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Representative Anielski

Cosponsors: Representatives Becker, Vitale, Riedel, Greenspan, Scherer, Blessing, Dean, Lipps, Ashford, Sprague, Boccieri, Fedor, Leland, Rogers, Sweeney, Manning, Celebrezze, Conditt, Galonski, Antonio, Arndt, Barnes, Boyd, Brenner, Butler, Carfagna, Dever, Edwards, Gavarone, Ginter, Green, Hagan, Hambley, Holmes, Householder, Hughes, Johnson, Keller, Kent, Kick, Koehler, Landis, Lepore-Hagan, McColley, O'Brien, Patterson, Patton, Pelanda, Perales, Ramos, Retherford, Rezabek, Romanchuk, Ryan, Schaffer, Schuring, Sheehy, Stein, Strahorn, West, Young, Zeltwanger

A BILL

To amend sections 2907.321, 2907.322, 2907.323, 1
2929.13, and 2929.14 of the Revised Code to 2
include conduct involving an impaired person 3
within the offenses of pandering obscenity 4
involving a minor, pandering sexually oriented 5
matter involving a minor, and illegal use of a 6
minor in a nudity-oriented material or 7
performance. 8

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

Section 1. That sections 2907.321, 2907.322, 2907.323, 9
2929.13, and 2929.14 of the Revised Code be amended to read as 10
follows: 11

Sec. 2907.321. (A) No person, with knowledge of the 12
character of the material or performance involved, shall do any 13

of the following: 14

(1) Create, reproduce, or publish any obscene material 15
that has a minor or impaired person as one of its participants 16
or portrayed observers; 17

(2) Promote or advertise for sale or dissemination; sell, 18
deliver, disseminate, display, exhibit, present, rent, or 19
provide; or offer or agree to sell, deliver, disseminate, 20
display, exhibit, present, rent, or provide, any obscene 21
material that has a minor or impaired person as one of its 22
participants or portrayed observers; 23

(3) Create, direct, or produce an obscene performance that 24
has a minor or impaired person as one of its participants; 25

(4) Advertise or promote for presentation, present, or 26
participate in presenting an obscene performance that has a 27
minor or impaired person as one of its participants; 28

(5) Buy, procure, possess, or control any obscene 29
material, that has a minor or impaired person as one of its 30
participants; 31

(6) Bring or cause to be brought into this state any 32
obscene material that has a minor or impaired person as one of 33
its participants or portrayed observers. 34

(B) (1) This section does not apply to any material or 35
performance that is sold, disseminated, displayed, possessed, 36
controlled, brought or caused to be brought into this state, or 37
presented for a bona fide medical, scientific, educational, 38
religious, governmental, judicial, or other proper purpose, by 39
or to a physician, psychologist, sociologist, scientist, 40
teacher, person pursuing bona fide studies or research, 41
librarian, ~~clergyman~~ member of the clergy, prosecutor, judge, or 42

other person having a proper interest in the material or 43
performance. 44

(2) Mistake of age is not a defense to a charge under this 45
section. 46

(3) In a prosecution under this section, the trier of fact 47
may infer that a person in the material or performance involved 48
is a minor or impaired person if the material or performance, 49
through its title, text, visual representation, or otherwise, 50
represents or depicts the person as a minor or impaired person. 51

(C) Whoever violates this section is guilty of pandering 52
obscenity involving a minor or impaired person. ~~Violation~~ If the 53
offense involves a minor, a violation of division (A) (1), (2), 54
(3), (4), or (6) of this section is a felony of the second 55
degree. ~~Violation~~ If the offense involves an impaired person, a 56
violation of division (A) (1), (2), (3), (4), or (6) of this 57
section is a felony of the third degree. A violation of division 58
(A) (5) of this section is a felony of the fourth degree. If the 59
offender previously has been convicted of or pleaded guilty to a 60
violation of this section or section 2907.322 or 2907.323 of the 61
Revised Code, pandering obscenity involving a minor or impaired 62
person in violation of division (A) (5) of this section is a 63
felony of the third degree. 64

(D) As used in this section and sections 2907.322 and 65
2907.323 of the Revised Code, "impaired person" means a person 66
whose ability to resist or consent is substantially impaired 67
because of a mental or physical condition or because of advanced 68
age, and the offender knows or has reasonable cause to believe 69
that the other person's ability to resist or consent is 70
substantially impaired because of a mental or physical condition 71
or because of advanced age. 72

Sec. 2907.322. (A) No person, with knowledge of the	73
character of the material or performance involved, shall do any	74
of the following:	75
(1) Create, record, photograph, film, develop, reproduce,	76
or publish any material that shows a minor <u>or impaired person</u>	77
participating or engaging in sexual activity, masturbation, or	78
bestiality;	79
(2) Advertise for sale or dissemination, sell, distribute,	80
transport, disseminate, exhibit, or display any material that	81
shows a minor <u>or impaired person</u> participating or engaging in	82
sexual activity, masturbation, or bestiality;	83
(3) Create, direct, or produce a performance that shows a	84
minor <u>or impaired person</u> participating or engaging in sexual	85
activity, masturbation, or bestiality;	86
(4) Advertise for presentation, present, or participate in	87
presenting a performance that shows a minor <u>or impaired person</u>	88
participating or engaging in sexual activity, masturbation, or	89
bestiality;	90
(5) Knowingly solicit, receive, purchase, exchange,	91
possess, or control any material that shows a minor <u>or impaired</u>	92
<u>person</u> participating or engaging in sexual activity,	93
masturbation, or bestiality;	94
(6) Bring or cause to be brought into this state any	95
material that shows a minor <u>or impaired person</u> participating or	96
engaging in sexual activity, masturbation, or bestiality, or	97
bring;	98
<u>(7) Bring,</u> cause to be brought, or finance the bringing of	99
any minor into or across this state with the intent that the	100
minor engage in sexual activity, masturbation, or bestiality in	101

a performance or for the purpose of producing material 102
containing a visual representation depicting the minor engaged 103
in sexual activity, masturbation, or bestiality. 104

(B) (1) This section does not apply to any material or 105
performance that is sold, disseminated, displayed, possessed, 106
controlled, brought or caused to be brought into this state, or 107
presented for a bona fide medical, scientific, educational, 108
religious, governmental, judicial, or other proper purpose, by 109
or to a physician, psychologist, sociologist, scientist, 110
teacher, person pursuing bona fide studies or research, 111
librarian, ~~clergyman~~ member of the clergy, prosecutor, judge, or 112
other person having a proper interest in the material or 113
performance. 114

(2) Mistake of age is not a defense to a charge under this 115
section. 116

(3) In a prosecution under this section, the trier of fact 117
may infer that a person in the material or performance involved 118
is a minor or impaired person if the material or performance, 119
through its title, text, visual representation, or otherwise, 120
represents or depicts the person as a minor or impaired person. 121

(C) Whoever violates this section is guilty of pandering 122
sexually oriented matter involving a minor or impaired person. 123
~~Violation~~ If the offense involves a minor, a violation of 124
division (A) (1), (2), (3), (4), ~~or (6), or (7)~~ of this section 125
is a felony of the second degree. If the offense involves an 126
impaired person, a violation of division (A) (1), (2), (3), (4), 127
(6), or (7) of this section is a felony of the third degree. 128
Violation of division (A) (5) of this section is a felony of the 129
fourth degree. If the offender previously has been convicted of 130
or pleaded guilty to a violation of this section or section 131

2907.321 or 2907.323 of the Revised Code, pandering sexually 132
oriented matter involving a minor or impaired person in 133
violation of division (A) (5) of this section is a felony of the 134
third degree. 135

Sec. 2907.323. (A) No person shall do any of the 136
following: 137

(1) Photograph any minor or impaired person who is not the 138
person's child or ward in a state of nudity, or create, direct, 139
produce, or transfer any material or performance that shows the 140
minor or impaired person in a state of nudity, unless both of 141
the following apply: 142

(a) The material or performance is, or is to be, sold, 143
disseminated, displayed, possessed, controlled, brought or 144
caused to be brought into this state, or presented for a bona 145
fide artistic, medical, scientific, educational, religious, 146
governmental, judicial, or other proper purpose, by or to a 147
physician, psychologist, sociologist, scientist, teacher, person 148
pursuing bona fide studies or research, librarian, member of the 149
clergy, prosecutor, judge, or other person having a proper 150
interest in the material or performance; 151

(b) The minor's or impaired person's parents, guardian, or 152
custodian consents in writing to the photographing of the minor 153
or impaired person, to the use of the minor or impaired person 154
in the material or performance, or to the transfer of the 155
material and to the specific manner in which the material or 156
performance is to be used. 157

