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Representative Anielski

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

Senators Eklund, Bacon, Coley, Hackett, Hoagland, Kunze, Lehner, Manning, Oelslager, Peterson, Schiavoni, Tavares, Terhar, Thomas, Uecker, Wilson

A BILL

To amend sections 2907.321, 2907.322, 2907.323, 1
2929.13, 2929.14, 2929.17, 2929.18, 2953.32, and 2
2953.36 and to enact section 2950.151 of the 3
Revised Code to include conduct involving an 4
impaired person within the offenses of pandering 5
obscenity involving a minor, pandering sexually 6
oriented matter involving a minor, and illegal 7
use of a minor in a nudity-oriented material or 8
performance; to create a procedure for certain 9
offenders convicted of "unlawful sexual conduct 10
with a minor" to petition a court for 11
reclassification or removal from duties under 12
the Sex Offender Registration and Notification 13
Law; to permit record sealing in the case of 14
such an offender when the offender has been 15
removed from those duties; and to require sex 16

offender treatment for certain offenders 17
convicted of that offense. 18

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

Section 1. That sections 2907.321, 2907.322, 2907.323, 19
2929.13, 2929.14, 2929.17, 2929.18, 2953.32, and 2953.36 be 20
amended and section 2950.151 of the Revised Code be enacted to 21
read as follows: 22

Sec. 2907.321. (A) No person, with knowledge of the 23
character of the material or performance involved, shall do any 24
of the following: 25

(1) Create, reproduce, or publish any obscene material 26
that has a minor or impaired person as one of its participants 27
or portrayed observers; 28

(2) Promote or advertise for sale or dissemination; sell, 29
deliver, disseminate, display, exhibit, present, rent, or 30
provide; or offer or agree to sell, deliver, disseminate, 31
display, exhibit, present, rent, or provide, any obscene 32
material that has a minor or impaired person as one of its 33
participants or portrayed observers; 34

(3) Create, direct, or produce an obscene performance that 35
has a minor or impaired person as one of its participants; 36

(4) Advertise or promote for presentation, present, or 37
participate in presenting an obscene performance that has a 38
minor or impaired person as one of its participants; 39

(5) Buy, procure, possess, or control any obscene 40
material, that has a minor or impaired person as one of its 41

participants; 42

(6) Bring or cause to be brought into this state any 43
obscene material that has a minor or impaired person as one of 44
its participants or portrayed observers. 45

(B) (1) This section does not apply to any material or 46
performance that is sold, disseminated, displayed, possessed, 47
controlled, brought or caused to be brought into this state, or 48
presented for a bona fide medical, scientific, educational, 49
religious, governmental, judicial, or other proper purpose, by 50
or to a physician, psychologist, sociologist, scientist, 51
teacher, person pursuing bona fide studies or research, 52
librarian, ~~clergyman~~ member of the clergy, prosecutor, judge, or 53
other person having a proper interest in the material or 54
performance. 55

(2) Mistake of age is not a defense to a charge under this 56
section. 57

(3) In a prosecution under this section, the trier of fact 58
may infer that a person in the material or performance involved 59
is a minor or impaired person if the material or performance, 60
through its title, text, visual representation, or otherwise, 61
represents or depicts the person as a minor or impaired person. 62

(C) Whoever violates this section is guilty of pandering 63
obscenity involving a minor or impaired person. ~~Violation~~ If the 64
offense involves a minor, a violation of division (A) (1), (2), 65
(3), (4), or (6) of this section is a felony of the second 66
degree. ~~Violation~~ If the offense involves an impaired person, a 67
violation of division (A) (1), (2), (3), (4), or (6) of this 68
section is a felony of the third degree. A violation of division 69
(A) (5) of this section is a felony of the fourth degree. If the 70

offender previously has been convicted of or pleaded guilty to a 71
violation of this section or section 2907.322 or 2907.323 of the 72
Revised Code, pandering obscenity involving a minor or impaired 73
person in violation of division (A) (5) of this section is a 74
felony of the third degree. 75

(D) As used in this section and sections 2907.322 and 76
2907.323 of the Revised Code, "impaired person" means a person 77
whose ability to resist or consent is substantially impaired 78
because of a mental or physical condition or because of advanced 79
age, and the offender knows or has reasonable cause to believe 80
that the other person's ability to resist or consent is 81
substantially impaired because of a mental or physical condition 82
or because of advanced age. 83

Sec. 2907.322. (A) No person, with knowledge of the 84
character of the material or performance involved, shall do any 85
of the following: 86

(1) Create, record, photograph, film, develop, reproduce, 87
or publish any material that shows a minor or impaired person 88
participating or engaging in sexual activity, masturbation, or 89
bestiality; 90

(2) Advertise for sale or dissemination, sell, distribute, 91
transport, disseminate, exhibit, or display any material that 92
shows a minor or impaired person participating or engaging in 93
sexual activity, masturbation, or bestiality; 94

(3) Create, direct, or produce a performance that shows a 95
minor or impaired person participating or engaging in sexual 96
activity, masturbation, or bestiality; 97

(4) Advertise for presentation, present, or participate in 98
presenting a performance that shows a minor or impaired person 99

participating or engaging in sexual activity, masturbation, or 100
bestiality; 101

(5) Knowingly solicit, receive, purchase, exchange, 102
possess, or control any material that shows a minor or impaired 103
person participating or engaging in sexual activity, 104
masturbation, or bestiality; 105

(6) Bring or cause to be brought into this state any 106
material that shows a minor or impaired person participating or 107
engaging in sexual activity, masturbation, or bestiality, ~~or~~ 108
~~bring;~~ 109

(7) Bring, cause to be brought, or finance the bringing of 110
any minor or impaired person into or across this state with the 111
intent that the minor or impaired person engage in sexual 112
activity, masturbation, or bestiality in a performance or for 113
the purpose of producing material containing a visual 114
representation depicting the minor or impaired person engaged in 115
sexual activity, masturbation, or bestiality. 116

(B) (1) This section does not apply to any material or 117
performance that is sold, disseminated, displayed, possessed, 118
controlled, brought or caused to be brought into this state, or 119
presented for a bona fide medical, scientific, educational, 120
religious, governmental, judicial, or other proper purpose, by 121
or to a physician, psychologist, sociologist, scientist, 122
teacher, person pursuing bona fide studies or research, 123
librarian, ~~clergyman~~ member of the clergy, prosecutor, judge, or 124
other person having a proper interest in the material or 125
performance. 126

(2) Mistake of age is not a defense to a charge under this 127
section. 128

(3) In a prosecution under this section, the trier of fact 129
may infer that a person in the material or performance involved 130
is a minor or impaired person if the material or performance, 131
through its title, text, visual representation, or otherwise, 132
represents or depicts the person as a minor or impaired person. 133

(C) Whoever violates this section is guilty of pandering 134
sexually oriented matter involving a minor or impaired person. 135
~~Violation~~ ~~If the offense involves a minor, a violation of~~ 136
division (A) (1), (2), (3), (4), ~~or~~ (6), or (7) of this section 137
is a felony of the second degree. If the offense involves an 138
impaired person, a violation of division (A) (1), (2), (3), (4), 139
(6), or (7) of this section is a felony of the third degree. 140
Violation of division (A) (5) of this section is a felony of the 141
fourth degree. If the offender previously has been convicted of 142
or pleaded guilty to a violation of this section or section 143
2907.321 or 2907.323 of the Revised Code, pandering sexually 144
oriented matter involving a minor or impaired person in 145
violation of division (A) (5) of this section is a felony of the 146
third degree. 147

Sec. 2907.323. (A) No person shall do any of the 148
following: 149

(1) Photograph any minor or impaired person who is not the 150
person's child or ward in a state of nudity, or create, direct, 151
produce, or transfer any material or performance that shows the 152
minor or impaired person in a state of nudity, unless both of 153
the following apply: 154

(a) The material or performance is, or is to be, sold, 155
disseminated, displayed, possessed, controlled, brought or 156
caused to be brought into this state, or presented for a bona 157
fide artistic, medical, scientific, educational, religious, 158

governmental, judicial, or other proper purpose, by or to a 159
physician, psychologist, sociologist, scientist, teacher, person 160
pursuing bona fide studies or research, librarian, member of the 161
clergy, prosecutor, judge, or other person having a proper 162
interest in the material or performance; 163

(b) The minor's or impaired person's parents, guardian, or 164
custodian consents in writing to the photographing of the minor 165
or impaired person, to the use of the minor or impaired person 166
in the material or performance, or to the transfer of the 167
material and to the specific manner in which the material or 168
performance is to be used. 169

(2) Consent to the photographing of the person's ~~minor~~ 170
child or ward who is a minor or impaired person, or photograph 171
the person's ~~minor~~ child or ward who is a minor or impaired 172
person, in a state of nudity or consent to the use of the 173
person's ~~minor~~ child or ward who is a minor or impaired person 174
in a state of nudity in any material or performance, or use or 175
transfer a material or performance of that nature, unless the 176
material or performance is sold, disseminated, displayed, 177
possessed, controlled, brought or caused to be brought into this 178
state, or presented for a bona fide artistic, medical, 179
scientific, educational, religious, governmental, judicial, or 180
other proper purpose, by or to a physician, psychologist, 181
sociologist, scientist, teacher, person pursuing bona fide 182
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

(3) Possess or view any material or performance that shows 186
a minor or impaired person who is not the person's child or ward 187
in a state of nudity, unless one of the following applies: 188

(a) The material or performance is sold, disseminated, 189
displayed, possessed, controlled, brought or caused to be 190
brought into this state, or presented for a bona fide artistic, 191
medical, scientific, educational, religious, governmental, 192
judicial, or other proper purpose, by or to a physician, 193
psychologist, sociologist, scientist, teacher, person pursuing 194
bona fide studies or research, librarian, member of the clergy, 195
prosecutor, judge, or other person having a proper interest in 196
the material or performance. 197

(b) The person knows that the minor's or impaired person's 198
parents, guardian, or custodian has consented in writing to the 199
photographing or use of the minor or impaired person in a state 200
of nudity and to the manner in which the material or performance 201
is used or transferred. 202

(B) Whoever violates this section is guilty of illegal use 203
of a minor or impaired person in a nudity-oriented material or 204
performance. ~~Whoever~~ If the offense involves a minor, whoever 205
violates division (A) (1) or (2) of this section is guilty of a 206
felony of the second degree. If the offense involves an impaired 207
person, whoever violates division (A) (1) or (2) of this section 208
is guilty of a felony of the third degree. Except as otherwise 209
provided in this division, whoever violates division (A) (3) of 210
this section is guilty of a felony of the fifth degree. If the 211
offender previously has been convicted of or pleaded guilty to a 212
violation of this section or section 2907.321 or 2907.322 of the 213
Revised Code, illegal use of a minor or impaired person in a 214
nudity-oriented material or performance in violation of division 215
(A) (3) of this section is a felony of the fourth degree. If the 216
offender who ~~violates~~ commits a violation of division (A) (1) or 217
(2) of this section that involves a minor also is convicted of 218
or pleads guilty to a specification as described in section 219

2941.1422 of the Revised Code that was included in the 220
indictment, count in the indictment, or information charging the 221
offense, the court shall sentence the offender to a mandatory 222
prison term as provided in division (B) (7) of section 2929.14 of 223
the Revised Code and shall order the offender to make 224
restitution as provided in division (B) (8) of section 2929.18 of 225
the Revised Code. 226

Sec. 2929.13. (A) Except as provided in division (E), (F), 227
or (G) of this section and unless a specific sanction is 228
required to be imposed or is precluded from being imposed 229
pursuant to law, a court that imposes a sentence upon an 230
offender for a felony may impose any sanction or combination of 231
sanctions on the offender that are provided in sections 2929.14 232
to 2929.18 of the Revised Code. 233

If the offender is eligible to be sentenced to community 234
control sanctions, the court shall consider the appropriateness 235
of imposing a financial sanction pursuant to section 2929.18 of 236
the Revised Code or a sanction of community service pursuant to 237
section 2929.17 of the Revised Code as the sole sanction for the 238
offense. Except as otherwise provided in this division, if the 239
court is required to impose a mandatory prison term for the 240
offense for which sentence is being imposed, the court also 241
shall impose any financial sanction pursuant to section 2929.18 242
of the Revised Code that is required for the offense and may 243
impose any other financial sanction pursuant to that section but 244
may not impose any additional sanction or combination of 245
sanctions under section 2929.16 or 2929.17 of the Revised Code. 246

If the offender is being sentenced for a fourth degree 247
felony OVI offense or for a third degree felony OVI offense, in 248
addition to the mandatory term of local incarceration or the 249

mandatory prison term required for the offense by division (G) 250
(1) or (2) of this section, the court shall impose upon the 251
offender a mandatory fine in accordance with division (B) (3) of 252
section 2929.18 of the Revised Code and may impose whichever of 253
the following is applicable: 254

(1) For a fourth degree felony OVI offense for which 255
sentence is imposed under division (G) (1) of this section, an 256
additional community control sanction or combination of 257
community control sanctions under section 2929.16 or 2929.17 of 258
the Revised Code. If the court imposes upon the offender a 259
community control sanction and the offender violates any 260
condition of the community control sanction, the court may take 261
any action prescribed in division (B) of section 2929.15 of the 262
Revised Code relative to the offender, including imposing a 263
prison term on the offender pursuant to that division. 264

(2) For a third or fourth degree felony OVI offense for 265
which sentence is imposed under division (G) (2) of this section, 266
an additional prison term as described in division (B) (4) of 267
section 2929.14 of the Revised Code or a community control 268
sanction as described in division (G) (2) of this section. 269

(B) (1) (a) Except as provided in division (B) (1) (b) of this 270
section, if an offender is convicted of or pleads guilty to a 271
felony of the fourth or fifth degree that is not an offense of 272
violence or that is a qualifying assault offense, the court 273
shall sentence the offender to a community control sanction of 274
at least one year's duration if all of the following apply: 275

(i) The offender previously has not been convicted of or 276
pleaded guilty to a felony offense. 277

(ii) The most serious charge against the offender at the 278

time of sentencing is a felony of the fourth or fifth degree.	279
(iii) If the court made a request of the department of rehabilitation and correction pursuant to division (B)(1)(c) of this section, the department, within the forty-five-day period specified in that division, provided 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.	280 281 282 283 284 285 286
(iv) The offender previously has not been convicted of or pleaded guilty to a misdemeanor offense of violence that the offender committed within two years prior to the offense for which sentence is being imposed.	287 288 289 290
(b) The court has discretion to impose a prison term upon 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 if any of the following apply:	291 292 293 294 295
(i) The offender committed the offense while having a firearm on or about the offender's person or under the offender's control.	296 297 298
(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense.	299 300 301 302 303
(iii) The offender violated a term of the conditions of bond as set by the court.	304 305
(iv) The court made a request of the department of rehabilitation and correction pursuant to division (B)(1)(c) of	306 307

this section, and the department, within the forty-five-day 308
period specified in that division, did not provide the court 309
with the name of, contact information for, and program details 310
of any community control sanction of at least one year's 311
duration that is available for persons sentenced by the court. 312

(v) The offense is a sex offense that is a fourth or fifth 313
degree felony violation of any provision of Chapter 2907. of the 314
Revised Code. 315

(vi) In committing the offense, the offender attempted to 316
cause or made an actual threat of physical harm to a person with 317
a deadly weapon. 318

(vii) In committing the offense, the offender attempted to 319
cause or made an actual threat of physical harm to a person, and 320
the offender previously was convicted of an offense that caused 321
physical harm to a person. 322

(viii) The offender held a public office or position of 323
trust, and the offense related to that office or position; the 324
offender's position obliged the offender to prevent the offense 325
or to bring those committing it to justice; or the offender's 326
professional reputation or position facilitated the offense or 327
was likely to influence the future conduct of others. 328

