

As Introduced

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Representatives Fedor, Galonski

Cosponsors: Representatives Romanchuk, Antonio, Howse, Riedel, Smith, K., Hambley, Cera, Kent, Lepore-Hagan, Miller, Clyde, West, O'Brien, Kelly, Sheehy, Boggs, Carfagna, Scherer, Patterson, Boyd, Celebrezze, Strahorn, Sykes, Ingram, Boccieri, Leland, Sweeney, Rogers

A BILL

To amend sections 2152.021, 2905.32, and 2929.01 of
the Revised Code to require a juvenile court to
hold a delinquency complaint in abeyance if the
court has reason to believe that the act charged
might be prostitution related or that the child
might be a victim of human trafficking and to
provide that the same elements for the offense
of trafficking in persons that apply to a victim
under the age of sixteen also apply to a victim
who is age sixteen or seventeen.

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

Section 1. That sections 2152.021, 2905.32, and 2929.01 of
the Revised Code be amended to read as follows:

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this
section, any person having knowledge of a child who appears to
be a juvenile traffic offender or to be a delinquent child may
file a sworn complaint with respect to that child in the

juvenile court of the county in which the child has a residence 17
or legal settlement or in which the traffic offense or 18
delinquent act allegedly occurred. The sworn complaint may be 19
upon information and belief, and, in addition to the allegation 20
that the child is a delinquent child or a juvenile traffic 21
offender, the complaint shall allege the particular facts upon 22
which the allegation that the child is a delinquent child or a 23
juvenile traffic offender is based. 24

If a child appears to be a delinquent child who is 25
eligible for a serious youthful offender dispositional sentence 26
under section 2152.11 of the Revised Code and if the prosecuting 27
attorney desires to seek a serious youthful offender 28
dispositional sentence under section 2152.13 of the Revised Code 29
in regard to the child, the prosecuting attorney of the county 30
in which the alleged delinquency occurs may initiate a case in 31
the juvenile court of the county by presenting the case to a 32
grand jury for indictment, by charging the child in a bill of 33
information as a serious youthful offender pursuant to section 34
2152.13 of the Revised Code, by requesting a serious youthful 35
offender dispositional sentence in the original complaint 36
alleging that the child is a delinquent child, or by filing with 37
the juvenile court a written notice of intent to seek a serious 38
youthful offender dispositional sentence. This paragraph does 39
not apply regarding the imposition of a serious youthful 40
offender dispositional sentence pursuant to section 2152.121 of 41
the Revised Code. 42

(2) Any person having knowledge of a child who appears to 43
be a delinquent child for violating a court order regarding the 44
child's adjudication as an unruly child for being an habitual 45
truant, may file a sworn complaint with respect to that child, 46
or with respect to that child and the parent, guardian, or other 47

person having care of the child, in the juvenile court of the 48
county in which the child has a residence or legal settlement or 49
in which the child is supposed to attend public school. The 50
sworn complaint may be upon information and belief and shall 51
allege that the child is a delinquent child for violating a 52
court order regarding the child's prior adjudication as an 53
unruly child for being a habitual truant and, in addition, the 54
particular facts upon which that allegation is based. If the 55
complaint contains allegations regarding the child's parent, 56
guardian, or other person having care of the child, the 57
complaint additionally shall allege that the parent, guardian, 58
or other person having care of the child has failed to cause the 59
child's attendance at school in violation of section 3321.38 of 60
the Revised Code and, in addition, the particular facts upon 61
which that allegation is based. 62

(B) Any person with standing under applicable law may file 63
a complaint for the determination of any other matter over which 64
the juvenile court is given jurisdiction by section 2151.23 of 65
the Revised Code. The complaint shall be filed in the county in 66
which the child who is the subject of the complaint is found or 67
was last known to be found. 68

(C) Within ten days after the filing of a complaint or the 69
issuance of an indictment, the court shall give written notice 70
of the filing of the complaint or the issuance of an indictment 71
and of the substance of the complaint or indictment to the 72
superintendent of a city, local, exempted village, or joint 73
vocational school district if the complaint or indictment 74
alleges that a child committed an act that would be a criminal 75
offense if committed by an adult, that the child was sixteen 76
years of age or older at the time of the commission of the 77
alleged act, and that the alleged act is any of the following: 78

(1) A violation of section 2923.122 of the Revised Code 79
that relates to property owned or controlled by, or to an 80
activity held under the auspices of, the board of education of 81
that school district; 82

