of 1214
which the offender is convicted or to which the offender pleads 1215
guilty, the sentencing court shall impose on the offender the 1216
prison term specified under division (B) (1) (f) of this section 1217
for each of two of the specifications of which the offender is 1218
convicted or to which the offender pleads guilty and, in its 1219
discretion, also may impose on the offender the prison term 1220
specified under that division for any or all of the remaining 1221
specifications. If a court imposes an additional prison term on 1222
an offender under division (B) (1) (f) of this section relative to 1223
an offense, the court shall not impose a prison term under 1224
division (B) (1) (a) or (c) of this section relative to the same 1225
offense. 1226

(g) If an offender is convicted of or pleads guilty to two 1227
or more felonies, if one or more of those felonies are 1228
aggravated murder, murder, attempted aggravated murder, 1229
attempted murder, aggravated robbery, felonious assault, or 1230

rape, and if the offender is convicted of or pleads guilty to a 1231
specification of the type described under division (B)(1)(a) of 1232
this section in connection with two or more of the felonies, the 1233
sentencing court shall impose on the offender the prison term 1234
specified under division (B)(1)(a) of this section for each of 1235
the two most serious specifications of which the offender is 1236
convicted or to which the offender pleads guilty and, in its 1237
discretion, also may impose on the offender the prison term 1238
specified under that division for any or all of the remaining 1239
specifications. 1240

(2)(a) If division (B)(2)(b) of this section does not 1241
apply, the court may impose on an offender, in addition to the 1242
longest prison term authorized or required for the offense, an 1243
additional definite prison term of one, two, three, four, five, 1244
six, seven, eight, nine, or ten years if all of the following 1245
criteria are met: 1246

(i) The offender is convicted of or pleads guilty to a 1247
specification of the type described in section 2941.149 of the 1248
Revised Code that the offender is a repeat violent offender. 1249

(ii) The offense of which the offender currently is 1250
convicted or to which the offender currently pleads guilty is 1251
aggravated murder and the court does not impose a sentence of 1252
death or life imprisonment without parole, murder, terrorism and 1253
the court does not impose a sentence of life imprisonment 1254
without parole, any felony of the first degree that is an 1255
offense of violence and the court does not impose a sentence of 1256
life imprisonment without parole, or any felony of the second 1257
degree that is an offense of violence and the trier of fact 1258
finds that the offense involved an attempt to cause or a threat 1259
to cause serious physical harm to a person or resulted in 1260

serious physical harm to a person. 1261

(iii) The court imposes the longest prison term for the 1262
offense that is not life imprisonment without parole. 1263

(iv) The court finds that the prison terms imposed 1264
pursuant to division (B) (2) (a) (iii) of this section and, if 1265
applicable, division (B) (1) or (3) of this section are 1266
inadequate to punish the offender and protect the public from 1267
future crime, because the applicable factors under section 1268
2929.12 of the Revised Code indicating a greater likelihood of 1269
recidivism outweigh the applicable factors under that section 1270
indicating a lesser likelihood of recidivism. 1271

(v) The court finds that the prison terms imposed pursuant 1272
to division (B) (2) (a) (iii) of this section and, if applicable, 1273
division (B) (1) or (3) of this section are demeaning to the 1274
seriousness of the offense, because one or more of the factors 1275
under section 2929.12 of the Revised Code indicating that the 1276
offender's conduct is more serious than conduct normally 1277
constituting the offense are present, and they outweigh the 1278
applicable factors under that section indicating that the 1279
offender's conduct is less serious than conduct normally 1280
constituting the offense. 1281

(b) The court shall impose on an offender the longest 1282
prison term authorized or required for the offense and shall 1283
impose on the offender an additional definite prison term of 1284
one, two, three, four, five, six, seven, eight, nine, or ten 1285
years if all of the following criteria are met: 1286

(i) The offender is convicted of or pleads guilty to a 1287
specification of the type described in section 2941.149 of the 1288
Revised Code that the offender is a repeat violent offender. 1289

(ii) The offender within the preceding twenty years has 1290
been convicted of or pleaded guilty to three or more offenses 1291
described in division (CC) (1) of section 2929.01 of the Revised 1292
Code, including all offenses described in that division of which 1293
the offender is convicted or to which the offender pleads guilty 1294
in the current prosecution and all offenses described in that 1295
division of which the offender previously has been convicted or 1296
to which the offender previously pleaded guilty, whether 1297
prosecuted together or separately. 1298

