

**As Passed by the House**

**132nd General Assembly**

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**Sub. S. B. No. 20**

**Senator Hackett**

**Cosponsors: Senators Gardner, Uecker, Yuko, Wilson, Bacon, O'Brien, Balderson, Beagle, Burke, Hite, Hoagland, Hottinger, Huffman, Kunze, LaRose, Manning, Obhof, Oelslager, Peterson, Terhar Representatives Manning, Anielski, Antani, Antonio, Arndt, Bocchieri, Boggs, Boyd, Brenner, Brown, Butler, Carfagna, Celebrezze, Cupp, Dean, Dever, Duffey, Edwards, Faber, Fedor, Gavarone, Ginter, Greenspan, Hambley, Hill, Holmes, Hoops, Householder, Hughes, Johnson, Kent, Kick, Koehler, Landis, Lanese, Leland, Lipps, Merrin, Miller, O'Brien, Patterson, Patton, Perales, Riedel, Rogers, Romanchuk, Schaffer, Scherer, Sheehy, Slaby, Smith, T., Stein, Strahorn, Wiggam, Wilkin, Young, Zeltwanger, Speaker Smith**

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**A BILL**

To amend sections 2903.11, 2929.01, 2929.13, and 1  
2929.14 and to enact section 2941.1426 of the 2  
Revised Code to require an additional prison 3  
term of 6 years for an offender who is convicted 4  
of or pleads guilty to felonious assault if the 5  
offender is convicted of or pleads guilty to a 6  
specification that the victim suffered permanent 7  
disabling harm and that the victim was under 10  
years of age at the time of the offense. 9

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

**Section 1.** That sections 2903.11, 2929.01, 2929.13, and 10  
2929.14 be amended and section 2941.1426 of the Revised Code be 11  
enacted to read as follows: 12

<b>Sec. 2903.11.</b> (A) No person shall knowingly do either of	13
the following:	14
(1) Cause serious physical harm to another or to another's	15
unborn;	16
(2) Cause or attempt to cause physical harm to another or	17
to another's unborn by means of a deadly weapon or dangerous	18
ordnance.	19
(B) No person, with knowledge that the person has tested	20
positive as a carrier of a virus that causes acquired	21
immunodeficiency syndrome, shall knowingly do any of the	22
following:	23
(1) Engage in sexual conduct with another person without	24
disclosing that knowledge to the other person prior to engaging	25
in the sexual conduct;	26
(2) Engage in sexual conduct with a person whom the	27
offender knows or has reasonable cause to believe lacks the	28
mental capacity to appreciate the significance of the knowledge	29
that the offender has tested positive as a carrier of a virus	30
that causes acquired immunodeficiency syndrome;	31
(3) Engage in sexual conduct with a person under eighteen	32
years of age who is not the spouse of the offender.	33
(C) The prosecution of a person under this section does	34
not preclude prosecution of that person under section 2907.02 of	35
the Revised Code.	36
(D) (1) (a) Whoever violates this section is guilty of	37
felonious assault. Except as otherwise provided in this division	38
or division (D) (1) (b) of this section, felonious assault is a	39
felony of the second degree. If the victim of a violation of	40

division (A) of this section is a peace officer or an 41  
investigator of the bureau of criminal identification and 42  
investigation, felonious assault is a felony of the first 43  
degree. 44

(b) Regardless of whether the felonious assault is a 45  
felony of the first or second degree under division (D)(1)(a) of 46  
this section, if the offender also is convicted of or pleads 47  
guilty to a specification as described in section 2941.1423 of 48  
the Revised Code that was included in the indictment, count in 49  
the indictment, or information charging the offense, except as 50  
otherwise provided in this division or unless a longer prison 51  
term is required under any other provision of law, the court 52  
shall sentence the offender to a mandatory prison term as 53  
provided in division (B)(8) of section 2929.14 of the Revised 54  
Code. If the victim of the offense is a peace officer or an 55  
investigator of the bureau of criminal identification and 56  
investigation, and if the victim suffered serious physical harm 57  
as a result of the commission of the offense, felonious assault 58  
is a felony of the first degree, and the court, pursuant to 59  
division (F) of section 2929.13 of the Revised Code, shall 60  
impose as a mandatory prison term one of the prison terms 61  
prescribed for a felony of the first degree. 62

(2) In addition to any other sanctions imposed pursuant to 63  
division (D)(1) of this section for felonious assault committed 64  
in violation of division (A)(1) or (2) of this section, if the 65  
offender also is convicted of or pleads guilty to a 66  
specification of the type described in section 2941.1425 of the 67  
Revised Code that was included in the indictment, count in the 68  
indictment, or information charging the offense, the court shall 69  
sentence the offender to a mandatory prison term under division 70  
(B)(9) of section 2929.14 of the Revised Code. 71

(3) If the victim of a felonious assault committed in 72  
violation of division (A) of this section is a child under ten 73  
years of age and if the offender also is convicted of or pleads 74  
guilty to a specification of the type described in section 75  
2941.1426 of the Revised Code that was included in the 76  
indictment, count in the indictment, or information charging the 77  
offense, in addition to any other sanctions imposed pursuant to 78  
division (D) (1) of this section, the court shall sentence the 79  
offender to a mandatory prison term pursuant to division (B) (10) 80  
of section 2929.14 of the Revised Code. 81

(4) In addition to any other sanctions imposed pursuant to 82  
division (D) (1) of this section for felonious assault committed 83  
in violation of division (A) (2) of this section, if the deadly 84  
weapon used in the commission of the violation is a motor 85  
vehicle, the court shall impose upon the offender a class two 86  
suspension of the offender's driver's license, commercial 87  
driver's license, temporary instruction permit, probationary 88  
license, or nonresident operating privilege as specified in 89  
division (A) (2) of section 4510.02 of the Revised Code. 90

(E) As used in this section: 91

(1) "Deadly weapon" and "dangerous ordnance" have the same 92  
meanings as in section 2923.11 of the Revised Code. 93

(2) "Motor vehicle" has the same meaning as in section 94  
4501.01 of the Revised Code. 95

(3) "Peace officer" has the same meaning as in section 96  
2935.01 of the Revised Code. 97

(4) "Sexual conduct" has the same meaning as in section 98  
2907.01 of the Revised Code, except that, as used in this 99  
section, it does not include the insertion of an instrument, 100

apparatus, or other object that is not a part of the body into 101  
the vaginal or anal opening of another, unless the offender knew 102  
at the time of the insertion that the instrument, apparatus, or 103  
other object carried the offender's bodily fluid. 104

(5) "Investigator of the bureau of criminal identification 105  
and investigation" means an investigator of the bureau of 106  
criminal identification and investigation who is commissioned by 107  
the superintendent of the bureau as a special agent for the 108  
purpose of assisting law enforcement officers or providing 109  
emergency assistance to peace officers pursuant to authority 110  
granted under section 109.541 of the Revised Code. 111

(6) "Investigator" has the same meaning as in section 112  
109.541 of the Revised Code. 113

(F) The provisions of division (D)(2) of this section and 114  
of division (F)(20) of section 2929.13, divisions (B)(9) and (C) 115  
(6) of section 2929.14, and section 2941.1425 of the Revised 116  
Code shall be known as "Judy's Law." 117

**Sec. 2929.01.** As used in this chapter: 118

(A)(1) "Alternative residential facility" means, subject 119  
to division (A)(2) of this section, any facility other than an 120  
offender's home or residence in which an offender is assigned to 121  
live and that satisfies all of the following criteria: 122

(a) It provides programs through which the offender may 123  
seek or maintain employment or may receive education, training, 124  
treatment, or habilitation. 125

(b) It has received the appropriate license or certificate 126  
for any specialized education, training, treatment, 127  
habilitation, or other service that it provides from the 128  
government agency that is responsible for licensing or 129

certifying that type of education, training, treatment, 130  
habilitation, or service. 131

(2) "Alternative residential facility" does not include a 132  
community-based correctional facility, jail, halfway house, or 133  
prison. 134

(B) "Basic probation supervision" means a requirement that 135  
the offender maintain contact with a person appointed to 136  
supervise the offender in accordance with sanctions imposed by 137  
the court or imposed by the parole board pursuant to section 138  
2967.28 of the Revised Code. "Basic probation supervision" 139  
includes basic parole supervision and basic post-release control 140  
supervision. 141

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 142  
the same meanings as in section 2925.01 of the Revised Code. 143

(D) "Community-based correctional facility" means a 144  
community-based correctional facility and program or district 145  
community-based correctional facility and program developed 146  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 147

(E) "Community control sanction" means a sanction that is 148  
not a prison term and that is described in section 2929.15, 149  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 150  
that is not a jail term and that is described in section 151  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 152  
control sanction" includes probation if the sentence involved 153  
was imposed for a felony that was committed prior to July 1, 154  
1996, or if the sentence involved was imposed for a misdemeanor 155  
that was committed prior to January 1, 2004. 156

(F) "Controlled substance," "marihuana," "schedule I," and 157  
"schedule II" have the same meanings as in section 3719.01 of 158

the Revised Code.	159
(G) "Curfew" means a requirement that an offender during a specified period of time be at a designated place.	160 161
(H) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center.	162 163 164 165 166
(I) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.	167 168
(J) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the offender has ingested any alcohol or other drugs.	169 170 171 172
(K) "Drug treatment program" means any program under which a person undergoes assessment and treatment designed to reduce or completely eliminate the person's physical or emotional reliance upon alcohol, another drug, or alcohol and another drug and under which the person may be required to receive assessment and treatment on an outpatient basis or may be required to reside at a facility other than the person's home or residence while undergoing assessment and treatment.	173 174 175 176 177 178 179 180
(L) "Economic loss" means any economic detriment suffered by a victim as a direct and proximate result of the commission of an offense and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the offense. "Economic loss" does not include non-economic loss or any punitive or exemplary	181 182 183 184 185 186 187

damages.	188
(M) "Education or training" includes study at, or in	189
conjunction with a program offered by, a university, college, or	190
technical college or vocational study and also includes the	191
completion of primary school, secondary school, and literacy	192
curricula or their equivalent.	193
(N) "Firearm" has the same meaning as in section 2923.11	194
of the Revised Code.	195
(O) "Halfway house" means a facility licensed by the	196
division of parole and community services of the department of	197
rehabilitation and correction pursuant to section 2967.14 of the	198
Revised Code as a suitable facility for the care and treatment	199
of adult offenders.	200
(P) "House arrest" means a period of confinement of an	201
offender that is in the offender's home or in other premises	202
specified by the sentencing court or by the parole board	203
pursuant to section 2967.28 of the Revised Code and during which	204
all of the following apply:	205
(1) The offender is required to remain in the offender's	206
home or other specified premises for the specified period of	207
confinement, except for periods of time during which the	208
offender is at the offender's place of employment or at other	209
premises as authorized by the sentencing court or by the parole	210
board.	211
(2) The offender is required to report periodically to a	212
person designated by the court or parole board.	213
(3) The offender is subject to any other restrictions and	214
requirements that may be imposed by the sentencing court or by	215
the parole board.	216



(Q) "Intensive probation supervision" means a requirement 217  
that an offender maintain frequent contact with a person 218  
appointed by the court, or by the parole board pursuant to 219  
section 2967.28 of the Revised Code, to supervise the offender 220  
while the offender is seeking or maintaining necessary 221  
employment and participating in training, education, and 222  
treatment programs as required in the court's or parole board's 223  
order. "Intensive probation supervision" includes intensive 224  
parole supervision and intensive post-release control 225  
supervision. 226

(R) "Jail" means a jail, workhouse, minimum security jail, 227  
or other residential facility used for the confinement of 228  
alleged or convicted offenders that is operated by a political 229  
subdivision or a combination of political subdivisions of this 230  
state. 231

(S) "Jail term" means the term in a jail that a sentencing 232  
court imposes or is authorized to impose pursuant to section 233  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 234  
provision of the Revised Code that authorizes a term in a jail 235  
for a misdemeanor conviction. 236