(ix) The offender committed the offense for hire or as 329
part of an organized criminal activity. 330

(x) The offender at the time of the offense was serving, 331
or the offender previously had served, a prison term. 332

(xi) The offender committed the offense while under a 333
community control sanction, while on probation, or while 334
released from custody on a bond or personal recognizance. 335

(c) If a court that is sentencing an offender who is 336
convicted of or pleads guilty to a felony of the fourth or fifth 337
degree that is not an offense of violence or that is a 338
qualifying assault offense believes that no community control 339
sanctions are available for its use that, if imposed on the 340
offender, will adequately fulfill the overriding principles and 341
purposes of sentencing, the court shall contact the department 342
of rehabilitation and correction and ask the department to 343
provide the court with the names of, contact information for, 344
and program details of one or more community control sanctions 345
of at least one year's duration that are available for persons 346
sentenced by the court. Not later than forty-five days after 347
receipt of a request from a court under this division, the 348
department shall provide the court with the names of, contact 349
information for, and program details of one or more community 350
control sanctions of at least one year's duration that are 351
available for persons sentenced by the court, if any. Upon 352
making a request under this division that relates to a 353
particular offender, a court shall defer sentencing of that 354
offender until it receives from the department the names of, 355
contact information for, and program details of one or more 356
community control sanctions of at least one year's duration that 357
are available for persons sentenced by the court or for forty- 358
five days, whichever is the earlier. 359

If the department provides the court with the names of, 360
contact information for, and program details of one or more 361
community control sanctions of at least one year's duration that 362
are available for persons sentenced by the court within the 363
forty-five-day period specified in this division, the court 364
shall impose upon the offender a community control sanction 365
under division (B)(1)(a) of this section, except that the court 366

may impose a prison term under division (B) (1) (b) of this 367
section if a factor described in division (B) (1) (b) (i) or (ii) 368
of this section applies. If the department does not provide the 369
court with the names of, contact information for, and program 370
details of one or more community control sanctions of at least 371
one year's duration that are available for persons sentenced by 372
the court within the forty-five-day period specified in this 373
division, the court may impose upon the offender a prison term 374
under division (B) (1) (b) (iv) of this section. 375

(d) A sentencing court may impose an additional penalty 376
under division (B) of section 2929.15 of the Revised Code upon 377
an offender sentenced to a community control sanction under 378
division (B) (1) (a) of this section if the offender violates the 379
conditions of the community control sanction, violates a law, or 380
leaves the state without the permission of the court or the 381
offender's probation officer. 382

(2) If division (B) (1) of this section does not apply, 383
except as provided in division (E), (F), or (G) of this section, 384
in determining whether to impose a prison term as a sanction for 385
a felony of the fourth or fifth degree, the sentencing court 386
shall comply with the purposes and principles of sentencing 387
under section 2929.11 of the Revised Code and with section 388
2929.12 of the Revised Code. 389

(C) Except as provided in division (D), (E), (F), or (G) 390
of this section, in determining whether to impose a prison term 391
as a sanction for a felony of the third degree or a felony drug 392
offense that is a violation of a provision of Chapter 2925. of 393
the Revised Code and that is specified as being subject to this 394
division for purposes of sentencing, the sentencing court shall 395
comply with the purposes and principles of sentencing under 396

section 2929.11 of the Revised Code and with section 2929.12 of 397
the Revised Code. 398

(D) (1) Except as provided in division (E) or (F) of this 399
section, for a felony of the first or second degree, for a 400
felony drug offense that is a violation of any provision of 401
Chapter 2925., 3719., or 4729. of the Revised Code for which a 402
presumption in favor of a prison term is specified as being 403
applicable, and for a violation of division (A) (4) or (B) of 404
section 2907.05 of the Revised Code for which a presumption in 405
favor of a prison term is specified as being applicable, it is 406
presumed that a prison term is necessary in order to comply with 407
the purposes and principles of sentencing under section 2929.11 408
of the Revised Code. Division (D) (2) of this section does not 409
apply to a presumption established under this division for a 410
violation of division (A) (4) of section 2907.05 of the Revised 411
Code. 412

(2) Notwithstanding the presumption established under 413
division (D) (1) of this section for the offenses listed in that 414
division other than a violation of division (A) (4) or (B) of 415
section 2907.05 of the Revised Code, the sentencing court may 416
impose a community control sanction or a combination of 417
community control sanctions instead of a prison term on an 418
offender for a felony of the first or second degree or for a 419
felony drug offense that is a violation of any provision of 420
Chapter 2925., 3719., or 4729. of the Revised Code for which a 421
presumption in favor of a prison term is specified as being 422
applicable if it makes both of the following findings: 423

(a) A community control sanction or a combination of 424
community control sanctions would adequately punish the offender 425
and protect the public from future crime, because the applicable 426

factors under section 2929.12 of the Revised Code indicating a 427
lesser likelihood of recidivism outweigh the applicable factors 428
under that section indicating a greater likelihood of 429
recidivism. 430

(b) A community control sanction or a combination of 431
community control sanctions would not demean the seriousness of 432
the offense, because one or more factors under section 2929.12 433
of the Revised Code that indicate that the offender's conduct 434
was less serious than conduct normally constituting the offense 435
are applicable, and they outweigh the applicable factors under 436
that section that indicate that the offender's conduct was more 437
serious than conduct normally constituting the offense. 438

(E) (1) Except as provided in division (F) of this section, 439
for any drug offense that is a violation of any provision of 440
Chapter 2925. of the Revised Code and that is a felony of the 441
third, fourth, or fifth degree, the applicability of a 442
presumption under division (D) of this section in favor of a 443
prison term or of division (B) or (C) of this section in 444
determining whether to impose a prison term for the offense 445
shall be determined as specified in section 2925.02, 2925.03, 446
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 447
2925.36, or 2925.37 of the Revised Code, whichever is applicable 448
regarding the violation. 449

(2) If an offender who was convicted of or pleaded guilty 450
to a felony violates the conditions of a community control 451
sanction imposed for the offense solely by reason of producing 452
positive results on a drug test or by acting pursuant to 453
division (B) (2) (b) of section 2925.11 of the Revised Code with 454
respect to a minor drug possession offense, the court, as 455
punishment for the violation of the sanction, shall not order 456

that the offender be imprisoned unless the court determines on 457
the record either of the following: 458

(a) The offender had been ordered as a sanction for the 459
felony to participate in a drug treatment program, in a drug 460
education program, or in narcotics anonymous or a similar 461
program, and the offender continued to use illegal drugs after a 462
reasonable period of participation in the program. 463

(b) The imprisonment of the offender for the violation is 464
consistent with the purposes and principles of sentencing set 465
forth in section 2929.11 of the Revised Code. 466

(3) A court that sentences an offender for a drug abuse 467
offense that is a felony of the third, fourth, or fifth degree 468
may require that the offender be assessed by a properly 469
credentialed professional within a specified period of time. The 470
court shall require the professional to file a written 471
assessment of the offender with the court. If the offender is 472
eligible for a community control sanction and after considering 473
the written assessment, the court may impose a community control 474
sanction that includes addiction services and recovery supports 475
included in a community-based continuum of care established 476
under section 340.032 of the Revised Code. If the court imposes 477
addiction services and recovery supports as a community control 478
sanction, the court shall direct the level and type of addiction 479
services and recovery supports after considering the assessment 480
and recommendation of community addiction services providers. 481

(F) Notwithstanding divisions (A) to (E) of this section, 482
the court shall impose a prison term or terms under sections 483
2929.02 to 2929.06, section 2929.14, section 2929.142, or 484
section 2971.03 of the Revised Code and except as specifically 485
provided in section 2929.20, divisions (C) to (I) of section 486

2967.19, or section 2967.191 of the Revised Code or when parole 487
is authorized for the offense under section 2967.13 of the 488
Revised Code shall not reduce the term or terms pursuant to 489
section 2929.20, section 2967.19, section 2967.193, or any other 490
provision of Chapter 2967. or Chapter 5120. of the Revised Code 491
for any of the following offenses: 492

(1) Aggravated murder when death is not imposed or murder; 493

(2) Any rape, regardless of whether force was involved and 494
regardless of the age of the victim, or an attempt to commit 495
rape if, had the offender completed the rape that was attempted, 496
the offender would have been guilty of a violation of division 497
(A) (1) (b) of section 2907.02 of the Revised Code and would be 498
sentenced under section 2971.03 of the Revised Code; 499

(3) Gross sexual imposition or sexual battery, if the 500
victim is less than thirteen years of age and if any of the 501
following applies: 502

(a) Regarding gross sexual imposition, the offender 503
previously was convicted of or pleaded guilty to rape, the 504
former offense of felonious sexual penetration, gross sexual 505
imposition, or sexual battery, and the victim of the previous 506
offense was less than thirteen years of age; 507

(b) Regarding gross sexual imposition, the offense was 508
committed on or after August 3, 2006, and evidence other than 509
the testimony of the victim was admitted in the case 510
corroborating the violation. 511

(c) Regarding sexual battery, either of the following 512
applies: 513

(i) The offense was committed prior to August 3, 2006, the 514
offender previously was convicted of or pleaded guilty to rape, 515

the former offense of felonious sexual penetration, or sexual 516
battery, and the victim of the previous offense was less than 517
thirteen years of age. 518

(ii) The offense was committed on or after August 3, 2006. 519

(4) A felony violation of section 2903.04, 2903.06, 520
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 521
or 2923.132 of the Revised Code if the section requires the 522
imposition of a prison term; 523

(5) A first, second, or third degree felony drug offense 524
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 525
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 526
or 4729.99 of the Revised Code, whichever is applicable 527
regarding the violation, requires the imposition of a mandatory 528
prison term; 529

(6) Any offense that is a first or second degree felony 530
and that is not set forth in division (F) (1), (2), (3), or (4) 531
of this section, if the offender previously was convicted of or 532
pleaded guilty to aggravated murder, murder, any first or second 533
degree felony, or an offense under an existing or former law of 534
this state, another state, or the United States that is or was 535
substantially equivalent to one of those offenses; 536

(7) Any offense that is a third degree felony and either 537
is a violation of section 2903.04 of the Revised Code or an 538
attempt to commit a felony of the second degree that is an 539
offense of violence and involved an attempt to cause serious 540
physical harm to a person or that resulted in serious physical 541
harm to a person if the offender previously was convicted of or 542
pleaded guilty to any of the following offenses: 543

(a) Aggravated murder, murder, involuntary manslaughter, 544

rape, felonious sexual penetration as it existed under section 545
2907.12 of the Revised Code prior to September 3, 1996, a felony 546
of the first or second degree that resulted in the death of a 547
person or in physical harm to a person, or complicity in or an 548
attempt to commit any of those offenses; 549

(b) An offense under an existing or former law of this 550
state, another state, or the United States that is or was 551
substantially equivalent to an offense listed in division (F) (7) 552
(a) of this section that resulted in the death of a person or in 553
physical harm to a person. 554

(8) Any offense, other than a violation of section 2923.12 555
of the Revised Code, that is a felony, if the offender had a 556
firearm on or about the offender's person or under the 557
offender's control while committing the felony, with respect to 558
a portion of the sentence imposed pursuant to division (B) (1) (a) 559
of section 2929.14 of the Revised Code for having the firearm; 560

(9) Any offense of violence that is a felony, if the 561
offender wore or carried body armor while committing the felony 562
offense of violence, with respect to the portion of the sentence 563
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 564
Revised Code for wearing or carrying the body armor; 565

(10) Corrupt activity in violation of section 2923.32 of 566
the Revised Code when the most serious offense in the pattern of 567
corrupt activity that is the basis of the offense is a felony of 568
the first degree; 569

(11) Any violent sex offense or designated homicide, 570
assault, or kidnapping offense if, in relation to that offense, 571
the offender is adjudicated a sexually violent predator; 572

(12) A violation of division (A) (1) or (2) of section 573

2921.36 of the Revised Code, or a violation of division (C) of 574
that section involving an item listed in division (A) (1) or (2) 575
of that section, if the offender is an officer or employee of 576
the department of rehabilitation and correction; 577

(13) A violation of division (A) (1) or (2) of section 578
2903.06 of the Revised Code if the victim of the offense is a 579
peace officer, as defined in section 2935.01 of the Revised 580
Code, or an investigator of the bureau of criminal 581
identification and investigation, as defined in section 2903.11 582
of the Revised Code, with respect to the portion of the sentence 583
imposed pursuant to division (B) (5) of section 2929.14 of the 584
Revised Code; 585

(14) A violation of division (A) (1) or (2) of section 586
2903.06 of the Revised Code if the offender has been convicted 587
of or pleaded guilty to three or more violations of division (A) 588
or (B) of section 4511.19 of the Revised Code or an equivalent 589
offense, as defined in section 2941.1415 of the Revised Code, or 590
three or more violations of any combination of those divisions 591
and offenses, with respect to the portion of the sentence 592
imposed pursuant to division (B) (6) of section 2929.14 of the 593
Revised Code; 594

(15) Kidnapping, in the circumstances specified in section 595
2971.03 of the Revised Code and when no other provision of 596
division (F) of this section applies; 597

(16) Kidnapping, abduction, compelling prostitution, 598
promoting prostitution, engaging in a pattern of corrupt 599
activity, ~~illegal use of a minor in a nudity-oriented material-~~ 600
~~or performance in a~~ violation of division (A) (1) or (2) of 601
section 2907.323 of the Revised Code that involves a minor, or 602
endangering children in violation of division (B) (1), (2), (3), 603

(4), or (5) of section 2919.22 of the Revised Code, if the 604
offender is convicted of or pleads guilty to a specification as 605
described in section 2941.1422 of the Revised Code that was 606
included in the indictment, count in the indictment, or 607
information charging the offense; 608

(17) A felony violation of division (A) or (B) of section 609
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 610
that section, and division (D) (6) of that section, require the 611
imposition of a prison term; 612

(18) A felony violation of section 2903.11, 2903.12, or 613
2903.13 of the Revised Code, if the victim of the offense was a 614
woman that the offender knew was pregnant at the time of the 615
violation, with respect to a portion of the sentence imposed 616
pursuant to division (B) (8) of section 2929.14 of the Revised 617
Code; 618

(19) (a) Any violent felony offense if the offender is a 619
violent career criminal and had a firearm on or about the 620
offender's person or under the offender's control during the 621
commission of the violent felony offense and displayed or 622
brandished the firearm, indicated that the offender possessed a 623
firearm, or used the firearm to facilitate the offense, with 624
respect to the portion of the sentence imposed under division 625
(K) of section 2929.14 of the Revised Code. 626

(b) As used in division (F) (19) (a) of this section, 627
"violent career criminal" and "violent felony offense" have the 628
same meanings as in section 2923.132 of the Revised Code. 629

(G) Notwithstanding divisions (A) to (E) of this section, 630
if an offender is being sentenced for a fourth degree felony OVI 631
offense or for a third degree felony OVI offense, the court 632

shall impose upon the offender a mandatory term of local 633
incarceration or a mandatory prison term in accordance with the 634
following: 635

(1) If the offender is being sentenced for a fourth degree 636
felony OVI offense and if the offender has not been convicted of 637
and has not pleaded guilty to a specification of the type 638
described in section 2941.1413 of the Revised Code, the court 639
may impose upon the offender a mandatory term of local 640
incarceration of sixty days or one hundred twenty days as 641
specified in division (G) (1) (d) of section 4511.19 of the 642
Revised Code. The court shall not reduce the term pursuant to 643
section 2929.20, 2967.193, or any other provision of the Revised 644
Code. The court that imposes a mandatory term of local 645
incarceration under this division shall specify whether the term 646
is to be served in a jail, a community-based correctional 647
facility, a halfway house, or an alternative residential 648
facility, and the offender shall serve the term in the type of 649
facility specified by the court. A mandatory term of local 650
incarceration imposed under division (G) (1) of this section is 651
not subject to any other Revised Code provision that pertains to 652
a prison term except as provided in division (A) (1) of this 653
section. 654