(iii) The offense or offenses of which the offender 1299
currently is convicted or to which the offender currently pleads 1300
guilty is aggravated murder and the court does not impose a 1301
sentence of death or life imprisonment without parole, murder, 1302
terrorism and the court does not impose a sentence of life 1303
imprisonment without parole, any felony of the first degree that 1304
is an offense of violence and the court does not impose a 1305
sentence of life imprisonment without parole, or any felony of 1306
the second degree that is an offense of violence and the trier 1307
of fact finds that the offense involved an attempt to cause or a 1308
threat to cause serious physical harm to a person or resulted in 1309
serious physical harm to a person. 1310

(c) For purposes of division (B) (2) (b) of this section, 1311
two or more offenses committed at the same time or as part of 1312
the same act or event shall be considered one offense, and that 1313
one offense shall be the offense with the greatest penalty. 1314

(d) A sentence imposed under division (B) (2) (a) or (b) of 1315
this section shall not be reduced pursuant to section 2929.20, 1316
section 2967.19, or section 2967.193, or any other provision of 1317
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1318
shall serve an additional prison term imposed under this section 1319

consecutively to and prior to the prison term imposed for the 1320
underlying offense. 1321

(e) When imposing a sentence pursuant to division (B)(2) 1322
(a) or (b) of this section, the court shall state its findings 1323
explaining the imposed sentence. 1324

(3) Except when an offender commits a violation of section 1325
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1326
for the violation is life imprisonment or commits a violation of 1327
section 2903.02 of the Revised Code, if the offender commits a 1328
violation of section 2925.03 or 2925.11 of the Revised Code and 1329
that section classifies the offender as a major drug offender, 1330
if the offender commits a felony violation of section 2925.02, 1331
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1332
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1333
division (C) of section 4729.51, or division (J) of section 1334
4729.54 of the Revised Code that includes the sale, offer to 1335
sell, or possession of a schedule I or II controlled substance, 1336
with the exception of marihuana, and the court imposing sentence 1337
upon the offender finds that the offender is guilty of a 1338
specification of the type described in section 2941.1410 of the 1339
Revised Code charging that the offender is a major drug 1340
offender, if the court imposing sentence upon an offender for a 1341
felony finds that the offender is guilty of corrupt activity 1342
with the most serious offense in the pattern of corrupt activity 1343
being a felony of the first degree, or if the offender is guilty 1344
of an attempted violation of section 2907.02 of the Revised Code 1345
and, had the offender completed the violation of section 2907.02 1346
of the Revised Code that was attempted, the offender would have 1347
been subject to a sentence of life imprisonment or life 1348
imprisonment without parole for the violation of section 2907.02 1349
of the Revised Code, the court shall impose upon the offender 1350

for the felony violation a mandatory prison term of the maximum 1351
prison term prescribed for a felony of the first degree that, 1352
subject to divisions (C) to (I) of section 2967.19 of the 1353
Revised Code, cannot be reduced pursuant to section 2929.20, 1354
section 2967.19, or any other provision of Chapter 2967. or 1355
5120. of the Revised Code. 1356

(4) If the offender is being sentenced for a third or 1357
fourth degree felony OVI offense under division (G) (2) of 1358
section 2929.13 of the Revised Code, the sentencing court shall 1359
impose upon the offender a mandatory prison term in accordance 1360
with that division. In addition to the mandatory prison term, if 1361
the offender is being sentenced for a fourth degree felony OVI 1362
offense, the court, notwithstanding division (A) (4) of this 1363
section, may sentence the offender to a definite prison term of 1364
not less than six months and not more than thirty months, and if 1365
the offender is being sentenced for a third degree felony OVI 1366
offense, the sentencing court may sentence the offender to an 1367
additional prison term of any duration specified in division (A) 1368
(3) of this section. In either case, the additional prison term 1369
imposed shall be reduced by the sixty or one hundred twenty days 1370
imposed upon the offender as the mandatory prison term. The 1371
total of the additional prison term imposed under division (B) 1372
(4) of this section plus the sixty or one hundred twenty days 1373
imposed as the mandatory prison term shall equal a definite term 1374
in the range of six months to thirty months for a fourth degree 1375
felony OVI offense and shall equal one of the authorized prison 1376
terms specified in division (A) (3) of this section for a third 1377
degree felony OVI offense. If the court imposes an additional 1378
prison term under division (B) (4) of this section, the offender 1379
shall serve the additional prison term after the offender has 1380
served the mandatory prison term required for the offense. In 1381

addition to the mandatory prison term or mandatory and 1382
additional prison term imposed as described in division (B) (4) 1383
of this section, the court also may sentence the offender to a 1384
community control sanction under section 2929.16 or 2929.17 of 1385
the Revised Code, but the offender shall serve all of the prison 1386
terms so imposed prior to serving the community control 1387
sanction. 1388