(T) "Mandatory jail term" means the term in a jail that a 237  
sentencing court is required to impose pursuant to division (G) 238  
of section 1547.99 of the Revised Code, division (E) of section 239  
2903.06 or division (D) of section 2903.08 of the Revised Code, 240  
division (E) or (G) of section 2929.24 of the Revised Code, 241  
division (B) of section 4510.14 of the Revised Code, or division 242  
(G) of section 4511.19 of the Revised Code or pursuant to any 243  
other provision of the Revised Code that requires a term in a 244  
jail for a misdemeanor conviction. 245

(U) "Delinquent child" has the same meaning as in section 246

2152.02 of the Revised Code. 247

(V) "License violation report" means a report that is made 248  
by a sentencing court, or by the parole board pursuant to 249  
section 2967.28 of the Revised Code, to the regulatory or 250  
licensing board or agency that issued an offender a professional 251  
license or a license or permit to do business in this state and 252  
that specifies that the offender has been convicted of or 253  
pleaded guilty to an offense that may violate the conditions 254  
under which the offender's professional license or license or 255  
permit to do business in this state was granted or an offense 256  
for which the offender's professional license or license or 257  
permit to do business in this state may be revoked or suspended. 258

(W) "Major drug offender" means an offender who is 259  
convicted of or pleads guilty to the possession of, sale of, or 260  
offer to sell any drug, compound, mixture, preparation, or 261  
substance that consists of or contains at least one thousand 262  
grams of hashish; at least one hundred grams of cocaine; at 263  
least one thousand unit doses or one hundred grams of heroin; at 264  
least five thousand unit doses of L.S.D. or five hundred grams 265  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 266  
distillate form; at least fifty grams of a controlled substance 267  
analog; or at least one hundred times the amount of any other 268  
schedule I or II controlled substance other than marihuana that 269  
is necessary to commit a felony of the third degree pursuant to 270  
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 271  
Code that is based on the possession of, sale of, or offer to 272  
sell the controlled substance. 273

(X) "Mandatory prison term" means any of the following: 274

(1) Subject to division (X) (2) of this section, the term 275  
in prison that must be imposed for the offenses or circumstances 276

set forth in divisions (F) (1) to (8) or (F) (12) to (18) of 277  
section 2929.13 and division (B) of section 2929.14 of the 278  
Revised Code. Except as provided in sections 2925.02, 2925.03, 279  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 280  
maximum or another specific term is required under section 281  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 282  
described in this division may be any prison term authorized for 283  
the level of offense. 284

(2) The term of sixty or one hundred twenty days in prison 285  
that a sentencing court is required to impose for a third or 286  
fourth degree felony OVI offense pursuant to division (G) (2) of 287  
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 288  
of the Revised Code or the term of one, two, three, four, or 289  
five years in prison that a sentencing court is required to 290  
impose pursuant to division (G) (2) of section 2929.13 of the 291  
Revised Code. 292

(3) The term in prison imposed pursuant to division (A) of 293  
section 2971.03 of the Revised Code for the offenses and in the 294  
circumstances described in division (F) (11) of section 2929.13 295  
of the Revised Code or pursuant to division (B) (1) (a), (b), or 296  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 297  
section 2971.03 of the Revised Code and that term as modified or 298  
terminated pursuant to section 2971.05 of the Revised Code. 299

(Y) "Monitored time" means a period of time during which 300  
an offender continues to be under the control of the sentencing 301  
court or parole board, subject to no conditions other than 302  
leading a law-abiding life. 303

(Z) "Offender" means a person who, in this state, is 304  
convicted of or pleads guilty to a felony or a misdemeanor. 305

(AA) "Prison" means a residential facility used for the 306  
confinement of convicted felony offenders that is under the 307  
control of the department of rehabilitation and correction but 308  
does not include a violation sanction center operated under 309  
authority of section 2967.141 of the Revised Code. 310

(BB) "Prison term" includes either of the following 311  
sanctions for an offender: 312

(1) A stated prison term; 313

(2) A term in a prison shortened by, or with the approval 314  
of, the sentencing court pursuant to section 2929.143, 2929.20, 315  
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 316

(CC) "Repeat violent offender" means a person about whom 317  
both of the following apply: 318

(1) The person is being sentenced for committing or for 319  
complicity in committing any of the following: 320

(a) Aggravated murder, murder, any felony of the first or 321  
second degree that is an offense of violence, or an attempt to 322  
commit any of these offenses if the attempt is a felony of the 323  
first or second degree; 324

(b) An offense under an existing or former law of this 325  
state, another state, or the United States that is or was 326  
substantially equivalent to an offense described in division 327  
(CC) (1) (a) of this section. 328

(2) The person previously was convicted of or pleaded 329  
guilty to an offense described in division (CC) (1) (a) or (b) of 330  
this section. 331

(DD) "Sanction" means any penalty imposed upon an offender 332  
who is convicted of or pleads guilty to an offense, as 333

punishment for the offense. "Sanction" includes any sanction 334  
imposed pursuant to any provision of sections 2929.14 to 2929.18 335  
or 2929.24 to 2929.28 of the Revised Code. 336

(EE) "Sentence" means the sanction or combination of 337  
sanctions imposed by the sentencing court on an offender who is 338  
convicted of or pleads guilty to an offense. 339

(FF) "Stated prison term" means the prison term, mandatory 340  
prison term, or combination of all prison terms and mandatory 341  
prison terms imposed by the sentencing court pursuant to section 342  
2929.14, 2929.142, or 2971.03 of the Revised Code or under 343  
section 2919.25 of the Revised Code. "Stated prison term" 344  
includes any credit received by the offender for time spent in 345  
jail awaiting trial, sentencing, or transfer to prison for the 346  
offense and any time spent under house arrest or house arrest 347  
with electronic monitoring imposed after earning credits 348  
pursuant to section 2967.193 of the Revised Code. If an offender 349  
is serving a prison term as a risk reduction sentence under 350  
sections 2929.143 and 5120.036 of the Revised Code, "stated 351  
prison term" includes any period of time by which the prison 352  
term imposed upon the offender is shortened by the offender's 353  
successful completion of all assessment and treatment or 354  
programming pursuant to those sections. 355

(GG) "Victim-offender mediation" means a reconciliation or 356  
mediation program that involves an offender and the victim of 357  
the offense committed by the offender and that includes a 358  
meeting in which the offender and the victim may discuss the 359  
offense, discuss restitution, and consider other sanctions for 360  
the offense. 361

(HH) "Fourth degree felony OVI offense" means a violation 362  
of division (A) of section 4511.19 of the Revised Code that, 363

under division (G) of that section, is a felony of the fourth 364  
degree. 365

(II) "Mandatory term of local incarceration" means the 366  
term of sixty or one hundred twenty days in a jail, a community- 367  
based correctional facility, a halfway house, or an alternative 368  
residential facility that a sentencing court may impose upon a 369  
person who is convicted of or pleads guilty to a fourth degree 370  
felony OVI offense pursuant to division (G) (1) of section 371  
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 372  
section 4511.19 of the Revised Code. 373

(JJ) "Designated homicide, assault, or kidnapping 374  
offense," "violent sex offense," "sexual motivation 375  
specification," "sexually violent offense," "sexually violent 376  
predator," and "sexually violent predator specification" have 377  
the same meanings as in section 2971.01 of the Revised Code. 378

(KK) "Sexually oriented offense," "child-victim oriented 379  
offense," and "tier III sex offender/child-victim offender" have 380  
the same meanings as in section 2950.01 of the Revised Code. 381

(LL) An offense is "committed in the vicinity of a child" 382  
if the offender commits the offense within thirty feet of or 383  
within the same residential unit as a child who is under 384  
eighteen years of age, regardless of whether the offender knows 385  
the age of the child or whether the offender knows the offense 386  
is being committed within thirty feet of or within the same 387  
residential unit as the child and regardless of whether the 388  
child actually views the commission of the offense. 389

(MM) "Family or household member" has the same meaning as 390  
in section 2919.25 of the Revised Code. 391

(NN) "Motor vehicle" and "manufactured home" have the same 392

meanings as in section 4501.01 of the Revised Code.	393
(OO) "Detention" and "detention facility" have the same meanings as in section 2921.01 of the Revised Code.	394 395
(PP) "Third degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the third degree.	396 397 398 399
(QQ) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.	400 401
(RR) "Felony sex offense" has the same meaning as in section 2967.28 of the Revised Code.	402 403
(SS) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code.	404 405
(TT) "Electronic monitoring" means monitoring through the use of an electronic monitoring device.	406 407
(UU) "Electronic monitoring device" means any of the following:	408 409
(1) Any device that can be operated by electrical or battery power and that conforms with all of the following:	410 411
(a) The device has a transmitter that can be attached to a person, that will transmit a specified signal to a receiver of the type described in division (UU) (1) (b) of this section if the transmitter is removed from the person, turned off, or altered in any manner without prior court approval in relation to electronic monitoring or without prior approval of the department of rehabilitation and correction in relation to the use of an electronic monitoring device for an inmate on transitional control or otherwise is tampered with, that can	412 413 414 415 416 417 418 419 420

transmit continuously and periodically a signal to that receiver 421  
when the person is within a specified distance from the 422  
receiver, and that can transmit an appropriate signal to that 423  
receiver if the person to whom it is attached travels a 424  
specified distance from that receiver. 425

(b) The device has a receiver that can receive 426  
continuously the signals transmitted by a transmitter of the 427  
type described in division (UU) (1) (a) of this section, can 428  
transmit continuously those signals by a wireless or landline 429  
telephone connection to a central monitoring computer of the 430  
type described in division (UU) (1) (c) of this section, and can 431  
transmit continuously an appropriate signal to that central 432  
monitoring computer if the device has been turned off or altered 433  
without prior court approval or otherwise tampered with. The 434  
device is designed specifically for use in electronic 435  
monitoring, is not a converted wireless phone or another 436  
tracking device that is clearly not designed for electronic 437  
monitoring, and provides a means of text-based or voice 438  
communication with the person. 439

(c) The device has a central monitoring computer that can 440  
receive continuously the signals transmitted by a wireless or 441  
landline telephone connection by a receiver of the type 442  
described in division (UU) (1) (b) of this section and can monitor 443  
continuously the person to whom an electronic monitoring device 444  
of the type described in division (UU) (1) (a) of this section is 445  
attached. 446

(2) Any device that is not a device of the type described 447  
in division (UU) (1) of this section and that conforms with all 448  
of the following: 449

(a) The device includes a transmitter and receiver that 450



can monitor and determine the location of a subject person at 451  
any time, or at a designated point in time, through the use of a 452  
central monitoring computer or through other electronic means. 453

(b) The device includes a transmitter and receiver that 454  
can determine at any time, or at a designated point in time, 455  
through the use of a central monitoring computer or other 456  
electronic means the fact that the transmitter is turned off or 457  
altered in any manner without prior approval of the court in 458  
relation to the electronic monitoring or without prior approval 459  
of the department of rehabilitation and correction in relation 460  
to the use of an electronic monitoring device for an inmate on 461  
transitional control or otherwise is tampered with. 462

(3) Any type of technology that can adequately track or 463  
determine the location of a subject person at any time and that 464  
is approved by the director of rehabilitation and correction, 465  
including, but not limited to, any satellite technology, voice 466  
tracking system, or retinal scanning system that is so approved. 467

(VV) "Non-economic loss" means nonpecuniary harm suffered 468  
by a victim of an offense as a result of or related to the 469  
commission of the offense, including, but not limited to, pain 470  
and suffering; loss of society, consortium, companionship, care, 471  
assistance, attention, protection, advice, guidance, counsel, 472  
instruction, training, or education; mental anguish; and any 473  
other intangible loss. 474

(WW) "Prosecutor" has the same meaning as in section 475  
2935.01 of the Revised Code. 476