(2) If the offender is being sentenced for a third degree 655
felony OVI offense, or if the offender is being sentenced for a 656
fourth degree felony OVI offense and the court does not impose a 657
mandatory term of local incarceration under division (G) (1) of 658
this section, the court shall impose upon the offender a 659
mandatory prison term of one, two, three, four, or five years if 660
the offender also is convicted of or also pleads guilty to a 661
specification of the type described in section 2941.1413 of the 662
Revised Code or shall impose upon the offender a mandatory 663

prison term of sixty days or one hundred twenty days as 664
specified in division (G) (1) (d) or (e) of section 4511.19 of the 665
Revised Code if the offender has not been convicted of and has 666
not pleaded guilty to a specification of that type. Subject to 667
divisions (C) to (I) of section 2967.19 of the Revised Code, the 668
court shall not reduce the term pursuant to section 2929.20, 669
2967.19, 2967.193, or any other provision of the Revised Code. 670
The offender shall serve the one-, two-, three-, four-, or five- 671
year mandatory prison term consecutively to and prior to the 672
prison term imposed for the underlying offense and consecutively 673
to any other mandatory prison term imposed in relation to the 674
offense. In no case shall an offender who once has been 675
sentenced to a mandatory term of local incarceration pursuant to 676
division (G) (1) of this section for a fourth degree felony OVI 677
offense be sentenced to another mandatory term of local 678
incarceration under that division for any violation of division 679
(A) of section 4511.19 of the Revised Code. In addition to the 680
mandatory prison term described in division (G) (2) of this 681
section, the court may sentence the offender to a community 682
control sanction under section 2929.16 or 2929.17 of the Revised 683
Code, but the offender shall serve the prison term prior to 684
serving the community control sanction. The department of 685
rehabilitation and correction may place an offender sentenced to 686
a mandatory prison term under this division in an intensive 687
program prison established pursuant to section 5120.033 of the 688
Revised Code if the department gave the sentencing judge prior 689
notice of its intent to place the offender in an intensive 690
program prison established under that section and if the judge 691
did not notify the department that the judge disapproved the 692
placement. Upon the establishment of the initial intensive 693
program prison pursuant to section 5120.033 of the Revised Code 694
that is privately operated and managed by a contractor pursuant 695

to a contract entered into under section 9.06 of the Revised Code, both of the following apply:

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

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

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

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

the duties specified in that division. 726

(J) (1) Except as provided in division (J) (2) of this 727
section, when considering sentencing factors under this section 728
in relation to an offender who is convicted of or pleads guilty 729
to an attempt to commit an offense in violation of section 730
2923.02 of the Revised Code, the sentencing court shall consider 731
the factors applicable to the felony category of the violation 732
of section 2923.02 of the Revised Code instead of the factors 733
applicable to the felony category of the offense attempted. 734

(2) When considering sentencing factors under this section 735
in relation to an offender who is convicted of or pleads guilty 736
to an attempt to commit a drug abuse offense for which the 737
penalty is determined by the amount or number of unit doses of 738
the controlled substance involved in the drug abuse offense, the 739
sentencing court shall consider the factors applicable to the 740
felony category that the drug abuse offense attempted would be 741
if that drug abuse offense had been committed and had involved 742
an amount or number of unit doses of the controlled substance 743
that is within the next lower range of controlled substance 744
amounts than was involved in the attempt. 745

(K) As used in this section: 746

(1) "Community addiction services provider" has the same 747
meaning as in section 5119.01 of the Revised Code. 748

(2) "Drug abuse offense" has the same meaning as in 749
section 2925.01 of the Revised Code. 750

(3) "Minor drug possession offense" has the same meaning 751
as in section 2925.11 of the Revised Code. 752

(4) "Qualifying assault offense" means a violation of 753
section 2903.13 of the Revised Code for which the penalty 754

provision in division (C) (8) (b) or (C) (9) (b) of that section 755
applies. 756

(L) At the time of sentencing an offender for any sexually 757
oriented offense, if the offender is a tier III sex 758
offender/child-victim offender relative to that offense and the 759
offender does not serve a prison term or jail term, the court 760
may require that the offender be monitored by means of a global 761
positioning device. If the court requires such monitoring, the 762
cost of monitoring shall be borne by the offender. If the 763
offender is indigent, the cost of compliance shall be paid by 764
the crime victims reparations fund. 765

Sec. 2929.14. (A) Except as provided in division (B) (1), 766
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 767
(G), (H), (J), or (K) of this section or in division (D) (6) of 768
section 2919.25 of the Revised Code and except in relation to an 769
offense for which a sentence of death or life imprisonment is to 770
be imposed, if the court imposing a sentence upon an offender 771
for a felony elects or is required to impose a prison term on 772
the offender pursuant to this chapter, the court shall impose a 773
definite prison term that shall be one of the following: 774

(1) For a felony of the first degree, the prison term 775
shall be three, four, five, six, seven, eight, nine, ten, or 776
eleven years. 777

(2) For a felony of the second degree, the prison term 778
shall be two, three, four, five, six, seven, or eight years. 779

(3) (a) For a felony of the third degree that is a 780
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 781
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 782
Code or that is a violation of section 2911.02 or 2911.12 of the 783

Revised Code if the offender previously has been convicted of or
pleaded guilty in two or more separate proceedings to two or
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12
of the Revised Code, the prison term shall be twelve, eighteen,
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty-
four, or sixty months.

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

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

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

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

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

(ii) A prison term of three years if the specification is
of the type described in division (A) of section 2941.145 of the

Revised Code that charges the offender with having a firearm on 813
or about the offender's person or under the offender's control 814
while committing the offense and displaying the firearm, 815
brandishing the firearm, indicating that the offender possessed 816
the firearm, or using it to facilitate the offense; 817

(iii) A prison term of one year if the specification is of 818
the type described in division (A) of section 2941.141 of the 819
Revised Code that charges the offender with having a firearm on 820
or about the offender's person or under the offender's control 821
while committing the offense; 822

(iv) A prison term of nine years if the specification is 823
of the type described in division (D) of section 2941.144 of the 824
Revised Code that charges the offender with having a firearm 825
that is an automatic firearm or that was equipped with a firearm 826
muffler or suppressor on or about the offender's person or under 827
the offender's control while committing the offense and 828
specifies that the offender previously has been convicted of or 829
pleaded guilty to a specification of the type described in 830
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 831
the Revised Code; 832

(v) A prison term of fifty-four months if the 833
specification is of the type described in division (D) of 834
section 2941.145 of the Revised Code that charges the offender 835
with having a firearm on or about the offender's person or under 836
the offender's control while committing the offense and 837
displaying the firearm, brandishing the firearm, indicating that 838
the offender possessed the firearm, or using the firearm to 839
facilitate the offense and that the offender previously has been 840
convicted of or pleaded guilty to a specification of the type 841
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 842

2941.1412 of the Revised Code; 843

(vi) A prison term of eighteen months if the specification 844
is of the type described in division (D) of section 2941.141 of 845
the Revised Code that charges the offender with having a firearm 846
on or about the offender's person or under the offender's 847
control while committing the offense and that the offender 848
previously has been convicted of or pleaded guilty to a 849
specification of the type described in section 2941.141, 850
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 851

(b) If a court imposes a prison term on an offender under 852
division (B) (1) (a) of this section, the prison term shall not be 853
reduced pursuant to section 2967.19, section 2929.20, section 854
2967.193, or any other provision of Chapter 2967. or Chapter 855
5120. of the Revised Code. Except as provided in division (B) (1) 856
(g) of this section, a court shall not impose more than one 857
prison term on an offender under division (B) (1) (a) of this 858
section for felonies committed as part of the same act or 859
transaction. 860

(c) (i) Except as provided in division (B) (1) (e) of this 861
section, if an offender who is convicted of or pleads guilty to 862
a violation of section 2923.161 of the Revised Code or to a 863
felony that includes, as an essential element, purposely or 864
knowingly causing or attempting to cause the death of or 865
physical harm to another, also is convicted of or pleads guilty 866
to a specification of the type described in division (A) of 867
section 2941.146 of the Revised Code that charges the offender 868
with committing the offense by discharging a firearm from a 869
motor vehicle other than a manufactured home, the court, after 870
imposing a prison term on the offender for the violation of 871
section 2923.161 of the Revised Code or for the other felony 872

offense under division (A), (B) (2), or (B) (3) of this section, 873
shall impose an additional prison term of five years upon the 874
offender that shall not be reduced pursuant to section 2929.20, 875
section 2967.19, section 2967.193, or any other provision of 876
Chapter 2967. or Chapter 5120. of the Revised Code. 877

(ii) Except as provided in division (B) (1) (e) of this 878
section, if an offender who is convicted of or pleads guilty to 879
a violation of section 2923.161 of the Revised Code or to a 880
felony that includes, as an essential element, purposely or 881
knowingly causing or attempting to cause the death of or 882
physical harm to another, also is convicted of or pleads guilty 883
to a specification of the type described in division (C) of 884
section 2941.146 of the Revised Code that charges the offender 885
with committing the offense by discharging a firearm from a 886
motor vehicle other than a manufactured home and that the 887
offender previously has been convicted of or pleaded guilty to a 888
specification of the type described in section 2941.141, 889
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 890
the court, after imposing a prison term on the offender for the 891
violation of section 2923.161 of the Revised Code or for the 892
other felony offense under division (A), (B) (2), or (3) of this 893
section, shall impose an additional prison term of ninety months 894
upon the offender that shall not be reduced pursuant to section 895
2929.20, 2967.19, 2967.193, or any other provision of Chapter 896
2967. or Chapter 5120. of the Revised Code. 897

(iii) A court shall not impose more than one additional 898
prison term on an offender under division (B) (1) (c) of this 899
section for felonies committed as part of the same act or 900
transaction. If a court imposes an additional prison term on an 901
offender under division (B) (1) (c) of this section relative to an 902
offense, the court also shall impose a prison term under 903

division (B) (1) (a) of this section relative to the same offense, 904
provided the criteria specified in that division for imposing an 905
additional prison term are satisfied relative to the offender 906
and the offense. 907

(d) If an offender who is convicted of or pleads guilty to 908
an offense of violence that is a felony also is convicted of or 909
pleads guilty to a specification of the type described in 910
section 2941.1411 of the Revised Code that charges the offender 911
with wearing or carrying body armor while committing the felony 912
offense of violence, the court shall impose on the offender a 913
prison term of two years. The prison term so imposed, subject to 914
divisions (C) to (I) of section 2967.19 of the Revised Code, 915
shall not be reduced pursuant to section 2929.20, section 916
2967.19, section 2967.193, or any other provision of Chapter 917
2967. or Chapter 5120. of the Revised Code. A court shall not 918
impose more than one prison term on an offender under division 919
(B) (1) (d) of this section for felonies committed as part of the 920
same act or transaction. If a court imposes an additional prison 921
term under division (B) (1) (a) or (c) of this section, the court 922
is not precluded from imposing an additional prison term under 923
division (B) (1) (d) of this section. 924

(e) The court shall not impose any of the prison terms 925
described in division (B) (1) (a) of this section or any of the 926
additional prison terms described in division (B) (1) (c) of this 927
section upon an offender for a violation of section 2923.12 or 928
2923.123 of the Revised Code. The court shall not impose any of 929
the prison terms described in division (B) (1) (a) or (b) of this 930
section upon an offender for a violation of section 2923.122 931
that involves a deadly weapon that is a firearm other than a 932
dangerous ordnance, section 2923.16, or section 2923.121 of the 933
Revised Code. The court shall not impose any of the prison terms 934

described in division (B) (1) (a) of this section or any of the 935
additional prison terms described in division (B) (1) (c) of this 936
section upon an offender for a violation of section 2923.13 of 937
the Revised Code unless all of the following apply: 938

(i) The offender previously has been convicted of 939
aggravated murder, murder, or any felony of the first or second 940
degree. 941

(ii) Less than five years have passed since the offender 942
was released from prison or post-release control, whichever is 943
later, for the prior offense. 944

(f) (i) If an offender is convicted of or pleads guilty to 945
a felony that includes, as an essential element, causing or 946
attempting to cause the death of or physical harm to another and 947
also is convicted of or pleads guilty to a specification of the 948
type described in division (A) of section 2941.1412 of the 949
Revised Code that charges the offender with committing the 950
offense by discharging a firearm at a peace officer as defined 951
in section 2935.01 of the Revised Code or a corrections officer, 952
as defined in section 2941.1412 of the Revised Code, the court, 953
after imposing a prison term on the offender for the felony 954
offense under division (A), (B) (2), or (B) (3) of this section, 955
shall impose an additional prison term of seven years upon the 956
offender that shall not be reduced pursuant to section 2929.20, 957
section 2967.19, section 2967.193, or any other provision of 958
Chapter 2967. or Chapter 5120. of the Revised Code. 959

(ii) If an offender is convicted of or pleads guilty to a 960
felony that includes, as an essential element, causing or 961
attempting to cause the death of or physical harm to another and 962
also is convicted of or pleads guilty to a specification of the 963
type described in division (B) of section 2941.1412 of the 964

Revised Code that charges the offender with committing the 965
offense by discharging a firearm at a peace officer, as defined 966
in section 2935.01 of the Revised Code, or a corrections 967
officer, as defined in section 2941.1412 of the Revised Code, 968
and that the offender previously has been convicted of or 969
pleaded guilty to a specification of the type described in 970
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 971
the Revised Code, the court, after imposing a prison term on the 972
offender for the felony offense under division (A), (B) (2), or 973
(3) of this section, shall impose an additional prison term of 974
one hundred twenty-six months upon the offender that shall not 975
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 976
any other provision of Chapter 2967. or 5120. of the Revised 977
Code. 978

(iii) If an offender is convicted of or pleads guilty to 979
two or more felonies that include, as an essential element, 980
causing or attempting to cause the death or physical harm to 981
another and also is convicted of or pleads guilty to a 982
specification of the type described under division (B) (1) (f) of 983
this section in connection with two or more of the felonies of 984
which the offender is convicted or to which the offender pleads 985
guilty, the sentencing court shall impose on the offender the 986
prison term specified under division (B) (1) (f) of this section 987
for each of two of the specifications of which the offender is 988
convicted or to which the offender pleads guilty and, in its 989
discretion, also may impose on the offender the prison term 990
specified under that division for any or all of the remaining 991
specifications. If a court imposes an additional prison term on 992
an offender under division (B) (1) (f) of this section relative to 993
an offense, the court shall not impose a prison term under 994
division (B) (1) (a) or (c) of this section relative to the same 995

offense. 996

(g) If an offender is convicted of or pleads guilty to two 997
or more felonies, if one or more of those felonies are 998
aggravated murder, murder, attempted aggravated murder, 999
attempted murder, aggravated robbery, felonious assault, or 1000
rape, and if the offender is convicted of or pleads guilty to a 1001
specification of the type described under division (B)(1)(a) of 1002
this section in connection with two or more of the felonies, the 1003
sentencing court shall impose on the offender the prison term 1004
specified under division (B)(1)(a) of this section for each of 1005
the two most serious specifications of which the offender is 1006
convicted or to which the offender pleads guilty and, in its 1007
discretion, also may impose on the offender the prison term 1008
specified under that division for any or all of the remaining 1009
specifications. 1010