(2) Consent to the photographing of the person's ~~minor~~ 158
child or ward who is a minor or impaired person, or photograph 159
the person's ~~minor~~ child or ward who is a minor or impaired 160

person, in a state of nudity or consent to the use of the 161
person's ~~minor~~-child or ward who is a minor or impaired person 162
in a state of nudity in any material or performance, or use or 163
transfer a material or performance of that nature, unless the 164
material or performance is sold, disseminated, displayed, 165
possessed, controlled, brought or caused to be brought into this 166
state, or presented for a bona fide artistic, medical, 167
scientific, educational, religious, governmental, judicial, or 168
other proper purpose, by or to a physician, psychologist, 169
sociologist, scientist, teacher, person pursuing bona fide 170
studies or research, librarian, member of the clergy, 171
prosecutor, judge, or other person having a proper interest in 172
the material or performance; 173

(3) Possess or view any material or performance that shows 174
a minor or impaired person who is not the person's child or ward 175
in a state of nudity, unless one of the following applies: 176

(a) The material or performance is sold, disseminated, 177
displayed, possessed, controlled, brought or caused to be 178
brought into this state, or presented for a bona fide artistic, 179
medical, scientific, educational, religious, governmental, 180
judicial, or other proper purpose, by or to a physician, 181
psychologist, sociologist, scientist, teacher, person pursuing 182
bona fide studies or research, librarian, member of the clergy, 183
prosecutor, judge, or other person having a proper interest in 184
the material or performance. 185

(b) The person knows that the minor's or impaired person's 186
parents, guardian, or custodian has consented in writing to the 187
photographing or use of the minor or impaired person in a state 188
of nudity and to the manner in which the material or performance 189
is used or transferred. 190

(B) Whoever violates this section is guilty of illegal use 191
of a minor or impaired person in a nudity-oriented material or 192
performance. ~~Whoever~~ If the offense involves a minor, whoever 193
violates division (A) (1) or (2) of this section is guilty of a 194
felony of the second degree. If the offense involves an impaired 195
person, whoever violates division (A) (1) or (2) of this section 196
is guilty of a felony of the third degree. Except as otherwise 197
provided in this division, whoever violates division (A) (3) of 198
this section is guilty of a felony of the fifth degree. If the 199
offender previously has been convicted of or pleaded guilty to a 200
violation of this section or section 2907.321 or 2907.322 of the 201
Revised Code, illegal use of a minor or impaired person in a 202
nudity-oriented material or performance in violation of division 203
(A) (3) of this section is a felony of the fourth degree. If the 204
offender who violates division (A) (1) or (2) of this section 205
also is convicted of or pleads guilty to a specification as 206
described in section 2941.1422 of the Revised Code that was 207
included in the indictment, count in the indictment, or 208
information charging the offense, the court shall sentence the 209
offender to a mandatory prison term as provided in division (B) 210
(7) of section 2929.14 of the Revised Code and shall order the 211
offender to make restitution as provided in division (B) (8) of 212
section 2929.18 of the Revised Code. 213

Sec. 2929.13. (A) Except as provided in division (E), (F), 214
or (G) of this section and unless a specific sanction is 215
required to be imposed or is precluded from being imposed 216
pursuant to law, a court that imposes a sentence upon an 217
offender for a felony may impose any sanction or combination of 218
sanctions on the offender that are provided in sections 2929.14 219
to 2929.18 of the Revised Code. 220

If the offender is eligible to be sentenced to community 221

control sanctions, the court shall consider the appropriateness 222
of imposing a financial sanction pursuant to section 2929.18 of 223
the Revised Code or a sanction of community service pursuant to 224
section 2929.17 of the Revised Code as the sole sanction for the 225
offense. Except as otherwise provided in this division, if the 226
court is required to impose a mandatory prison term for the 227
offense for which sentence is being imposed, the court also 228
shall impose any financial sanction pursuant to section 2929.18 229
of the Revised Code that is required for the offense and may 230
impose any other financial sanction pursuant to that section but 231
may not impose any additional sanction or combination of 232
sanctions under section 2929.16 or 2929.17 of the Revised Code. 233

If the offender is being sentenced for a fourth degree 234
felony OVI offense or for a third degree felony OVI offense, in 235
addition to the mandatory term of local incarceration or the 236
mandatory prison term required for the offense by division (G) 237
(1) or (2) of this section, the court shall impose upon the 238
offender a mandatory fine in accordance with division (B) (3) of 239
section 2929.18 of the Revised Code and may impose whichever of 240
the following is applicable: 241

(1) For a fourth degree felony OVI offense for which 242
sentence is imposed under division (G) (1) of this section, an 243
additional community control sanction or combination of 244
community control sanctions under section 2929.16 or 2929.17 of 245
the Revised Code. If the court imposes upon the offender a 246
community control sanction and the offender violates any 247
condition of the community control sanction, the court may take 248
any action prescribed in division (B) of section 2929.15 of the 249
Revised Code relative to the offender, including imposing a 250
prison term on the offender pursuant to that division. 251

(2) For a third or fourth degree felony OVI offense for 252
which sentence is imposed under division (G) (2) of this section, 253
an additional prison term as described in division (B) (4) of 254
section 2929.14 of the Revised Code or a community control 255
sanction as described in division (G) (2) of this section. 256

(B) (1) (a) Except as provided in division (B) (1) (b) of this 257
section, if an offender is convicted of or pleads guilty to a 258
felony of the fourth or fifth degree that is not an offense of 259
violence or that is a qualifying assault offense, the court 260
shall sentence the offender to a community control sanction of 261
at least one year's duration if all of the following apply: 262

(i) The offender previously has not been convicted of or 263
pleaded guilty to a felony offense. 264

(ii) The most serious charge against the offender at the 265
time of sentencing is a felony of the fourth or fifth degree. 266

(iii) If the court made a request of the department of 267
rehabilitation and correction pursuant to division (B) (1) (c) of 268
this section, the department, within the forty-five-day period 269
specified in that division, provided the court with the names 270
of, contact information for, and program details of one or more 271
community control sanctions of at least one year's duration that 272
are available for persons sentenced by the court. 273

(iv) The offender previously has not been convicted of or 274
pleaded guilty to a misdemeanor offense of violence that the 275
offender committed within two years prior to the offense for 276
which sentence is being imposed. 277

(b) The court has discretion to impose a prison term upon 278
an offender who is convicted of or pleads guilty to a felony of 279
the fourth or fifth degree that is not an offense of violence or 280

that is a qualifying assault offense if any of the following 281
apply: 282

(i) The offender committed the offense while having a 283
firearm on or about the offender's person or under the 284
offender's control. 285

(ii) If the offense is a qualifying assault offense, the 286
offender caused serious physical harm to another person while 287
committing the offense, and, if the offense is not a qualifying 288
assault offense, the offender caused physical harm to another 289
person while committing the offense. 290

(iii) The offender violated a term of the conditions of 291
bond as set by the court. 292

(iv) The court made a request of the department of 293
rehabilitation and correction pursuant to division (B)(1)(c) of 294
this section, and the department, within the forty-five-day 295
period specified in that division, did not provide the court 296
with the name of, contact information for, and program details 297
of any community control sanction of at least one year's 298
duration that is available for persons sentenced by the court. 299

(v) The offense is a sex offense that is a fourth or fifth 300
degree felony violation of any provision of Chapter 2907. of the 301
Revised Code. 302

(vi) In committing the offense, the offender attempted to 303
cause or made an actual threat of physical harm to a person with 304
a deadly weapon. 305

(vii) In committing the offense, the offender attempted to 306
cause or made an actual threat of physical harm to a person, and 307
the offender previously was convicted of an offense that caused 308
physical harm to a person. 309

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

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

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

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

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

making a request under this division that relates to a 340
particular offender, a court shall defer sentencing of that 341
offender until it receives from the department the names of, 342
contact information for, and program details of one or more 343
community control sanctions of at least one year's duration that 344
are available for persons sentenced by the court or for forty- 345
five days, whichever is the earlier. 346

If the department provides the court with the names of, 347
contact information for, and program details of one or more 348
community control sanctions of at least one year's duration that 349
are available for persons sentenced by the court within the 350
forty-five-day period specified in this division, the court 351
shall impose upon the offender a community control sanction 352
under division (B) (1) (a) of this section, except that the court 353
may impose a prison term under division (B) (1) (b) of this 354
section if a factor described in division (B) (1) (b) (i) or (ii) 355
of this section applies. If the department does not provide the 356
court with the names of, contact information for, and program 357
details of one or more community control sanctions of at least 358
one year's duration that are available for persons sentenced by 359
the court within the forty-five-day period specified in this 360
division, the court may impose upon the offender a prison term 361
under division (B) (1) (b) (iv) of this section. 362