(2) A violation of section 2923.12 of the Revised Code, of 83
a substantially similar municipal ordinance, or of section 84
2925.03 of the Revised Code that was committed on property owned 85
or controlled by, or at an activity held under the auspices of, 86
the board of education of that school district; 87

(3) A violation of section 2925.11 of the Revised Code 88
that was committed on property owned or controlled by, or at an 89
activity held under the auspices of, the board of education of 90
that school district, other than a violation of that section 91
that would be a minor drug possession offense if committed by an 92
adult; 93

(4) A violation of section 2903.01, 2903.02, 2903.03, 94
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 95
Code, or a violation of former section 2907.12 of the Revised 96
Code, that was committed on property owned or controlled by, or 97
at an activity held under the auspices of, the board of 98
education of that school district, if the victim at the time of 99
the commission of the alleged act was an employee of the board 100
of education of that school district; 101

(5) Complicity in any violation described in division (C) 102
(1), (2), (3), or (4) of this section that was alleged to have 103
been committed in the manner described in division (C) (1), (2), 104
(3), or (4) of this section, regardless of whether the act of 105
complicity was committed on property owned or controlled by, or 106
at an activity held under the auspices of, the board of 107
education of that school district. 108

(D) A public children services agency, acting pursuant to 109
a complaint or an action on a complaint filed under this 110
section, is not subject to the requirements of section 3127.23 111
of the Revised Code. 112

(E) For purposes of the record to be maintained by the 113
clerk under division (B) of section 2152.71 of the Revised Code, 114
when a complaint is filed that alleges that a child is a 115
delinquent child, the court shall determine if the victim of the 116
alleged delinquent act was sixty-five years of age or older or 117
permanently and totally disabled at the time of the alleged 118
commission of the act. 119

(F) (1) At any time after the filing of a complaint 120
alleging that a child is a delinquent child and before 121
adjudication, ~~the court may hold a hearing to determine whether~~ 122
~~to hold the complaint in abeyance pending the child's successful~~ 123
~~completion of actions that constitute a method to divert the~~ 124
child from the juvenile court system shall promptly appoint for 125
the child a guardian ad litem who is not the child's attorney if 126
the child agrees to the hearing and the court has reason to 127
believe that either of the following applies might apply: 128

(a) The act charged would be a violation of section 129
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 130
were an adult. 131

(b) ~~The court has reason to believe that the child is a~~ 132
victim of a violation of section 2905.32 of the Revised Code, 133
regardless of whether any person has been convicted of a 134
violation of that section or of any other section for 135
victimizing the child, ~~and the act charged is related to the~~ 136
~~child's victimization.~~ 137

(2) The child, the child's attorney, or the child's guardian ad litem may petition the court to hold the complaint in abeyance if either of the following applies and, upon such a petition, the court shall grant the petition without a hearing, provided the prosecuting attorney does not object: 138
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(a) Division (F)(1)(a) of this section applies; 143

(b) Division (F)(1)(b) of this section applies and the act charged in the complaint is related to the child's victimization. 144
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(3) If the prosecuting attorney objects to holding the complaint in abeyance, the court shall hold a hearing on that issue. The prosecuting attorney has the right to participate in any the hearing held under division (F)(1) of this section, to object to holding the complaint that is the subject of the hearing in abeyance, and to make recommendations related to diversion actions. No statement made by a child at a hearing held under this division (F)(1) of this section is admissible in any subsequent proceeding against the child. 147
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~~(3) If either division (F)(1)(a) or (b) of this section applies, the court shall promptly appoint a guardian ad litem for the child. The court shall not appoint the child's attorney as guardian ad litem. If the court decides to hold the complaint in abeyance, the guardian ad litem shall make recommendations that are in the best interest of the child to the court.~~ 156
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(4) If after a hearing the court decides to find that division (F)(1)(a) of this section applies, or if after a hearing the court finds that division (F)(1)(b) of this section applies and the act charged in the complaint is related to the child's victimization, the court shall hold the complaint in 162
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abeyance, the. The guardian ad litem shall make recommendations 167
that are in the best interest of the child. The prosecuting 168
attorney may make recommendations related to diversion actions. 169
The court may make any orders regarding placement, services, 170
supervision, diversion actions, and conditions of abeyance, 171
including, but not limited to, engagement in trauma-based 172
behavioral health services or education activities, that the 173
court considers appropriate and in the best interest of the 174
child. The court may hold the complaint in abeyance for up to 175
ninety days while the child engages in diversion actions. If the 176
child violates the conditions of abeyance or does not complete 177
the diversion actions to the court's satisfaction within ninety 178
days, the court may extend the period of abeyance for not more 179
than two additional ninety-day periods. 180