(XX) "Continuous alcohol monitoring" means the ability to 477  
automatically test and periodically transmit alcohol consumption 478  
levels and tamper attempts at least every hour, regardless of 479

the location of the person who is being monitored. 480

(YY) A person is "adjudicated a sexually violent predator" 481  
if the person is convicted of or pleads guilty to a violent sex 482  
offense and also is convicted of or pleads guilty to a sexually 483  
violent predator specification that was included in the 484  
indictment, count in the indictment, or information charging 485  
that violent sex offense or if the person is convicted of or 486  
pleads guilty to a designated homicide, assault, or kidnapping 487  
offense and also is convicted of or pleads guilty to both a 488  
sexual motivation specification and a sexually violent predator 489  
specification that were included in the indictment, count in the 490  
indictment, or information charging that designated homicide, 491  
assault, or kidnapping offense. 492

(ZZ) An offense is "committed in proximity to a school" if 493  
the offender commits the offense in a school safety zone or 494  
within five hundred feet of any school building or the 495  
boundaries of any school premises, regardless of whether the 496  
offender knows the offense is being committed in a school safety 497  
zone or within five hundred feet of any school building or the 498  
boundaries of any school premises. 499

(AAA) "Human trafficking" means a scheme or plan to which 500  
all of the following apply: 501

(1) Its object is one or more of the following: 502

(a) To subject a victim or victims to involuntary 503  
servitude, as defined in section 2905.31 of the Revised Code or 504  
to compel a victim or victims to engage in sexual activity for 505  
hire, to engage in a performance that is obscene, sexually 506  
oriented, or nudity oriented, or to be a model or participant in 507  
the production of material that is obscene, sexually oriented, 508

or nudity oriented; 509

(b) To facilitate, encourage, or recruit a victim who is 510  
less than sixteen years of age or is a person with a 511  
developmental disability, or victims who are less than sixteen 512  
years of age or are persons with developmental disabilities, for 513  
any purpose listed in divisions (A) (2) (a) to (c) of section 514  
2905.32 of the Revised Code; 515

(c) To facilitate, encourage, or recruit a victim who is 516  
sixteen or seventeen years of age, or victims who are sixteen or 517  
seventeen years of age, for any purpose listed in divisions (A) 518  
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 519  
circumstances described in division (A) (5), (6), (7), (8), (9), 520  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 521  
apply with respect to the person engaging in the conduct and the 522  
victim or victims. 523

(2) It involves at least two felony offenses, whether or 524  
not there has been a prior conviction for any of the felony 525  
offenses, to which all of the following apply: 526

(a) Each of the felony offenses is a violation of section 527  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 528  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 529  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 530  
is a violation of a law of any state other than this state that 531  
is substantially similar to any of the sections or divisions of 532  
the Revised Code identified in this division. 533

(b) At least one of the felony offenses was committed in 534  
this state. 535

(c) The felony offenses are related to the same scheme or 536  
plan and are not isolated instances. 537

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

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

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

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

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

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

to 2929.18 of the Revised Code. 567

If the offender is eligible to be sentenced to community 568  
control sanctions, the court shall consider the appropriateness 569  
of imposing a financial sanction pursuant to section 2929.18 of 570  
the Revised Code or a sanction of community service pursuant to 571  
section 2929.17 of the Revised Code as the sole sanction for the 572  
offense. Except as otherwise provided in this division, if the 573  
court is required to impose a mandatory prison term for the 574  
offense for which sentence is being imposed, the court also 575  
shall impose any financial sanction pursuant to section 2929.18 576  
of the Revised Code that is required for the offense and may 577  
impose any other financial sanction pursuant to that section but 578  
may not impose any additional sanction or combination of 579  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 580

If the offender is being sentenced for a fourth degree 581  
felony OVI offense or for a third degree felony OVI offense, in 582  
addition to the mandatory term of local incarceration or the 583  
mandatory prison term required for the offense by division (G) 584  
(1) or (2) of this section, the court shall impose upon the 585  
offender a mandatory fine in accordance with division (B) (3) of 586  
section 2929.18 of the Revised Code and may impose whichever of 587  
the following is applicable: 588

(1) For a fourth degree felony OVI offense for which 589  
sentence is imposed under division (G) (1) of this section, an 590  
additional community control sanction or combination of 591  
community control sanctions under section 2929.16 or 2929.17 of 592  
the Revised Code. If the court imposes upon the offender a 593  
community control sanction and the offender violates any 594  
condition of the community control sanction, the court may take 595  
any action prescribed in division (B) of section 2929.15 of the 596

Revised Code relative to the offender, including imposing a 597  
prison term on the offender pursuant to that division. 598

(2) For a third or fourth degree felony OVI offense for 599  
which sentence is imposed under division (G)(2) of this section, 600  
an additional prison term as described in division (B)(4) of 601  
section 2929.14 of the Revised Code or a community control 602  
sanction as described in division (G)(2) of this section. 603

(B)(1)(a) Except as provided in division (B)(1)(b) of this 604  
section, if an offender is convicted of or pleads guilty to a 605  
felony of the fourth or fifth degree that is not an offense of 606  
violence or that is a qualifying assault offense, the court 607  
shall sentence the offender to a community control sanction of 608  
at least one year's duration if all of the following apply: 609

(i) The offender previously has not been convicted of or 610  
pleaded guilty to a felony offense. 611

(ii) The most serious charge against the offender at the 612  
time of sentencing is a felony of the fourth or fifth degree. 613

(iii) If the court made a request of the department of 614  
rehabilitation and correction pursuant to division (B)(1)(c) of 615  
this section, the department, within the forty-five-day period 616  
specified in that division, provided the court with the names 617  
of, contact information for, and program details of one or more 618  
community control sanctions of at least one year's duration that 619  
are available for persons sentenced by the court. 620

(iv) The offender previously has not been convicted of or 621  
pleaded guilty to a misdemeanor offense of violence that the 622  
offender committed within two years prior to the offense for 623  
which sentence is being imposed. 624

(b) The court has discretion to impose a prison term upon 625

an offender who is convicted of or pleads guilty to a felony of 626  
the fourth or fifth degree that is not an offense of violence or 627  
that is a qualifying assault offense if any of the following 628  
apply: 629

(i) The offender committed the offense while having a 630  
firearm on or about the offender's person or under the 631  
offender's control. 632

(ii) If the offense is a qualifying assault offense, the 633  
offender caused serious physical harm to another person while 634  
committing the offense, and, if the offense is not a qualifying 635  
assault offense, the offender caused physical harm to another 636  
person while committing the offense. 637

(iii) The offender violated a term of the conditions of 638  
bond as set by the court. 639

(iv) The court made a request of the department of 640  
rehabilitation and correction pursuant to division (B)(1)(c) of 641  
this section, and the department, within the forty-five-day 642  
period specified in that division, did not provide the court 643  
with the name of, contact information for, and program details 644  
of any community control sanction of at least one year's 645  
duration that is available for persons sentenced by the court. 646

(v) The offense is a sex offense that is a fourth or fifth 647  
degree felony violation of any provision of Chapter 2907. of the 648  
Revised Code. 649

(vi) In committing the offense, the offender attempted to 650  
cause or made an actual threat of physical harm to a person with 651  
a deadly weapon. 652

(vii) In committing the offense, the offender attempted to 653  
cause or made an actual threat of physical harm to a person, and 654

the offender previously was convicted of an offense that caused 655  
physical harm to a person. 656

(viii) The offender held a public office or position of 657  
trust, and the offense related to that office or position; the 658  
offender's position obliged the offender to prevent the offense 659  
or to bring those committing it to justice; or the offender's 660  
professional reputation or position facilitated the offense or 661  
was likely to influence the future conduct of others. 662

(ix) The offender committed the offense for hire or as 663  
part of an organized criminal activity. 664

(x) The offender at the time of the offense was serving, 665  
or the offender previously had served, a prison term. 666

(xi) The offender committed the offense while under a 667  
community control sanction, while on probation, or while 668  
released from custody on a bond or personal recognizance. 669

(c) If a court that is sentencing an offender who is 670  
convicted of or pleads guilty to a felony of the fourth or fifth 671  
degree that is not an offense of violence or that is a 672  
qualifying assault offense believes that no community control 673  
sanctions are available for its use that, if imposed on the 674  
offender, will adequately fulfill the overriding principles and 675  
purposes of sentencing, the court shall contact the department 676  
of rehabilitation and correction and ask the department to 677  
provide the court with the names of, contact information for, 678  
and program details of one or more community control sanctions 679  
of at least one year's duration that are available for persons 680  
sentenced by the court. Not later than forty-five days after 681  
receipt of a request from a court under this division, the 682  
department shall provide the court with the names of, contact 683



information for, and program details of one or more community 684  
control sanctions of at least one year's duration that are 685  
available for persons sentenced by the court, if any. Upon 686  
making a request under this division that relates to a 687  
particular offender, a court shall defer sentencing of that 688  
offender until it receives from the department the names of, 689  
contact information for, and program details of one or more 690  
community control sanctions of at least one year's duration that 691  
are available for persons sentenced by the court or for forty- 692  
five days, whichever is the earlier. 693

If the department provides the court with the names of, 694  
contact information for, and program details of one or more 695  
community control sanctions of at least one year's duration that 696  
are available for persons sentenced by the court within the 697  
forty-five-day period specified in this division, the court 698  
shall impose upon the offender a community control sanction 699  
under division (B) (1) (a) of this section, except that the court 700  
may impose a prison term under division (B) (1) (b) of this 701  
section if a factor described in division (B) (1) (b) (i) or (ii) 702  
of this section applies. If the department does not provide the 703  
court with the names of, contact information for, and program 704  
details of one or more community control sanctions of at least 705  
one year's duration that are available for persons sentenced by 706  
the court within the forty-five-day period specified in this 707  
division, the court may impose upon the offender a prison term 708  
under division (B) (1) (b) (iv) of this section. 709

(d) A sentencing court may impose an additional penalty 710  
under division (B) of section 2929.15 of the Revised Code upon 711  
an offender sentenced to a community control sanction under 712  
division (B) (1) (a) of this section if the offender violates the 713  
conditions of the community control sanction, violates a law, or 714

leaves the state without the permission of the court or the 715  
offender's probation officer. 716

(2) If division (B)(1) of this section does not apply, 717  
except as provided in division (E), (F), or (G) of this section, 718  
in determining whether to impose a prison term as a sanction for 719  
a felony of the fourth or fifth degree, the sentencing court 720  
shall comply with the purposes and principles of sentencing 721  
under section 2929.11 of the Revised Code and with section 722  
2929.12 of the Revised Code. 723

(C) Except as provided in division (D), (E), (F), or (G) 724  
of this section, in determining whether to impose a prison term 725  
as a sanction for a felony of the third degree or a felony drug 726  
offense that is a violation of a provision of Chapter 2925. of 727  
the Revised Code and that is specified as being subject to this 728  
division for purposes of sentencing, the sentencing court shall 729  
comply with the purposes and principles of sentencing under 730  
section 2929.11 of the Revised Code and with section 2929.12 of 731  
the Revised Code. 732

(D)(1) Except as provided in division (E) or (F) of this 733  
section, for a felony of the first or second degree, for a 734  
felony drug offense that is a violation of any provision of 735  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 736  
presumption in favor of a prison term is specified as being 737  
applicable, and for a violation of division (A)(4) or (B) of 738  
section 2907.05 of the Revised Code for which a presumption in 739  
favor of a prison term is specified as being applicable, it is 740  
presumed that a prison term is necessary in order to comply with 741  
the purposes and principles of sentencing under section 2929.11 742  
of the Revised Code. Division (D)(2) of this section does not 743  
apply to a presumption established under this division for a 744

violation of division (A) (4) of section 2907.05 of the Revised Code. 745  
746

(2) Notwithstanding the presumption established under 747  
division (D) (1) of this section for the offenses listed in that 748  
division other than a violation of division (A) (4) or (B) of 749  
section 2907.05 of the Revised Code, the sentencing court may 750  
impose a community control sanction or a combination of 751  
community control sanctions instead of a prison term on an 752  
offender for a felony of the first or second degree or for a 753  
felony drug offense that is a violation of any provision of 754  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 755  
presumption in favor of a prison term is specified as being 756  
applicable if it makes both of the following findings: 757

(a) A community control sanction or a combination of 758  
community control sanctions would adequately punish the offender 759  
and protect the public from future crime, because the applicable 760  
factors under section 2929.12 of the Revised Code indicating a 761  
lesser likelihood of recidivism outweigh the applicable factors 762  
under that section indicating a greater likelihood of 763  
recidivism. 764