(2)(a) If division (B)(2)(b) of this section does not 1011
apply, the court may impose on an offender, in addition to the 1012
longest prison term authorized or required for the offense, an 1013
additional definite prison term of one, two, three, four, five, 1014
six, seven, eight, nine, or ten years if all of the following 1015
criteria are met: 1016

(i) The offender is convicted of or pleads guilty to a 1017
specification of the type described in section 2941.149 of the 1018
Revised Code that the offender is a repeat violent offender. 1019

(ii) The offense of which the offender currently is 1020
convicted or to which the offender currently pleads guilty is 1021
aggravated murder and the court does not impose a sentence of 1022
death or life imprisonment without parole, murder, terrorism and 1023
the court does not impose a sentence of life imprisonment 1024
without parole, any felony of the first degree that is an 1025

offense of violence and the court does not impose a sentence of 1026
life imprisonment without parole, or any felony of the second 1027
degree that is an offense of violence and the trier of fact 1028
finds that the offense involved an attempt to cause or a threat 1029
to cause serious physical harm to a person or resulted in 1030
serious physical harm to a person. 1031

(iii) The court imposes the longest prison term for the 1032
offense that is not life imprisonment without parole. 1033

(iv) The court finds that the prison terms imposed 1034
pursuant to division (B) (2) (a) (iii) of this section and, if 1035
applicable, division (B) (1) or (3) of this section are 1036
inadequate to punish the offender and protect the public from 1037
future crime, because the applicable factors under section 1038
2929.12 of the Revised Code indicating a greater likelihood of 1039
recidivism outweigh the applicable factors under that section 1040
indicating a lesser likelihood of recidivism. 1041

(v) The court finds that the prison terms imposed pursuant 1042
to division (B) (2) (a) (iii) of this section and, if applicable, 1043
division (B) (1) or (3) of this section are demeaning to the 1044
seriousness of the offense, because one or more of the factors 1045
under section 2929.12 of the Revised Code indicating that the 1046
offender's conduct is more serious than conduct normally 1047
constituting the offense are present, and they outweigh the 1048
applicable factors under that section indicating that the 1049
offender's conduct is less serious than conduct normally 1050
constituting the offense. 1051

(b) The court shall impose on an offender the longest 1052
prison term authorized or required for the offense and shall 1053
impose on the offender an additional definite prison term of 1054
one, two, three, four, five, six, seven, eight, nine, or ten 1055

years if all of the following criteria are met: 1056

(i) The offender is convicted of or pleads guilty to a 1057
specification of the type described in section 2941.149 of the 1058
Revised Code that the offender is a repeat violent offender. 1059

(ii) The offender within the preceding twenty years has 1060
been convicted of or pleaded guilty to three or more offenses 1061
described in division (CC) (1) of section 2929.01 of the Revised 1062
Code, including all offenses described in that division of which 1063
the offender is convicted or to which the offender pleads guilty 1064
in the current prosecution and all offenses described in that 1065
division of which the offender previously has been convicted or 1066
to which the offender previously pleaded guilty, whether 1067
prosecuted together or separately. 1068

(iii) The offense or offenses of which the offender 1069
currently is convicted or to which the offender currently pleads 1070
guilty is aggravated murder and the court does not impose a 1071
sentence of death or life imprisonment without parole, murder, 1072
terrorism and the court does not impose a sentence of life 1073
imprisonment without parole, any felony of the first degree that 1074
is an offense of violence and the court does not impose a 1075
sentence of life imprisonment without parole, or any felony of 1076
the second degree that is an offense of violence and the trier 1077
of fact finds that the offense involved an attempt to cause or a 1078
threat to cause serious physical harm to a person or resulted in 1079
serious physical harm to a person. 1080

(c) For purposes of division (B) (2) (b) of this section, 1081
two or more offenses committed at the same time or as part of 1082
the same act or event shall be considered one offense, and that 1083
one offense shall be the offense with the greatest penalty. 1084

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

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

(3) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03 or 2925.11 of the Revised Code and that section classifies the offender as a major drug offender, if the offender commits a felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, division (C) or (D) of section 3719.172, division (E) of section 4729.51, or division (J) of section 4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence upon the offender finds that the offender is guilty of a specification of the type described in section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code

and, had the offender completed the violation of section 2907.02 1116
of the Revised Code that was attempted, the offender would have 1117
been subject to a sentence of life imprisonment or life 1118
imprisonment without parole for the violation of section 2907.02 1119
of the Revised Code, the court shall impose upon the offender 1120
for the felony violation a mandatory prison term of the maximum 1121
prison term prescribed for a felony of the first degree that, 1122
subject to divisions (C) to (I) of section 2967.19 of the 1123
Revised Code, cannot be reduced pursuant to section 2929.20, 1124
section 2967.19, or any other provision of Chapter 2967. or 1125
5120. of the Revised Code. 1126

(4) If the offender is being sentenced for a third or 1127
fourth degree felony OVI offense under division (G) (2) of 1128
section 2929.13 of the Revised Code, the sentencing court shall 1129
impose upon the offender a mandatory prison term in accordance 1130
with that division. In addition to the mandatory prison term, if 1131
the offender is being sentenced for a fourth degree felony OVI 1132
offense, the court, notwithstanding division (A) (4) of this 1133
section, may sentence the offender to a definite prison term of 1134
not less than six months and not more than thirty months, and if 1135
the offender is being sentenced for a third degree felony OVI 1136
offense, the sentencing court may sentence the offender to an 1137
additional prison term of any duration specified in division (A) 1138
(3) of this section. In either case, the additional prison term 1139
imposed shall be reduced by the sixty or one hundred twenty days 1140
imposed upon the offender as the mandatory prison term. The 1141
total of the additional prison term imposed under division (B) 1142
(4) of this section plus the sixty or one hundred twenty days 1143
imposed as the mandatory prison term shall equal a definite term 1144
in the range of six months to thirty months for a fourth degree 1145
felony OVI offense and shall equal one of the authorized prison 1146

terms specified in division (A) (3) of this section for a third 1147
degree felony OVI offense. If the court imposes an additional 1148
prison term under division (B) (4) of this section, the offender 1149
shall serve the additional prison term after the offender has 1150
served the mandatory prison term required for the offense. In 1151
addition to the mandatory prison term or mandatory and 1152
additional prison term imposed as described in division (B) (4) 1153
of this section, the court also may sentence the offender to a 1154
community control sanction under section 2929.16 or 2929.17 of 1155
the Revised Code, but the offender shall serve all of the prison 1156
terms so imposed prior to serving the community control 1157
sanction. 1158

If the offender is being sentenced for a fourth degree 1159
felony OVI offense under division (G) (1) of section 2929.13 of 1160
the Revised Code and the court imposes a mandatory term of local 1161
incarceration, the court may impose a prison term as described 1162
in division (A) (1) of that section. 1163

(5) If an offender is convicted of or pleads guilty to a 1164
violation of division (A) (1) or (2) of section 2903.06 of the 1165
Revised Code and also is convicted of or pleads guilty to a 1166
specification of the type described in section 2941.1414 of the 1167
Revised Code that charges that the victim of the offense is a 1168
peace officer, as defined in section 2935.01 of the Revised 1169
Code, or an investigator of the bureau of criminal 1170
identification and investigation, as defined in section 2903.11 1171
of the Revised Code, the court shall impose on the offender a 1172
prison term of five years. If a court imposes a prison term on 1173
an offender under division (B) (5) of this section, the prison 1174
term, subject to divisions (C) to (I) of section 2967.19 of the 1175
Revised Code, shall not be reduced pursuant to section 2929.20, 1176
section 2967.19, section 2967.193, or any other provision of 1177

Chapter 2967. or Chapter 5120. of the Revised Code. A court 1178
shall not impose more than one prison term on an offender under 1179
division (B) (5) of this section for felonies committed as part 1180
of the same act. 1181

(6) If an offender is convicted of or pleads guilty to a 1182
violation of division (A) (1) or (2) of section 2903.06 of the 1183
Revised Code and also is convicted of or pleads guilty to a 1184
specification of the type described in section 2941.1415 of the 1185
Revised Code that charges that the offender previously has been 1186
convicted of or pleaded guilty to three or more violations of 1187
division (A) or (B) of section 4511.19 of the Revised Code or an 1188
equivalent offense, as defined in section 2941.1415 of the 1189
Revised Code, or three or more violations of any combination of 1190
those divisions and offenses, the court shall impose on the 1191
offender a prison term of three years. If a court imposes a 1192
prison term on an offender under division (B) (6) of this 1193
section, the prison term, subject to divisions (C) to (I) of 1194
section 2967.19 of the Revised Code, shall not be reduced 1195
pursuant to section 2929.20, section 2967.19, section 2967.193, 1196
or any other provision of Chapter 2967. or Chapter 5120. of the 1197
Revised Code. A court shall not impose more than one prison term 1198
on an offender under division (B) (6) of this section for 1199
felonies committed as part of the same act. 1200

(7) (a) If an offender is convicted of or pleads guilty to 1201
a felony violation of section 2905.01, 2905.02, 2907.21, 1202
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1203
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1204
section 2919.22 of the Revised Code and also is convicted of or 1205
pleads guilty to a specification of the type described in 1206
section 2941.1422 of the Revised Code that charges that the 1207
offender knowingly committed the offense in furtherance of human 1208

trafficking, the court shall impose on the offender a mandatory 1209
prison term that is one of the following: 1210

(i) If the offense is a felony of the first degree, a 1211
definite prison term of not less than five years and not greater 1212
than ten years; 1213

(ii) If the offense is a felony of the second or third 1214
degree, a definite prison term of not less than three years and 1215
not greater than the maximum prison term allowed for the offense 1216
by division (A) of section 2929.14 of the Revised Code; 1217

(iii) If the offense is a felony of the fourth or fifth 1218
degree, a definite prison term that is the maximum prison term 1219
allowed for the offense by division (A) of section 2929.14 of 1220
the Revised Code. 1221

(b) Subject to divisions (C) to (I) of section 2967.19 of 1222
the Revised Code, the prison term imposed under division (B) (7) 1223
(a) of this section shall not be reduced pursuant to section 1224
2929.20, section 2967.19, section 2967.193, or any other 1225
provision of Chapter 2967. of the Revised Code. A court shall 1226
not impose more than one prison term on an offender under 1227
division (B) (7) (a) of this section for felonies committed as 1228
part of the same act, scheme, or plan. 1229

(8) If an offender is convicted of or pleads guilty to a 1230
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1231
Revised Code and also is convicted of or pleads guilty to a 1232
specification of the type described in section 2941.1423 of the 1233
Revised Code that charges that the victim of the violation was a 1234
woman whom the offender knew was pregnant at the time of the 1235
violation, notwithstanding the range of prison terms prescribed 1236
in division (A) of this section for felonies of the same degree 1237

as the violation, the court shall impose on the offender a 1238
mandatory prison term that is either a definite prison term of 1239
six months or one of the prison terms prescribed in section 1240
2929.14 of the Revised Code for felonies of the same degree as 1241
the violation. 1242

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1243
if a mandatory prison term is imposed upon an offender pursuant 1244
to division (B) (1) (a) of this section for having a firearm on or 1245
about the offender's person or under the offender's control 1246
while committing a felony, if a mandatory prison term is imposed 1247
upon an offender pursuant to division (B) (1) (c) of this section 1248
for committing a felony specified in that division by 1249
discharging a firearm from a motor vehicle, or if both types of 1250
mandatory prison terms are imposed, the offender shall serve any 1251
mandatory prison term imposed under either division 1252
consecutively to any other mandatory prison term imposed under 1253
either division or under division (B) (1) (d) of this section, 1254
consecutively to and prior to any prison term imposed for the 1255
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1256
this section or any other section of the Revised Code, and 1257
consecutively to any other prison term or mandatory prison term 1258
previously or subsequently imposed upon the offender. 1259

(b) If a mandatory prison term is imposed upon an offender 1260
pursuant to division (B) (1) (d) of this section for wearing or 1261
carrying body armor while committing an offense of violence that 1262
is a felony, the offender shall serve the mandatory term so 1263
imposed consecutively to any other mandatory prison term imposed 1264
under that division or under division (B) (1) (a) or (c) of this 1265
section, consecutively to and prior to any prison term imposed 1266
for the underlying felony under division (A), (B) (2), or (B) (3) 1267
of this section or any other section of the Revised Code, and 1268

consecutively to any other prison term or mandatory prison term 1269
previously or subsequently imposed upon the offender. 1270

(c) If a mandatory prison term is imposed upon an offender 1271
pursuant to division (B)(1)(f) of this section, the offender 1272
shall serve the mandatory prison term so imposed consecutively 1273
to and prior to any prison term imposed for the underlying 1274
felony under division (A), (B)(2), or (B)(3) of this section or 1275
any other section of the Revised Code, and consecutively to any 1276
other prison term or mandatory prison term previously or 1277
subsequently imposed upon the offender. 1278

(d) If a mandatory prison term is imposed upon an offender 1279
pursuant to division (B)(7) or (8) of this section, the offender 1280
shall serve the mandatory prison term so imposed consecutively 1281
to any other mandatory prison term imposed under that division 1282
or under any other provision of law and consecutively to any 1283
other prison term or mandatory prison term previously or 1284
subsequently imposed upon the offender. 1285

(2) If an offender who is an inmate in a jail, prison, or 1286
other residential detention facility violates section 2917.02, 1287
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 1288
(2) of section 2921.34 of the Revised Code, if an offender who 1289
is under detention at a detention facility commits a felony 1290
violation of section 2923.131 of the Revised Code, or if an 1291
offender who is an inmate in a jail, prison, or other 1292
residential detention facility or is under detention at a 1293
detention facility commits another felony while the offender is 1294
an escapee in violation of division (A)(1) or (2) of section 1295
2921.34 of the Revised Code, any prison term imposed upon the 1296
offender for one of those violations shall be served by the 1297
offender consecutively to the prison term or term of 1298

imprisonment the offender was serving when the offender 1299
committed that offense and to any other prison term previously 1300
or subsequently imposed upon the offender. 1301

(3) If a prison term is imposed for a violation of 1302
division (B) of section 2911.01 of the Revised Code, a violation 1303
of division (A) of section 2913.02 of the Revised Code in which 1304
the stolen property is a firearm or dangerous ordnance, or a 1305
felony violation of division (B) of section 2921.331 of the 1306
Revised Code, the offender shall serve that prison term 1307
consecutively to any other prison term or mandatory prison term 1308
previously or subsequently imposed upon the offender. 1309

(4) If multiple prison terms are imposed on an offender 1310
for convictions of multiple offenses, the court may require the 1311
offender to serve the prison terms consecutively if the court 1312
finds that the consecutive service is necessary to protect the 1313
public from future crime or to punish the offender and that 1314
consecutive sentences are not disproportionate to the 1315
seriousness of the offender's conduct and to the danger the 1316
offender poses to the public, and if the court also finds any of 1317
the following: 1318

(a) The offender committed one or more of the multiple 1319
offenses while the offender was awaiting trial or sentencing, 1320
was under a sanction imposed pursuant to section 2929.16, 1321
2929.17, or 2929.18 of the Revised Code, or was under post- 1322
release control for a prior offense. 1323

(b) At least two of the multiple offenses were committed 1324
as part of one or more courses of conduct, and the harm caused 1325
by two or more of the multiple offenses so committed was so 1326
great or unusual that no single prison term for any of the 1327
offenses committed as part of any of the courses of conduct 1328

adequately reflects the seriousness of the offender's conduct. 1329

(c) The offender's history of criminal conduct 1330
demonstrates that consecutive sentences are necessary to protect 1331
the public from future crime by the offender. 1332