(5) If the court holds the complaint in abeyance and the 181
child complies with the conditions of abeyance and completes the 182
diversion actions to the court's satisfaction, the court shall 183
dismiss the complaint and order that the records pertaining to 184
the case be expunged immediately. If the child fails to complete 185
the diversion actions to the court's satisfaction, the court 186
shall proceed upon the complaint. 187

Sec. 2905.32. (A) No person shall knowingly recruit, lure, 188
entice, isolate, harbor, transport, provide, obtain, or 189
maintain, or knowingly attempt to recruit, lure, entice, 190
isolate, harbor, transport, provide, obtain, or maintain, 191
another person if ~~any~~ either of the following applies: 192

(1) The offender knows that the other person will be 193
subjected to involuntary servitude or be compelled to engage in 194
sexual activity for hire, engage in a performance that is 195
obscene, sexually oriented, or nudity oriented, or be a model or 196

participant in the production of material that is obscene, 197
sexually oriented, or nudity oriented. 198

(2) The other person is less than ~~sixteen~~ eighteen years 199
of age or is a person with a developmental disability whom the 200
offender knows or has reasonable cause to believe is a person 201
with a developmental disability, and either the offender knows 202
that the other person will be subjected to involuntary servitude 203
or the offender's knowing recruitment, luring, enticement, 204
isolation, harboring, transportation, provision, obtaining, or 205
maintenance of the other person or knowing attempt to recruit, 206
lure, entice, isolate, harbor, transport, provide, obtain, or 207
maintain the other person is for any of the following purposes: 208

(a) To engage in sexual activity for hire; 209

(b) To engage in a performance for hire that is obscene, 210
sexually oriented, or nudity oriented; 211

(c) To be a model or participant for hire in the 212
production of material that is obscene, sexually oriented, or 213
nudity oriented. 214

~~(3) The other person is sixteen or seventeen years of age, 215
either the offender knows that the other person will be 216
subjected to involuntary servitude or the offender's knowing 217
recruitment, luring, enticement, isolation, harboring, 218
transportation, provision, obtaining, or maintenance of the 219
other person or knowing attempt to recruit, lure, entice, 220
isolate, harbor, transport, provide, obtain, or maintain the 221
other person is for any purpose described in divisions (A) (2) (a) 222
to (c) of this section, and the circumstances described in 223
division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) 224
of section 2907.03 of the Revised Code apply with respect to the 225~~

~~offender and the other person.~~ 226

(B) For a prosecution under division (A)(1) of this 227
section, the element "compelled" does not require that the 228
compulsion be openly displayed or physically exerted. The 229
element "compelled" has been established if the state proves 230
that the victim's will was overcome by force, fear, duress, 231
intimidation, or fraud. 232

(C) In a prosecution under this section, proof that the 233
defendant engaged in sexual activity with any person, or 234
solicited sexual activity with any person, whether or not for 235
hire, without more, does not constitute a violation of this 236
section. 237

(D) A prosecution for a violation of this section does not 238
preclude a prosecution of a violation of any other section of 239
the Revised Code. One or more acts, a series of acts, or a 240
course of behavior that can be prosecuted under this section or 241
any other section of the Revised Code may be prosecuted under 242
this section, the other section of the Revised Code, or both 243
sections. However, if an offender is convicted of or pleads 244
guilty to a violation of this section and also is convicted of 245
or pleads guilty to a violation of section 2907.21 of the 246
Revised Code based on the same conduct involving the same victim 247
that was the basis of the violation of this section, or is 248
convicted of or pleads guilty to any other violation of Chapter 249
2907. of the Revised Code based on the same conduct involving 250
the same victim that was the basis of the violation of this 251
section, the two offenses are allied offenses of similar import 252
under section 2941.25 of the Revised Code. 253

(E) Whoever violates this section is guilty of trafficking 254
in persons, a felony of the first degree. Notwithstanding 255

division (A) (1) of section 2929.14 of the Revised Code, the 256
court shall sentence the offender to a definite prison term of 257
ten, eleven, twelve, thirteen, fourteen, or fifteen years. 258

(F) As used in this section: 259

(1) "Person with a developmental disability" means a 260
person whose ability to resist or consent to an act is 261
substantially impaired because of a mental or physical condition 262
or because of advanced age. 263