(b) A community control sanction or a combination of 765  
community control sanctions would not demean the seriousness of 766  
the offense, because one or more factors under section 2929.12 767  
of the Revised Code that indicate that the offender's conduct 768  
was less serious than conduct normally constituting the offense 769  
are applicable, and they outweigh the applicable factors under 770  
that section that indicate that the offender's conduct was more 771  
serious than conduct normally constituting the offense. 772

(E) (1) Except as provided in division (F) of this section, 773  
for any drug offense that is a violation of any provision of 774

Chapter 2925. of the Revised Code and that is a felony of the 775  
third, fourth, or fifth degree, the applicability of a 776  
presumption under division (D) of this section in favor of a 777  
prison term or of division (B) or (C) of this section in 778  
determining whether to impose a prison term for the offense 779  
shall be determined as specified in section 2925.02, 2925.03, 780  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 781  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 782  
regarding the violation. 783

(2) If an offender who was convicted of or pleaded guilty 784  
to a felony violates the conditions of a community control 785  
sanction imposed for the offense solely by reason of producing 786  
positive results on a drug test or by acting pursuant to 787  
division (B) (2) (b) of section 2925.11 of the Revised Code with 788  
respect to a minor drug possession offense, the court, as 789  
punishment for the violation of the sanction, shall not order 790  
that the offender be imprisoned unless the court determines on 791  
the record either of the following: 792

(a) The offender had been ordered as a sanction for the 793  
felony to participate in a drug treatment program, in a drug 794  
education program, or in narcotics anonymous or a similar 795  
program, and the offender continued to use illegal drugs after a 796  
reasonable period of participation in the program. 797

(b) The imprisonment of the offender for the violation is 798  
consistent with the purposes and principles of sentencing set 799  
forth in section 2929.11 of the Revised Code. 800

(3) A court that sentences an offender for a drug abuse 801  
offense that is a felony of the third, fourth, or fifth degree 802  
may require that the offender be assessed by a properly 803  
credentialed professional within a specified period of time. The 804

court shall require the professional to file a written 805  
assessment of the offender with the court. If the offender is 806  
eligible for a community control sanction and after considering 807  
the written assessment, the court may impose a community control 808  
sanction that includes addiction services and recovery supports 809  
included in a community-based continuum of care established 810  
under section 340.032 of the Revised Code. If the court imposes 811  
addiction services and recovery supports as a community control 812  
sanction, the court shall direct the level and type of addiction 813  
services and recovery supports after considering the assessment 814  
and recommendation of community addiction services providers. 815

(F) Notwithstanding divisions (A) to (E) of this section, 816  
the court shall impose a prison term or terms under sections 817  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 818  
section 2971.03 of the Revised Code and except as specifically 819  
provided in section 2929.20, divisions (C) to (I) of section 820  
2967.19, or section 2967.191 of the Revised Code or when parole 821  
is authorized for the offense under section 2967.13 of the 822  
Revised Code shall not reduce the term or terms pursuant to 823  
section 2929.20, section 2967.19, section 2967.193, or any other 824  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 825  
for any of the following offenses: 826

(1) Aggravated murder when death is not imposed or murder; 827

(2) Any rape, regardless of whether force was involved and 828  
regardless of the age of the victim, or an attempt to commit 829  
rape if, had the offender completed the rape that was attempted, 830  
the offender would have been guilty of a violation of division 831  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 832  
sentenced under section 2971.03 of the Revised Code; 833

(3) Gross sexual imposition or sexual battery, if the 834

victim is less than thirteen years of age and if any of the 835  
following applies: 836

(a) Regarding gross sexual imposition, the offender 837  
previously was convicted of or pleaded guilty to rape, the 838  
former offense of felonious sexual penetration, gross sexual 839  
imposition, or sexual battery, and the victim of the previous 840  
offense was less than thirteen years of age; 841

(b) Regarding gross sexual imposition, the offense was 842  
committed on or after August 3, 2006, and evidence other than 843  
the testimony of the victim was admitted in the case 844  
corroborating the violation. 845

(c) Regarding sexual battery, either of the following 846  
applies: 847

(i) The offense was committed prior to August 3, 2006, the 848  
offender previously was convicted of or pleaded guilty to rape, 849  
the former offense of felonious sexual penetration, or sexual 850  
battery, and the victim of the previous offense was less than 851  
thirteen years of age. 852

(ii) The offense was committed on or after August 3, 2006. 853

(4) A felony violation of section 2903.04, 2903.06, 854  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 855  
or 2923.132 of the Revised Code if the section requires the 856  
imposition of a prison term; 857

(5) A first, second, or third degree felony drug offense 858  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 859  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 860  
or 4729.99 of the Revised Code, whichever is applicable 861  
regarding the violation, requires the imposition of a mandatory 862  
prison term; 863

(6) Any offense that is a first or second degree felony 864  
and that is not set forth in division (F) (1), (2), (3), or (4) 865  
of this section, if the offender previously was convicted of or 866  
pleaded guilty to aggravated murder, murder, any first or second 867  
degree felony, or an offense under an existing or former law of 868  
this state, another state, or the United States that is or was 869  
substantially equivalent to one of those offenses; 870

(7) Any offense that is a third degree felony and either 871  
is a violation of section 2903.04 of the Revised Code or an 872  
attempt to commit a felony of the second degree that is an 873  
offense of violence and involved an attempt to cause serious 874  
physical harm to a person or that resulted in serious physical 875  
harm to a person if the offender previously was convicted of or 876  
pleaded guilty to any of the following offenses: 877

(a) Aggravated murder, murder, involuntary manslaughter, 878  
rape, felonious sexual penetration as it existed under section 879  
2907.12 of the Revised Code prior to September 3, 1996, a felony 880  
of the first or second degree that resulted in the death of a 881  
person or in physical harm to a person, or complicity in or an 882  
attempt to commit any of those offenses; 883

(b) An offense under an existing or former law of this 884  
state, another state, or the United States that is or was 885  
substantially equivalent to an offense listed in division (F) (7) 886  
(a) of this section that resulted in the death of a person or in 887  
physical harm to a person. 888

(8) Any offense, other than a violation of section 2923.12 889  
of the Revised Code, that is a felony, if the offender had a 890  
firearm on or about the offender's person or under the 891  
offender's control while committing the felony, with respect to 892  
a portion of the sentence imposed pursuant to division (B) (1) (a) 893

of section 2929.14 of the Revised Code for having the firearm; 894

(9) Any offense of violence that is a felony, if the 895  
offender wore or carried body armor while committing the felony 896  
offense of violence, with respect to the portion of the sentence 897  
imposed pursuant to division (B)(1)(d) of section 2929.14 of the 898  
Revised Code for wearing or carrying the body armor; 899

(10) Corrupt activity in violation of section 2923.32 of 900  
the Revised Code when the most serious offense in the pattern of 901  
corrupt activity that is the basis of the offense is a felony of 902  
the first degree; 903

(11) Any violent sex offense or designated homicide, 904  
assault, or kidnapping offense if, in relation to that offense, 905  
the offender is adjudicated a sexually violent predator; 906

(12) A violation of division (A)(1) or (2) of section 907  
2921.36 of the Revised Code, or a violation of division (C) of 908  
that section involving an item listed in division (A)(1) or (2) 909  
of that section, if the offender is an officer or employee of 910  
the department of rehabilitation and correction; 911

(13) A violation of division (A)(1) or (2) of section 912  
2903.06 of the Revised Code if the victim of the offense is a 913  
peace officer, as defined in section 2935.01 of the Revised 914  
Code, or an investigator of the bureau of criminal 915  
identification and investigation, as defined in section 2903.11 916  
of the Revised Code, with respect to the portion of the sentence 917  
imposed pursuant to division (B)(5) of section 2929.14 of the 918  
Revised Code; 919

(14) A violation of division (A)(1) or (2) of section 920  
2903.06 of the Revised Code if the offender has been convicted 921  
of or pleaded guilty to three or more violations of division (A) 922



or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, with respect to the portion of the sentence imposed pursuant to division (B) (6) of section 2929.14 of the Revised Code;

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

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

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

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

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

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

(20) Any violation of division (A) (1) of section 2903.11 of the Revised Code if the offender used an accelerant in committing the violation and the serious physical harm to another or another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity or any violation of division (A) (2) of that section if the offender used an accelerant in committing the violation, the violation caused physical harm to another or another's unborn, and the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity, with respect to a portion of the sentence imposed pursuant to division (B) (9) of section 2929.14 of the Revised Code. The provisions of this division and of division (D) (2) of section 2903.11, divisions (B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

(21) Any violation of division (A) of section 2903.11 of the Revised Code if the victim of the offense suffered permanent disabling harm as a result of the offense and the victim was under ten years of age at the time of the offense, with respect

to a portion of the sentence imposed pursuant to division (B) 983  
(10) of section 2929.14 of the Revised Code. 984

(G) Notwithstanding divisions (A) to (E) of this section, 985  
if an offender is being sentenced for a fourth degree felony OVI 986  
offense or for a third degree felony OVI offense, the court 987  
shall impose upon the offender a mandatory term of local 988  
incarceration or a mandatory prison term in accordance with the 989  
following: 990

(1) If the offender is being sentenced for a fourth degree 991  
felony OVI offense and if the offender has not been convicted of 992  
and has not pleaded guilty to a specification of the type 993  
described in section 2941.1413 of the Revised Code, the court 994  
may impose upon the offender a mandatory term of local 995  
incarceration of sixty days or one hundred twenty days as 996  
specified in division (G)(1)(d) of section 4511.19 of the 997  
Revised Code. The court shall not reduce the term pursuant to 998  
section 2929.20, 2967.193, or any other provision of the Revised 999  
Code. The court that imposes a mandatory term of local 1000  
incarceration under this division shall specify whether the term 1001  
is to be served in a jail, a community-based correctional 1002  
facility, a halfway house, or an alternative residential 1003  
facility, and the offender shall serve the term in the type of 1004  
facility specified by the court. A mandatory term of local 1005  
incarceration imposed under division (G)(1) of this section is 1006  
not subject to any other Revised Code provision that pertains to 1007  
a prison term except as provided in division (A)(1) of this 1008  
section. 1009

(2) If the offender is being sentenced for a third degree 1010  
felony OVI offense, or if the offender is being sentenced for a 1011  
fourth degree felony OVI offense and the court does not impose a 1012

mandatory term of local incarceration under division (G)(1) of 1013  
this section, the court shall impose upon the offender a 1014  
mandatory prison term of one, two, three, four, or five years if 1015  
the offender also is convicted of or also pleads guilty to a 1016  
specification of the type described in section 2941.1413 of the 1017  
Revised Code or shall impose upon the offender a mandatory 1018  
prison term of sixty days or one hundred twenty days as 1019  
specified in division (G)(1)(d) or (e) of section 4511.19 of the 1020  
Revised Code if the offender has not been convicted of and has 1021  
not pleaded guilty to a specification of that type. Subject to 1022  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 1023  
court shall not reduce the term pursuant to section 2929.20, 1024  
2967.19, 2967.193, or any other provision of the Revised Code. 1025  
The offender shall serve the one-, two-, three-, four-, or five- 1026  
year mandatory prison term consecutively to and prior to the 1027  
prison term imposed for the underlying offense and consecutively 1028  
to any other mandatory prison term imposed in relation to the 1029  
offense. In no case shall an offender who once has been 1030  
sentenced to a mandatory term of local incarceration pursuant to 1031  
division (G)(1) of this section for a fourth degree felony OVI 1032  
offense be sentenced to another mandatory term of local 1033  
incarceration under that division for any violation of division 1034  
(A) of section 4511.19 of the Revised Code. In addition to the 1035  
mandatory prison term described in division (G)(2) of this 1036  
section, the court may sentence the offender to a community 1037  
control sanction under section 2929.16 or 2929.17 of the Revised 1038  
Code, but the offender shall serve the prison term prior to 1039  
serving the community control sanction. The department of 1040  
rehabilitation and correction may place an offender sentenced to 1041  
a mandatory prison term under this division in an intensive 1042  
program prison established pursuant to section 5120.033 of the 1043  
Revised Code if the department gave the sentencing judge prior 1044

notice of its intent to place the offender in an intensive 1045  
program prison established under that section and if the judge 1046  
did not notify the department that the judge disapproved the 1047  
placement. Upon the establishment of the initial intensive 1048  
program prison pursuant to section 5120.033 of the Revised Code 1049  
that is privately operated and managed by a contractor pursuant 1050  
to a contract entered into under section 9.06 of the Revised 1051  
Code, both of the following apply: 1052