(5) If a mandatory prison term is imposed upon an offender 1333
pursuant to division (B) (5) or (6) of this section, the offender 1334
shall serve the mandatory prison term consecutively to and prior 1335
to any prison term imposed for the underlying violation of 1336
division (A) (1) or (2) of section 2903.06 of the Revised Code 1337
pursuant to division (A) of this section or section 2929.142 of 1338
the Revised Code. If a mandatory prison term is imposed upon an 1339
offender pursuant to division (B) (5) of this section, and if a 1340
mandatory prison term also is imposed upon the offender pursuant 1341
to division (B) (6) of this section in relation to the same 1342
violation, the offender shall serve the mandatory prison term 1343
imposed pursuant to division (B) (5) of this section 1344
consecutively to and prior to the mandatory prison term imposed 1345
pursuant to division (B) (6) of this section and consecutively to 1346
and prior to any prison term imposed for the underlying 1347
violation of division (A) (1) or (2) of section 2903.06 of the 1348
Revised Code pursuant to division (A) of this section or section 1349
2929.142 of the Revised Code. 1350

(6) When consecutive prison terms are imposed pursuant to 1351
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 1352
of this section, the term to be served is the aggregate of all 1353
of the terms so imposed. 1354

(D) (1) If a court imposes a prison term for a felony of 1355
the first degree, for a felony of the second degree, for a 1356
felony sex offense, or for a felony of the third degree that is 1357
not a felony sex offense and in the commission of which the 1358

offender caused or threatened to cause physical harm to a 1359
person, it shall include in the sentence a requirement that the 1360
offender be subject to a period of post-release control after 1361
the offender's release from imprisonment, in accordance with 1362
that division. If a court imposes a sentence including a prison 1363
term of a type described in this division on or after July 11, 1364
2006, the failure of a court to include a post-release control 1365
requirement in the sentence pursuant to this division does not 1366
negate, limit, or otherwise affect the mandatory period of post- 1367
release control that is required for the offender under division 1368
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1369
the Revised Code applies if, prior to July 11, 2006, a court 1370
imposed a sentence including a prison term of a type described 1371
in this division and failed to include in the sentence pursuant 1372
to this division a statement regarding post-release control. 1373

(2) If a court imposes a prison term for a felony of the 1374
third, fourth, or fifth degree that is not subject to division 1375
(D)(1) of this section, it shall include in the sentence a 1376
requirement that the offender be subject to a period of post- 1377
release control after the offender's release from imprisonment, 1378
in accordance with that division, if the parole board determines 1379
that a period of post-release control is necessary. Section 1380
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1381
a court imposed a sentence including a prison term of a type 1382
described in this division and failed to include in the sentence 1383
pursuant to this division a statement regarding post-release 1384
control. 1385

(E) The court shall impose sentence upon the offender in 1386
accordance with section 2971.03 of the Revised Code, and Chapter 1387
2971. of the Revised Code applies regarding the prison term or 1388
term of life imprisonment without parole imposed upon the 1389

offender and the service of that term of imprisonment if any of 1390
the following apply: 1391

(1) A person is convicted of or pleads guilty to a violent 1392
sex offense or a designated homicide, assault, or kidnapping 1393
offense, and, in relation to that offense, the offender is 1394
adjudicated a sexually violent predator. 1395

(2) A person is convicted of or pleads guilty to a 1396
violation of division (A) (1) (b) of section 2907.02 of the 1397
Revised Code committed on or after January 2, 2007, and either 1398
the court does not impose a sentence of life without parole when 1399
authorized pursuant to division (B) of section 2907.02 of the 1400
Revised Code, or division (B) of section 2907.02 of the Revised 1401
Code provides that the court shall not sentence the offender 1402
pursuant to section 2971.03 of the Revised Code. 1403

(3) A person is convicted of or pleads guilty to attempted 1404
rape committed on or after January 2, 2007, and a specification 1405
of the type described in section 2941.1418, 2941.1419, or 1406
2941.1420 of the Revised Code. 1407

(4) A person is convicted of or pleads guilty to a 1408
violation of section 2905.01 of the Revised Code committed on or 1409
after January 1, 2008, and that section requires the court to 1410
sentence the offender pursuant to section 2971.03 of the Revised 1411
Code. 1412

(5) A person is convicted of or pleads guilty to 1413
aggravated murder committed on or after January 1, 2008, and 1414
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1415
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1416
(d) of section 2929.03, or division (A) or (B) of section 1417
2929.06 of the Revised Code requires the court to sentence the 1418

offender pursuant to division (B) (3) of section 2971.03 of the Revised Code. 1419
1420

(6) A person is convicted of or pleads guilty to murder 1421
committed on or after January 1, 2008, and division (B) (2) of 1422
section 2929.02 of the Revised Code requires the court to 1423
sentence the offender pursuant to section 2971.03 of the Revised 1424
Code. 1425

(F) If a person who has been convicted of or pleaded 1426
guilty to a felony is sentenced to a prison term or term of 1427
imprisonment under this section, sections 2929.02 to 2929.06 of 1428
the Revised Code, section 2929.142 of the Revised Code, section 1429
2971.03 of the Revised Code, or any other provision of law, 1430
section 5120.163 of the Revised Code applies regarding the 1431
person while the person is confined in a state correctional 1432
institution. 1433

(G) If an offender who is convicted of or pleads guilty to 1434
a felony that is an offense of violence also is convicted of or 1435
pleads guilty to a specification of the type described in 1436
section 2941.142 of the Revised Code that charges the offender 1437
with having committed the felony while participating in a 1438
criminal gang, the court shall impose upon the offender an 1439
additional prison term of one, two, or three years. 1440

(H) (1) If an offender who is convicted of or pleads guilty 1441
to aggravated murder, murder, or a felony of the first, second, 1442
or third degree that is an offense of violence also is convicted 1443
of or pleads guilty to a specification of the type described in 1444
section 2941.143 of the Revised Code that charges the offender 1445
with having committed the offense in a school safety zone or 1446
towards a person in a school safety zone, the court shall impose 1447
upon the offender an additional prison term of two years. The 1448

offender shall serve the additional two years consecutively to 1449
and prior to the prison term imposed for the underlying offense. 1450

(2) (a) If an offender is convicted of or pleads guilty to 1451
a felony violation of section 2907.22, 2907.24, 2907.241, or 1452
2907.25 of the Revised Code and to a specification of the type 1453
described in section 2941.1421 of the Revised Code and if the 1454
court imposes a prison term on the offender for the felony 1455
violation, the court may impose upon the offender an additional 1456
prison term as follows: 1457

(i) Subject to division (H) (2) (a) (ii) of this section, an 1458
additional prison term of one, two, three, four, five, or six 1459
months; 1460

(ii) If the offender previously has been convicted of or 1461
pleaded guilty to one or more felony or misdemeanor violations 1462
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1463
the Revised Code and also was convicted of or pleaded guilty to 1464
a specification of the type described in section 2941.1421 of 1465
the Revised Code regarding one or more of those violations, an 1466
additional prison term of one, two, three, four, five, six, 1467
seven, eight, nine, ten, eleven, or twelve months. 1468

(b) In lieu of imposing an additional prison term under 1469
division (H) (2) (a) of this section, the court may directly 1470
impose on the offender a sanction that requires the offender to 1471
wear a real-time processing, continual tracking electronic 1472
monitoring device during the period of time specified by the 1473
court. The period of time specified by the court shall equal the 1474
duration of an additional prison term that the court could have 1475
imposed upon the offender under division (H) (2) (a) of this 1476
section. A sanction imposed under this division shall commence 1477
on the date specified by the court, provided that the sanction 1478

shall not commence until after the offender has served the 1479
prison term imposed for the felony violation of section 2907.22, 1480
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1481
residential sanction imposed for the violation under section 1482
2929.16 of the Revised Code. A sanction imposed under this 1483
division shall be considered to be a community control sanction 1484
for purposes of section 2929.15 of the Revised Code, and all 1485
provisions of the Revised Code that pertain to community control 1486
sanctions shall apply to a sanction imposed under this division, 1487
except to the extent that they would by their nature be clearly 1488
inapplicable. The offender shall pay all costs associated with a 1489
sanction imposed under this division, including the cost of the 1490
use of the monitoring device. 1491

(I) At the time of sentencing, the court may recommend the 1492
offender for placement in a program of shock incarceration under 1493
section 5120.031 of the Revised Code or for placement in an 1494
intensive program prison under section 5120.032 of the Revised 1495
Code, disapprove placement of the offender in a program of shock 1496
incarceration or an intensive program prison of that nature, or 1497
make no recommendation on placement of the offender. In no case 1498
shall the department of rehabilitation and correction place the 1499
offender in a program or prison of that nature unless the 1500
department determines as specified in section 5120.031 or 1501
5120.032 of the Revised Code, whichever is applicable, that the 1502
offender is eligible for the placement. 1503

If the court disapproves placement of the offender in a 1504
program or prison of that nature, the department of 1505
rehabilitation and correction shall not place the offender in 1506
any program of shock incarceration or intensive program prison. 1507

If the court recommends placement of the offender in a 1508

program of shock incarceration or in an intensive program 1509
prison, and if the offender is subsequently placed in the 1510
recommended program or prison, the department shall notify the 1511
court of the placement and shall include with the notice a brief 1512
description of the placement. 1513

If the court recommends placement of the offender in a 1514
program of shock incarceration or in an intensive program prison 1515
and the department does not subsequently place the offender in 1516
the recommended program or prison, the department shall send a 1517
notice to the court indicating why the offender was not placed 1518
in the recommended program or prison. 1519

If the court does not make a recommendation under this 1520
division with respect to an offender and if the department 1521
determines as specified in section 5120.031 or 5120.032 of the 1522
Revised Code, whichever is applicable, that the offender is 1523
eligible for placement in a program or prison of that nature, 1524
the department shall screen the offender and determine if there 1525
is an available program of shock incarceration or an intensive 1526
program prison for which the offender is suited. If there is an 1527
available program of shock incarceration or an intensive program 1528
prison for which the offender is suited, the department shall 1529
notify the court of the proposed placement of the offender as 1530
specified in section 5120.031 or 5120.032 of the Revised Code 1531
and shall include with the notice a brief description of the 1532
placement. The court shall have ten days from receipt of the 1533
notice to disapprove the placement. 1534

(J) If a person is convicted of or pleads guilty to 1535
aggravated vehicular homicide in violation of division (A) (1) of 1536
section 2903.06 of the Revised Code and division (B) (2) (c) of 1537
that section applies, the person shall be sentenced pursuant to 1538

section 2929.142 of the Revised Code. 1539

(K) (1) The court shall impose an additional mandatory 1540
prison term of two, three, four, five, six, seven, eight, nine, 1541
ten, or eleven years on an offender who is convicted of or 1542
pleads guilty to a violent felony offense if the offender also 1543
is convicted of or pleads guilty to a specification of the type 1544
described in section 2941.1424 of the Revised Code that charges 1545
that the offender is a violent career criminal and had a firearm 1546
on or about the offender's person or under the offender's 1547
control while committing the presently charged violent felony 1548
offense and displayed or brandished the firearm, indicated that 1549
the offender possessed a firearm, or used the firearm to 1550
facilitate the offense. The offender shall serve the prison term 1551
imposed under this division consecutively to and prior to the 1552
prison term imposed for the underlying offense. The prison term 1553
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1554
any other provision of Chapter 2967. or 5120. of the Revised 1555
Code. A court may not impose more than one sentence under 1556
division (B) (2) (a) of this section and this division for acts 1557
committed as part of the same act or transaction. 1558

(2) As used in division (K) (1) of this section, "violent 1559
career criminal" and "violent felony offense" have the same 1560
meanings as in section 2923.132 of the Revised Code. 1561

Sec. 2929.17. Except as provided in this section, the 1562
court imposing a sentence for a felony upon an offender who is 1563
not required to serve a mandatory prison term may impose any 1564
nonresidential sanction or combination of nonresidential 1565
sanctions authorized under this section. If the court imposes 1566
one or more nonresidential sanctions authorized under this 1567
section, the court shall impose as a condition of the sanction 1568

that, during the period of the nonresidential sanction, the 1569
offender shall abide by the law and shall not leave the state 1570
without the permission of the court or the offender's probation 1571
officer. 1572

The court imposing a sentence for a fourth degree felony 1573
OVI offense under division (G) (1) or (2) of section 2929.13 of 1574
the Revised Code or for a third degree felony OVI offense under 1575
division (G) (2) of that section may impose upon the offender, in 1576
addition to the mandatory term of local incarceration or 1577
mandatory prison term imposed under the applicable division, a 1578
nonresidential sanction or combination of nonresidential 1579
sanctions under this section, and the offender shall serve or 1580
satisfy the sanction or combination of sanctions after the 1581
offender has served the mandatory term of local incarceration or 1582
mandatory prison term required for the offense. The court shall 1583
not impose a term in a drug treatment program as described in 1584
division (D) of this section until after considering an 1585
assessment by a properly credentialed treatment professional, if 1586
available. Nonresidential sanctions include, but are not limited 1587
to, the following: 1588

(A) A term of day reporting; 1589

(B) A term of house arrest with electronic monitoring or 1590
continuous alcohol monitoring or both electronic monitoring and 1591
continuous alcohol monitoring, a term of electronic monitoring 1592
or continuous alcohol monitoring without house arrest, or a term 1593
of house arrest without electronic monitoring or continuous 1594
alcohol monitoring; 1595

(C) A term of community service of up to five hundred 1596
hours pursuant to division (B) of section 2951.02 of the Revised 1597
Code or, if the court determines that the offender is 1598

financially incapable of fulfilling a financial sanction 1599
described in section 2929.18 of the Revised Code, a term of 1600
community service as an alternative to a financial sanction; 1601

(D) A term in a drug treatment program with a level of 1602
security for the offender as determined by the court; 1603

(E) A term of intensive probation supervision; 1604

(F) A term of basic probation supervision; 1605

(G) A term of monitored time; 1606

(H) A term of drug and alcohol use monitoring, including 1607
random drug testing; 1608

(I) A curfew term; 1609

(J) A requirement that the offender obtain employment; 1610

(K) A requirement that the offender obtain education or 1611
training; 1612

(L) Provided the court obtains the prior approval of the 1613
victim, a requirement that the offender participate in victim- 1614
offender mediation; 1615

(M) A license violation report; 1616

(N) If the offense is a violation of section 2919.25 or a 1617
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 1618
Code involving a person who was a family or household member at 1619
the time of the violation, if the offender committed the offense 1620
in the vicinity of one or more children who are not victims of 1621
the offense, and if the offender or the victim of the offense is 1622
a parent, guardian, custodian, or person in loco parentis of one 1623
or more of those children, a requirement that the offender 1624
obtain counseling. This division does not limit the court in 1625

requiring the offender to obtain counseling for any offense or 1626
in any circumstance not specified in this division. 1627

(O) If the offense is a violation of section 2907.04 of 1628
the Revised Code and the offender was under twenty-one years of 1629
age at the time of committing the offense, a requirement that 1630
the offender participate in a sex offender treatment program 1631
certified by the department of rehabilitation and correction 1632
pursuant to section 2950.16 of the Revised Code. 1633

Sec. 2929.18. (A) Except as otherwise provided in this 1634
division and in addition to imposing court costs pursuant to 1635
section 2947.23 of the Revised Code, the court imposing a 1636
sentence upon an offender for a felony may sentence the offender 1637
to any financial sanction or combination of financial sanctions 1638
authorized under this section or, in the circumstances specified 1639
in section 2929.32 of the Revised Code, may impose upon the 1640
offender a fine in accordance with that section. Financial 1641
sanctions that may be imposed pursuant to this section include, 1642
but are not limited to, the following: 1643