(d) A sentencing court may impose an additional penalty 363
under division (B) of section 2929.15 of the Revised Code upon 364
an offender sentenced to a community control sanction under 365
division (B) (1) (a) of this section if the offender violates the 366
conditions of the community control sanction, violates a law, or 367
leaves the state without the permission of the court or the 368
offender's probation officer. 369

(2) If division (B) (1) of this section does not apply, 370
except as provided in division (E), (F), or (G) of this section, 371
in determining whether to impose a prison term as a sanction for 372
a felony of the fourth or fifth degree, the sentencing court 373
shall comply with the purposes and principles of sentencing 374
under section 2929.11 of the Revised Code and with section 375
2929.12 of the Revised Code. 376

(C) Except as provided in division (D), (E), (F), or (G) 377
of this section, in determining whether to impose a prison term 378
as a sanction for a felony of the third degree or a felony drug 379
offense that is a violation of a provision of Chapter 2925. of 380
the Revised Code and that is specified as being subject to this 381
division for purposes of sentencing, the sentencing court shall 382
comply with the purposes and principles of sentencing under 383
section 2929.11 of the Revised Code and with section 2929.12 of 384
the Revised Code. 385

(D) (1) Except as provided in division (E) or (F) of this 386
section, for a felony of the first or second degree, for a 387
felony drug offense that is a violation of any provision of 388
Chapter 2925., 3719., or 4729. of the Revised Code for which a 389
presumption in favor of a prison term is specified as being 390
applicable, and for a violation of division (A) (4) or (B) of 391
section 2907.05 of the Revised Code for which a presumption in 392
favor of a prison term is specified as being applicable, it is 393
presumed that a prison term is necessary in order to comply with 394
the purposes and principles of sentencing under section 2929.11 395
of the Revised Code. Division (D) (2) of this section does not 396
apply to a presumption established under this division for a 397
violation of division (A) (4) of section 2907.05 of the Revised 398
Code. 399

(2) Notwithstanding the presumption established under 400
division (D)(1) of this section for the offenses listed in that 401
division other than a violation of division (A)(4) or (B) of 402
section 2907.05 of the Revised Code, the sentencing court may 403
impose a community control sanction or a combination of 404
community control sanctions instead of a prison term on an 405
offender for a felony of the first or second degree or for a 406
felony drug offense that is a violation of any provision of 407
Chapter 2925., 3719., or 4729. of the Revised Code for which a 408
presumption in favor of a prison term is specified as being 409
applicable if it makes both of the following findings: 410

(a) A community control sanction or a combination of 411
community control sanctions would adequately punish the offender 412
and protect the public from future crime, because the applicable 413
factors under section 2929.12 of the Revised Code indicating a 414
lesser likelihood of recidivism outweigh the applicable factors 415
under that section indicating a greater likelihood of 416
recidivism. 417

(b) A community control sanction or a combination of 418
community control sanctions would not demean the seriousness of 419
the offense, because one or more factors under section 2929.12 420
of the Revised Code that indicate that the offender's conduct 421
was less serious than conduct normally constituting the offense 422
are applicable, and they outweigh the applicable factors under 423
that section that indicate that the offender's conduct was more 424
serious than conduct normally constituting the offense. 425

(E)(1) Except as provided in division (F) of this section, 426
for any drug offense that is a violation of any provision of 427
Chapter 2925. of the Revised Code and that is a felony of the 428
third, fourth, or fifth degree, the applicability of a 429

presumption under division (D) of this section in favor of a 430
prison term or of division (B) or (C) of this section in 431
determining whether to impose a prison term for the offense 432
shall be determined as specified in section 2925.02, 2925.03, 433
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 434
2925.36, or 2925.37 of the Revised Code, whichever is applicable 435
regarding the violation. 436

(2) If an offender who was convicted of or pleaded guilty 437
to a felony violates the conditions of a community control 438
sanction imposed for the offense solely by reason of producing 439
positive results on a drug test or by acting pursuant to 440
division (B) (2) (b) of section 2925.11 of the Revised Code with 441
respect to a minor drug possession offense, the court, as 442
punishment for the violation of the sanction, shall not order 443
that the offender be imprisoned unless the court determines on 444
the record either of the following: 445

(a) The offender had been ordered as a sanction for the 446
felony to participate in a drug treatment program, in a drug 447
education program, or in narcotics anonymous or a similar 448
program, and the offender continued to use illegal drugs after a 449
reasonable period of participation in the program. 450

(b) The imprisonment of the offender for the violation is 451
consistent with the purposes and principles of sentencing set 452
forth in section 2929.11 of the Revised Code. 453

(3) A court that sentences an offender for a drug abuse 454
offense that is a felony of the third, fourth, or fifth degree 455
may require that the offender be assessed by a properly 456
credentialed professional within a specified period of time. The 457
court shall require the professional to file a written 458
assessment of the offender with the court. If the offender is 459

eligible for a community control sanction and after considering 460
the written assessment, the court may impose a community control 461
sanction that includes addiction services and recovery supports 462
included in a community-based continuum of care established 463
under section 340.032 of the Revised Code. If the court imposes 464
addiction services and recovery supports as a community control 465
sanction, the court shall direct the level and type of addiction 466
services and recovery supports after considering the assessment 467
and recommendation of community addiction services providers. 468

(F) Notwithstanding divisions (A) to (E) of this section, 469
the court shall impose a prison term or terms under sections 470
2929.02 to 2929.06, section 2929.14, section 2929.142, or 471
section 2971.03 of the Revised Code and except as specifically 472
provided in section 2929.20, divisions (C) to (I) of section 473
2967.19, or section 2967.191 of the Revised Code or when parole 474
is authorized for the offense under section 2967.13 of the 475
Revised Code shall not reduce the term or terms pursuant to 476
section 2929.20, section 2967.19, section 2967.193, or any other 477
provision of Chapter 2967. or Chapter 5120. of the Revised Code 478
for any of the following offenses: 479

(1) Aggravated murder when death is not imposed or murder; 480

(2) Any rape, regardless of whether force was involved and 481
regardless of the age of the victim, or an attempt to commit 482
rape if, had the offender completed the rape that was attempted, 483
the offender would have been guilty of a violation of division 484
(A) (1) (b) of section 2907.02 of the Revised Code and would be 485
sentenced under section 2971.03 of the Revised Code; 486

(3) Gross sexual imposition or sexual battery, if the 487
victim is less than thirteen years of age and if any of the 488
following applies: 489

(a) Regarding gross sexual imposition, the offender 490
previously was convicted of or pleaded guilty to rape, the 491
former offense of felonious sexual penetration, gross sexual 492
imposition, or sexual battery, and the victim of the previous 493
offense was less than thirteen years of age; 494

(b) Regarding gross sexual imposition, the offense was 495
committed on or after August 3, 2006, and evidence other than 496
the testimony of the victim was admitted in the case 497
corroborating the violation. 498

(c) Regarding sexual battery, either of the following 499
applies: 500

(i) The offense was committed prior to August 3, 2006, the 501
offender previously was convicted of or pleaded guilty to rape, 502
the former offense of felonious sexual penetration, or sexual 503
battery, and the victim of the previous offense was less than 504
thirteen years of age. 505

(ii) The offense was committed on or after August 3, 2006. 506

(4) A felony violation of section 2903.04, 2903.06, 507
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 508
or 2923.132 of the Revised Code if the section requires the 509
imposition of a prison term; 510

(5) A first, second, or third degree felony drug offense 511
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 512
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 513
or 4729.99 of the Revised Code, whichever is applicable 514
regarding the violation, requires the imposition of a mandatory 515
prison term; 516

(6) Any offense that is a first or second degree felony 517
and that is not set forth in division (F) (1), (2), (3), or (4) 518

of this section, if the offender previously was convicted of or 519
pleaded guilty to aggravated murder, murder, any first or second 520
degree felony, or an offense under an existing or former law of 521
this state, another state, or the United States that is or was 522
substantially equivalent to one of those offenses; 523

(7) Any offense that is a third degree felony and either 524
is a violation of section 2903.04 of the Revised Code or an 525
attempt to commit a felony of the second degree that is an 526
offense of violence and involved an attempt to cause serious 527
physical harm to a person or that resulted in serious physical 528
harm to a person if the offender previously was convicted of or 529
pleaded guilty to any of the following offenses: 530

(a) Aggravated murder, murder, involuntary manslaughter, 531
rape, felonious sexual penetration as it existed under section 532
2907.12 of the Revised Code prior to September 3, 1996, a felony 533
of the first or second degree that resulted in the death of a 534
person or in physical harm to a person, or complicity in or an 535
attempt to commit any of those offenses; 536