If the offender is being sentenced for a fourth degree 1389
felony OVI offense under division (G) (1) of section 2929.13 of 1390
the Revised Code and the court imposes a mandatory term of local 1391
incarceration, the court may impose a prison term as described 1392
in division (A) (1) of that section. 1393

(5) If an offender is convicted of or pleads guilty to a 1394
violation of division (A) (1) or (2) of section 2903.06 of the 1395
Revised Code and also is convicted of or pleads guilty to a 1396
specification of the type described in section 2941.1414 of the 1397
Revised Code that charges that the victim of the offense is a 1398
peace officer, as defined in section 2935.01 of the Revised 1399
Code, or an investigator of the bureau of criminal 1400
identification and investigation, as defined in section 2903.11 1401
of the Revised Code, the court shall impose on the offender a 1402
prison term of five years. If a court imposes a prison term on 1403
an offender under division (B) (5) of this section, the prison 1404
term, subject to divisions (C) to (I) of section 2967.19 of the 1405
Revised Code, shall not be reduced pursuant to section 2929.20, 1406
section 2967.19, section 2967.193, or any other provision of 1407
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1408
shall not impose more than one prison term on an offender under 1409
division (B) (5) of this section for felonies committed as part 1410
of the same act. 1411

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (6) of this section for felonies committed as part of the same act.

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

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

than ten years; 1443

(ii) If the offense is a felony of the second or third 1444
degree, a definite prison term of not less than three years and 1445
not greater than the maximum prison term allowed for the offense 1446
by division (A) of section 2929.14 of the Revised Code; 1447

(iii) If the offense is a felony of the fourth or fifth 1448
degree, a definite prison term that is the maximum prison term 1449
allowed for the offense by division (A) of section 2929.14 of 1450
the Revised Code. 1451

(b) Subject to divisions (C) to (I) of section 2967.19 of 1452
the Revised Code, the prison term imposed under division (B) (7) 1453
(a) of this section shall not be reduced pursuant to section 1454
2929.20, section 2967.19, section 2967.193, or any other 1455
provision of Chapter 2967. of the Revised Code. A court shall 1456
not impose more than one prison term on an offender under 1457
division (B) (7) (a) of this section for felonies committed as 1458
part of the same act, scheme, or plan. 1459

(8) If an offender is convicted of or pleads guilty to a 1460
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1461
Revised Code and also is convicted of or pleads guilty to a 1462
specification of the type described in section 2941.1423 of the 1463
Revised Code that charges that the victim of the violation was a 1464
woman whom the offender knew was pregnant at the time of the 1465
violation, notwithstanding the range of prison terms prescribed 1466
in division (A) of this section for felonies of the same degree 1467
as the violation, the court shall impose on the offender a 1468
mandatory prison term that is either a definite prison term of 1469
six months or one of the prison terms prescribed in section 1470
2929.14 of the Revised Code for felonies of the same degree as 1471
the violation. 1472

(9) If an offender is convicted of or pleads guilty to a 1473
felony offense of violence and also is convicted of or pleads 1474
guilty to a specification of the type described in section 1475
2941.1425 of the Revised Code that charges that the victim of 1476
the offense suffered permanent disabling harm as a result of the 1477
offense and that the victim was under six years of age at the 1478
time of the offense, regardless of whether the offender knew the 1479
age of the victim, the court shall impose upon the offender an 1480
additional definite prison term of three, four, five, six, 1481
seven, or eight years. A prison term imposed upon an offender 1482
under division (B) (9) of this section shall not be reduced 1483
pursuant to section 2929.20, section 2967.193, or any other 1484
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1485

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1486
if a mandatory prison term is imposed upon an offender pursuant 1487
to division (B) (1) (a) of this section for having a firearm on or 1488
about the offender's person or under the offender's control 1489
while committing a felony, if a mandatory prison term is imposed 1490
upon an offender pursuant to division (B) (1) (c) of this section 1491
for committing a felony specified in that division by 1492
discharging a firearm from a motor vehicle, or if both types of 1493
mandatory prison terms are imposed, the offender shall serve any 1494
mandatory prison term imposed under either division 1495
consecutively to any other mandatory prison term imposed under 1496
either division or under division (B) (1) (d) of this section, 1497
consecutively to and prior to any prison term imposed for the 1498
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1499
this section or any other section of the Revised Code, and 1500
consecutively to any other prison term or mandatory prison term 1501
previously or subsequently imposed upon the offender. 1502