(1) Restitution by the offender to the victim of the 1644
offender's crime or any survivor of the victim, in an amount 1645
based on the victim's economic loss. If the court imposes 1646
restitution, the court shall order that the restitution be made 1647
to the victim in open court, to the adult probation department 1648
that serves the county on behalf of the victim, to the clerk of 1649
courts, or to another agency designated by the court. If the 1650
court imposes restitution, at sentencing, the court shall 1651
determine the amount of restitution to be made by the offender. 1652
If the court imposes restitution, the court may base the amount 1653
of restitution it orders on an amount recommended by the victim, 1654
the offender, a presentence investigation report, estimates or 1655

receipts indicating the cost of repairing or replacing property, 1656
and other information, provided that the amount the court orders 1657
as restitution shall not exceed the amount of the economic loss 1658
suffered by the victim as a direct and proximate result of the 1659
commission of the offense. If the court decides to impose 1660
restitution, the court shall hold a hearing on restitution if 1661
the offender, victim, or survivor disputes the amount. All 1662
restitution payments shall be credited against any recovery of 1663
economic loss in a civil action brought by the victim or any 1664
survivor of the victim against the offender. 1665

If the court imposes restitution, the court may order that 1666
the offender pay a surcharge of not more than five per cent of 1667
the amount of the restitution otherwise ordered to the entity 1668
responsible for collecting and processing restitution payments. 1669

The victim or survivor may request that the prosecutor in 1670
the case file a motion, or the offender may file a motion, for 1671
modification of the payment terms of any restitution ordered. If 1672
the court grants the motion, it may modify the payment terms as 1673
it determines appropriate. 1674

(2) Except as provided in division (B) (1), (3), or (4) of 1675
this section, a fine payable by the offender to the state, to a 1676
political subdivision, or as described in division (B) (2) of 1677
this section to one or more law enforcement agencies, with the 1678
amount of the fine based on a standard percentage of the 1679
offender's daily income over a period of time determined by the 1680
court and based upon the seriousness of the offense. A fine 1681
ordered under this division shall not exceed the maximum 1682
conventional fine amount authorized for the level of the offense 1683
under division (A) (3) of this section. 1684

(3) Except as provided in division (B) (1), (3), or (4) of 1685

this section, a fine payable by the offender to the state, to a political subdivision when appropriate for a felony, or as described in division (B) (2) of this section to one or more law enforcement agencies, in the following amount:

(a) For a felony of the first degree, not more than twenty thousand dollars;

(b) For a felony of the second degree, not more than fifteen thousand dollars;

(c) For a felony of the third degree, not more than ten thousand dollars;

(d) For a felony of the fourth degree, not more than five thousand dollars;

(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.

(4) A state fine or costs as defined in section 2949.111 of the Revised Code.

(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:

(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;

(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of

the confinement; 1714

(iii) All or part of the cost of purchasing and using an 1715
immobilizing or disabling device, including a certified ignition 1716
interlock device, or a remote alcohol monitoring device that a 1717
court orders an offender to use under section 4510.13 of the 1718
Revised Code. 1719

(b) If the offender is sentenced to a sanction of 1720
confinement pursuant to section 2929.14 or 2929.16 of the 1721
Revised Code that is to be served in a facility operated by a 1722
board of county commissioners, a legislative authority of a 1723
municipal corporation, or another local governmental entity, if, 1724
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 1725
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 1726
section 2929.37 of the Revised Code, the board, legislative 1727
authority, or other local governmental entity requires prisoners 1728
to reimburse the county, municipal corporation, or other entity 1729
for its expenses incurred by reason of the prisoner's 1730
confinement, and if the court does not impose a financial 1731
sanction under division (A) (5) (a) (ii) of this section, 1732
confinement costs may be assessed pursuant to section 2929.37 of 1733
the Revised Code. In addition, the offender may be required to 1734
pay the fees specified in section 2929.38 of the Revised Code in 1735
accordance with that section. 1736

(c) Reimbursement by the offender for costs pursuant to 1737
section 2929.71 of the Revised Code. 1738

(B) (1) For a first, second, or third degree felony 1739
violation of any provision of Chapter 2925., 3719., or 4729. of 1740
the Revised Code, the sentencing court shall impose upon the 1741
offender a mandatory fine of at least one-half of, but not more 1742
than, the maximum statutory fine amount authorized for the level 1743

of the offense pursuant to division (A) (3) of this section. If 1744
an offender alleges in an affidavit filed with the court prior 1745
to sentencing that the offender is indigent and unable to pay 1746
the mandatory fine and if the court determines the offender is 1747
an indigent person and is unable to pay the mandatory fine 1748
described in this division, the court shall not impose the 1749
mandatory fine upon the offender. 1750

(2) Any mandatory fine imposed upon an offender under 1751
division (B) (1) of this section and any fine imposed upon an 1752
offender under division (A) (2) or (3) of this section for any 1753
fourth or fifth degree felony violation of any provision of 1754
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 1755
to law enforcement agencies pursuant to division (F) of section 1756
2925.03 of the Revised Code. 1757

(3) For a fourth degree felony OVI offense and for a third 1758
degree felony OVI offense, the sentencing court shall impose 1759
upon the offender a mandatory fine in the amount specified in 1760
division (G) (1) (d) or (e) of section 4511.19 of the Revised 1761
Code, whichever is applicable. The mandatory fine so imposed 1762
shall be disbursed as provided in the division pursuant to which 1763
it is imposed. 1764

(4) Notwithstanding any fine otherwise authorized or 1765
required to be imposed under division (A) (2) or (3) or (B) (1) of 1766
this section or section 2929.31 of the Revised Code for a 1767
violation of section 2925.03 of the Revised Code, in addition to 1768
any penalty or sanction imposed for that offense under section 1769
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 1770
in addition to the forfeiture of property in connection with the 1771
offense as prescribed in Chapter 2981. of the Revised Code, the 1772
court that sentences an offender for a violation of section 1773

2925.03 of the Revised Code may impose upon the offender a fine 1774
in addition to any fine imposed under division (A) (2) or (3) of 1775
this section and in addition to any mandatory fine imposed under 1776
division (B) (1) of this section. The fine imposed under division 1777
(B) (4) of this section shall be used as provided in division (H) 1778
of section 2925.03 of the Revised Code. A fine imposed under 1779
division (B) (4) of this section shall not exceed whichever of 1780
the following is applicable: 1781

(a) The total value of any personal or real property in 1782
which the offender has an interest and that was used in the 1783
course of, intended for use in the course of, derived from, or 1784
realized through conduct in violation of section 2925.03 of the 1785
Revised Code, including any property that constitutes proceeds 1786
derived from that offense; 1787

(b) If the offender has no interest in any property of the 1788
type described in division (B) (4) (a) of this section or if it is 1789
not possible to ascertain whether the offender has an interest 1790
in any property of that type in which the offender may have an 1791
interest, the amount of the mandatory fine for the offense 1792
imposed under division (B) (1) of this section or, if no 1793
mandatory fine is imposed under division (B) (1) of this section, 1794
the amount of the fine authorized for the level of the offense 1795
imposed under division (A) (3) of this section. 1796

(5) Prior to imposing a fine under division (B) (4) of this 1797
section, the court shall determine whether the offender has an 1798
interest in any property of the type described in division (B) 1799
(4) (a) of this section. Except as provided in division (B) (6) or 1800
(7) of this section, a fine that is authorized and imposed under 1801
division (B) (4) of this section does not limit or affect the 1802
imposition of the penalties and sanctions for a violation of 1803

section 2925.03 of the Revised Code prescribed under those 1804
sections or sections 2929.11 to 2929.18 of the Revised Code and 1805
does not limit or affect a forfeiture of property in connection 1806
with the offense as prescribed in Chapter 2981. of the Revised 1807
Code. 1808

(6) If the sum total of a mandatory fine amount imposed 1809
for a first, second, or third degree felony violation of section 1810
2925.03 of the Revised Code under division (B)(1) of this 1811
section plus the amount of any fine imposed under division (B) 1812
(4) of this section does not exceed the maximum statutory fine 1813
amount authorized for the level of the offense under division 1814
(A)(3) of this section or section 2929.31 of the Revised Code, 1815
the court may impose a fine for the offense in addition to the 1816
mandatory fine and the fine imposed under division (B)(4) of 1817
this section. The sum total of the amounts of the mandatory 1818
fine, the fine imposed under division (B)(4) of this section, 1819
and the additional fine imposed under division (B)(6) of this 1820
section shall not exceed the maximum statutory fine amount 1821
authorized for the level of the offense under division (A)(3) of 1822
this section or section 2929.31 of the Revised Code. The clerk 1823
of the court shall pay any fine that is imposed under division 1824
(B)(6) of this section to the county, township, municipal 1825
corporation, park district as created pursuant to section 511.18 1826
or 1545.04 of the Revised Code, or state law enforcement 1827
agencies in this state that primarily were responsible for or 1828
involved in making the arrest of, and in prosecuting, the 1829
offender pursuant to division (F) of section 2925.03 of the 1830
Revised Code. 1831

(7) If the sum total of the amount of a mandatory fine 1832
imposed for a first, second, or third degree felony violation of 1833
section 2925.03 of the Revised Code plus the amount of any fine 1834

imposed under division (B) (4) of this section exceeds the 1835
maximum statutory fine amount authorized for the level of the 1836
offense under division (A) (3) of this section or section 2929.31 1837
of the Revised Code, the court shall not impose a fine under 1838
division (B) (6) of this section. 1839

(8) (a) If an offender who is convicted of or pleads guilty 1840
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 1841
2923.32, division (A) (1) or (2) of section 2907.323 involving a 1842
minor, or division (B) (1), (2), (3), (4), or (5) of section 1843
2919.22 of the Revised Code also is convicted of or pleads 1844
guilty to a specification of the type described in section 1845
2941.1422 of the Revised Code that charges that the offender 1846
knowingly committed the offense in furtherance of human 1847
trafficking, the sentencing court shall sentence the offender to 1848
a financial sanction of restitution by the offender to the 1849
victim or any survivor of the victim, with the restitution 1850
including the costs of housing, counseling, and medical and 1851
legal assistance incurred by the victim as a direct result of 1852
the offense and the greater of the following: 1853

(i) The gross income or value to the offender of the 1854
victim's labor or services; 1855

(ii) The value of the victim's labor as guaranteed under 1856
the minimum wage and overtime provisions of the "Federal Fair 1857
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 1858
state labor laws. 1859

(b) If a court imposing sentence upon an offender for a 1860
felony is required to impose upon the offender a financial 1861
sanction of restitution under division (B) (8) (a) of this 1862
section, in addition to that financial sanction of restitution, 1863
the court may sentence the offender to any other financial 1864

sanction or combination of financial sanctions authorized under 1865
this section, including a restitution sanction under division 1866
(A) (1) of this section. 1867

(9) In addition to any other fine that is or may be 1868
imposed under this section, the court imposing sentence upon an 1869
offender for a felony that is a sexually oriented offense or a 1870
child-victim oriented offense, as those terms are defined in 1871
section 2950.01 of the Revised Code, may impose a fine of not 1872
less than fifty nor more than five hundred dollars. 1873

(10) For a felony violation of division (A) of section 1874
2921.321 of the Revised Code that results in the death of the 1875
police dog or horse that is the subject of the violation, the 1876
sentencing court shall impose upon the offender a mandatory fine 1877
from the range of fines provided under division (A) (3) of this 1878
section for a felony of the third degree. A mandatory fine 1879
imposed upon an offender under division (B) (10) of this section 1880
shall be paid to the law enforcement agency that was served by 1881
the police dog or horse that was killed in the felony violation 1882
of division (A) of section 2921.321 of the Revised Code to be 1883
used as provided in division (E) (1) (b) of that section. 1884

(11) In addition to any other fine that is or may be 1885
imposed under this section, the court imposing sentence upon an 1886
offender for any of the following offenses that is a felony may 1887
impose a fine of not less than seventy nor more than five 1888
hundred dollars, which shall be transmitted to the treasurer of 1889
state to be credited to the address confidentiality program fund 1890
created by section 111.48 of the Revised Code: 1891

(a) Domestic violence; 1892

(b) Menacing by stalking; 1893

(c) Rape;	1894
(d) Sexual battery;	1895
(e) Trafficking in persons;	1896
(f) A violation of section 2905.01, 2905.02, 2907.21,	1897
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323,	1898
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of	1899
the Revised Code, if the offender also is convicted of a	1900
specification of the type described in section 2941.1422 of the	1901
Revised Code that charges that the offender knowingly committed	1902
the offense in furtherance of human trafficking.	1903
(C) (1) Except as provided in section 2951.021 of the	1904
Revised Code, the offender shall pay reimbursements imposed upon	1905
the offender pursuant to division (A) (5) (a) of this section to	1906
pay the costs incurred by a county pursuant to any sanction	1907
imposed under this section or section 2929.16 or 2929.17 of the	1908
Revised Code or in operating a facility used to confine	1909
offenders pursuant to a sanction imposed under section 2929.16	1910
of the Revised Code to the county treasurer. The county	1911
treasurer shall deposit the reimbursements in the sanction cost	1912
reimbursement fund that each board of county commissioners shall	1913
create in its county treasury. The county shall use the amounts	1914
deposited in the fund to pay the costs incurred by the county	1915
pursuant to any sanction imposed under this section or section	1916
2929.16 or 2929.17 of the Revised Code or in operating a	1917
facility used to confine offenders pursuant to a sanction	1918
imposed under section 2929.16 of the Revised Code.	1919
(2) Except as provided in section 2951.021 of the Revised	1920
Code, the offender shall pay reimbursements imposed upon the	1921
offender pursuant to division (A) (5) (a) of this section to pay	1922

the costs incurred by a municipal corporation pursuant to any 1923
sanction imposed under this section or section 2929.16 or 1924
2929.17 of the Revised Code or in operating a facility used to 1925
confine offenders pursuant to a sanction imposed under section 1926
2929.16 of the Revised Code to the treasurer of the municipal 1927
corporation. The treasurer shall deposit the reimbursements in a 1928
special fund that shall be established in the treasury of each 1929
municipal corporation. The municipal corporation shall use the 1930
amounts deposited in the fund to pay the costs incurred by the 1931
municipal corporation pursuant to any sanction imposed under 1932
this section or section 2929.16 or 2929.17 of the Revised Code 1933
or in operating a facility used to confine offenders pursuant to 1934
a sanction imposed under section 2929.16 of the Revised Code. 1935

(3) Except as provided in section 2951.021 of the Revised 1936
Code, the offender shall pay reimbursements imposed pursuant to 1937
division (A) (5) (a) of this section for the costs incurred by a 1938
private provider pursuant to a sanction imposed under this 1939
section or section 2929.16 or 2929.17 of the Revised Code to the 1940
provider. 1941

(D) Except as otherwise provided in this division, a 1942
financial sanction imposed pursuant to division (A) or (B) of 1943
this section is a judgment in favor of the state or a political 1944
subdivision in which the court that imposed the financial 1945
sanction is located, and the offender subject to the financial 1946
sanction is the judgment debtor. A financial sanction of 1947
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 1948
section upon an offender who is incarcerated in a state facility 1949
or a municipal jail is a judgment in favor of the state or the 1950
municipal corporation, and the offender subject to the financial 1951
sanction is the judgment debtor. A financial sanction of 1952
reimbursement imposed upon an offender pursuant to this section 1953

for costs incurred by a private provider of sanctions is a 1954
judgment in favor of the private provider, and the offender 1955
subject to the financial sanction is the judgment debtor. A 1956
financial sanction of a mandatory fine imposed under division 1957
(B)(10) of this section that is required under that division to 1958
be paid to a law enforcement agency is a judgment in favor of 1959
the specified law enforcement agency, and the offender subject 1960
to the financial sanction is the judgment debtor. A financial 1961
sanction of restitution imposed pursuant to division (A)(1) or 1962
(B)(8) of this section is an order in favor of the victim of the 1963
offender's criminal act that can be collected through a 1964
certificate of judgment as described in division (D)(1) of this 1965
section, through execution as described in division (D)(2) of 1966
this section, or through an order as described in division (D) 1967
(3) of this section, and the offender shall be considered for 1968
purposes of the collection as the judgment debtor. Imposition of 1969
a financial sanction and execution on the judgment does not 1970
preclude any other power of the court to impose or enforce 1971
sanctions on the offender. Once the financial sanction is 1972
imposed as a judgment or order under this division, the victim, 1973
private provider, state, or political subdivision may do any of 1974
the following: 1975