(b) An offense under an existing or former law of this 537
state, another state, or the United States that is or was 538
substantially equivalent to an offense listed in division (F) (7) 539
(a) of this section that resulted in the death of a person or in 540
physical harm to a person. 541

(8) Any offense, other than a violation of section 2923.12 542
of the Revised Code, that is a felony, if the offender had a 543
firearm on or about the offender's person or under the 544
offender's control while committing the felony, with respect to 545
a portion of the sentence imposed pursuant to division (B) (1) (a) 546
of section 2929.14 of the Revised Code for having the firearm; 547

(9) Any offense of violence that is a felony, if the 548
offender wore or carried body armor while committing the felony 549
offense of violence, with respect to the portion of the sentence 550
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 551
Revised Code for wearing or carrying the body armor; 552

(10) Corrupt activity in violation of section 2923.32 of 553
the Revised Code when the most serious offense in the pattern of 554
corrupt activity that is the basis of the offense is a felony of 555
the first degree; 556

(11) Any violent sex offense or designated homicide, 557
assault, or kidnapping offense if, in relation to that offense, 558
the offender is adjudicated a sexually violent predator; 559

(12) A violation of division (A) (1) or (2) of section 560
2921.36 of the Revised Code, or a violation of division (C) of 561
that section involving an item listed in division (A) (1) or (2) 562
of that section, if the offender is an officer or employee of 563
the department of rehabilitation and correction; 564

(13) A violation of division (A) (1) or (2) of section 565
2903.06 of the Revised Code if the victim of the offense is a 566
peace officer, as defined in section 2935.01 of the Revised 567
Code, or an investigator of the bureau of criminal 568
identification and investigation, as defined in section 2903.11 569
of the Revised Code, with respect to the portion of the sentence 570
imposed pursuant to division (B) (5) of section 2929.14 of the 571
Revised Code; 572

(14) A violation of division (A) (1) or (2) of section 573
2903.06 of the Revised Code if the offender has been convicted 574
of or pleaded guilty to three or more violations of division (A) 575
or (B) of section 4511.19 of the Revised Code or an equivalent 576

offense, as defined in section 2941.1415 of the Revised Code, or 577
three or more violations of any combination of those divisions 578
and offenses, with respect to the portion of the sentence 579
imposed pursuant to division (B) (6) of section 2929.14 of the 580
Revised Code; 581

(15) Kidnapping, in the circumstances specified in section 582
2971.03 of the Revised Code and when no other provision of 583
division (F) of this section applies; 584

(16) Kidnapping, abduction, compelling prostitution, 585
promoting prostitution, engaging in a pattern of corrupt 586
activity, ~~illegal use of a minor in a nudity-oriented material-~~ 587
~~or performance in a~~ violation of division (A) (1) or (2) of 588
section 2907.323 of the Revised Code that involves a minor, or 589
endangering children in violation of division (B) (1), (2), (3), 590
(4), or (5) of section 2919.22 of the Revised Code, if the 591
offender is convicted of or pleads guilty to a specification as 592
described in section 2941.1422 of the Revised Code that was 593
included in the indictment, count in the indictment, or 594
information charging the offense; 595

(17) A felony violation of division (A) or (B) of section 596
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 597
that section, and division (D) (6) of that section, require the 598
imposition of a prison term; 599

(18) A felony violation of section 2903.11, 2903.12, or 600
2903.13 of the Revised Code, if the victim of the offense was a 601
woman that the offender knew was pregnant at the time of the 602
violation, with respect to a portion of the sentence imposed 603
pursuant to division (B) (8) of section 2929.14 of the Revised 604
Code; 605

(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.

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

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G) (1) (d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential

facility, and the offender shall serve the term in the type of 636
facility specified by the court. A mandatory term of local 637
incarceration imposed under division (G) (1) of this section is 638
not subject to any other Revised Code provision that pertains to 639
a prison term except as provided in division (A) (1) of this 640
section. 641

(2) If the offender is being sentenced for a third degree 642
felony OVI offense, or if the offender is being sentenced for a 643
fourth degree felony OVI offense and the court does not impose a 644
mandatory term of local incarceration under division (G) (1) of 645
this section, the court shall impose upon the offender a 646
mandatory prison term of one, two, three, four, or five years if 647
the offender also is convicted of or also pleads guilty to a 648
specification of the type described in section 2941.1413 of the 649
Revised Code or shall impose upon the offender a mandatory 650
prison term of sixty days or one hundred twenty days as 651
specified in division (G) (1) (d) or (e) of section 4511.19 of the 652
Revised Code if the offender has not been convicted of and has 653
not pleaded guilty to a specification of that type. Subject to 654
divisions (C) to (I) of section 2967.19 of the Revised Code, the 655
court shall not reduce the term pursuant to section 2929.20, 656
2967.19, 2967.193, or any other provision of the Revised Code. 657
The offender shall serve the one-, two-, three-, four-, or five- 658
year mandatory prison term consecutively to and prior to the 659
prison term imposed for the underlying offense and consecutively 660
to any other mandatory prison term imposed in relation to the 661
offense. In no case shall an offender who once has been 662
sentenced to a mandatory term of local incarceration pursuant to 663
division (G) (1) of this section for a fourth degree felony OVI 664
offense be sentenced to another mandatory term of local 665
incarceration under that division for any violation of division 666

(A) of section 4511.19 of the Revised Code. In addition to the 667
mandatory prison term described in division (G) (2) of this 668
section, the court may sentence the offender to a community 669
control sanction under section 2929.16 or 2929.17 of the Revised 670
Code, but the offender shall serve the prison term prior to 671
serving the community control sanction. The department of 672
rehabilitation and correction may place an offender sentenced to 673
a mandatory prison term under this division in an intensive 674
program prison established pursuant to section 5120.033 of the 675
Revised Code if the department gave the sentencing judge prior 676
notice of its intent to place the offender in an intensive 677
program prison established under that section and if the judge 678
did not notify the department that the judge disapproved the 679
placement. Upon the establishment of the initial intensive 680
program prison pursuant to section 5120.033 of the Revised Code 681
that is privately operated and managed by a contractor pursuant 682
to a contract entered into under section 9.06 of the Revised 683
Code, both of the following apply: 684

(a) The department of rehabilitation and correction shall 685
make a reasonable effort to ensure that a sufficient number of 686
offenders sentenced to a mandatory prison term under this 687
division are placed in the privately operated and managed prison 688
so that the privately operated and managed prison has full 689
occupancy. 690

(b) Unless the privately operated and managed prison has 691
full occupancy, the department of rehabilitation and correction 692
shall not place any offender sentenced to a mandatory prison 693
term under this division in any intensive program prison 694
established pursuant to section 5120.033 of the Revised Code 695
other than the privately operated and managed prison. 696

(H) If an offender is being sentenced for a sexually 697
oriented offense or child-victim oriented offense that is a 698
felony committed on or after January 1, 1997, the judge shall 699
require the offender to submit to a DNA specimen collection 700
procedure pursuant to section 2901.07 of the Revised Code. 701

(I) If an offender is being sentenced for a sexually 702
oriented offense or a child-victim oriented offense committed on 703
or after January 1, 1997, the judge shall include in the 704
sentence a summary of the offender's duties imposed under 705
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 706
Code and the duration of the duties. The judge shall inform the 707
offender, at the time of sentencing, of those duties and of 708
their duration. If required under division (A)(2) of section 709
2950.03 of the Revised Code, the judge shall perform the duties 710
specified in that section, or, if required under division (A)(6) 711
of section 2950.03 of the Revised Code, the judge shall perform 712
the duties specified in that division. 713

(J)(1) Except as provided in division (J)(2) of this 714
section, when considering sentencing factors under this section 715
in relation to an offender who is convicted of or pleads guilty 716
to an attempt to commit an offense in violation of section 717
2923.02 of the Revised Code, the sentencing court shall consider 718
the factors applicable to the felony category of the violation 719
of section 2923.02 of the Revised Code instead of the factors 720
applicable to the felony category of the offense attempted. 721

(2) When considering sentencing factors under this section 722
in relation to an offender who is convicted of or pleads guilty 723
to an attempt to commit a drug abuse offense for which the 724
penalty is determined by the amount or number of unit doses of 725
the controlled substance involved in the drug abuse offense, the 726

sentencing court shall consider the factors applicable to the 727
felony category that the drug abuse offense attempted would be 728
if that drug abuse offense had been committed and had involved 729
an amount or number of unit doses of the controlled substance 730
that is within the next lower range of controlled substance 731
amounts than was involved in the attempt. 732

(K) As used in this section: 733

(1) "Community addiction services provider" has the same 734
meaning as in section 5119.01 of the Revised Code. 735