(a) The department of rehabilitation and correction shall 1053  
make a reasonable effort to ensure that a sufficient number of 1054  
offenders sentenced to a mandatory prison term under this 1055  
division are placed in the privately operated and managed prison 1056  
so that the privately operated and managed prison has full 1057  
occupancy. 1058

(b) Unless the privately operated and managed prison has 1059  
full occupancy, the department of rehabilitation and correction 1060  
shall not place any offender sentenced to a mandatory prison 1061  
term under this division in any intensive program prison 1062  
established pursuant to section 5120.033 of the Revised Code 1063  
other than the privately operated and managed prison. 1064

(H) If an offender is being sentenced for a sexually 1065  
oriented offense or child-victim oriented offense that is a 1066  
felony committed on or after January 1, 1997, the judge shall 1067  
require the offender to submit to a DNA specimen collection 1068  
procedure pursuant to section 2901.07 of the Revised Code. 1069

(I) If an offender is being sentenced for a sexually 1070  
oriented offense or a child-victim oriented offense committed on 1071  
or after January 1, 1997, the judge shall include in the 1072  
sentence a summary of the offender's duties imposed under 1073  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1074

Code and the duration of the duties. The judge shall inform the 1075  
offender, at the time of sentencing, of those duties and of 1076  
their duration. If required under division (A)(2) of section 1077  
2950.03 of the Revised Code, the judge shall perform the duties 1078  
specified in that section, or, if required under division (A)(6) 1079  
of section 2950.03 of the Revised Code, the judge shall perform 1080  
the duties specified in that division. 1081

(J)(1) Except as provided in division (J)(2) of this 1082  
section, when considering sentencing factors under this section 1083  
in relation to an offender who is convicted of or pleads guilty 1084  
to an attempt to commit an offense in violation of section 1085  
2923.02 of the Revised Code, the sentencing court shall consider 1086  
the factors applicable to the felony category of the violation 1087  
of section 2923.02 of the Revised Code instead of the factors 1088  
applicable to the felony category of the offense attempted. 1089

(2) When considering sentencing factors under this section 1090  
in relation to an offender who is convicted of or pleads guilty 1091  
to an attempt to commit a drug abuse offense for which the 1092  
penalty is determined by the amount or number of unit doses of 1093  
the controlled substance involved in the drug abuse offense, the 1094  
sentencing court shall consider the factors applicable to the 1095  
felony category that the drug abuse offense attempted would be 1096  
if that drug abuse offense had been committed and had involved 1097  
an amount or number of unit doses of the controlled substance 1098  
that is within the next lower range of controlled substance 1099  
amounts than was involved in the attempt. 1100

(K) As used in this section: 1101

(1) "Community addiction services provider" has the same 1102  
meaning as in section 5119.01 of the Revised Code. 1103

(2) "Drug abuse offense" has the same meaning as in 1104  
section 2925.01 of the Revised Code. 1105

(3) "Minor drug possession offense" has the same meaning 1106  
as in section 2925.11 of the Revised Code. 1107

(4) "Qualifying assault offense" means a violation of 1108  
section 2903.13 of the Revised Code for which the penalty 1109  
provision in division (C) (8) (b) or (C) (9) (b) of that section 1110  
applies. 1111

(L) At the time of sentencing an offender for any sexually 1112  
oriented offense, if the offender is a tier III sex 1113  
offender/child-victim offender relative to that offense and the 1114  
offender does not serve a prison term or jail term, the court 1115  
may require that the offender be monitored by means of a global 1116  
positioning device. If the court requires such monitoring, the 1117  
cost of monitoring shall be borne by the offender. If the 1118  
offender is indigent, the cost of compliance shall be paid by 1119  
the crime victims reparations fund. 1120

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 1121  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1122  
(B) (10), (E), (G), (H), (J), or (K) of this section or in 1123  
division (D) (6) of section 2919.25 of the Revised Code and 1124  
except in relation to an offense for which a sentence of death 1125  
or life imprisonment is to be imposed, if the court imposing a 1126  
sentence upon an offender for a felony elects or is required to 1127  
impose a prison term on the offender pursuant to this chapter, 1128  
the court shall impose a definite prison term that shall be one 1129  
of the following: 1130

(1) For a felony of the first degree, the prison term 1131  
shall be three, four, five, six, seven, eight, nine, ten, or 1132

eleven years. 1133

(2) For a felony of the second degree, the prison term 1134  
shall be two, three, four, five, six, seven, or eight years. 1135

(3) (a) For a felony of the third degree that is a 1136  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1137  
2907.05, or 3795.04 of the Revised Code or that is a violation 1138  
of section 2911.02 or 2911.12 of the Revised Code if the 1139  
offender previously has been convicted of or pleaded guilty in 1140  
two or more separate proceedings to two or more violations of 1141  
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 1142  
Code, the prison term shall be twelve, eighteen, twenty-four, 1143  
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 1144  
months. 1145

(b) For a felony of the third degree that is not an 1146  
offense for which division (A) (3) (a) of this section applies, 1147  
the prison term shall be nine, twelve, eighteen, twenty-four, 1148  
thirty, or thirty-six months. 1149

(4) For a felony of the fourth degree, the prison term 1150  
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1151  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1152

(5) For a felony of the fifth degree, the prison term 1153  
shall be six, seven, eight, nine, ten, eleven, or twelve months. 1154

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1155  
section, if an offender who is convicted of or pleads guilty to 1156  
a felony also is convicted of or pleads guilty to a 1157  
specification of the type described in section 2941.141, 1158  
2941.144, or 2941.145 of the Revised Code, the court shall 1159  
impose on the offender one of the following prison terms: 1160

(i) A prison term of six years if the specification is of 1161



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 or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using it to facilitate the offense;

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

(iv) A prison term of nine years if the specification is of the type described in division (D) 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 and specifies that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;

(v) A prison term of fifty-four months if the specification is of the type described in division (D) of section 2941.145 of the Revised Code that charges the offender

with having a firearm on or about the offender's person or under 1192  
the offender's control while committing the offense and 1193  
displaying the firearm, brandishing the firearm, indicating that 1194  
the offender possessed the firearm, or using the firearm to 1195  
facilitate the offense and that the offender previously has been 1196  
convicted of or pleaded guilty to a specification of the type 1197  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1198  
2941.1412 of the Revised Code; 1199

(vi) A prison term of eighteen months if the specification 1200  
is of the type described in division (D) of section 2941.141 of 1201  
the Revised Code that charges the offender with having a firearm 1202  
on or about the offender's person or under the offender's 1203  
control while committing the offense and that the offender 1204  
previously has been convicted of or pleaded guilty to a 1205  
specification of the type described in section 2941.141, 1206  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1207

(b) If a court imposes a prison term on an offender under 1208  
division (B) (1) (a) of this section, the prison term shall not be 1209  
reduced pursuant to section 2967.19, section 2929.20, section 1210  
2967.193, or any other provision of Chapter 2967. or Chapter 1211  
5120. of the Revised Code. Except as provided in division (B) (1) 1212  
(g) of this section, a court shall not impose more than one 1213  
prison term on an offender under division (B) (1) (a) of this 1214  
section for felonies committed as part of the same act or 1215  
transaction. 1216

(c) (i) Except as provided in division (B) (1) (e) of this 1217  
section, if an offender who is convicted of or pleads guilty to 1218  
a violation of section 2923.161 of the Revised Code or to a 1219  
felony that includes, as an essential element, purposely or 1220  
knowingly causing or attempting to cause the death of or 1221

physical harm to another, also is convicted of or pleads guilty 1222  
to a specification of the type described in division (A) of 1223  
section 2941.146 of the Revised Code that charges the offender 1224  
with committing the offense by discharging a firearm from a 1225  
motor vehicle other than a manufactured home, the court, after 1226  
imposing a prison term on the offender for the violation of 1227  
section 2923.161 of the Revised Code or for the other felony 1228  
offense under division (A), (B) (2), or (B) (3) of this section, 1229  
shall impose an additional prison term of five years upon the 1230  
offender that shall not be reduced pursuant to section 2929.20, 1231  
section 2967.19, section 2967.193, or any other provision of 1232  
Chapter 2967. or Chapter 5120. of the Revised Code. 1233

(ii) Except as provided in division (B) (1) (e) of this 1234  
section, if an offender who is convicted of or pleads guilty to 1235  
a violation of section 2923.161 of the Revised Code or to a 1236  
felony that includes, as an essential element, purposely or 1237  
knowingly causing or attempting to cause the death of or 1238  
physical harm to another, also is convicted of or pleads guilty 1239  
to a specification of the type described in division (C) of 1240  
section 2941.146 of the Revised Code that charges the offender 1241  
with committing the offense by discharging a firearm from a 1242  
motor vehicle other than a manufactured home and that the 1243  
offender previously has been convicted of or pleaded guilty to a 1244  
specification of the type described in section 2941.141, 1245  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1246  
the court, after imposing a prison term on the offender for the 1247  
violation of section 2923.161 of the Revised Code or for the 1248  
other felony offense under division (A), (B) (2), or (3) of this 1249  
section, shall impose an additional prison term of ninety months 1250  
upon the offender that shall not be reduced pursuant to section 1251  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1252

2967. or Chapter 5120. of the Revised Code. 1253

(iii) A court shall not impose more than one additional 1254  
prison term on an offender under division (B) (1) (c) of this 1255  
section for felonies committed as part of the same act or 1256  
transaction. If a court imposes an additional prison term on an 1257  
offender under division (B) (1) (c) of this section relative to an 1258  
offense, the court also shall impose a prison term under 1259  
division (B) (1) (a) of this section relative to the same offense, 1260  
provided the criteria specified in that division for imposing an 1261  
additional prison term are satisfied relative to the offender 1262  
and the offense. 1263

(d) If an offender who is convicted of or pleads guilty to 1264  
an offense of violence that is a felony also is convicted of or 1265  
pleads guilty to a specification of the type described in 1266  
section 2941.1411 of the Revised Code that charges the offender 1267  
with wearing or carrying body armor while committing the felony 1268  
offense of violence, the court shall impose on the offender a 1269  
prison term of two years. The prison term so imposed, subject to 1270  
divisions (C) to (I) of section 2967.19 of the Revised Code, 1271  
shall not be reduced pursuant to section 2929.20, section 1272  
2967.19, section 2967.193, or any other provision of Chapter 1273  
2967. or Chapter 5120. of the Revised Code. A court shall not 1274  
impose more than one prison term on an offender under division 1275  
(B) (1) (d) of this section for felonies committed as part of the 1276  
same act or transaction. If a court imposes an additional prison 1277  
term under division (B) (1) (a) or (c) of this section, the court 1278  
is not precluded from imposing an additional prison term under 1279  
division (B) (1) (d) of this section. 1280

(e) The court shall not impose any of the prison terms 1281  
described in division (B) (1) (a) of this section or any of the 1282

additional prison terms described in division (B) (1) (c) of this 1283  
section upon an offender for a violation of section 2923.12 or 1284  
2923.123 of the Revised Code. The court shall not impose any of 1285  
the prison terms described in division (B) (1) (a) or (b) of this 1286  
section upon an offender for a violation of section 2923.122 1287  
that involves a deadly weapon that is a firearm other than a 1288  
dangerous ordnance, section 2923.16, or section 2923.121 of the 1289  
Revised Code. The court shall not impose any of the prison terms 1290  
described in division (B) (1) (a) of this section or any of the 1291  
additional prison terms described in division (B) (1) (c) of this 1292  
section upon an offender for a violation of section 2923.13 of 1293  
the Revised Code unless all of the following apply: 1294

