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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

A BILL

To amend sections 2903.11, 2919.22, 2929.01, 1
2929.13, and 2929.14 and to enact section 2
2941.1425 of the Revised Code to require an 3
additional prison term of 3 to 8 years for an 4
offender who is convicted in specified 5
circumstances of a felony offense of endangering 6
children or felonious assault of a child if the 7
offender also is convicted of a specification 8
that the victim suffered permanent disabling 9
harm and to name the act "Destiny's Law." 10

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

Section 1. That sections 2903.11, 2919.22, 2929.01, 11
2929.13, and 2929.14 be amended and section 2941.1425 of the 12
Revised Code be enacted to read as follows: 13

Sec. 2903.11. (A) No person shall knowingly do either of 14
the following: 15

(1) Cause serious physical harm to another or to another's 16

unborn;	17
(2) Cause or attempt to cause physical harm to another or	18
to another's unborn by means of a deadly weapon or dangerous	19
ordnance.	20
(B) No person, with knowledge that the person has tested	21
positive as a carrier of a virus that causes acquired	22
immunodeficiency syndrome, shall knowingly do any of the	23
following:	24
(1) Engage in sexual conduct with another person without	25
disclosing that knowledge to the other person prior to engaging	26
in the sexual conduct;	27
(2) Engage in sexual conduct with a person whom the	28
offender knows or has reasonable cause to believe lacks the	29
mental capacity to appreciate the significance of the knowledge	30
that the offender has tested positive as a carrier of a virus	31
that causes acquired immunodeficiency syndrome;	32
(3) Engage in sexual conduct with a person under eighteen	33
years of age who is not the spouse of the offender.	34
(C) The prosecution of a person under this section does	35
not preclude prosecution of that person under section 2907.02 of	36
the Revised Code.	37
(D) (1) (a) Whoever violates this section is guilty of	38
felonious assault. Except as otherwise provided in this division	39
or division (D) (1) (b) of this section, felonious assault is a	40
felony of the second degree. If the victim of a violation of	41
division (A) of this section is a peace officer or an	42
investigator of the bureau of criminal identification and	43
investigation, felonious assault is a felony of the first	44
degree.	45

(b) Regardless of whether the felonious assault is a 46
felony of the first or second degree under division (D) (1) (a) of 47
this section, if the offender also is convicted of or pleads 48
guilty to a specification as described in section 2941.1423 of 49
the Revised Code that was included in the indictment, count in 50
the indictment, or information charging the offense, except as 51
otherwise provided in this division or unless a longer prison 52
term is required under any other provision of law, the court 53
shall sentence the offender to a mandatory prison term as 54
provided in division (B) (8) of section 2929.14 of the Revised 55
Code. If the victim of the offense is a peace officer or an 56
investigator of the bureau of criminal identification and 57
investigation, and if the victim suffered serious physical harm 58
as a result of the commission of the offense, felonious assault 59
is a felony of the first degree, and the court, pursuant to 60
division (F) of section 2929.13 of the Revised Code, shall 61
impose as a mandatory prison term one of the prison terms 62
prescribed for a felony of the first degree. 63

(2) In addition to any other sanctions imposed pursuant to 64
division (D) (1) of this section for felonious assault committed 65
in violation of division (A) (2) of this section, if the deadly 66
weapon used in the commission of the violation is a motor 67
vehicle, the court shall impose upon the offender a class two 68
suspension of the offender's driver's license, commercial 69
driver's license, temporary instruction permit, probationary 70
license, or nonresident operating privilege as specified in 71
division (A) (2) of section 4510.02 of the Revised Code. 72

(3) If the victim of a felonious assault committed in 73
violation of division (A) or (B) of this section is a child 74
under thirteen years of age or a mentally or physically 75
handicapped child under twenty-one years of age and if the 76

offender also is convicted of or pleads guilty to a 77
specification as described in section 2941.1425 of the Revised 78
Code that was included in the indictment, count in the 79
indictment, or information and that charges that the victim of 80
the offense suffered permanent disabling harm as a result of the 81
offense, in addition to any other penalty or sanction imposed 82
for the violation, the court shall sentence the offender to a 83
mandatory prison term pursuant to division (B) (9) of section 84
2929.14 of the Revised Code. 85

(E) As used in this section: 86

(1) "Deadly weapon" and "dangerous ordnance" have the same 87
meanings as in section 2923.11 of the Revised Code. 88