(2) "Drug abuse offense" has the same meaning as in 736
section 2925.01 of the Revised Code. 737

(3) "Minor drug possession offense" has the same meaning 738
as in section 2925.11 of the Revised Code. 739

(4) "Qualifying assault offense" means a violation of 740
section 2903.13 of the Revised Code for which the penalty 741
provision in division (C) (8) (b) or (C) (9) (b) of that section 742
applies. 743

(L) At the time of sentencing an offender for any sexually 744
oriented offense, if the offender is a tier III sex 745
offender/child-victim offender relative to that offense and the 746
offender does not serve a prison term or jail term, the court 747
may require that the offender be monitored by means of a global 748
positioning device. If the court requires such monitoring, the 749
cost of monitoring shall be borne by the offender. If the 750
offender is indigent, the cost of compliance shall be paid by 751
the crime victims reparations fund. 752

Sec. 2929.14. (A) Except as provided in division (B) (1), 753
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 754
(G), (H), (J), or (K) of this section or in division (D) (6) of 755

section 2919.25 of the Revised Code and except in relation to an 756
offense for which a sentence of death or life imprisonment is to 757
be imposed, if the court imposing a sentence upon an offender 758
for a felony elects or is required to impose a prison term on 759
the offender pursuant to this chapter, the court shall impose a 760
definite prison term that shall be one of the following: 761

(1) For a felony of the first degree, the prison term 762
shall be three, four, five, six, seven, eight, nine, ten, or 763
eleven years. 764

(2) For a felony of the second degree, the prison term 765
shall be two, three, four, five, six, seven, or eight years. 766

(3) (a) For a felony of the third degree that is a 767
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 768
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 769
Code or that is a violation of section 2911.02 or 2911.12 of the 770
Revised Code if the offender previously has been convicted of or 771
pleaded guilty in two or more separate proceedings to two or 772
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 773
of the Revised Code, the prison term shall be twelve, eighteen, 774
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 775
four, or sixty months. 776

(b) For a felony of the third degree that is not an 777
offense for which division (A) (3) (a) of this section applies, 778
the prison term shall be nine, twelve, eighteen, twenty-four, 779
thirty, or thirty-six months. 780

(4) For a felony of the fourth degree, the prison term 781
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 782
fourteen, fifteen, sixteen, seventeen, or eighteen months. 783

(5) For a felony of the fifth degree, the prison term 784

shall be six, seven, eight, nine, ten, eleven, or twelve months. 785

(B) (1) (a) Except as provided in division (B) (1) (e) of this 786
section, if an offender who is convicted of or pleads guilty to 787
a felony also is convicted of or pleads guilty to a 788
specification of the type described in section 2941.141, 789
2941.144, or 2941.145 of the Revised Code, the court shall 790
impose on the offender one of the following prison terms: 791

(i) A prison term of six years if the specification is of 792
the type described in division (A) of section 2941.144 of the 793
Revised Code that charges the offender with having a firearm 794
that is an automatic firearm or that was equipped with a firearm 795
muffler or suppressor on or about the offender's person or under 796
the offender's control while committing the offense; 797

(ii) A prison term of three years if the specification is 798
of the type described in division (A) of section 2941.145 of the 799
Revised Code that charges the offender with having a firearm on 800
or about the offender's person or under the offender's control 801
while committing the offense and displaying the firearm, 802
brandishing the firearm, indicating that the offender possessed 803
the firearm, or using it to facilitate the offense; 804

(iii) A prison term of one year if the specification is of 805
the type described in division (A) of section 2941.141 of the 806
Revised Code that charges the offender with having a firearm on 807
or about the offender's person or under the offender's control 808
while committing the offense; 809

(iv) A prison term of nine years if the specification is 810
of the type described in division (D) of section 2941.144 of the 811
Revised Code that charges the offender with having a firearm 812
that is an automatic firearm or that was equipped with a firearm 813

muffler or suppressor on or about the offender's person or under 814
the offender's control while committing the offense and 815
specifies that the offender previously has been convicted of or 816
pleaded guilty to a specification of the type described in 817
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 818
the Revised Code; 819

(v) A prison term of fifty-four months if the 820
specification is of the type described in division (D) of 821
section 2941.145 of the Revised Code that charges the offender 822
with having a firearm on or about the offender's person or under 823
the offender's control while committing the offense and 824
displaying the firearm, brandishing the firearm, indicating that 825
the offender possessed the firearm, or using the firearm to 826
facilitate the offense and that the offender previously has been 827
convicted of or pleaded guilty to a specification of the type 828
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 829
2941.1412 of the Revised Code; 830

(vi) A prison term of eighteen months if the specification 831
is of the type described in division (D) of section 2941.141 of 832
the Revised Code that charges the offender with having a firearm 833
on or about the offender's person or under the offender's 834
control while committing the offense and that the offender 835
previously has been convicted of or pleaded guilty to a 836
specification of the type described in section 2941.141, 837
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 838

(b) If a court imposes a prison term on an offender under 839
division (B) (1) (a) of this section, the prison term shall not be 840
reduced pursuant to section 2967.19, section 2929.20, section 841
2967.193, or any other provision of Chapter 2967. or Chapter 842
5120. of the Revised Code. Except as provided in division (B) (1) 843

(g) of this section, a court shall not impose more than one 844
prison term on an offender under division (B) (1) (a) of this 845
section for felonies committed as part of the same act or 846
transaction. 847

(c) (i) Except as provided in division (B) (1) (e) of this 848
section, if an offender who is convicted of or pleads guilty to 849
a violation of section 2923.161 of the Revised Code or to a 850
felony that includes, as an essential element, purposely or 851
knowingly causing or attempting to cause the death of or 852
physical harm to another, also is convicted of or pleads guilty 853
to a specification of the type described in division (A) of 854
section 2941.146 of the Revised Code that charges the offender 855
with committing the offense by discharging a firearm from a 856
motor vehicle other than a manufactured home, the court, after 857
imposing a prison term on the offender for the violation of 858
section 2923.161 of the Revised Code or for the other felony 859
offense under division (A), (B) (2), or (B) (3) of this section, 860
shall impose an additional prison term of five years upon the 861
offender that shall not be reduced pursuant to section 2929.20, 862
section 2967.19, section 2967.193, or any other provision of 863
Chapter 2967. or Chapter 5120. of the Revised Code. 864

(ii) Except as provided in division (B) (1) (e) of this 865
section, if an offender who is convicted of or pleads guilty to 866
a violation of section 2923.161 of the Revised Code or to a 867
felony that includes, as an essential element, purposely or 868
knowingly causing or attempting to cause the death of or 869
physical harm to another, also is convicted of or pleads guilty 870
to a specification of the type described in division (C) of 871
section 2941.146 of the Revised Code that charges the offender 872
with committing the offense by discharging a firearm from a 873
motor vehicle other than a manufactured home and that the 874

offender previously has been convicted of or pleaded guilty to a 875
specification of the type described in section 2941.141, 876
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 877
the court, after imposing a prison term on the offender for the 878
violation of section 2923.161 of the Revised Code or for the 879
other felony offense under division (A), (B) (2), or (3) of this 880
section, shall impose an additional prison term of ninety months 881
upon the offender that shall not be reduced pursuant to section 882
2929.20, 2967.19, 2967.193, or any other provision of Chapter 883
2967. or Chapter 5120. of the Revised Code. 884

(iii) A court shall not impose more than one additional 885
prison term on an offender under division (B) (1) (c) of this 886
section for felonies committed as part of the same act or 887
transaction. If a court imposes an additional prison term on an 888
offender under division (B) (1) (c) of this section relative to an 889
offense, the court also shall impose a prison term under 890
division (B) (1) (a) of this section relative to the same offense, 891
provided the criteria specified in that division for imposing an 892
additional prison term are satisfied relative to the offender 893
and the offense. 894

(d) If an offender who is convicted of or pleads guilty to 895
an offense of violence that is a felony also is convicted of or 896
pleads guilty to a specification of the type described in 897
section 2941.1411 of the Revised Code that charges the offender 898
with wearing or carrying body armor while committing the felony 899
offense of violence, the court shall impose on the offender a 900
prison term of two years. The prison term so imposed, subject to 901
divisions (C) to (I) of section 2967.19 of the Revised Code, 902
shall not be reduced pursuant to section 2929.20, section 903
2967.19, section 2967.193, or any other provision of Chapter 904
2967. or Chapter 5120. of the Revised Code. A court shall not 905

impose more than one prison term on an offender under division 906
(B) (1) (d) of this section for felonies committed as part of the 907
same act or transaction. If a court imposes an additional prison 908
term under division (B) (1) (a) or (c) of this section, the court 909
is not precluded from imposing an additional prison term under 910
division (B) (1) (d) of this section. 911