(2) "Sexual activity for hire," "performance for hire," 264
and "model or participant for hire" mean an implicit or explicit 265
agreement to provide sexual activity, engage in an obscene, 266
sexually oriented, or nudity oriented performance, or be a model 267
or participant in the production of obscene, sexually oriented, 268
or nudity oriented material, whichever is applicable, in 269
exchange for anything of value paid to any of the following: 270

(a) The person engaging in such sexual activity, 271
performance, or modeling or participation; 272

(b) Any person who recruits, lures, entices, isolates, 273
harbors, transports, provides, obtains, or maintains, or 274
attempts to recruit, lure, entice, isolate, harbor, transport, 275
provide, obtain, or maintain the person described in division 276
(F) (2) (a) of this section; 277

(c) Any person associated with a person described in 278
division (F) (2) (a) or (b) of this section. 279

(3) "Material that is obscene, sexually oriented, or 280
nudity oriented" and "performance that is obscene, sexually 281
oriented, or nudity oriented" have the same meanings as in 282
section 2929.01 of the Revised Code. 283

Sec. 2929.01. As used in this chapter:	284
(A) (1) "Alternative residential facility" means, subject to division (A) (2) of this section, any facility other than an offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria:	285 286 287 288
(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation.	289 290 291
(b) It has received the appropriate license or certificate for any specialized education, training, treatment, habilitation, or other service that it provides from the government agency that is responsible for licensing or certifying that type of education, training, treatment, habilitation, or service.	292 293 294 295 296 297
(2) "Alternative residential facility" does not include a community-based correctional facility, jail, halfway house, or prison.	298 299 300
(B) "Basic probation supervision" means a requirement that the offender maintain contact with a person appointed to supervise the offender in accordance with sanctions imposed by the court or imposed by the parole board pursuant to section 2967.28 of the Revised Code. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision.	301 302 303 304 305 306 307
(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code.	308 309
(D) "Community-based correctional facility" means a community-based correctional facility and program or district community-based correctional facility and program developed	310 311 312

pursuant to sections 2301.51 to 2301.58 of the Revised Code. 313

(E) "Community control sanction" means a sanction that is 314
not a prison term and that is described in section 2929.15, 315
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 316
that is not a jail term and that is described in section 317
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 318
control sanction" includes probation if the sentence involved 319
was imposed for a felony that was committed prior to July 1, 320
1996, or if the sentence involved was imposed for a misdemeanor 321
that was committed prior to January 1, 2004. 322

(F) "Controlled substance," "marihuana," "schedule I," and 323
"schedule II" have the same meanings as in section 3719.01 of 324
the Revised Code. 325

(G) "Curfew" means a requirement that an offender during a 326
specified period of time be at a designated place. 327

(H) "Day reporting" means a sanction pursuant to which an 328
offender is required each day to report to and leave a center or 329
other approved reporting location at specified times in order to 330
participate in work, education or training, treatment, and other 331
approved programs at the center or outside the center. 332

(I) "Deadly weapon" has the same meaning as in section 333
2923.11 of the Revised Code. 334

(J) "Drug and alcohol use monitoring" means a program 335
under which an offender agrees to submit to random chemical 336
analysis of the offender's blood, breath, or urine to determine 337
whether the offender has ingested any alcohol or other drugs. 338

(K) "Drug treatment program" means any program under which 339
a person undergoes assessment and treatment designed to reduce 340
or completely eliminate the person's physical or emotional 341

reliance upon alcohol, another drug, or alcohol and another drug 342
and under which the person may be required to receive assessment 343
and treatment on an outpatient basis or may be required to 344
reside at a facility other than the person's home or residence 345
while undergoing assessment and treatment. 346

(L) "Economic loss" means any economic detriment suffered 347
by a victim as a direct and proximate result of the commission 348
of an offense and includes any loss of income due to lost time 349
at work because of any injury caused to the victim, and any 350
property loss, medical cost, or funeral expense incurred as a 351
result of the commission of the offense. "Economic loss" does 352
not include non-economic loss or any punitive or exemplary 353
damages. 354

(M) "Education or training" includes study at, or in 355
conjunction with a program offered by, a university, college, or 356
technical college or vocational study and also includes the 357
completion of primary school, secondary school, and literacy 358
curricula or their equivalent. 359

(N) "Firearm" has the same meaning as in section 2923.11 360
of the Revised Code. 361

(O) "Halfway house" means a facility licensed by the 362
division of parole and community services of the department of 363
rehabilitation and correction pursuant to section 2967.14 of the 364
Revised Code as a suitable facility for the care and treatment 365
of adult offenders. 366