(2) "Motor vehicle" has the same meaning as in section 89
4501.01 of the Revised Code. 90

(3) "Peace officer" has the same meaning as in section 91
2935.01 of the Revised Code. 92

(4) "Sexual conduct" has the same meaning as in section 93
2907.01 of the Revised Code, except that, as used in this 94
section, it does not include the insertion of an instrument, 95
apparatus, or other object that is not a part of the body into 96
the vaginal or anal opening of another, unless the offender knew 97
at the time of the insertion that the instrument, apparatus, or 98
other object carried the offender's bodily fluid. 99

(5) "Investigator of the bureau of criminal identification 100
and investigation" means an investigator of the bureau of 101
criminal identification and investigation who is commissioned by 102
the superintendent of the bureau as a special agent for the 103
purpose of assisting law enforcement officers or providing 104
emergency assistance to peace officers pursuant to authority 105

granted under section 109.541 of the Revised Code. 106

(6) "Investigator" has the same meaning as in section 107
109.541 of the Revised Code. 108

(7) "Permanent disabling harm" has the same meaning as in 109
section 2929.01 of the Revised Code. 110

Sec. 2919.22. (A) No person, who is the parent, guardian, 111
custodian, person having custody or control, or person in loco 112
parentis of a child under eighteen years of age or a mentally or 113
physically handicapped child under twenty-one years of age, 114
shall create a substantial risk to the health or safety of the 115
child, by violating a duty of care, protection, or support. It 116
is not a violation of a duty of care, protection, or support 117
under this division when the parent, guardian, custodian, or 118
person having custody or control of a child treats the physical 119
or mental illness or defect of the child by spiritual means 120
through prayer alone, in accordance with the tenets of a 121
recognized religious body. 122

(B) No person shall do any of the following to a child 123
under eighteen years of age or a mentally or physically 124
handicapped child under twenty-one years of age: 125

(1) Abuse the child; 126

(2) Torture or cruelly abuse the child; 127

(3) Administer corporal punishment or other physical 128
disciplinary measure, or physically restrain the child in a 129
cruel manner or for a prolonged period, which punishment, 130
discipline, or restraint is excessive under the circumstances 131
and creates a substantial risk of serious physical harm to the 132
child; 133

(4) Repeatedly administer unwarranted disciplinary 134
measures to the child, when there is a substantial risk that 135
such conduct, if continued, will seriously impair or retard the 136
child's mental health or development; 137

(5) Entice, coerce, permit, encourage, compel, hire, 138
employ, use, or allow the child to act, model, or in any other 139
way participate in, or be photographed for, the production, 140
presentation, dissemination, or advertisement of any material or 141
performance that the offender knows or reasonably should know is 142
obscene, is sexually oriented matter, or is nudity-oriented 143
matter; 144

(6) Allow the child to be on the same parcel of real 145
property and within one hundred feet of, or, in the case of more 146
than one housing unit on the same parcel of real property, in 147
the same housing unit and within one hundred feet of, any act in 148
violation of section 2925.04 or 2925.041 of the Revised Code 149
when the person knows that the act is occurring, whether or not 150
any person is prosecuted for or convicted of the violation of 151
section 2925.04 or 2925.041 of the Revised Code that is the 152
basis of the violation of this division. 153

(C) (1) No person shall operate a vehicle, streetcar, or 154
trackless trolley within this state in violation of division (A) 155
of section 4511.19 of the Revised Code when one or more children 156
under eighteen years of age are in the vehicle, streetcar, or 157
trackless trolley. Notwithstanding any other provision of law, a 158
person may be convicted at the same trial or proceeding of a 159
violation of this division and a violation of division (A) of 160
section 4511.19 of the Revised Code that constitutes the basis 161
of the charge of the violation of this division. For purposes of 162
sections 4511.191 to 4511.197 of the Revised Code and all 163

related provisions of law, a person arrested for a violation of 164
this division shall be considered to be under arrest for 165
operating a vehicle while under the influence of alcohol, a drug 166
of abuse, or a combination of them or for operating a vehicle 167
with a prohibited concentration of alcohol, a controlled 168
substance, or a metabolite of a controlled substance in the 169
whole blood, blood serum or plasma, breath, or urine. 170

(2) As used in division (C) (1) of this section: 171

(a) "Controlled substance" has the same meaning as in 172
section 3719.01 of the Revised Code. 173