(e) The court shall not impose any of the prison terms 912
described in division (B) (1) (a) of this section or any of the 913
additional prison terms described in division (B) (1) (c) of this 914
section upon an offender for a violation of section 2923.12 or 915
2923.123 of the Revised Code. The court shall not impose any of 916
the prison terms described in division (B) (1) (a) or (b) of this 917
section upon an offender for a violation of section 2923.122 918
that involves a deadly weapon that is a firearm other than a 919
dangerous ordnance, section 2923.16, or section 2923.121 of the 920
Revised Code. The court shall not impose any of the prison terms 921
described in division (B) (1) (a) of this section or any of the 922
additional prison terms described in division (B) (1) (c) of this 923
section upon an offender for a violation of section 2923.13 of 924
the Revised Code unless all of the following apply: 925

(i) The offender previously has been convicted of 926
aggravated murder, murder, or any felony of the first or second 927
degree. 928

(ii) Less than five years have passed since the offender 929
was released from prison or post-release control, whichever is 930
later, for the prior offense. 931

(f) (i) If an offender is convicted of or pleads guilty to 932
a felony that includes, as an essential element, causing or 933
attempting to cause the death of or physical harm to another and 934
also is convicted of or pleads guilty to a specification of the 935

type described in division (A) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B) (2), or (B) (3) of this section, shall impose an additional prison term of seven years upon the offender that 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.

(ii) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer, as defined in section 2935.01 of the Revised Code, or a corrections officer, as defined in section 2941.1412 of the Revised Code, and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B) (2), or (3) of this section, shall impose an additional prison term of one hundred twenty-six months upon the offender that shall not be reduced pursuant to section 2929.20, 2967.19, 2967.193, or any other provision of Chapter 2967. or 5120. of the Revised Code.

(iii) If an offender is convicted of or pleads guilty to

two or more felonies that include, as an essential element, 967
causing or attempting to cause the death or physical harm to 968
another and also is convicted of or pleads guilty to a 969
specification of the type described under division (B) (1) (f) of 970
this section in connection with two or more of the felonies of 971
which the offender is convicted or to which the offender pleads 972
guilty, the sentencing court shall impose on the offender the 973
prison term specified under division (B) (1) (f) of this section 974
for each of two of the specifications of which the offender is 975
convicted or to which the offender pleads guilty and, in its 976
discretion, also may impose on the offender the prison term 977
specified under that division for any or all of the remaining 978
specifications. If a court imposes an additional prison term on 979
an offender under division (B) (1) (f) of this section relative to 980
an offense, the court shall not impose a prison term under 981
division (B) (1) (a) or (c) of this section relative to the same 982
offense. 983

(g) If an offender is convicted of or pleads guilty to two 984
or more felonies, if one or more of those felonies are 985
aggravated murder, murder, attempted aggravated murder, 986
attempted murder, aggravated robbery, felonious assault, or 987
rape, and if the offender is convicted of or pleads guilty to a 988
specification of the type described under division (B) (1) (a) of 989
this section in connection with two or more of the felonies, the 990
sentencing court shall impose on the offender the prison term 991
specified under division (B) (1) (a) of this section for each of 992
the two most serious specifications of which the offender is 993
convicted or to which the offender pleads guilty and, in its 994
discretion, also may impose on the offender the prison term 995
specified under that division for any or all of the remaining 996
specifications. 997

(2) (a) If division (B) (2) (b) of this section does not 998
apply, the court may impose on an offender, in addition to the 999
longest prison term authorized or required for the offense, an 1000
additional definite prison term of one, two, three, four, five, 1001
six, seven, eight, nine, or ten years if all of the following 1002
criteria are met: 1003

(i) The offender is convicted of or pleads guilty to a 1004
specification of the type described in section 2941.149 of the 1005
Revised Code that the offender is a repeat violent offender. 1006

(ii) The offense of which the offender currently is 1007
convicted or to which the offender currently pleads guilty is 1008
aggravated murder and the court does not impose a sentence of 1009
death or life imprisonment without parole, murder, terrorism and 1010
the court does not impose a sentence of life imprisonment 1011
without parole, any felony of the first degree that is an 1012
offense of violence and the court does not impose a sentence of 1013
life imprisonment without parole, or any felony of the second 1014
degree that is an offense of violence and the trier of fact 1015
finds that the offense involved an attempt to cause or a threat 1016
to cause serious physical harm to a person or resulted in 1017
serious physical harm to a person. 1018

(iii) The court imposes the longest prison term for the 1019
offense that is not life imprisonment without parole. 1020

(iv) The court finds that the prison terms imposed 1021
pursuant to division (B) (2) (a) (iii) of this section and, if 1022
applicable, division (B) (1) or (3) of this section are 1023
inadequate to punish the offender and protect the public from 1024
future crime, because the applicable factors under section 1025
2929.12 of the Revised Code indicating a greater likelihood of 1026
recidivism outweigh the applicable factors under that section 1027

indicating a lesser likelihood of recidivism. 1028

(v) The court finds that the prison terms imposed pursuant 1029
to division (B)(2)(a)(iii) of this section and, if applicable, 1030
division (B)(1) or (3) of this section are demeaning to the 1031
seriousness of the offense, because one or more of the factors 1032
under section 2929.12 of the Revised Code indicating that the 1033
offender's conduct is more serious than conduct normally 1034
constituting the offense are present, and they outweigh the 1035
applicable factors under that section indicating that the 1036
offender's conduct is less serious than conduct normally 1037
constituting the offense. 1038

(b) The court shall impose on an offender the longest 1039
prison term authorized or required for the offense and shall 1040
impose on the offender an additional definite prison term of 1041
one, two, three, four, five, six, seven, eight, nine, or ten 1042
years if all of the following criteria are met: 1043

(i) The offender is convicted of or pleads guilty to a 1044
specification of the type described in section 2941.149 of the 1045
Revised Code that the offender is a repeat violent offender. 1046

(ii) The offender within the preceding twenty years has 1047
been convicted of or pleaded guilty to three or more offenses 1048
described in division (CC)(1) of section 2929.01 of the Revised 1049
Code, including all offenses described in that division of which 1050
the offender is convicted or to which the offender pleads guilty 1051
in the current prosecution and all offenses described in that 1052
division of which the offender previously has been convicted or 1053
to which the offender previously pleaded guilty, whether 1054
prosecuted together or separately. 1055

(iii) The offense or offenses of which the offender 1056

currently is convicted or to which the offender currently pleads 1057
guilty is aggravated murder and the court does not impose a 1058
sentence of death or life imprisonment without parole, murder, 1059
terrorism and the court does not impose a sentence of life 1060
imprisonment without parole, any felony of the first degree that 1061
is an offense of violence and the court does not impose a 1062
sentence of life imprisonment without parole, or any felony of 1063
the second degree that is an offense of violence and the trier 1064
of fact finds that the offense involved an attempt to cause or a 1065
threat to cause serious physical harm to a person or resulted in 1066
serious physical harm to a person. 1067

(c) For purposes of division (B)(2)(b) of this section, 1068
two or more offenses committed at the same time or as part of 1069
the same act or event shall be considered one offense, and that 1070
one offense shall be the offense with the greatest penalty. 1071

(d) A sentence imposed under division (B)(2)(a) or (b) of 1072
this section shall not be reduced pursuant to section 2929.20, 1073
section 2967.19, or section 2967.193, or any other provision of 1074
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1075
shall serve an additional prison term imposed under this section 1076
consecutively to and prior to the prison term imposed for the 1077
underlying offense. 1078

(e) When imposing a sentence pursuant to division (B)(2) 1079
(a) or (b) of this section, the court shall state its findings 1080
explaining the imposed sentence. 1081

(3) Except when an offender commits a violation of section 1082
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1083
for the violation is life imprisonment or commits a violation of 1084
section 2903.02 of the Revised Code, if the offender commits a 1085
violation of section 2925.03 or 2925.11 of the Revised Code and 1086

that section classifies the offender as a major drug offender, 1087
if the offender commits a felony violation of section 2925.02, 1088
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1089
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1090
division (E) of section 4729.51, or division (J) of section 1091
4729.54 of the Revised Code that includes the sale, offer to 1092
sell, or possession of a schedule I or II controlled substance, 1093
with the exception of marihuana, and the court imposing sentence 1094
upon the offender finds that the offender is guilty of a 1095
specification of the type described in section 2941.1410 of the 1096
Revised Code charging that the offender is a major drug 1097
offender, if the court imposing sentence upon an offender for a 1098
felony finds that the offender is guilty of corrupt activity 1099
with the most serious offense in the pattern of corrupt activity 1100
being a felony of the first degree, or if the offender is guilty 1101
of an attempted violation of section 2907.02 of the Revised Code 1102
and, had the offender completed the violation of section 2907.02 1103
of the Revised Code that was attempted, the offender would have 1104
been subject to a sentence of life imprisonment or life 1105
imprisonment without parole for the violation of section 2907.02 1106
of the Revised Code, the court shall impose upon the offender 1107
for the felony violation a mandatory prison term of the maximum 1108
prison term prescribed for a felony of the first degree that, 1109
subject to divisions (C) to (I) of section 2967.19 of the 1110
Revised Code, cannot be reduced pursuant to section 2929.20, 1111
section 2967.19, or any other provision of Chapter 2967. or 1112
5120. of the Revised Code. 1113