(1) Obtain from the clerk of the court in which the 1976
judgment was entered a certificate of judgment that shall be in 1977
the same manner and form as a certificate of judgment issued in 1978
a civil action; 1979

(2) Obtain execution of the judgment or order through any 1980
available procedure, including: 1981

(a) An execution against the property of the judgment 1982
debtor under Chapter 2329. of the Revised Code; 1983

(b) An execution against the person of the judgment debtor under Chapter 2331. of the Revised Code;	1984 1985
(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:	1986 1987
(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	1988 1989 1990
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	1991 1992
(iii) A creditor's suit under section 2333.01 of the Revised Code.	1993 1994
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	1995 1996
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	1997 1998
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	1999 2000
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	2001 2002 2003 2004
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due	2005 2006 2007 2008 2009 2010 2011

under the financial sanction imposed pursuant to this section or 2012
section 2929.32 of the Revised Code. Before entering into a 2013
contract for the collection of amounts due from an offender 2014
pursuant to any financial sanction imposed pursuant to this 2015
section or section 2929.32 of the Revised Code, a court shall 2016
comply with sections 307.86 to 307.92 of the Revised Code. 2017

(G) If a court that imposes a financial sanction under 2018
division (A) or (B) of this section finds that an offender 2019
satisfactorily has completed all other sanctions imposed upon 2020
the offender and that all restitution that has been ordered has 2021
been paid as ordered, the court may suspend any financial 2022
sanctions imposed pursuant to this section or section 2929.32 of 2023
the Revised Code that have not been paid. 2024

(H) No financial sanction imposed under this section or 2025
section 2929.32 of the Revised Code shall preclude a victim from 2026
bringing a civil action against the offender. 2027

Sec. 2950.151. (A) As used in this section, "eligible 2028
offender" means either of the following: 2029

(1) An offender who was convicted of or pleaded guilty to 2030
a violation of section 2907.04 of the Revised Code to whom all 2031
of the following apply: 2032

(a) The sentencing court found the offender to be at low 2033
risk of reoffending based on a presentence investigation report 2034
that included a risk assessment, assessed by the single 2035
validated risk assessment tool selected by the department of 2036
rehabilitation and correction under section 5120.114 of the 2037
Revised Code; 2038

(b) The sentencing court imposed a community control 2039
sanction or combination of community control sanctions instead 2040

of a prison term and the offender has fulfilled every condition 2041
of every community control sanction imposed by the sentencing 2042
court; 2043

(c) The offender was under twenty-one years of age at the 2044
time of committing the offense; 2045

(d) The offender has not otherwise been convicted of or 2046
pleaded guilty to a violation of section 2907.02, 2907.03, 2047
former section 2907.12 of the Revised Code, or another violation 2048
of section 2907.04 of the Revised Code; 2049

(e) The minor with whom the offender engaged in sexual 2050
conduct was at least fourteen years of age at the time of the 2051
offense and consented to the sexual conduct, with no evidence of 2052
coercion, force, or threat of force; 2053

(f) The offender was not in a position of authority, 2054
including a position of a type described in division (A) (5) to 2055
(13) of section 2907.03 of the Revised Code, over the minor with 2056
whom the offender engaged in sexual conduct; 2057

(2) An offender who was convicted of or pleaded guilty to 2058
a violation of any former law of this state, any existing or 2059
former municipal ordinance or law of another state or the United 2060
States, any existing or former law applicable in a military 2061
court or in an Indian trial court, or any existing or former law 2062
of any nation other than the United States that is or was 2063
substantially equivalent to a violation of section 2907.04 of 2064
the Revised Code and to whom all of the factors described in 2065
divisions (A) (1) (a) to (f) of this section apply. For purposes 2066
of this division: 2067

(a) The reference in division (A) (1) (b) of this section to 2068
a community control sanction shall be construed as including 2069

non-prison sanctions under the law of the jurisdiction in which 2070
the offender was convicted of or pleaded guilty to the violation 2071
that is or was substantially equivalent to a violation of 2072
section 2907.04 of the Revised Code; 2073

(b) The reference in division (A)(1)(d) of this section to 2074
the violations specified in that division shall be construed as 2075
including substantially equivalent violations under the law of 2076
the jurisdiction in which the offender was convicted of or 2077
pleaded guilty to the violation that is or was substantially 2078
equivalent to a violation of section 2907.04 of the Revised 2079
Code. 2080

(B) Upon completion of all community control sanctions 2081
imposed by the sentencing court for the violation of section 2082
2907.04 of the Revised Code or the violation of the 2083
substantially equivalent law or ordinance, whichever is 2084
applicable, an eligible offender may petition the appropriate 2085
court specified in division (C) of this section to review the 2086
effectiveness of the offender's participation in community 2087
control sanctions and to determine whether to terminate the 2088
offender's duty to comply with sections 2950.04, 2950.05, and 2089
2950.06 of the Revised Code, reclassify the offender as a tier I 2090
sex offender/child-victim offender, or continue the offender's 2091
current classification. 2092

(C) Except as otherwise provided in this division, the 2093
eligible offender shall file the petition described in division 2094
(B) of this section in the court in which the eligible offender 2095
was convicted of or pleaded guilty to the offense. If the 2096
eligible offender was convicted of or pleaded guilty to the 2097
offense in a jurisdiction other than this state, the eligible 2098
offender shall file the petition in whichever of the following 2099

courts is applicable: 2100

(1) If the eligible offender is a resident of this state, 2101
in the court of common pleas of the county in which the offender 2102
resides; 2103

(2) If the eligible offender is not a resident of this 2104
state, in the court of common pleas of the county in which the 2105
offender has registered pursuant to section 2950.04 of the 2106
Revised Code. If the offender has registered addresses of that 2107
nature in more than one county, the offender may file a petition 2108
in the court of only one of those counties. 2109

(D) An eligible offender who files a petition under 2110
division (B) of this section shall include all of the following 2111
with the petition: 2112

(1) A certified copy of the judgment entry and any other 2113
documentation of the sentence given for the offense for which 2114
the eligible offender was convicted or pleaded guilty; 2115

(2) Documentation of the date of discharge from probation 2116
supervision or other supervision, if applicable; 2117

(3) Evidence that the eligible offender has completed a 2118
sex offender treatment program certified by the department of 2119
rehabilitation and correction pursuant to section 2950.16 of the 2120
Revised Code; 2121

(4) Any other evidence necessary to show that the offender 2122
meets the qualifications listed in division (A) of this section; 2123

(5) Evidence that the eligible offender has been 2124
rehabilitated to a satisfactory degree by successful completion 2125
of community control sanctions. 2126

(E) An eligible offender may obtain, at the offender's 2127

expense, a risk assessment or professional opinion, recommending 2128
relief under this section, from a licensed clinical 2129
psychologist, social worker, or other professional certified in 2130
sex offender treatment. The professional opinion or risk 2131
assessment may be submitted with the petition as additional 2132
evidence of rehabilitation. 2133

(F) Upon the filing of a petition under division (B) of 2134
this section, the court shall schedule a hearing to review the 2135
eligible offender's petition and all evidence of rehabilitation 2136
accompanying the petition. The court shall notify the offender 2137
and, if the offender was convicted of or pleaded guilty to the 2138
offense in this state, the prosecutor who prosecuted the 2139
offense, of the date, time, and place of the hearing. After the 2140
hearing, the court shall enter one of the following orders: 2141

(1) An order to terminate the offender's duty to comply 2142
with sections 2950.04, 2950.05, and 2950.06 of the Revised Code; 2143

(2) If the offender is classified a tier II sex 2144
offender/child-victim offender, an order to reclassify the 2145
offender from a tier II sex offender/child-victim offender 2146
classification to a tier I sex offender/child-victim offender 2147
classification; 2148

(3) If the offender is classified a tier I sex 2149
offender/child-victim offender or a tier II sex offender/child- 2150
victim offender, an order to continue the offender's 2151
classification as a tier I sex offender/child-victim offender or 2152
tier II sex offender/child-victim offender, whichever is 2153
applicable, required to comply with sections 2950.04, 2950.05, 2154
and 2950.06 of the Revised Code. 2155

(G) After issuing an order pursuant to division (F) of 2156

this section, the court shall provide a copy of the order to the 2157
eligible offender and the bureau of criminal identification and 2158
investigation. The bureau, upon receipt of the copy, shall 2159
promptly notify the sheriff with whom the offender most recently 2160
registered under section 2950.04 or 2950.05 of the Revised Code 2161
of the court's order. 2162

(H) (1) An order issued under division (F) (2) or (3) of 2163
this section shall remain in effect for the duration of the 2164
eligible offender's duty to comply with sections 2950.04, 2165
2950.05, and 2950.06 of the Revised Code under the 2166
reclassification or continuation, whichever is applicable, as 2167
specified in section 2950.07 of the Revised Code, except that an 2168
eligible offender may refile a petition under this section at 2169
the time prescribed under division (H) (2) of this section. An 2170
order issued under division (F) (2) or (3) of this section shall 2171
not increase the duration of the offender's duty to comply with 2172
sections 2950.04, 2950.05, and 2950.06 of the Revised Code. 2173

(2) After the eligible offender's initial petition filed 2174
under this section, if the court entered an order continuing the 2175
offender's classification or reclassifying the offender, the 2176
offender may file a second petition not earlier than three years 2177
after the court entered the first order. After the second 2178
petition, the offender may file one subsequent petition not 2179
earlier than five years after the most recent order continuing 2180
the offender's classification or reclassifying the offender. A 2181
petition filed under this division shall comply with the 2182
requirements described in divisions (C), (D), and (E) of this 2183
section. 2184

(3) Upon the filing of a second or subsequent petition by 2185
an eligible offender pursuant to division (H) (2) of this 2186

section, the court shall schedule a hearing to review any 2187
previous order entered under this section, consider all of the 2188
documents previously submitted, and evaluate any new evidence of 2189
rehabilitation presented with the petition. The court shall 2190
notify the offender and, if the offender was convicted of or 2191
pleaded guilty to the offense in this state, the prosecutor who 2192
prosecuted the offense, of the date, time, and place of the 2193
hearing. After the hearing on the petition, the court may deny 2194
the petition or do either of the following: 2195

(a) If the previous order continued the offender's 2196
classification as a tier II sex offender/child-victim offender, 2197
reclassify the offender as a tier I sex offender/child-victim 2198
offender or terminate the offender's duty to comply with 2199
sections 2950.04, 2950.05, and 2950.06 of the Revised Code; 2200

(b) If the previous order reclassified the offender as a 2201
tier I sex offender/child-victim offender or continued the 2202
offender's classification as a tier I sex offender/child-victim 2203
offender, terminate the offender's duty to comply with sections 2204
2950.04, 2950.05, and 2950.06 of the Revised Code. 2205

Sec. 2953.32. (A) (1) Except as provided in section 2953.61 2206
of the Revised Code, an eligible offender may apply to the 2207
sentencing court if convicted in this state, or to a court of 2208
common pleas if convicted in another state or in a federal 2209
court, for the sealing of the record of the case that pertains 2210
to the conviction. Application may be made at one of the 2211
following times: 2212

(a) At the expiration of three years after the offender's 2213
final discharge if convicted of one felony; 2214

(b) When division (A) (1) (a) of section 2953.31 of the 2215

Revised Code applies to the offender, at the expiration of four 2216
years after the offender's final discharge if convicted of two 2217
felonies, or at the expiration of five years after final 2218
discharge if convicted of three, four, or five felonies; 2219

(c) At the expiration of one year after the offender's 2220
final discharge if convicted of a misdemeanor. 2221

(2) Any person who has been arrested for any misdemeanor 2222
offense and who has effected a bail forfeiture for the offense 2223
charged may apply to the court in which the misdemeanor criminal 2224
case was pending when bail was forfeited for the sealing of the 2225
record of the case that pertains to the charge. Except as 2226
provided in section 2953.61 of the Revised Code, the application 2227
may be filed at any time after the expiration of one year from 2228
the date on which the bail forfeiture was entered upon the 2229
minutes of the court or the journal, whichever entry occurs 2230
first. 2231

(B) Upon the filing of an application under this section, 2232
the court shall set a date for a hearing and shall notify the 2233
prosecutor for the case of the hearing on the application. The 2234
prosecutor may object to the granting of the application by 2235
filing an objection with the court prior to the date set for the 2236
hearing. The prosecutor shall specify in the objection the 2237
reasons for believing a denial of the application is justified. 2238
The court shall direct its regular probation officer, a state 2239
probation officer, or the department of probation of the county 2240
in which the applicant resides to make inquiries and written 2241
reports as the court requires concerning the applicant. The 2242
probation officer or county department of probation that the 2243
court directs to make inquiries concerning the applicant shall 2244
determine whether or not the applicant was fingerprinted at the 2245

time of arrest or under section 109.60 of the Revised Code. If 2246
the applicant was so fingerprinted, the probation officer or 2247
county department of probation shall include with the written 2248
report a record of the applicant's fingerprints. If the 2249
applicant was convicted of or pleaded guilty to a violation of 2250
division (A) (2) or (B) of section 2919.21 of the Revised Code, 2251
the probation officer or county department of probation that the 2252
court directed to make inquiries concerning the applicant shall 2253
contact the child support enforcement agency enforcing the 2254
applicant's obligations under the child support order to inquire 2255
about the offender's compliance with the child support order. 2256

(C) (1) The court shall do each of the following: 2257

(a) Determine whether the applicant is an eligible 2258
offender or whether the forfeiture of bail was agreed to by the 2259
applicant and the prosecutor in the case. If the applicant 2260
applies as an eligible offender pursuant to division (A) (1) of 2261
this section and has two or three convictions that result from 2262
the same indictment, information, or complaint, from the same 2263
plea of guilty, or from the same official proceeding, and result 2264
from related criminal acts that were committed within a three- 2265
month period but do not result from the same act or from 2266
offenses committed at the same time, in making its determination 2267
under this division, the court initially shall determine whether 2268
it is not in the public interest for the two or three 2269
convictions to be counted as one conviction. If the court 2270
determines that it is not in the public interest for the two or 2271
three convictions to be counted as one conviction, the court 2272
shall determine that the applicant is not an eligible offender; 2273
if the court does not make that determination, the court shall 2274
determine that the offender is an eligible offender. 2275