(b) "Vehicle," "streetcar," and "trackless trolley" have 174
the same meanings as in section 4511.01 of the Revised Code. 175

(D) (1) Division (B) (5) of this section does not apply to 176
any material or performance that is produced, presented, or 177
disseminated for a bona fide medical, scientific, educational, 178
religious, governmental, judicial, or other proper purpose, by 179
or to a physician, psychologist, sociologist, scientist, 180
teacher, person pursuing bona fide studies or research, 181
librarian, member of the clergy, prosecutor, judge, or other 182
person having a proper interest in the material or performance. 183

(2) Mistake of age is not a defense to a charge under 184
division (B) (5) of this section. 185

(3) In a prosecution under division (B) (5) of this 186
section, the trier of fact may infer that an actor, model, or 187
participant in the material or performance involved is a 188
juvenile if the material or performance, through its title, 189
text, visual representation, or otherwise, represents or depicts 190
the actor, model, or participant as a juvenile. 191

(4) As used in this division and division (B) (5) of this 192

section:	193
(a) "Material," "performance," "obscene," and "sexual activity" have the same meanings as in section 2907.01 of the Revised Code.	194 195 196
(b) "Nudity-oriented matter" means any material or performance that shows a minor in a state of nudity and that, taken as a whole by the average person applying contemporary community standards, appeals to prurient interest.	197 198 199 200
(c) "Sexually oriented matter" means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality.	201 202 203
(E) (1) Whoever violates this section is guilty of endangering children.	204 205
(2) If the offender violates division (A) or (B) (1) of this section, endangering children is one of the following, and, in the circumstances described in division (E) (2) (e) <u>or (E) (6)</u> of this section, that division applies:	206 207 208 209
(a) Except as otherwise provided in division (E) (2) (b), (c), or (d) of this section, a misdemeanor of the first degree;	210 211
(b) If the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (E) (2) (c) or (d) of this section, a felony of the fourth degree;	212 213 214 215 216
(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, a felony of the third degree;	217 218 219
(d) If the violation is a violation of division (B) (1) of	220

this section and results in serious physical harm to the child 221
involved, a felony of the second degree. 222

(e) If the violation is a felony violation of division (B) 223
(1) of this section and the offender also is convicted of or 224
pleads guilty to a specification as described in section 225
2941.1422 of the Revised Code that was included in the 226
indictment, count in the indictment, or information charging the 227
offense, the court shall sentence the offender to a mandatory 228
prison term as provided in division (B) (7) of section 2929.14 of 229
the Revised Code and shall order the offender to make 230
restitution as provided in division (B) (8) of section 2929.18 of 231
the Revised Code. 232

(3) If the offender violates division (B) (2), (3), (4), or 233
(6) of this section, except endangering children is one of the 234
following and, in the circumstances described in division (E) (3) 235
(c) or (d) or (E) (6) of this section, that division applies: 236

(a) Except as otherwise provided in this division (E) (3) 237
(b) of this section, endangering children is a felony of the 238
third degree. ~~If;~~ 239

(b) If the violation results in serious physical harm to 240
the child involved, or if the offender previously has been 241
convicted of an offense under this section or of any offense 242
involving neglect, abandonment, contributing to the delinquency 243
of, or physical abuse of a child, ~~endangering children is a~~ 244
felony of the second degree. ~~If;~~ 245

(c) If the ~~offender violates~~ violation is a violation of 246
division (B) (2), (3), or (4) of this section and the offender 247
also is convicted of or pleads guilty to a specification as 248
described in section 2941.1422 of the Revised Code that was 249

included in the indictment, count in the indictment, or 250
information charging the offense, the court shall sentence the 251
offender to a mandatory prison term as provided in division (B) 252
(7) of section 2929.14 of the Revised Code and shall order the 253
offender to make restitution as provided in division (B) (8) of 254
section 2929.18 of the Revised Code. ~~If~~ 255

(d) If the offender violates, violation is a violation of 256
division (B) (6) of this section and the drug involved is 257
methamphetamine, the court shall impose a mandatory prison term 258
on the offender as follows: 259