(i) The offender previously has been convicted of 1295  
aggravated murder, murder, or any felony of the first or second 1296  
degree. 1297

(ii) Less than five years have passed since the offender 1298  
was released from prison or post-release control, whichever is 1299  
later, for the prior offense. 1300

(f) (i) If an offender is convicted of or pleads guilty to 1301  
a felony that includes, as an essential element, causing or 1302  
attempting to cause the death of or physical harm to another and 1303  
also is convicted of or pleads guilty to a specification of the 1304  
type described in division (A) of section 2941.1412 of the 1305  
Revised Code that charges the offender with committing the 1306  
offense by discharging a firearm at a peace officer as defined 1307  
in section 2935.01 of the Revised Code or a corrections officer, 1308  
as defined in section 2941.1412 of the Revised Code, the court, 1309  
after imposing a prison term on the offender for the felony 1310  
offense under division (A), (B) (2), or (B) (3) of this section, 1311  
shall impose an additional prison term of seven years upon the 1312

offender that shall not be reduced pursuant to section 2929.20, 1313  
section 2967.19, section 2967.193, or any other provision of 1314  
Chapter 2967. or Chapter 5120. of the Revised Code. 1315

(ii) If an offender is convicted of or pleads guilty to a 1316  
felony that includes, as an essential element, causing or 1317  
attempting to cause the death of or physical harm to another and 1318  
also is convicted of or pleads guilty to a specification of the 1319  
type described in division (B) of section 2941.1412 of the 1320  
Revised Code that charges the offender with committing the 1321  
offense by discharging a firearm at a peace officer, as defined 1322  
in section 2935.01 of the Revised Code, or a corrections 1323  
officer, as defined in section 2941.1412 of the Revised Code, 1324  
and that the offender previously has been convicted of or 1325  
pleaded guilty to a specification of the type described in 1326  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1327  
the Revised Code, the court, after imposing a prison term on the 1328  
offender for the felony offense under division (A), (B) (2), or 1329  
(3) of this section, shall impose an additional prison term of 1330  
one hundred twenty-six months upon the offender that shall not 1331  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1332  
any other provision of Chapter 2967. or 5120. of the Revised 1333  
Code. 1334

(iii) If an offender is convicted of or pleads guilty to 1335  
two or more felonies that include, as an essential element, 1336  
causing or attempting to cause the death or physical harm to 1337  
another and also is convicted of or pleads guilty to a 1338  
specification of the type described under division (B) (1) (f) of 1339  
this section in connection with two or more of the felonies of 1340  
which the offender is convicted or to which the offender pleads 1341  
guilty, the sentencing court shall impose on the offender the 1342  
prison term specified under division (B) (1) (f) of this section 1343

for each of two of the specifications of which the offender is 1344  
convicted or to which the offender pleads guilty and, in its 1345  
discretion, also may impose on the offender the prison term 1346  
specified under that division for any or all of the remaining 1347  
specifications. If a court imposes an additional prison term on 1348  
an offender under division (B) (1) (f) of this section relative to 1349  
an offense, the court shall not impose a prison term under 1350  
division (B) (1) (a) or (c) of this section relative to the same 1351  
offense. 1352

(g) If an offender is convicted of or pleads guilty to two 1353  
or more felonies, if one or more of those felonies are 1354  
aggravated murder, murder, attempted aggravated murder, 1355  
attempted murder, aggravated robbery, felonious assault, or 1356  
rape, and if the offender is convicted of or pleads guilty to a 1357  
specification of the type described under division (B) (1) (a) of 1358  
this section in connection with two or more of the felonies, the 1359  
sentencing court shall impose on the offender the prison term 1360  
specified under division (B) (1) (a) of this section for each of 1361  
the two most serious specifications of which the offender is 1362  
convicted or to which the offender pleads guilty and, in its 1363  
discretion, also may impose on the offender the prison term 1364  
specified under that division for any or all of the remaining 1365  
specifications. 1366

(2) (a) If division (B) (2) (b) of this section does not 1367  
apply, the court may impose on an offender, in addition to the 1368  
longest prison term authorized or required for the offense, an 1369  
additional definite prison term of one, two, three, four, five, 1370  
six, seven, eight, nine, or ten years if all of the following 1371  
criteria are met: 1372

(i) The offender is convicted of or pleads guilty to a 1373

specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender.

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

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

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

(v) The court finds that the prison terms imposed pursuant to division (B) (2) (a) (iii) of this section and, if applicable, division (B) (1) or (3) of this section are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the Revised Code indicating that the offender's conduct is more serious than conduct normally



constituting the offense are present, and they outweigh the 1404  
applicable factors under that section indicating that the 1405  
offender's conduct is less serious than conduct normally 1406  
constituting the offense. 1407

(b) The court shall impose on an offender the longest 1408  
prison term authorized or required for the offense and shall 1409  
impose on the offender an additional definite prison term of 1410  
one, two, three, four, five, six, seven, eight, nine, or ten 1411  
years if all of the following criteria are met: 1412

(i) The offender is convicted of or pleads guilty to a 1413  
specification of the type described in section 2941.149 of the 1414  
Revised Code that the offender is a repeat violent offender. 1415

(ii) The offender within the preceding twenty years has 1416  
been convicted of or pleaded guilty to three or more offenses 1417  
described in division (CC) (1) of section 2929.01 of the Revised 1418  
Code, including all offenses described in that division of which 1419  
the offender is convicted or to which the offender pleads guilty 1420  
in the current prosecution and all offenses described in that 1421  
division of which the offender previously has been convicted or 1422  
to which the offender previously pleaded guilty, whether 1423  
prosecuted together or separately. 1424

(iii) The offense or offenses of which the offender 1425  
currently is convicted or to which the offender currently pleads 1426  
guilty is aggravated murder and the court does not impose a 1427  
sentence of death or life imprisonment without parole, murder, 1428  
terrorism and the court does not impose a sentence of life 1429  
imprisonment without parole, any felony of the first degree that 1430  
is an offense of violence and the court does not impose a 1431  
sentence of life imprisonment without parole, or any felony of 1432  
the second degree that is an offense of violence and the trier 1433

of fact finds that the offense involved an attempt to cause or a threat to cause serious physical harm to a person or resulted in serious physical harm to a person.

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

(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 1464  
specification of the type described in section 2941.1410 of the 1465  
Revised Code charging that the offender is a major drug 1466  
offender, if the court imposing sentence upon an offender for a 1467  
felony finds that the offender is guilty of corrupt activity 1468  
with the most serious offense in the pattern of corrupt activity 1469  
being a felony of the first degree, or if the offender is guilty 1470  
of an attempted violation of section 2907.02 of the Revised Code 1471  
and, had the offender completed the violation of section 2907.02 1472  
of the Revised Code that was attempted, the offender would have 1473  
been subject to a sentence of life imprisonment or life 1474  
imprisonment without parole for the violation of section 2907.02 1475  
of the Revised Code, the court shall impose upon the offender 1476  
for the felony violation a mandatory prison term of the maximum 1477  
prison term prescribed for a felony of the first degree that, 1478  
subject to divisions (C) to (I) of section 2967.19 of the 1479  
Revised Code, cannot be reduced pursuant to section 2929.20, 1480  
section 2967.19, or any other provision of Chapter 2967. or 1481  
5120. of the Revised Code. 1482

(4) If the offender is being sentenced for a third or 1483  
fourth degree felony OVI offense under division (G) (2) of 1484  
section 2929.13 of the Revised Code, the sentencing court shall 1485  
impose upon the offender a mandatory prison term in accordance 1486  
with that division. In addition to the mandatory prison term, if 1487  
the offender is being sentenced for a fourth degree felony OVI 1488  
offense, the court, notwithstanding division (A) (4) of this 1489  
section, may sentence the offender to a definite prison term of 1490  
not less than six months and not more than thirty months, and if 1491  
the offender is being sentenced for a third degree felony OVI 1492  
offense, the sentencing court may sentence the offender to an 1493  
additional prison term of any duration specified in division (A) 1494

(3) of this section. In either case, the additional prison term 1495  
imposed shall be reduced by the sixty or one hundred twenty days 1496  
imposed upon the offender as the mandatory prison term. The 1497  
total of the additional prison term imposed under division (B) 1498  
(4) of this section plus the sixty or one hundred twenty days 1499  
imposed as the mandatory prison term shall equal a definite term 1500  
in the range of six months to thirty months for a fourth degree 1501  
felony OVI offense and shall equal one of the authorized prison 1502  
terms specified in division (A) (3) of this section for a third 1503  
degree felony OVI offense. If the court imposes an additional 1504  
prison term under division (B) (4) of this section, the offender 1505  
shall serve the additional prison term after the offender has 1506  
served the mandatory prison term required for the offense. In 1507  
addition to the mandatory prison term or mandatory and 1508  
additional prison term imposed as described in division (B) (4) 1509  
of this section, the court also may sentence the offender to a 1510  
community control sanction under section 2929.16 or 2929.17 of 1511  
the Revised Code, but the offender shall serve all of the prison 1512  
terms so imposed prior to serving the community control 1513  
sanction. 1514

If the offender is being sentenced for a fourth degree 1515  
felony OVI offense under division (G) (1) of section 2929.13 of 1516  
the Revised Code and the court imposes a mandatory term of local 1517  
incarceration, the court may impose a prison term as described 1518  
in division (A) (1) of that section. 1519

(5) If an offender is convicted of or pleads guilty to a 1520  
violation of division (A) (1) or (2) of section 2903.06 of the 1521  
Revised Code and also is convicted of or pleads guilty to a 1522  
specification of the type described in section 2941.1414 of the 1523  
Revised Code that charges that the victim of the offense is a 1524  
peace officer, as defined in section 2935.01 of the Revised 1525

Code, or an investigator of the bureau of criminal 1526  
identification and investigation, as defined in section 2903.11 1527  
of the Revised Code, the court shall impose on the offender a 1528  
prison term of five years. If a court imposes a prison term on 1529  
an offender under division (B) (5) of this section, the prison 1530  
term, subject to divisions (C) to (I) of section 2967.19 of the 1531  
Revised Code, shall not be reduced pursuant to section 2929.20, 1532  
section 2967.19, section 2967.193, or any other provision of 1533  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1534  
shall not impose more than one prison term on an offender under 1535  
division (B) (5) of this section for felonies committed as part 1536  
of the same act. 1537

(6) If an offender is convicted of or pleads guilty to a 1538  
violation of division (A) (1) or (2) of section 2903.06 of the 1539  
Revised Code and also is convicted of or pleads guilty to a 1540  
specification of the type described in section 2941.1415 of the 1541  
Revised Code that charges that the offender previously has been 1542  
convicted of or pleaded guilty to three or more violations of 1543  
division (A) or (B) of section 4511.19 of the Revised Code or an 1544  
equivalent offense, as defined in section 2941.1415 of the 1545  
Revised Code, or three or more violations of any combination of 1546  
those divisions and offenses, the court shall impose on the 1547  
offender a prison term of three years. If a court imposes a 1548  
prison term on an offender under division (B) (6) of this 1549  
section, the prison term, subject to divisions (C) to (I) of 1550  
section 2967.19 of the Revised Code, shall not be reduced 1551  
pursuant to section 2929.20, section 2967.19, section 2967.193, 1552  
or any other provision of Chapter 2967. or Chapter 5120. of the 1553  
Revised Code. A court shall not impose more than one prison term 1554  
on an offender under division (B) (6) of this section for 1555  
felonies committed as part of the same act. 1556

(7) (a) If an offender is convicted of or pleads guilty to 1557  
a felony violation of section 2905.01, 2905.02, 2907.21, 1558  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 1559  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 1560  
the Revised Code and also is convicted of or pleads guilty to a 1561  
specification of the type described in section 2941.1422 of the 1562  
Revised Code that charges that the offender knowingly committed 1563  
the offense in furtherance of human trafficking, the court shall 1564  
impose on the offender a mandatory prison term that is one of 1565  
the following: 1566