(P) "House arrest" means a period of confinement of an 367
offender that is in the offender's home or in other premises 368
specified by the sentencing court or by the parole board 369
pursuant to section 2967.28 of the Revised Code and during which 370

all of the following apply: 371

(1) The offender is required to remain in the offender's 372
home or other specified premises for the specified period of 373
confinement, except for periods of time during which the 374
offender is at the offender's place of employment or at other 375
premises as authorized by the sentencing court or by the parole 376
board. 377

(2) The offender is required to report periodically to a 378
person designated by the court or parole board. 379

(3) The offender is subject to any other restrictions and 380
requirements that may be imposed by the sentencing court or by 381
the parole board. 382

(Q) "Intensive probation supervision" means a requirement 383
that an offender maintain frequent contact with a person 384
appointed by the court, or by the parole board pursuant to 385
section 2967.28 of the Revised Code, to supervise the offender 386
while the offender is seeking or maintaining necessary 387
employment and participating in training, education, and 388
treatment programs as required in the court's or parole board's 389
order. "Intensive probation supervision" includes intensive 390
parole supervision and intensive post-release control 391
supervision. 392

(R) "Jail" means a jail, workhouse, minimum security jail, 393
or other residential facility used for the confinement of 394
alleged or convicted offenders that is operated by a political 395
subdivision or a combination of political subdivisions of this 396
state. 397

(S) "Jail term" means the term in a jail that a sentencing 398
court imposes or is authorized to impose pursuant to section 399

2929.24 or 2929.25 of the Revised Code or pursuant to any other 400
provision of the Revised Code that authorizes a term in a jail 401
for a misdemeanor conviction. 402

(T) "Mandatory jail term" means the term in a jail that a 403
sentencing court is required to impose pursuant to division (G) 404
of section 1547.99 of the Revised Code, division (E) of section 405
2903.06 or division (D) of section 2903.08 of the Revised Code, 406
division (E) or (G) of section 2929.24 of the Revised Code, 407
division (B) of section 4510.14 of the Revised Code, or division 408
(G) of section 4511.19 of the Revised Code or pursuant to any 409
other provision of the Revised Code that requires a term in a 410
jail for a misdemeanor conviction. 411

(U) "Delinquent child" has the same meaning as in section 412
2152.02 of the Revised Code. 413

(V) "License violation report" means a report that is made 414
by a sentencing court, or by the parole board pursuant to 415
section 2967.28 of the Revised Code, to the regulatory or 416
licensing board or agency that issued an offender a professional 417
license or a license or permit to do business in this state and 418
that specifies that the offender has been convicted of or 419
pleaded guilty to an offense that may violate the conditions 420
under which the offender's professional license or license or 421
permit to do business in this state was granted or an offense 422
for which the offender's professional license or license or 423
permit to do business in this state may be revoked or suspended. 424

(W) "Major drug offender" means an offender who is 425
convicted of or pleads guilty to the possession of, sale of, or 426
offer to sell any drug, compound, mixture, preparation, or 427
substance that consists of or contains at least one thousand 428
grams of hashish; at least one hundred grams of cocaine; at 429

least one thousand unit doses or one hundred grams of heroin; at 430
least five thousand unit doses of L.S.D. or five hundred grams 431
of L.S.D. in a liquid concentrate, liquid extract, or liquid 432
distillate form; at least fifty grams of a controlled substance 433
analog; or at least one hundred times the amount of any other 434
schedule I or II controlled substance other than marihuana that 435
is necessary to commit a felony of the third degree pursuant to 436
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 437
Code that is based on the possession of, sale of, or offer to 438
sell the controlled substance. 439

(X) "Mandatory prison term" means any of the following: 440

(1) Subject to division (X)(2) of this section, the term 441
in prison that must be imposed for the offenses or circumstances 442
set forth in divisions (F)(1) to (8) or (F)(12) to (18) of 443
section 2929.13 and division (B) of section 2929.14 of the 444
Revised Code. Except as provided in sections 2925.02, 2925.03, 445
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 446
maximum or another specific term is required under section 447
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 448
described in this division may be any prison term authorized for 449
the level of offense. 450

(2) The term of sixty or one hundred twenty days in prison 451
that a sentencing court is required to impose for a third or 452
fourth degree felony OVI offense pursuant to division (G)(2) of 453
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 454
of the Revised Code or the term of one, two, three, four, or 455
five years in prison that a sentencing court is required to 456
impose pursuant to division (G)(2) of section 2929.13 of the 457
Revised Code. 458