(4) If the offender is being sentenced for a third or 1114
fourth degree felony OVI offense under division (G) (2) of 1115
section 2929.13 of the Revised Code, the sentencing court shall 1116
impose upon the offender a mandatory prison term in accordance 1117

with that division. In addition to the mandatory prison term, if 1118
the offender is being sentenced for a fourth degree felony OVI 1119
offense, the court, notwithstanding division (A) (4) of this 1120
section, may sentence the offender to a definite prison term of 1121
not less than six months and not more than thirty months, and if 1122
the offender is being sentenced for a third degree felony OVI 1123
offense, the sentencing court may sentence the offender to an 1124
additional prison term of any duration specified in division (A) 1125
(3) of this section. In either case, the additional prison term 1126
imposed shall be reduced by the sixty or one hundred twenty days 1127
imposed upon the offender as the mandatory prison term. The 1128
total of the additional prison term imposed under division (B) 1129
(4) of this section plus the sixty or one hundred twenty days 1130
imposed as the mandatory prison term shall equal a definite term 1131
in the range of six months to thirty months for a fourth degree 1132
felony OVI offense and shall equal one of the authorized prison 1133
terms specified in division (A) (3) of this section for a third 1134
degree felony OVI offense. If the court imposes an additional 1135
prison term under division (B) (4) of this section, the offender 1136
shall serve the additional prison term after the offender has 1137
served the mandatory prison term required for the offense. In 1138
addition to the mandatory prison term or mandatory and 1139
additional prison term imposed as described in division (B) (4) 1140
of this section, the court also may sentence the offender to a 1141
community control sanction under section 2929.16 or 2929.17 of 1142
the Revised Code, but the offender shall serve all of the prison 1143
terms so imposed prior to serving the community control 1144
sanction. 1145

If the offender is being sentenced for a fourth degree 1146
felony OVI offense under division (G) (1) of section 2929.13 of 1147
the Revised Code and the court imposes a mandatory term of local 1148

incarceration, the court may impose a prison term as described 1149
in division (A) (1) of that section. 1150

(5) If an offender is convicted of or pleads guilty to a 1151
violation of division (A) (1) or (2) of section 2903.06 of the 1152
Revised Code and also is convicted of or pleads guilty to a 1153
specification of the type described in section 2941.1414 of the 1154
Revised Code that charges that the victim of the offense is a 1155
peace officer, as defined in section 2935.01 of the Revised 1156
Code, or an investigator of the bureau of criminal 1157
identification and investigation, as defined in section 2903.11 1158
of the Revised Code, the court shall impose on the offender a 1159
prison term of five years. If a court imposes a prison term on 1160
an offender under division (B) (5) of this section, the prison 1161
term, subject to divisions (C) to (I) of section 2967.19 of the 1162
Revised Code, shall not be reduced pursuant to section 2929.20, 1163
section 2967.19, section 2967.193, or any other provision of 1164
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1165
shall not impose more than one prison term on an offender under 1166
division (B) (5) of this section for felonies committed as part 1167
of the same act. 1168

(6) If an offender is convicted of or pleads guilty to a 1169
violation of division (A) (1) or (2) of section 2903.06 of the 1170
Revised Code and also is convicted of or pleads guilty to a 1171
specification of the type described in section 2941.1415 of the 1172
Revised Code that charges that the offender previously has been 1173
convicted of or pleaded guilty to three or more violations of 1174
division (A) or (B) of section 4511.19 of the Revised Code or an 1175
equivalent offense, as defined in section 2941.1415 of the 1176
Revised Code, or three or more violations of any combination of 1177
those divisions and offenses, the court shall impose on the 1178
offender a prison term of three years. If a court imposes a 1179

prison term on an offender under division (B) (6) of this 1180
section, the prison term, subject to divisions (C) to (I) of 1181
section 2967.19 of the Revised Code, shall not be reduced 1182
pursuant to section 2929.20, section 2967.19, section 2967.193, 1183
or any other provision of Chapter 2967. or Chapter 5120. of the 1184
Revised Code. A court shall not impose more than one prison term 1185
on an offender under division (B) (6) of this section for 1186
felonies committed as part of the same act. 1187

(7) (a) If an offender is convicted of or pleads guilty to 1188
a felony violation of section 2905.01, 2905.02, 2907.21, 1189
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 1190
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 1191
the Revised Code and also is convicted of or pleads guilty to a 1192
specification of the type described in section 2941.1422 of the 1193
Revised Code that charges that the offender knowingly committed 1194
the offense in furtherance of human trafficking, the court shall 1195
impose on the offender a mandatory prison term that is one of 1196
the following: 1197

(i) If the offense is a felony of the first degree, a 1198
definite prison term of not less than five years and not greater 1199
than ten years; 1200

(ii) If the offense is a felony of the second or third 1201
degree, a definite prison term of not less than three years and 1202
not greater than the maximum prison term allowed for the offense 1203
by division (A) of section 2929.14 of the Revised Code; 1204

(iii) If the offense is a felony of the fourth or fifth 1205
degree, a definite prison term that is the maximum prison term 1206
allowed for the offense by division (A) of section 2929.14 of 1207
the Revised Code. 1208

(b) Subject to divisions (C) to (I) of section 2967.19 of 1209
the Revised Code, the prison term imposed under division (B) (7) 1210
(a) of this section shall not be reduced pursuant to section 1211
2929.20, section 2967.19, section 2967.193, or any other 1212
provision of Chapter 2967. of the Revised Code. A court shall 1213
not impose more than one prison term on an offender under 1214
division (B) (7) (a) of this section for felonies committed as 1215
part of the same act, scheme, or plan. 1216

(8) If an offender is convicted of or pleads guilty to a 1217
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1218
Revised Code and also is convicted of or pleads guilty to a 1219
specification of the type described in section 2941.1423 of the 1220
Revised Code that charges that the victim of the violation was a 1221
woman whom the offender knew was pregnant at the time of the 1222
violation, notwithstanding the range of prison terms prescribed 1223
in division (A) of this section for felonies of the same degree 1224
as the violation, the court shall impose on the offender a 1225
mandatory prison term that is either a definite prison term of 1226
six months or one of the prison terms prescribed in section 1227
2929.14 of the Revised Code for felonies of the same degree as 1228
the violation. 1229

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1230
if a mandatory prison term is imposed upon an offender pursuant 1231
to division (B) (1) (a) of this section for having a firearm on or 1232
about the offender's person or under the offender's control 1233
while committing a felony, if a mandatory prison term is imposed 1234
upon an offender pursuant to division (B) (1) (c) of this section 1235
for committing a felony specified in that division by 1236
discharging a firearm from a motor vehicle, or if both types of 1237
mandatory prison terms are imposed, the offender shall serve any 1238
mandatory prison term imposed under either division 1239

consecutively to any other mandatory prison term imposed under 1240
either division or under division (B) (1) (d) of this section, 1241
consecutively to and prior to any prison term imposed for the 1242
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1243
this section or any other section of the Revised Code, and 1244
consecutively to any other prison term or mandatory prison term 1245
previously or subsequently imposed upon the offender. 1246

(b) If a mandatory prison term is imposed upon an offender 1247
pursuant to division (B) (1) (d) of this section for wearing or 1248
carrying body armor while committing an offense of violence that 1249
is a felony, the offender shall serve the mandatory term so 1250
imposed consecutively to any other mandatory prison term imposed 1251
under that division or under division (B) (1) (a) or (c) of this 1252
section, consecutively to and prior to any prison term imposed 1253
for the underlying felony under division (A), (B) (2), or (B) (3) 1254
of this section or any other section of the Revised Code, and 1255
consecutively to any other prison term or mandatory prison term 1256
previously or subsequently imposed upon the offender. 1257

(c) If a mandatory prison term is imposed upon an offender 1258
pursuant to division (B) (1) (f) of this section, the offender 1259
shall serve the mandatory prison term so imposed consecutively 1260
to and prior to any prison term imposed for the underlying 1261
felony under division (A), (B) (2), or (B) (3) of this section or 1262
any other section of the Revised Code, and consecutively to any 1263
other prison term or mandatory prison term previously or 1264
subsequently imposed upon the offender. 1265