(i) If the offense is a felony of the first degree, a 1567  
definite prison term of not less than five years and not greater 1568  
than ten years; 1569

(ii) If the offense is a felony of the second or third 1570  
degree, a definite prison term of not less than three years and 1571  
not greater than the maximum prison term allowed for the offense 1572  
by division (A) of section 2929.14 of the Revised Code; 1573

(iii) If the offense is a felony of the fourth or fifth 1574  
degree, a definite prison term that is the maximum prison term 1575  
allowed for the offense by division (A) of section 2929.14 of 1576  
the Revised Code. 1577

(b) Subject to divisions (C) to (I) of section 2967.19 of 1578  
the Revised Code, the prison term imposed under division (B) (7) 1579  
(a) of this section shall not be reduced pursuant to section 1580  
2929.20, section 2967.19, section 2967.193, or any other 1581  
provision of Chapter 2967. of the Revised Code. A court shall 1582  
not impose more than one prison term on an offender under 1583  
division (B) (7) (a) of this section for felonies committed as 1584  
part of the same act, scheme, or plan. 1585

(8) If an offender is convicted of or pleads guilty to a 1586  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1587  
Revised Code and also is convicted of or pleads guilty to a 1588  
specification of the type described in section 2941.1423 of the 1589  
Revised Code that charges that the victim of the violation was a 1590  
woman whom the offender knew was pregnant at the time of the 1591  
violation, notwithstanding the range of prison terms prescribed 1592  
in division (A) of this section for felonies of the same degree 1593  
as the violation, the court shall impose on the offender a 1594  
mandatory prison term that is either a definite prison term of 1595  
six months or one of the prison terms prescribed in section 1596  
2929.14 of the Revised Code for felonies of the same degree as 1597  
the violation. 1598

(9) (a) If an offender is convicted of or pleads guilty to 1599  
a violation of division (A) (1) or (2) of section 2903.11 of the 1600  
Revised Code and also is convicted of or pleads guilty to a 1601  
specification of the type described in section 2941.1425 of the 1602  
Revised Code, the court shall impose on the offender a mandatory 1603  
prison term of six years if either of the following applies: 1604

(i) The violation is a violation of division (A) (1) of 1605  
section 2903.11 of the Revised Code and the specification 1606  
charges that the offender used an accelerant in committing the 1607  
violation and the serious physical harm to another or to 1608  
another's unborn caused by the violation resulted in a 1609  
permanent, serious disfigurement or permanent, substantial 1610  
incapacity; 1611

(ii) The violation is a violation of division (A) (2) of 1612  
section 2903.11 of the Revised Code and the specification 1613  
charges that the offender used an accelerant in committing the 1614  
violation, that the violation caused physical harm to another or 1615

to another's unborn, and that the physical harm resulted in a 1616  
permanent, serious disfigurement or permanent, substantial 1617  
incapacity. 1618

(b) If a court imposes a prison term on an offender under 1619  
division (B) (9) (a) of this section, the prison term shall not be 1620  
reduced pursuant to section 2929.20, section 2967.19, section 1621  
2967.193, or any other provision of Chapter 2967. or Chapter 1622  
5120. of the Revised Code. A court shall not impose more than 1623  
one prison term on an offender under division (B) (9) of this 1624  
section for felonies committed as part of the same act. 1625

(c) The provisions of divisions (B) (9) and (C) (6) of this 1626  
section and of division (D) (2) of section 2903.11, division (F) 1627  
(20) of section 2929.13, and section 2941.1425 of the Revised 1628  
Code shall be known as "Judy's Law." 1629

(10) If an offender is convicted of or pleads guilty to a 1630  
violation of division (A) of section 2903.11 of the Revised Code 1631  
and also is convicted of or pleads guilty to a specification of 1632  
the type described in section 2941.1426 of the Revised Code that 1633  
charges that the victim of the offense suffered permanent 1634  
disabling harm as a result of the offense and that the victim 1635  
was under ten years of age at the time of the offense, 1636  
regardless of whether the offender knew the age of the victim, 1637  
the court shall impose upon the offender an additional definite 1638  
prison term of six years. A prison term imposed on an offender 1639  
under division (B) (10) of this section shall not be reduced 1640  
pursuant to section 2929.20, section 2967.193, or any other 1641  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1642  
If a court imposes an additional prison term on an offender 1643  
under this division relative to a violation of division (A) of 1644  
section 2903.11 of the Revised Code, the court shall not impose 1645



any other additional prison term on the offender relative to the 1646  
same offense. 1647

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1648  
if a mandatory prison term is imposed upon an offender pursuant 1649  
to division (B) (1) (a) of this section for having a firearm on or 1650  
about the offender's person or under the offender's control 1651  
while committing a felony, if a mandatory prison term is imposed 1652  
upon an offender pursuant to division (B) (1) (c) of this section 1653  
for committing a felony specified in that division by 1654  
discharging a firearm from a motor vehicle, or if both types of 1655  
mandatory prison terms are imposed, the offender shall serve any 1656  
mandatory prison term imposed under either division 1657  
consecutively to any other mandatory prison term imposed under 1658  
either division or under division (B) (1) (d) of this section, 1659  
consecutively to and prior to any prison term imposed for the 1660  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1661  
this section or any other section of the Revised Code, and 1662  
consecutively to any other prison term or mandatory prison term 1663  
previously or subsequently imposed upon the offender. 1664

(b) If a mandatory prison term is imposed upon an offender 1665  
pursuant to division (B) (1) (d) of this section for wearing or 1666  
carrying body armor while committing an offense of violence that 1667  
is a felony, the offender shall serve the mandatory term so 1668  
imposed consecutively to any other mandatory prison term imposed 1669  
under that division or under division (B) (1) (a) or (c) of this 1670  
section, consecutively to and prior to any prison term imposed 1671  
for the underlying felony under division (A), (B) (2), or (B) (3) 1672  
of this section or any other section of the Revised Code, and 1673  
consecutively to any other prison term or mandatory prison term 1674  
previously or subsequently imposed upon the offender. 1675

(c) If a mandatory prison term is imposed upon an offender 1676  
pursuant to division (B) (1) (f) of this section, the offender 1677  
shall serve the mandatory prison term so imposed consecutively 1678  
to and prior to any prison term imposed for the underlying 1679  
felony under division (A), (B) (2), or (B) (3) of this section or 1680  
any other section of the Revised Code, and consecutively to any 1681  
other prison term or mandatory prison term previously or 1682  
subsequently imposed upon the offender. 1683

(d) If a mandatory prison term is imposed upon an offender 1684  
pursuant to division (B) (7) or (8) of this section, the offender 1685  
shall serve the mandatory prison term so imposed consecutively 1686  
to any other mandatory prison term imposed under that division 1687  
or under any other provision of law and consecutively to any 1688  
other prison term or mandatory prison term previously or 1689  
subsequently imposed upon the offender. 1690

(2) If an offender who is an inmate in a jail, prison, or 1691  
other residential detention facility violates section 2917.02, 1692  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1693  
(2) of section 2921.34 of the Revised Code, if an offender who 1694  
is under detention at a detention facility commits a felony 1695  
violation of section 2923.131 of the Revised Code, or if an 1696  
offender who is an inmate in a jail, prison, or other 1697  
residential detention facility or is under detention at a 1698  
detention facility commits another felony while the offender is 1699  
an escapee in violation of division (A) (1) or (2) of section 1700  
2921.34 of the Revised Code, any prison term imposed upon the 1701  
offender for one of those violations shall be served by the 1702  
offender consecutively to the prison term or term of 1703  
imprisonment the offender was serving when the offender 1704  
committed that offense and to any other prison term previously 1705  
or subsequently imposed upon the offender. 1706

(3) If a prison term is imposed for a violation of 1707  
division (B) of section 2911.01 of the Revised Code, a violation 1708  
of division (A) of section 2913.02 of the Revised Code in which 1709  
the stolen property is a firearm or dangerous ordnance, or a 1710  
felony violation of division (B) of section 2921.331 of the 1711  
Revised Code, the offender shall serve that prison term 1712  
consecutively to any other prison term or mandatory prison term 1713  
previously or subsequently imposed upon the offender. 1714

(4) If multiple prison terms are imposed on an offender 1715  
for convictions of multiple offenses, the court may require the 1716  
offender to serve the prison terms consecutively if the court 1717  
finds that the consecutive service is necessary to protect the 1718  
public from future crime or to punish the offender and that 1719  
consecutive sentences are not disproportionate to the 1720  
seriousness of the offender's conduct and to the danger the 1721  
offender poses to the public, and if the court also finds any of 1722  
the following: 1723

(a) The offender committed one or more of the multiple 1724  
offenses while the offender was awaiting trial or sentencing, 1725  
was under a sanction imposed pursuant to section 2929.16, 1726  
2929.17, or 2929.18 of the Revised Code, or was under post- 1727  
release control for a prior offense. 1728

(b) At least two of the multiple offenses were committed 1729  
as part of one or more courses of conduct, and the harm caused 1730  
by two or more of the multiple offenses so committed was so 1731  
great or unusual that no single prison term for any of the 1732  
offenses committed as part of any of the courses of conduct 1733  
adequately reflects the seriousness of the offender's conduct. 1734

(c) The offender's history of criminal conduct 1735  
demonstrates that consecutive sentences are necessary to protect 1736

the public from future crime by the offender. 1737

(5) If a mandatory prison term is imposed upon an offender 1738  
pursuant to division (B) (5) or (6) of this section, the offender 1739  
shall serve the mandatory prison term consecutively to and prior 1740  
to any prison term imposed for the underlying violation of 1741  
division (A) (1) or (2) of section 2903.06 of the Revised Code 1742  
pursuant to division (A) of this section or section 2929.142 of 1743  
the Revised Code. If a mandatory prison term is imposed upon an 1744  
offender pursuant to division (B) (5) of this section, and if a 1745  
mandatory prison term also is imposed upon the offender pursuant 1746  
to division (B) (6) of this section in relation to the same 1747  
violation, the offender shall serve the mandatory prison term 1748  
imposed pursuant to division (B) (5) of this section 1749  
consecutively to and prior to the mandatory prison term imposed 1750  
pursuant to division (B) (6) of this section and consecutively to 1751  
and prior to any prison term imposed for the underlying 1752  
violation of division (A) (1) or (2) of section 2903.06 of the 1753  
Revised Code pursuant to division (A) of this section or section 1754  
2929.142 of the Revised Code. 1755

(6) If a mandatory prison term is imposed on an offender 1756  
pursuant to division (B) (9) of this section, the offender shall 1757  
serve the mandatory prison term consecutively to and prior to 1758  
any prison term imposed for the underlying violation of division 1759  
(A) (1) or (2) of section 2903.11 of the Revised Code and 1760  
consecutively to and prior to any other prison term or mandatory 1761  
prison term previously or subsequently imposed on the offender. 1762

(7) If a mandatory prison term is imposed on an offender 1763  
pursuant to division (B) (10) of this section, the offender shall 1764  
serve that mandatory prison term consecutively to and prior to 1765  
any prison term imposed for the underlying felonious assault. 1766

Except as otherwise provided in division (C) of this section, 1767  
any other prison term or mandatory prison term previously or 1768  
subsequently imposed upon the offender may be served 1769  
concurrently with, or consecutively to, the prison term imposed 1770  
pursuant to division (B)(10) of this section. 1771

(8) When consecutive prison terms are imposed pursuant to 1772  
division (C)(1), (2), (3), (4), (5), ~~or (6)~~, or (7) or division 1773  
(H)(1) or (2) of this section, the term to be served is the 1774  
aggregate of all of the terms so imposed. 1775

(D)(1) If a court imposes a prison term for a felony of 1776  
the first degree, for a felony of the second degree, for a 1777  
felony sex offense, or for a felony of the third degree that is 1778  
not a felony sex offense and in the commission of which the 1779  
offender caused or threatened to cause physical harm to a 1780  
person, it shall include in the sentence a requirement that the 1781  
offender be subject to a period of post-release control after 1782  
the offender's release from imprisonment, in accordance with 1783  
that division. If a court imposes a sentence including a prison 1784  
term of a type described in this division on or after July 11, 1785  
2006, the failure of a court to include a post-release control 1786  
requirement in the sentence pursuant to this division does not 1787  
negate, limit, or otherwise affect the mandatory period of post- 1788  
release control that is required for the offender under division 1789  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1790  
the Revised Code applies if, prior to July 11, 2006, a court 1791  
imposed a sentence including a prison term of a type described 1792  
in this division and failed to include in the sentence pursuant 1793  
to this division a statement regarding post-release control. 1794