(b) If a mandatory prison term is imposed upon an offender 1503

pursuant to division (B)(1)(d) of this section for wearing or 1504
carrying body armor while committing an offense of violence that 1505
is a felony, the offender shall serve the mandatory term so 1506
imposed consecutively to any other mandatory prison term imposed 1507
under that division or under division (B)(1)(a) or (c) of this 1508
section, consecutively to and prior to any prison term imposed 1509
for the underlying felony under division (A), (B)(2), or (B)(3) 1510
of this section or any other section of the Revised Code, and 1511
consecutively to any other prison term or mandatory prison term 1512
previously or subsequently imposed upon the offender. 1513

(c) If a mandatory prison term is imposed upon an offender 1514
pursuant to division (B)(1)(f) of this section, the offender 1515
shall serve the mandatory prison term so imposed consecutively 1516
to and prior to any prison term imposed for the underlying 1517
felony under division (A), (B)(2), or (B)(3) of this section or 1518
any other section of the Revised Code, and consecutively to any 1519
other prison term or mandatory prison term previously or 1520
subsequently imposed upon the offender. 1521

(d) If a mandatory prison term is imposed upon an offender 1522
pursuant to division (B)(7) or (8) of this section, the offender 1523
shall serve the mandatory prison term so imposed consecutively 1524
to any other mandatory prison term imposed under that division 1525
or under any other provision of law and consecutively to any 1526
other prison term or mandatory prison term previously or 1527
subsequently imposed upon the offender. 1528

(2) If an offender who is an inmate in a jail, prison, or 1529
other residential detention facility violates section 2917.02, 1530
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 1531
(2) of section 2921.34 of the Revised Code, if an offender who 1532
is under detention at a detention facility commits a felony 1533

violation of section 2923.131 of the Revised Code, or if an 1534
offender who is an inmate in a jail, prison, or other 1535
residential detention facility or is under detention at a 1536
detention facility commits another felony while the offender is 1537
an escapee in violation of division (A) (1) or (2) of section 1538
2921.34 of the Revised Code, any prison term imposed upon the 1539
offender for one of those violations shall be served by the 1540
offender consecutively to the prison term or term of 1541
imprisonment the offender was serving when the offender 1542
committed that offense and to any other prison term previously 1543
or subsequently imposed upon the offender. 1544

(3) If a prison term is imposed for a violation of 1545
division (B) of section 2911.01 of the Revised Code, a violation 1546
of division (A) of section 2913.02 of the Revised Code in which 1547
the stolen property is a firearm or dangerous ordnance, or a 1548
felony violation of division (B) of section 2921.331 of the 1549
Revised Code, the offender shall serve that prison term 1550
consecutively to any other prison term or mandatory prison term 1551
previously or subsequently imposed upon the offender. 1552

(4) If multiple prison terms are imposed on an offender 1553
for convictions of multiple offenses, the court may require the 1554
offender to serve the prison terms consecutively if the court 1555
finds that the consecutive service is necessary to protect the 1556
public from future crime or to punish the offender and that 1557
consecutive sentences are not disproportionate to the 1558
seriousness of the offender's conduct and to the danger the 1559
offender poses to the public, and if the court also finds any of 1560
the following: 1561

(a) The offender committed one or more of the multiple 1562
offenses while the offender was awaiting trial or sentencing, 1563

was under a sanction imposed pursuant to section 2929.16, 1564
2929.17, or 2929.18 of the Revised Code, or was under post- 1565
release control for a prior offense. 1566

(b) At least two of the multiple offenses were committed 1567
as part of one or more courses of conduct, and the harm caused 1568
by two or more of the multiple offenses so committed was so 1569
great or unusual that no single prison term for any of the 1570
offenses committed as part of any of the courses of conduct 1571
adequately reflects the seriousness of the offender's conduct. 1572

(c) The offender's history of criminal conduct 1573
demonstrates that consecutive sentences are necessary to protect 1574
the public from future crime by the offender. 1575