(d) If a mandatory prison term is imposed upon an offender 1266
pursuant to division (B) (7) or (8) of this section, the offender 1267
shall serve the mandatory prison term so imposed consecutively 1268
to any other mandatory prison term imposed under that division 1269

or under any other provision of law and consecutively to any 1270
other prison term or mandatory prison term previously or 1271
subsequently imposed upon the offender. 1272

(2) If an offender who is an inmate in a jail, prison, or 1273
other residential detention facility violates section 2917.02, 1274
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1275
(2) of section 2921.34 of the Revised Code, if an offender who 1276
is under detention at a detention facility commits a felony 1277
violation of section 2923.131 of the Revised Code, or if an 1278
offender who is an inmate in a jail, prison, or other 1279
residential detention facility or is under detention at a 1280
detention facility commits another felony while the offender is 1281
an escapee in violation of division (A) (1) or (2) of section 1282
2921.34 of the Revised Code, any prison term imposed upon the 1283
offender for one of those violations shall be served by the 1284
offender consecutively to the prison term or term of 1285
imprisonment the offender was serving when the offender 1286
committed that offense and to any other prison term previously 1287
or subsequently imposed upon the offender. 1288

(3) If a prison term is imposed for a violation of 1289
division (B) of section 2911.01 of the Revised Code, a violation 1290
of division (A) of section 2913.02 of the Revised Code in which 1291
the stolen property is a firearm or dangerous ordnance, or a 1292
felony violation of division (B) of section 2921.331 of the 1293
Revised Code, the offender shall serve that prison term 1294
consecutively to any other prison term or mandatory prison term 1295
previously or subsequently imposed upon the offender. 1296

(4) If multiple prison terms are imposed on an offender 1297
for convictions of multiple offenses, the court may require the 1298
offender to serve the prison terms consecutively if the court 1299

finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

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

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

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

(5) If a mandatory prison term is imposed upon an offender pursuant to division (B) (5) or (6) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A) (1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code. If a mandatory prison term is imposed upon an offender pursuant to division (B) (5) of this section, and if a mandatory prison term also is imposed upon the offender pursuant to division (B) (6) of this section in relation to the same

violation, the offender shall serve the mandatory prison term 1330
imposed pursuant to division (B) (5) of this section 1331
consecutively to and prior to the mandatory prison term imposed 1332
pursuant to division (B) (6) of this section and consecutively to 1333
and prior to any prison term imposed for the underlying 1334
violation of division (A) (1) or (2) of section 2903.06 of the 1335
Revised Code pursuant to division (A) of this section or section 1336
2929.142 of the Revised Code. 1337

(6) When consecutive prison terms are imposed pursuant to 1338
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 1339
of this section, the term to be served is the aggregate of all 1340
of the terms so imposed. 1341

(D) (1) If a court imposes a prison term for a felony of 1342
the first degree, for a felony of the second degree, for a 1343
felony sex offense, or for a felony of the third degree that is 1344
not a felony sex offense and in the commission of which the 1345
offender caused or threatened to cause physical harm to a 1346
person, it shall include in the sentence a requirement that the 1347
offender be subject to a period of post-release control after 1348
the offender's release from imprisonment, in accordance with 1349
that division. If a court imposes a sentence including a prison 1350
term of a type described in this division on or after July 11, 1351
2006, the failure of a court to include a post-release control 1352
requirement in the sentence pursuant to this division does not 1353
negate, limit, or otherwise affect the mandatory period of post- 1354
release control that is required for the offender under division 1355
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1356
the Revised Code applies if, prior to July 11, 2006, a court 1357
imposed a sentence including a prison term of a type described 1358
in this division and failed to include in the sentence pursuant 1359
to this division a statement regarding post-release control. 1360

(2) If a court imposes a prison term for a felony of the 1361
third, fourth, or fifth degree that is not subject to division 1362
(D) (1) of this section, it shall include in the sentence a 1363
requirement that the offender be subject to a period of post- 1364
release control after the offender's release from imprisonment, 1365
in accordance with that division, if the parole board determines 1366
that a period of post-release control is necessary. Section 1367
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1368
a court imposed a sentence including a prison term of a type 1369
described in this division and failed to include in the sentence 1370
pursuant to this division a statement regarding post-release 1371
control. 1372

(E) The court shall impose sentence upon the offender in 1373
accordance with section 2971.03 of the Revised Code, and Chapter 1374
2971. of the Revised Code applies regarding the prison term or 1375
term of life imprisonment without parole imposed upon the 1376
offender and the service of that term of imprisonment if any of 1377
the following apply: 1378

(1) A person is convicted of or pleads guilty to a violent 1379
sex offense or a designated homicide, assault, or kidnapping 1380
offense, and, in relation to that offense, the offender is 1381
adjudicated a sexually violent predator. 1382

(2) A person is convicted of or pleads guilty to a 1383
violation of division (A) (1) (b) of section 2907.02 of the 1384
Revised Code committed on or after January 2, 2007, and either 1385
the court does not impose a sentence of life without parole when 1386
authorized pursuant to division (B) of section 2907.02 of the 1387
Revised Code, or division (B) of section 2907.02 of the Revised 1388
Code provides that the court shall not sentence the offender 1389
pursuant to section 2971.03 of the Revised Code. 1390

(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 1451
a specification of the type described in section 2941.1421 of 1452
the Revised Code regarding one or more of those violations, an 1453
additional prison term of one, two, three, four, five, six, 1454
seven, eight, nine, ten, eleven, or twelve months. 1455

(b) In lieu of imposing an additional prison term under 1456
division (H) (2) (a) of this section, the court may directly 1457
impose on the offender a sanction that requires the offender to 1458
wear a real-time processing, continual tracking electronic 1459
monitoring device during the period of time specified by the 1460
court. The period of time specified by the court shall equal the 1461
duration of an additional prison term that the court could have 1462
imposed upon the offender under division (H) (2) (a) of this 1463
section. A sanction imposed under this division shall commence 1464
on the date specified by the court, provided that the sanction 1465
shall not commence until after the offender has served the 1466
prison term imposed for the felony violation of section 2907.22, 1467
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1468
residential sanction imposed for the violation under section 1469
2929.16 of the Revised Code. A sanction imposed under this 1470
division shall be considered to be a community control sanction 1471
for purposes of section 2929.15 of the Revised Code, and all 1472
provisions of the Revised Code that pertain to community control 1473
sanctions shall apply to a sanction imposed under this division, 1474
except to the extent that they would by their nature be clearly 1475
inapplicable. The offender shall pay all costs associated with a 1476
sanction imposed under this division, including the cost of the 1477
use of the monitoring device. 1478

(I) At the time of sentencing, the court may recommend the 1479
offender for placement in a program of shock incarceration under 1480
section 5120.031 of the Revised Code or for placement in an 1481

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 1512
is an available program of shock incarceration or an intensive 1513
program prison for which the offender is suited. If there is an 1514
available program of shock incarceration or an intensive program 1515
prison for which the offender is suited, the department shall 1516
notify the court of the proposed placement of the offender as 1517
specified in section 5120.031 or 5120.032 of the Revised Code 1518
and shall include with the notice a brief description of the 1519
placement. The court shall have ten days from receipt of the 1520
notice to disapprove the placement. 1521

(J) If a person is convicted of or pleads guilty to 1522
aggravated vehicular homicide in violation of division (A) (1) of 1523
section 2903.06 of the Revised Code and division (B) (2) (c) of 1524
that section applies, the person shall be sentenced pursuant to 1525
section 2929.142 of the Revised Code. 1526

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

Code. A court may not impose more than one sentence under 1543
division (B) (2) (a) of this section and this division for acts 1544
committed as part of the same act or transaction. 1545

(2) As used in division (K) (1) of this section, "violent 1546
career criminal" and "violent felony offense" have the same 1547
meanings as in section 2923.132 of the Revised Code. 1548

Section 2. That existing sections 2907.321, 2907.322, 1549
2907.323, 2929.13, and 2929.14 of the Revised Code are hereby 1550
repealed. 1551

Section 3. Section 2929.14 of the Revised Code is 1552
presented in this act as a composite of the section as amended 1553
by both Sub. H.B. 470 and Sub. S.B. 319 of the 131st General 1554
Assembly. The General Assembly, applying the principle stated in 1555
division (B) of section 1.52 of the Revised Code that amendments 1556
are to be harmonized if reasonably capable of simultaneous 1557
operation, finds that the composite is the resulting version of 1558
the section in effect prior to the effective date of the section 1559
as presented in this act. 1560