(2) If a court imposes a prison term for a felony of the 1795  
third, fourth, or fifth degree that is not subject to division 1796

(D) (1) of this section, it shall include in the sentence a 1797  
requirement that the offender be subject to a period of post- 1798  
release control after the offender's release from imprisonment, 1799  
in accordance with that division, if the parole board determines 1800  
that a period of post-release control is necessary. Section 1801  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1802  
a court imposed a sentence including a prison term of a type 1803  
described in this division and failed to include in the sentence 1804  
pursuant to this division a statement regarding post-release 1805  
control. 1806

(E) The court shall impose sentence upon the offender in 1807  
accordance with section 2971.03 of the Revised Code, and Chapter 1808  
2971. of the Revised Code applies regarding the prison term or 1809  
term of life imprisonment without parole imposed upon the 1810  
offender and the service of that term of imprisonment if any of 1811  
the following apply: 1812

(1) A person is convicted of or pleads guilty to a violent 1813  
sex offense or a designated homicide, assault, or kidnapping 1814  
offense, and, in relation to that offense, the offender is 1815  
adjudicated a sexually violent predator. 1816

(2) A person is convicted of or pleads guilty to a 1817  
violation of division (A) (1) (b) of section 2907.02 of the 1818  
Revised Code committed on or after January 2, 2007, and either 1819  
the court does not impose a sentence of life without parole when 1820  
authorized pursuant to division (B) of section 2907.02 of the 1821  
Revised Code, or division (B) of section 2907.02 of the Revised 1822  
Code provides that the court shall not sentence the offender 1823  
pursuant to section 2971.03 of the Revised Code. 1824

(3) A person is convicted of or pleads guilty to attempted 1825  
rape committed on or after January 2, 2007, and a specification 1826

of the type described in section 2941.1418, 2941.1419, or 1827  
2941.1420 of the Revised Code. 1828

(4) A person is convicted of or pleads guilty to a 1829  
violation of section 2905.01 of the Revised Code committed on or 1830  
after January 1, 2008, and that section requires the court to 1831  
sentence the offender pursuant to section 2971.03 of the Revised 1832  
Code. 1833

(5) A person is convicted of or pleads guilty to 1834  
aggravated murder committed on or after January 1, 2008, and 1835  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1836  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1837  
(d) of section 2929.03, or division (A) or (B) of section 1838  
2929.06 of the Revised Code requires the court to sentence the 1839  
offender pursuant to division (B) (3) of section 2971.03 of the 1840  
Revised Code. 1841

(6) A person is convicted of or pleads guilty to murder 1842  
committed on or after January 1, 2008, and division (B) (2) of 1843  
section 2929.02 of the Revised Code requires the court to 1844  
sentence the offender pursuant to section 2971.03 of the Revised 1845  
Code. 1846

(F) If a person who has been convicted of or pleaded 1847  
guilty to a felony is sentenced to a prison term or term of 1848  
imprisonment under this section, sections 2929.02 to 2929.06 of 1849  
the Revised Code, section 2929.142 of the Revised Code, section 1850  
2971.03 of the Revised Code, or any other provision of law, 1851  
section 5120.163 of the Revised Code applies regarding the 1852  
person while the person is confined in a state correctional 1853  
institution. 1854

(G) If an offender who is convicted of or pleads guilty to 1855

a felony that is an offense of violence also is convicted of or 1856  
pleads guilty to a specification of the type described in 1857  
section 2941.142 of the Revised Code that charges the offender 1858  
with having committed the felony while participating in a 1859  
criminal gang, the court shall impose upon the offender an 1860  
additional prison term of one, two, or three years. 1861

(H) (1) If an offender who is convicted of or pleads guilty 1862  
to aggravated murder, murder, or a felony of the first, second, 1863  
or third degree that is an offense of violence also is convicted 1864  
of or pleads guilty to a specification of the type described in 1865  
section 2941.143 of the Revised Code that charges the offender 1866  
with having committed the offense in a school safety zone or 1867  
towards a person in a school safety zone, the court shall impose 1868  
upon the offender an additional prison term of two years. The 1869  
offender shall serve the additional two years consecutively to 1870  
and prior to the prison term imposed for the underlying offense. 1871

(2) (a) If an offender is convicted of or pleads guilty to 1872  
a felony violation of section 2907.22, 2907.24, 2907.241, or 1873  
2907.25 of the Revised Code and to a specification of the type 1874  
described in section 2941.1421 of the Revised Code and if the 1875  
court imposes a prison term on the offender for the felony 1876  
violation, the court may impose upon the offender an additional 1877  
prison term as follows: 1878

(i) Subject to division (H) (2) (a) (ii) of this section, an 1879  
additional prison term of one, two, three, four, five, or six 1880  
months; 1881

(ii) If the offender previously has been convicted of or 1882  
pleaded guilty to one or more felony or misdemeanor violations 1883  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1884  
the Revised Code and also was convicted of or pleaded guilty to 1885



a specification of the type described in section 2941.1421 of 1886  
the Revised Code regarding one or more of those violations, an 1887  
additional prison term of one, two, three, four, five, six, 1888  
seven, eight, nine, ten, eleven, or twelve months. 1889

(b) In lieu of imposing an additional prison term under 1890  
division (H) (2) (a) of this section, the court may directly 1891  
impose on the offender a sanction that requires the offender to 1892  
wear a real-time processing, continual tracking electronic 1893  
monitoring device during the period of time specified by the 1894  
court. The period of time specified by the court shall equal the 1895  
duration of an additional prison term that the court could have 1896  
imposed upon the offender under division (H) (2) (a) of this 1897  
section. A sanction imposed under this division shall commence 1898  
on the date specified by the court, provided that the sanction 1899  
shall not commence until after the offender has served the 1900  
prison term imposed for the felony violation of section 2907.22, 1901  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1902  
residential sanction imposed for the violation under section 1903  
2929.16 of the Revised Code. A sanction imposed under this 1904  
division shall be considered to be a community control sanction 1905  
for purposes of section 2929.15 of the Revised Code, and all 1906  
provisions of the Revised Code that pertain to community control 1907  
sanctions shall apply to a sanction imposed under this division, 1908  
except to the extent that they would by their nature be clearly 1909  
inapplicable. The offender shall pay all costs associated with a 1910  
sanction imposed under this division, including the cost of the 1911  
use of the monitoring device. 1912

(I) At the time of sentencing, the court may recommend the 1913  
offender for placement in a program of shock incarceration under 1914  
section 5120.031 of the Revised Code or for placement in an 1915  
intensive program prison under section 5120.032 of the Revised 1916

Code, disapprove placement of the offender in a program of shock 1917  
incarceration or an intensive program prison of that nature, or 1918  
make no recommendation on placement of the offender. In no case 1919  
shall the department of rehabilitation and correction place the 1920  
offender in a program or prison of that nature unless the 1921  
department determines as specified in section 5120.031 or 1922  
5120.032 of the Revised Code, whichever is applicable, that the 1923  
offender is eligible for the placement. 1924

If the court disapproves placement of the offender in a 1925  
program or prison of that nature, the department of 1926  
rehabilitation and correction shall not place the offender in 1927  
any program of shock incarceration or intensive program prison. 1928

If the court recommends placement of the offender in a 1929  
program of shock incarceration or in an intensive program 1930  
prison, and if the offender is subsequently placed in the 1931  
recommended program or prison, the department shall notify the 1932  
court of the placement and shall include with the notice a brief 1933  
description of the placement. 1934

If the court recommends placement of the offender in a 1935  
program of shock incarceration or in an intensive program prison 1936  
and the department does not subsequently place the offender in 1937  
the recommended program or prison, the department shall send a 1938  
notice to the court indicating why the offender was not placed 1939  
in the recommended program or prison. 1940

If the court does not make a recommendation under this 1941  
division with respect to an offender and if the department 1942  
determines as specified in section 5120.031 or 5120.032 of the 1943  
Revised Code, whichever is applicable, that the offender is 1944  
eligible for placement in a program or prison of that nature, 1945  
the department shall screen the offender and determine if there 1946

is an available program of shock incarceration or an intensive 1947  
program prison for which the offender is suited. If there is an 1948  
available program of shock incarceration or an intensive program 1949  
prison for which the offender is suited, the department shall 1950  
notify the court of the proposed placement of the offender as 1951  
specified in section 5120.031 or 5120.032 of the Revised Code 1952  
and shall include with the notice a brief description of the 1953  
placement. The court shall have ten days from receipt of the 1954  
notice to disapprove the placement. 1955

(J) If a person is convicted of or pleads guilty to 1956  
aggravated vehicular homicide in violation of division (A) (1) of 1957  
section 2903.06 of the Revised Code and division (B) (2) (c) of 1958  
that section applies, the person shall be sentenced pursuant to 1959  
section 2929.142 of the Revised Code. 1960

(K) (1) The court shall impose an additional mandatory 1961  
prison term of two, three, four, five, six, seven, eight, nine, 1962  
ten, or eleven years on an offender who is convicted of or 1963  
pleads guilty to a violent felony offense if the offender also 1964  
is convicted of or pleads guilty to a specification of the type 1965  
described in section 2941.1424 of the Revised Code that charges 1966  
that the offender is a violent career criminal and had a firearm 1967  
on or about the offender's person or under the offender's 1968  
control while committing the presently charged violent felony 1969  
offense and displayed or brandished the firearm, indicated that 1970  
the offender possessed a firearm, or used the firearm to 1971  
facilitate the offense. The offender shall serve the prison term 1972  
imposed under this division consecutively to and prior to the 1973  
prison term imposed for the underlying offense. The prison term 1974  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1975  
any other provision of Chapter 2967. or 5120. of the Revised 1976  
Code. A court may not impose more than one sentence under 1977

division (B) (2) (a) of this section and this division for acts 1978  
committed as part of the same act or transaction. 1979

(2) As used in division (K) (1) of this section, "violent 1980  
career criminal" and "violent felony offense" have the same 1981  
meanings as in section 2923.132 of the Revised Code. 1982

Sec. 2941.1426. (A) Imposition of a mandatory prison term 1983  
of six years upon an offender under division (B) (10) of section 1984  
2929.14 of the Revised Code is precluded unless the offender is 1985  
convicted of or pleads guilty to a violation of division (A) of 1986  
section 2903.11 of the Revised Code and unless the indictment, 1987  
count, or information charging the offense specifies that the 1988  
victim of the offense suffered permanent disabling harm as a 1989  
result of the offense and that the victim was under ten years of 1990  
age at the time of the offense, regardless of whether the 1991  
offender knew the age of the victim. The specification shall be 1992  
stated at the end of the body of the indictment, count, or 1993  
information and shall be stated in substantially the following 1994  
form: 1995

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1996  
Grand Jurors (or insert the person's or the prosecuting 1997  
attorney's name when appropriate) further find and specify that 1998  
(set forth that the victim of the offense suffered permanent 1999  
disabling harm as a result of the offense and that the victim 2000  
was under ten years of age at the time of the offense, 2001  
regardless of whether the offender knew the age of the victim)." 2002

(B) Imposition of a mandatory prison term of six years 2003  
upon an offender under division (B) (10) of section 2929.14 of 2004  
the Revised Code is precluded if a court imposes any other 2005  
additional prison term on the offender relative to the same 2006  
offense. 2007

<u>(C) As used in this section, "permanent disabling harm"</u>	2008
<u>has the same meaning as in section 2929.01 of the Revised Code.</u>	2009
<b>Section 2.</b> That existing sections 2903.11, 2929.01,	2010
2929.13, and 2929.14 of the Revised Code are hereby repealed.	2011
<b>Section 3.</b> This act shall be known as "Destiny's Law."	2012