(5) If a mandatory prison term is imposed upon an offender 1576
pursuant to division (B) (5) or (6) of this section, the offender 1577
shall serve the mandatory prison term consecutively to and prior 1578
to any prison term imposed for the underlying violation of 1579
division (A) (1) or (2) of section 2903.06 of the Revised Code 1580
pursuant to division (A) of this section or section 2929.142 of 1581
the Revised Code. If a mandatory prison term is imposed upon an 1582
offender pursuant to division (B) (5) of this section, and if a 1583
mandatory prison term also is imposed upon the offender pursuant 1584
to division (B) (6) of this section in relation to the same 1585
violation, the offender shall serve the mandatory prison term 1586
imposed pursuant to division (B) (5) of this section 1587
consecutively to and prior to the mandatory prison term imposed 1588
pursuant to division (B) (6) of this section and consecutively to 1589
and prior to any prison term imposed for the underlying 1590
violation of division (A) (1) or (2) of section 2903.06 of the 1591
Revised Code pursuant to division (A) of this section or section 1592
2929.142 of the Revised Code. 1593

(6) If a mandatory prison term is imposed upon an offender pursuant to division (B) (9) of this section, the offender shall serve that mandatory prison term consecutively to and prior to any prison term imposed for the underlying offense of violence and consecutively to and prior to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

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

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

(2) If a court imposes a prison term for a felony of the 1624
third, fourth, or fifth degree that is not subject to division 1625
(D) (1) of this section, it shall include in the sentence a 1626
requirement that the offender be subject to a period of post- 1627
release control after the offender's release from imprisonment, 1628
in accordance with that division, if the parole board determines 1629
that a period of post-release control is necessary. Section 1630
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1631
a court imposed a sentence including a prison term of a type 1632
described in this division and failed to include in the sentence 1633
pursuant to this division a statement regarding post-release 1634
control. 1635

(E) The court shall impose sentence upon the offender in 1636
accordance with section 2971.03 of the Revised Code, and Chapter 1637
2971. of the Revised Code applies regarding the prison term or 1638
term of life imprisonment without parole imposed upon the 1639
offender and the service of that term of imprisonment if any of 1640
the following apply: 1641

(1) A person is convicted of or pleads guilty to a violent 1642
sex offense or a designated homicide, assault, or kidnapping 1643
offense, and, in relation to that offense, the offender is 1644
adjudicated a sexually violent predator. 1645

(2) A person is convicted of or pleads guilty to a 1646
violation of division (A) (1) (b) of section 2907.02 of the 1647
Revised Code committed on or after January 2, 2007, and either 1648
the court does not impose a sentence of life without parole when 1649
authorized pursuant to division (B) of section 2907.02 of the 1650
Revised Code, or division (B) of section 2907.02 of the Revised 1651
Code provides that the court shall not sentence the offender 1652
pursuant to section 2971.03 of the Revised Code. 1653

(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), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.

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

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

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

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

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

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

(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of

the Revised Code and also was convicted of or pleaded guilty to 1714
a specification of the type described in section 2941.1421 of 1715
the Revised Code regarding one or more of those violations, an 1716
additional prison term of one, two, three, four, five, six, 1717
seven, eight, nine, ten, eleven, or twelve months. 1718

(b) In lieu of imposing an additional prison term under 1719
division (H)(2)(a) of this section, the court may directly 1720
impose on the offender a sanction that requires the offender to 1721
wear a real-time processing, continual tracking electronic 1722
monitoring device during the period of time specified by the 1723
court. The period of time specified by the court shall equal the 1724
duration of an additional prison term that the court could have 1725
imposed upon the offender under division (H)(2)(a) of this 1726
section. A sanction imposed under this division shall commence 1727
on the date specified by the court, provided that the sanction 1728
shall not commence until after the offender has served the 1729
prison term imposed for the felony violation of section 2907.22, 1730
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1731
residential sanction imposed for the violation under section 1732
2929.16 of the Revised Code. A sanction imposed under this 1733
division shall be considered to be a community control sanction 1734
for purposes of section 2929.15 of the Revised Code, and all 1735
provisions of the Revised Code that pertain to community control 1736
sanctions shall apply to a sanction imposed under this division, 1737
except to the extent that they would by their nature be clearly 1738
inapplicable. The offender shall pay all costs associated with a 1739
sanction imposed under this division, including the cost of the 1740
use of the monitoring device. 1741

(I) At the time of sentencing, the court may recommend the 1742
offender for placement in a program of shock incarceration under 1743
section 5120.031 of the Revised Code or for placement in an 1744

intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program of shock incarceration or an intensive program prison of that nature, or make no recommendation on placement of the offender. In no case shall the department of rehabilitation and correction place the offender in a program or prison of that nature unless the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