(3) The term in prison imposed pursuant to division (A) of 459

section 2971.03 of the Revised Code for the offenses and in the 460
circumstances described in division (F) (11) of section 2929.13 461
of the Revised Code or pursuant to division (B) (1) (a), (b), or 462
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 463
section 2971.03 of the Revised Code and that term as modified or 464
terminated pursuant to section 2971.05 of the Revised Code. 465

(Y) "Monitored time" means a period of time during which 466
an offender continues to be under the control of the sentencing 467
court or parole board, subject to no conditions other than 468
leading a law-abiding life. 469

(Z) "Offender" means a person who, in this state, is 470
convicted of or pleads guilty to a felony or a misdemeanor. 471

(AA) "Prison" means a residential facility used for the 472
confinement of convicted felony offenders that is under the 473
control of the department of rehabilitation and correction but 474
does not include a violation sanction center operated under 475
authority of section 2967.141 of the Revised Code. 476

(BB) "Prison term" includes either of the following 477
sanctions for an offender: 478

(1) A stated prison term; 479

(2) A term in a prison shortened by, or with the approval 480
of, the sentencing court pursuant to section 2929.143, 2929.20, 481
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 482

(CC) "Repeat violent offender" means a person about whom 483
both of the following apply: 484

(1) The person is being sentenced for committing or for 485
complicity in committing any of the following: 486

(a) Aggravated murder, murder, any felony of the first or 487

second degree that is an offense of violence, or an attempt to 488
commit any of these offenses if the attempt is a felony of the 489
first or second degree; 490

(b) An offense under an existing or former law of this 491
state, another state, or the United States that is or was 492
substantially equivalent to an offense described in division 493
(CC) (1) (a) of this section. 494

(2) The person previously was convicted of or pleaded 495
guilty to an offense described in division (CC) (1) (a) or (b) of 496
this section. 497

(DD) "Sanction" means any penalty imposed upon an offender 498
who is convicted of or pleads guilty to an offense, as 499
punishment for the offense. "Sanction" includes any sanction 500
imposed pursuant to any provision of sections 2929.14 to 2929.18 501
or 2929.24 to 2929.28 of the Revised Code. 502

(EE) "Sentence" means the sanction or combination of 503
sanctions imposed by the sentencing court on an offender who is 504
convicted of or pleads guilty to an offense. 505

(FF) "Stated prison term" means the prison term, mandatory 506
prison term, or combination of all prison terms and mandatory 507
prison terms imposed by the sentencing court pursuant to section 508
2929.14, 2929.142, or 2971.03 of the Revised Code or under 509
section 2919.25 of the Revised Code. "Stated prison term" 510
includes any credit received by the offender for time spent in 511
jail awaiting trial, sentencing, or transfer to prison for the 512
offense and any time spent under house arrest or house arrest 513
with electronic monitoring imposed after earning credits 514
pursuant to section 2967.193 of the Revised Code. If an offender 515
is serving a prison term as a risk reduction sentence under 516

sections 2929.143 and 5120.036 of the Revised Code, "stated 517
prison term" includes any period of time by which the prison 518
term imposed upon the offender is shortened by the offender's 519
successful completion of all assessment and treatment or 520
programming pursuant to those sections. 521

(GG) "Victim-offender mediation" means a reconciliation or 522
mediation program that involves an offender and the victim of 523
the offense committed by the offender and that includes a 524
meeting in which the offender and the victim may discuss the 525
offense, discuss restitution, and consider other sanctions for 526
the offense. 527

(HH) "Fourth degree felony OVI offense" means a violation 528
of division (A) of section 4511.19 of the Revised Code that, 529
under division (G) of that section, is a felony of the fourth 530
degree. 531

(II) "Mandatory term of local incarceration" means the 532
term of sixty or one hundred twenty days in a jail, a community- 533
based correctional facility, a halfway house, or an alternative 534
residential facility that a sentencing court may impose upon a 535
person who is convicted of or pleads guilty to a fourth degree 536
felony OVI offense pursuant to division (G)(1) of section 537
2929.13 of the Revised Code and division (G)(1)(d) or (e) of 538
section 4511.19 of the Revised Code. 539

(JJ) "Designated homicide, assault, or kidnapping 540
offense," "violent sex offense," "sexual motivation 541
specification," "sexually violent offense," "sexually violent 542
predator," and "sexually violent predator specification" have 543
the same meanings as in section 2971.01 of the Revised Code. 544

