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**Sub. H. B. No. 68**

**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**

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**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 or impaired person 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 or impaired person participating or engaging in 82  
sexual activity, masturbation, or bestiality; 83

(3) Create, direct, or produce a performance that shows a 84  
minor or impaired person 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 or impaired person 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 or impaired 92  
person 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 or impaired person participating or 96  
engaging in sexual activity, masturbation, or bestiality, ~~or~~ 97  
~~bring;~~ 98

(7) Bring, 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 third, fourth, or fifth degree that is not subject to division (D) (1) of this section, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division, if the parole board determines that a period of post-release control is necessary. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control.

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

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

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

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

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

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), (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