(b) Determine whether criminal proceedings are pending against the applicant;	2276 2277
(c) If the applicant is an eligible offender who applies pursuant to division (A)(1) of this section, determine whether the applicant has been rehabilitated to the satisfaction of the court;	2278 2279 2280 2281
(d) If the prosecutor has filed an objection in accordance with division (B) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;	2282 2283 2284 2285
(e) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed against the legitimate needs, if any, of the government to maintain those records.	2286 2287 2288 2289
<u>(f) If the applicant is an eligible offender of the type described in division (A)(3) of section 2953.36 of the Revised Code, determine whether the offender has been rehabilitated to a satisfactory degree. In making the determination, the court may consider all of the following:</u>	2290 2291 2292 2293 2294
<u>(i) The age of the offender;</u>	2295
<u>(ii) The facts and circumstances of the offense;</u>	2296
<u>(iii) The cessation or continuation of criminal behavior;</u>	2297
<u>(iv) The education and employment history of the offender;</u>	2298
<u>(v) Any other circumstances that may relate to the offender's rehabilitation.</u>	2299 2300
(2) If the court determines, after complying with division (C)(1) of this section, that the applicant is an eligible	2301 2302

offender or the subject of a bail forfeiture, that no criminal 2303
proceeding is pending against the applicant, that the interests 2304
of the applicant in having the records pertaining to the 2305
applicant's conviction or bail forfeiture sealed are not 2306
outweighed by any legitimate governmental needs to maintain 2307
those records, and that the rehabilitation of an applicant who 2308
is an eligible offender applying pursuant to division (A)(1) of 2309
this section has been attained to the satisfaction of the court, 2310
the court, except as provided in division (C)(4), (G), (H), or 2311
(I) of this section, shall order all official records of the 2312
case that pertain to the conviction or bail forfeiture sealed 2313
and, except as provided in division (F) of this section, all 2314
index references to the case that pertain to the conviction or 2315
bail forfeiture deleted and, in the case of bail forfeitures, 2316
shall dismiss the charges in the case. The proceedings in the 2317
case that pertain to the conviction or bail forfeiture shall be 2318
considered not to have occurred and the conviction or bail 2319
forfeiture of the person who is the subject of the proceedings 2320
shall be sealed, except that upon conviction of a subsequent 2321
offense, the sealed record of prior conviction or bail 2322
forfeiture may be considered by the court in determining the 2323
sentence or other appropriate disposition, including the relief 2324
provided for in sections 2953.31 to 2953.33 of the Revised Code. 2325

(3) An applicant may request the sealing of the records of 2326
more than one case in a single application under this section. 2327
Upon the filing of an application under this section, the 2328
applicant, unless indigent, shall pay a fee of fifty dollars, 2329
regardless of the number of records the application requests to 2330
have sealed. The court shall pay thirty dollars of the fee into 2331
the state treasury. It shall pay twenty dollars of the fee into 2332
the county general revenue fund if the sealed conviction or bail 2333

forfeiture was pursuant to a state statute, or into the general 2334
revenue fund of the municipal corporation involved if the sealed 2335
conviction or bail forfeiture was pursuant to a municipal 2336
ordinance. 2337

(4) If the court orders the official records pertaining to 2338
the case sealed, the court shall do one of the following: 2339

(a) If the applicant was fingerprinted at the time of 2340
arrest or under section 109.60 of the Revised Code and the 2341
record of the applicant's fingerprints was provided to the court 2342
under division (B) of this section, forward a copy of the 2343
sealing order and the record of the applicant's fingerprints to 2344
the bureau of criminal identification and investigation. 2345

(b) If the applicant was not fingerprinted at the time of 2346
arrest or under section 109.60 of the Revised Code, or the 2347
record of the applicant's fingerprints was not provided to the 2348
court under division (B) of this section, but fingerprinting was 2349
required for the offense, order the applicant to appear before a 2350
sheriff to have the applicant's fingerprints taken according to 2351
the fingerprint system of identification on the forms furnished 2352
by the superintendent of the bureau of criminal identification 2353
and investigation. The sheriff shall forward the applicant's 2354
fingerprints to the court. The court shall forward the 2355
applicant's fingerprints and a copy of the sealing order to the 2356
bureau of criminal identification and investigation. 2357

Failure of the court to order fingerprints at the time of 2358
sealing does not constitute a reversible error. 2359

(5) At the time an applicant files an application under 2360
division (A) of this section, the following shall apply: 2361

(a) The clerk of court shall notify the applicant in 2362

writing that the court will send notice of any order under 2363
division (C) (2) of this section to the qualified third party 2364
selected by the attorney general under section 109.38 of the 2365
Revised Code and shall inform the applicant of the procedures 2366
under section 109.381 of the Revised Code. 2367

(b) The applicant shall then notify the clerk if the 2368
applicant wishes to opt out of receiving the benefits of having 2369
the court send notice of its order under division (C) (2) of this 2370
section to the qualified third party and having the procedures 2371
under section 109.381 of the Revised Code apply to the records 2372
that are subject to the order. 2373

(c) If the applicant does not opt out under division (C) 2374
(5) (b) of this section, the applicant shall pay to the clerk of 2375
court the fee provided in the contract between the attorney 2376
general and the qualified third party under division (D) (2) (b) 2377
of section 109.38 of the Revised Code. 2378

(6) (a) Upon the issuance of an order under division (C) (2) 2379
of this section, and unless the applicant opts out under 2380
division (C) (5) (b) of this section, the clerk shall remit the 2381
fee paid by the applicant under division (C) (5) (c) of this 2382
section to the qualified third party. The court shall send 2383
notice of the order under division (C) (2) of this section to the 2384
qualified third party. 2385

(b) If the applicant's application under division (A) of 2386
this section is denied for any reason or if the applicant 2387
informs the clerk of court in writing, before the issuance of 2388
the order under division (C) (2) of this section, that the 2389
applicant wishes to opt out of having the court send notice of 2390
its order under division (C) (2) of this section to the qualified 2391
third party, the clerk shall remit the fee paid by the applicant 2392

under division (C) (5) (c) of this section that is intended for 2393
the qualified third party back to the applicant. 2394

(D) Inspection of the sealed records included in the order 2395
may be made only by the following persons or for the following 2396
purposes: 2397

(1) By a law enforcement officer or prosecutor, or the 2398
assistants of either, to determine whether the nature and 2399
character of the offense with which a person is to be charged 2400
would be affected by virtue of the person's previously having 2401
been convicted of a crime; 2402

(2) By the parole or probation officer of the person who 2403
is the subject of the records, for the exclusive use of the 2404
officer in supervising the person while on parole or under a 2405
community control sanction or a post-release control sanction, 2406
and in making inquiries and written reports as requested by the 2407
court or adult parole authority; 2408

(3) Upon application by the person who is the subject of 2409
the records, by the persons named in the application; 2410

(4) By a law enforcement officer who was involved in the 2411
case, for use in the officer's defense of a civil action arising 2412
out of the officer's involvement in that case; 2413

(5) By a prosecuting attorney or the prosecuting 2414
attorney's assistants, to determine a defendant's eligibility to 2415
enter a pre-trial diversion program established pursuant to 2416
section 2935.36 of the Revised Code; 2417

(6) By any law enforcement agency or any authorized 2418
employee of a law enforcement agency or by the department of 2419
rehabilitation and correction or department of youth services as 2420
part of a background investigation of a person who applies for 2421

employment with the agency or with the department;	2422
(7) By any law enforcement agency or any authorized	2423
employee of a law enforcement agency, for the purposes set forth	2424
in, and in the manner provided in, section 2953.321 of the	2425
Revised Code;	2426
(8) By the bureau of criminal identification and	2427
investigation or any authorized employee of the bureau for the	2428
purpose of providing information to a board or person pursuant	2429
to division (F) or (G) of section 109.57 of the Revised Code;	2430
(9) By the bureau of criminal identification and	2431
investigation or any authorized employee of the bureau for the	2432
purpose of performing a criminal history records check on a	2433
person to whom a certificate as prescribed in section 109.77 of	2434
the Revised Code is to be awarded;	2435
(10) By the bureau of criminal identification and	2436
investigation or any authorized employee of the bureau for the	2437
purpose of conducting a criminal records check of an individual	2438
pursuant to division (B) of section 109.572 of the Revised Code	2439
that was requested pursuant to any of the sections identified in	2440
division (B)(1) of that section;	2441
(11) By the bureau of criminal identification and	2442
investigation, an authorized employee of the bureau, a sheriff,	2443
or an authorized employee of a sheriff in connection with a	2444
criminal records check described in section 311.41 of the	2445
Revised Code;	2446
(12) By the attorney general or an authorized employee of	2447
the attorney general or a court for purposes of determining a	2448
person's classification pursuant to Chapter 2950. of the Revised	2449
Code;	2450

(13) By a court, the registrar of motor vehicles, a prosecuting attorney or the prosecuting attorney's assistants, or a law enforcement officer for the purpose of assessing points against a person under section 4510.036 of the Revised Code or for taking action with regard to points assessed.

When the nature and character of the offense with which a person is to be charged would be affected by the information, it may be used for the purpose of charging the person with an offense.

(E) In any criminal proceeding, proof of any otherwise admissible prior conviction may be introduced and proved, notwithstanding the fact that for any such prior conviction an order of sealing previously was issued pursuant to sections 2953.31 to 2953.36 of the Revised Code.

(F) The person or governmental agency, office, or department that maintains sealed records pertaining to convictions or bail forfeitures that have been sealed pursuant to this section may maintain a manual or computerized index to the sealed records. The index shall contain only the name of, and alphanumeric identifiers that relate to, the persons who are the subject of the sealed records, the word "sealed," and the name of the person, agency, office, or department that has custody of the sealed records, and shall not contain the name of the crime committed. The index shall be made available by the person who has custody of the sealed records only for the purposes set forth in divisions (C), (D), and (E) of this section.

(G) Notwithstanding any provision of this section or section 2953.33 of the Revised Code that requires otherwise, a board of education of a city, local, exempted village, or joint

vocational school district that maintains records of an 2481
individual who has been permanently excluded under sections 2482
3301.121 and 3313.662 of the Revised Code is permitted to 2483
maintain records regarding a conviction that was used as the 2484
basis for the individual's permanent exclusion, regardless of a 2485
court order to seal the record. An order issued under this 2486
section to seal the record of a conviction does not revoke the 2487
adjudication order of the superintendent of public instruction 2488
to permanently exclude the individual who is the subject of the 2489
sealing order. An order issued under this section to seal the 2490
record of a conviction of an individual may be presented to a 2491
district superintendent as evidence to support the contention 2492
that the superintendent should recommend that the permanent 2493
exclusion of the individual who is the subject of the sealing 2494
order be revoked. Except as otherwise authorized by this 2495
division and sections 3301.121 and 3313.662 of the Revised Code, 2496
any school employee in possession of or having access to the 2497
sealed conviction records of an individual that were the basis 2498
of a permanent exclusion of the individual is subject to section 2499
2953.35 of the Revised Code. 2500

(H) For purposes of sections 2953.31 to 2953.36 of the 2501
Revised Code, DNA records collected in the DNA database and 2502
fingerprints filed for record by the superintendent of the 2503
bureau of criminal identification and investigation shall not be 2504
sealed unless the superintendent receives a certified copy of a 2505
final court order establishing that the offender's conviction 2506
has been overturned. For purposes of this section, a court order 2507
is not "final" if time remains for an appeal or application for 2508
discretionary review with respect to the order. 2509

(I) The sealing of a record under this section does not 2510
affect the assessment of points under section 4510.036 of the 2511

Revised Code and does not erase points assessed against a person 2512
as a result of the sealed record. 2513

Sec. 2953.36. (A) Except as otherwise provided in division 2514
(B) of this section, sections 2953.31 to 2953.35 of the Revised 2515
Code do not apply to any of the following: 2516

(1) Convictions when the offender is subject to a 2517
mandatory prison term; 2518

(2) Convictions under section 2907.02, 2907.03, ~~2907.04,~~ 2519
2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former 2520
section 2907.12, or Chapter 4506., 4507., 4510., 4511., or 4549. 2521
of the Revised Code, or a conviction for a violation of a 2522
municipal ordinance that is substantially similar to any section 2523
contained in any of those chapters, except as otherwise provided 2524
in section 2953.61 of the Revised Code; 2525

(3) Convictions under section 2907.04 of the Revised Code, 2526
unless a court has issued an order pursuant to section 2950.151 2527
of the Revised Code to terminate the offender's duty to comply 2528
with sections 2950.04, 2950.05, and 2950.06 of the Revised Code; 2529

(4) Convictions of an offense of violence when the offense 2530
is a misdemeanor of the first degree or a felony and when the 2531
offense is not a violation of section 2917.03 of the Revised 2532
Code and is not a violation of section 2903.13, 2917.01, or 2533
2917.31 of the Revised Code that is a misdemeanor of the first 2534
degree; 2535

~~(4)~~ (5) Convictions on or after October 10, 2007, under 2536
section 2907.07 of the Revised Code or a conviction on or after 2537
October 10, 2007, for a violation of a municipal ordinance that 2538
is substantially similar to that section; 2539

~~(5)~~ (6) Convictions on or after October 10, 2007, under 2540

section 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 2541
2907.311, 2907.32, or 2907.33 of the Revised Code when the 2542
victim of the offense was under eighteen years of age; 2543

~~(6)~~ (7) Convictions of an offense in circumstances in which 2544
the victim of the offense was less than sixteen years of age 2545
when the offense is a misdemeanor of the first degree or a 2546
felony, except for convictions under section 2919.21 of the 2547
Revised Code; 2548

~~(7)~~ (8) Convictions of a felony of the first or second 2549
degree; 2550

~~(8)~~ (9) Bail forfeitures in a traffic case as defined in 2551
Traffic Rule 2. 2552

(B) Sections 2953.31 to 2953.35 of the Revised Code apply 2553
to a conviction listed in this section if, on the date of the 2554
conviction, those sections did not apply to the conviction, but 2555
after the date of the conviction, the penalty for or 2556
classification of the offense was changed so that those sections 2557
apply to the conviction. 2558

Section 2. That existing sections 2907.321, 2907.322, 2559
2907.323, 2929.13, 2929.14, 2929.17, 2929.18, 2953.32, and 2560
2953.36 of the Revised Code are hereby repealed. 2561

Section 3. Section 2929.13 of the Revised Code is 2562
presented in this act as a composite of the section as amended 2563
by Sub. H.B. 63, Am. Sub. S.B. 1, and Am. Sub. S.B. 66, all of 2564
the 132nd General Assembly. The General Assembly, applying the 2565
principle stated in division (B) of section 1.52 of the Revised 2566
Code that amendments are to be harmonized if reasonably capable 2567
of simultaneous operation, finds that the composite is the 2568
resulting version of the section in effect prior to the 2569

effective date of the section as presented in this act. 2570

Section 2929.14 of the Revised Code is presented in this 2571
act as a composite of the section as amended by both Sub. H.B. 2572
470 and Sub. S.B. 319 of the 131st General Assembly. The General 2573
Assembly, applying the principle stated in division (B) of 2574
section 1.52 of the Revised Code that amendments are to be 2575
harmonized if reasonably capable of simultaneous operation, 2576
finds that the composite is the resulting version of the section 2577
in effect prior to the effective date of the section as 2578
presented in this act. 2579

Section 2929.18 of the Revised Code is presented in this 2580
act as a composite of the section as amended by both Sub. H.B. 2581
60 and Sub. H.B. 359 of the 131st General Assembly. The General 2582
Assembly, applying the principle stated in division (B) of 2583
section 1.52 of the Revised Code that amendments are to be 2584
harmonized if reasonably capable of simultaneous operation, 2585
finds that the composite is the resulting version of the section 2586
in effect prior to the effective date of the section as 2587
presented in this act. 2588

Section 2953.36 of the Revised Code is presented in this 2589
act as a composite of the section as amended by Sub. H.B. 53, 2590
Sub. H.B. 56, and Am. Sub. H.B. 164, all of the 131st General 2591
Assembly. The General Assembly, applying the principle stated in 2592
division (B) of section 1.52 of the Revised Code that amendments 2593
are to be harmonized if reasonably capable of simultaneous 2594
operation, finds that the composite is the resulting version of 2595
the section in effect prior to the effective date of the section 2596
as presented in this act. 2597