(KK) "Sexually oriented offense," "child-victim oriented 545

offense," and "tier III sex offender/child-victim offender" have	546
the same meanings as in section 2950.01 of the Revised Code.	547
(LL) An offense is "committed in the vicinity of a child"	548
if the offender commits the offense within thirty feet of or	549
within the same residential unit as a child who is under	550
eighteen years of age, regardless of whether the offender knows	551
the age of the child or whether the offender knows the offense	552
is being committed within thirty feet of or within the same	553
residential unit as the child and regardless of whether the	554
child actually views the commission of the offense.	555
(MM) "Family or household member" has the same meaning as	556
in section 2919.25 of the Revised Code.	557
(NN) "Motor vehicle" and "manufactured home" have the same	558
meanings as in section 4501.01 of the Revised Code.	559
(OO) "Detention" and "detention facility" have the same	560
meanings as in section 2921.01 of the Revised Code.	561
(PP) "Third degree felony OVI offense" means a violation	562
of division (A) of section 4511.19 of the Revised Code that,	563
under division (G) of that section, is a felony of the third	564
degree.	565
(QQ) "Random drug testing" has the same meaning as in	566
section 5120.63 of the Revised Code.	567
(RR) "Felony sex offense" has the same meaning as in	568
section 2967.28 of the Revised Code.	569
(SS) "Body armor" has the same meaning as in section	570
2941.1411 of the Revised Code.	571
(TT) "Electronic monitoring" means monitoring through the	572
use of an electronic monitoring device.	573

(UU) "Electronic monitoring device" means any of the 574
following: 575

(1) Any device that can be operated by electrical or 576
battery power and that conforms with all of the following: 577

(a) The device has a transmitter that can be attached to a 578
person, that will transmit a specified signal to a receiver of 579
the type described in division (UU) (1) (b) of this section if the 580
transmitter is removed from the person, turned off, or altered 581
in any manner without prior court approval in relation to 582
electronic monitoring or without prior approval of the 583
department of rehabilitation and correction in relation to the 584
use of an electronic monitoring device for an inmate on 585
transitional control or otherwise is tampered with, that can 586
transmit continuously and periodically a signal to that receiver 587
when the person is within a specified distance from the 588
receiver, and that can transmit an appropriate signal to that 589
receiver if the person to whom it is attached travels a 590
specified distance from that receiver. 591

(b) The device has a receiver that can receive 592
continuously the signals transmitted by a transmitter of the 593
type described in division (UU) (1) (a) of this section, can 594
transmit continuously those signals by a wireless or landline 595
telephone connection to a central monitoring computer of the 596
type described in division (UU) (1) (c) of this section, and can 597
transmit continuously an appropriate signal to that central 598
monitoring computer if the device has been turned off or altered 599
without prior court approval or otherwise tampered with. The 600
device is designed specifically for use in electronic 601
monitoring, is not a converted wireless phone or another 602
tracking device that is clearly not designed for electronic 603

monitoring, and provides a means of text-based or voice 604
communication with the person. 605

(c) The device has a central monitoring computer that can 606
receive continuously the signals transmitted by a wireless or 607
landline telephone connection by a receiver of the type 608
described in division (UU) (1) (b) of this section and can monitor 609
continuously the person to whom an electronic monitoring device 610
of the type described in division (UU) (1) (a) of this section is 611
attached. 612

(2) Any device that is not a device of the type described 613
in division (UU) (1) of this section and that conforms with all 614
of the following: 615

(a) The device includes a transmitter and receiver that 616
can monitor and determine the location of a subject person at 617
any time, or at a designated point in time, through the use of a 618
central monitoring computer or through other electronic means. 619

(b) The device includes a transmitter and receiver that 620
can determine at any time, or at a designated point in time, 621
through the use of a central monitoring computer or other 622
electronic means the fact that the transmitter is turned off or 623
altered in any manner without prior approval of the court in 624
relation to the electronic monitoring or without prior approval 625
of the department of rehabilitation and correction in relation 626
to the use of an electronic monitoring device for an inmate on 627
transitional control or otherwise is tampered with. 628

(3) Any type of technology that can adequately track or 629
determine the location of a subject person at any time and that 630
is approved by the director of rehabilitation and correction, 631
including, but not limited to, any satellite technology, voice 632

tracking system, or retinal scanning system that is so approved. 633

(VV) "Non-economic loss" means nonpecuniary harm suffered 634
by a victim of an offense as a result of or related to the 635
commission of the offense, including, but not limited to, pain 636
and suffering; loss of society, consortium, companionship, care, 637
assistance, attention, protection, advice, guidance, counsel, 638
instruction, training, or education; mental anguish; and any 639
other intangible loss. 640