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

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

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

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature,

the department shall screen the offender and determine if there 1775
is an available program of shock incarceration or an intensive 1776
program prison for which the offender is suited. If there is an 1777
available program of shock incarceration or an intensive program 1778
prison for which the offender is suited, the department shall 1779
notify the court of the proposed placement of the offender as 1780
specified in section 5120.031 or 5120.032 of the Revised Code 1781
and shall include with the notice a brief description of the 1782
placement. The court shall have ten days from receipt of the 1783
notice to disapprove the placement. 1784

(J) If a person is convicted of or pleads guilty to 1785
aggravated vehicular homicide in violation of division (A) (1) of 1786
section 2903.06 of the Revised Code and division (B) (2) (c) of 1787
that section applies, the person shall be sentenced pursuant to 1788
section 2929.142 of the Revised Code. 1789

(K) (1) The court shall impose an additional mandatory 1790
prison term of two, three, four, five, six, seven, eight, nine, 1791
ten, or eleven years on an offender who is convicted of or 1792
pleads guilty to a violent felony offense if the offender also 1793
is convicted of or pleads guilty to a specification of the type 1794
described in section 2941.1424 of the Revised Code that charges 1795
that the offender is a violent career criminal and had a firearm 1796
on or about the offender's person or under the offender's 1797
control while committing the presently charged violent felony 1798
offense and displayed or brandished the firearm, indicated that 1799
the offender possessed a firearm, or used the firearm to 1800
facilitate the offense. The offender shall serve the prison term 1801
imposed under this division consecutively to and prior to the 1802
prison term imposed for the underlying offense. The prison term 1803
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1804
any other provision of Chapter 2967. or 5120. of the Revised 1805

Code. A court may not impose more than one sentence under 1806
division (B) (2) (a) of this section and this division for acts 1807
committed as part of the same act or transaction. 1808

(2) As used in division (K) (1) of this section, "violent 1809
career criminal" and "violent felony offense" have the same 1810
meanings as in section 2923.132 of the Revised Code. 1811

Sec. 2941.1425. (A) Imposition of a mandatory prison term 1812
of three, four, five, six, seven, or eight years upon an 1813
offender under division (B) (9) of section 2929.14 of the Revised 1814
Code is precluded unless the offender is convicted of or pleads 1815
guilty to a felony offense of violence and unless the 1816
indictment, count in the indictment, or information charging the 1817
offense specifies that the victim of the offense suffered 1818
permanent disabling harm as a result of the offense and that the 1819
victim was under six years of age at the time of the offense, 1820
regardless of whether the offender knew the age of the victim. 1821
The specification shall be stated at the end of the body of the 1822
indictment, count, or information and shall be stated in 1823
substantially the following form: 1824

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1825
Grand Jurors (or insert the person's or the prosecuting 1826
attorney's name when appropriate) further find and specify that 1827
(set forth that the victim of the offense suffered permanent 1828
disabling harm as a result of the offense and that the victim 1829
was under six years of age at the time of the offense, 1830
regardless of whether the offender knew the age of the victim)." 1831

(B) As used in this section, "permanent disabling harm" 1832
has the same meaning as in section 2929.01 of the Revised Code. 1833

Section 2. That existing sections 2929.01, 2929.13, and 1834

2929.14 of the Revised Code are hereby repealed. 1835

Section 3. Section 2929.01 of the Revised Code is 1836
presented in this act as a composite of the section as amended 1837
by both Sub. H.B. 158 and H.B. 171 of the 132nd General 1838
Assembly. The General Assembly, applying the principle stated in 1839
division (B) of section 1.52 of the Revised Code that amendments 1840
are to be harmonized if reasonably capable of simultaneous 1841
operation, finds that the composite is the resulting version of 1842
the section in effect prior to the effective date of the section 1843
as presented in this act. 1844

Section 2929.13 of the Revised Code is presented in this 1845
act as a composite of the section as amended by Sub. H.B. 60, 1846
Sub. H.B. 110, and Am. Sub. S.B. 97, all of the 132nd General 1847
Assembly. The General Assembly, applying the principle stated in 1848
division (B) of section 1.52 of the Revised Code that amendments 1849
are to be harmonized if reasonably capable of simultaneous 1850
operation, finds that the composite is the resulting version of 1851
the section in effect prior to the effective date of the section 1852
as presented in this act. 1853

Section 4. This act shall be known as "Destiny's Law." 1854