(WW) "Prosecutor" has the same meaning as in section 641
2935.01 of the Revised Code. 642

(XX) "Continuous alcohol monitoring" means the ability to 643
automatically test and periodically transmit alcohol consumption 644
levels and tamper attempts at least every hour, regardless of 645
the location of the person who is being monitored. 646

(YY) A person is "adjudicated a sexually violent predator" 647
if the person is convicted of or pleads guilty to a violent sex 648
offense and also is convicted of or pleads guilty to a sexually 649
violent predator specification that was included in the 650
indictment, count in the indictment, or information charging 651
that violent sex offense or if the person is convicted of or 652
pleads guilty to a designated homicide, assault, or kidnapping 653
offense and also is convicted of or pleads guilty to both a 654
sexual motivation specification and a sexually violent predator 655
specification that were included in the indictment, count in the 656
indictment, or information charging that designated homicide, 657
assault, or kidnapping offense. 658

(ZZ) An offense is "committed in proximity to a school" if 659
the offender commits the offense in a school safety zone or 660
within five hundred feet of any school building or the 661

boundaries of any school premises, regardless of whether the 662
offender knows the offense is being committed in a school safety 663
zone or within five hundred feet of any school building or the 664
boundaries of any school premises. 665

(AAA) "Human trafficking" means a scheme or plan to which 666
all of the following apply: 667

(1) Its object is one or ~~more~~ both of the following: 668

(a) To subject a victim or victims to involuntary 669
servitude, as defined in section 2905.31 of the Revised Code or 670
to compel a victim or victims to engage in sexual activity for 671
hire, to engage in a performance that is obscene, sexually 672
oriented, or nudity oriented, or to be a model or participant in 673
the production of material that is obscene, sexually oriented, 674
or nudity oriented; 675

(b) To facilitate, encourage, or recruit a victim who is 676
~~less than sixteen years of age~~ a minor or is a person with a 677
developmental disability, or victims who are ~~less than sixteen~~ 678
~~years of age~~ minors or are persons with developmental 679
disabilities, for any purpose listed in divisions (A) (2) (a) to 680
(c) of section 2905.32 of the Revised Code; 681

~~(c) To facilitate, encourage, or recruit a victim who is~~ 682
~~sixteen or seventeen years of age, or victims who are sixteen or~~ 683
~~seventeen years of age, for any purpose listed in divisions (A)~~ 684
~~(2) (a) to (c) of section 2905.32 of the Revised Code, if the~~ 685
~~circumstances described in division (A) (5), (6), (7), (8), (9),~~ 686
~~(10), (11), (12), or (13) of section 2907.03 of the Revised Code~~ 687
~~apply with respect to the person engaging in the conduct and the~~ 688
~~victim or victims.~~ 689

(2) It involves at least two felony offenses, whether or 690

not there has been a prior conviction for any of the felony 691
offenses, to which all of the following apply: 692

(a) Each of the felony offenses is a violation of section 693
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 694
division (A) (1) or (2) of section 2907.323, or division (B) (1), 695
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 696
is a violation of a law of any state other than this state that 697
is substantially similar to any of the sections or divisions of 698
the Revised Code identified in this division. 699

(b) At least one of the felony offenses was committed in 700
this state. 701

(c) The felony offenses are related to the same scheme or 702
plan and are not isolated instances. 703

(BBB) "Material," "nudity," "obscene," "performance," and 704
"sexual activity" have the same meanings as in section 2907.01 705
of the Revised Code. 706

(CCC) "Material that is obscene, sexually oriented, or 707
nudity oriented" means any material that is obscene, that shows 708
a person participating or engaging in sexual activity, 709
masturbation, or bestiality, or that shows a person in a state 710
of nudity. 711

(DDD) "Performance that is obscene, sexually oriented, or 712
nudity oriented" means any performance that is obscene, that 713
shows a person participating or engaging in sexual activity, 714
masturbation, or bestiality, or that shows a person in a state 715
of nudity. 716

(EEE) "Accelerant" means a fuel or oxidizing agent, such 717
as an ignitable liquid, used to initiate a fire or increase the 718
rate of growth or spread of a fire. 719

Section 2. That existing sections 2152.021, 2905.32, and 720
2929.01 of the Revised Code are hereby repealed. 721