~~(a) (i) If the violation is a violation of division (B) (6)~~ 260
~~of this section that~~ is a felony of the third degree under 261
division (E) (3) (a) of this section and the drug involved is 262
methamphetamine, except as otherwise provided in this division, 263
the court shall impose as a mandatory prison term one of the 264
prison terms prescribed for a felony of the third degree that is 265
not less than two years. ~~If the violation is a violation of~~ 266
~~division (B) (6) of this section that~~ is a felony of the third 267
degree under division (E) (3) (a) of this section, if the drug 268
involved is methamphetamine, and if the offender previously has 269
been convicted of or pleaded guilty to a violation of division 270
(B) (6) of this section, a violation of division (A) of section 271
2925.04 of the Revised Code, or a violation of division (A) of 272
section 2925.041 of the Revised Code, the court shall impose as 273
a mandatory prison term one of the prison terms prescribed for a 274
felony of the third degree that is not less than five years. 275

~~(b) (ii) If the violation is a violation of division (B) (6)~~ 276
~~of this section that~~ is a felony of the second degree under 277
division (E) (3) (b) of this section and the drug involved is 278
methamphetamine, except as otherwise provided in this division, 279

the court shall impose as a mandatory prison term one of the 280
prison terms prescribed for a felony of the second degree that 281
is not less than three years. If the violation ~~is a violation of~~ 282
~~division (B) (6) of this section that~~ is a felony of the second 283
degree under division (E) (3) (b) of this section, if the drug 284
involved is methamphetamine, and if the offender previously has 285
been convicted of or pleaded guilty to a violation of division 286
(B) (6) of this section, a violation of division (A) of section 287
2925.04 of the Revised Code, or a violation of division (A) of 288
section 2925.041 of the Revised Code, the court shall impose as 289
a mandatory prison term one of the prison terms prescribed for a 290
felony of the second degree that is not less than five years. 291

(4) If the offender violates division (B) (5) of this 292
section, endangering children is a felony of the second degree. 293
If the offender also is convicted of or pleads guilty to a 294
specification as described in section 2941.1422 of the Revised 295
Code that was included in the indictment, count in the 296
indictment, or information charging the offense, the court shall 297
sentence the offender to a mandatory prison term as provided in 298
division (B) (7) of section 2929.14 of the Revised Code and shall 299
order the offender to make restitution as provided in division 300
(B) (8) of section 2929.18 of the Revised Code. 301

(5) If the offender violates division (C) of this section, 302
the offender shall be punished as follows: 303

(a) Except as otherwise provided in division (E) (5) (b) or 304
(c) of this section, endangering children in violation of 305
division (C) of this section is a misdemeanor of the first 306
degree. 307

(b) If the violation results in serious physical harm to 308
the child involved or the offender previously has been convicted 309

of an offense under this section or any offense involving 310
neglect, abandonment, contributing to the delinquency of, or 311
physical abuse of a child, except as otherwise provided in 312
division (E) (5) (c) of this section, endangering children in 313
violation of division (C) of this section is a felony of the 314
fifth degree. 315

(c) If the violation results in serious physical harm to 316
the child involved and if the offender previously has been 317
convicted of a violation of division (C) of this section, 318
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 319
of the Revised Code as it existed prior to March 23, 2000, or 320
section 2903.04 of the Revised Code in a case in which the 321
offender was subject to the sanctions described in division (D) 322
of that section, endangering children in violation of division 323
(C) of this section is a felony of the fourth degree. 324

(d) In addition to any term of imprisonment, fine, or 325
other sentence, penalty, or sanction it imposes upon the 326
offender pursuant to division (E) (5) (a), (b), or (c) of this 327
section or pursuant to any other provision of law and in 328
addition to any suspension of the offender's driver's or 329
commercial driver's license or permit or nonresident operating 330
privilege under Chapter 4506., 4509., 4510., or 4511. of the 331
Revised Code or under any other provision of law, the court also 332
may impose upon the offender a class seven suspension of the 333
offender's driver's or commercial driver's license or permit or 334
nonresident operating privilege from the range specified in 335
division (A) (7) of section 4510.02 of the Revised Code. 336

(e) In addition to any term of imprisonment, fine, or 337
other sentence, penalty, or sanction imposed upon the offender 338
pursuant to division (E) (5) (a), (b), (c), or (d) of this section 339

or pursuant to any other provision of law for the violation of 340
division (C) of this section, if as part of the same trial or 341
proceeding the offender also is convicted of or pleads guilty to 342
a separate charge charging the violation of division (A) of 343
section 4511.19 of the Revised Code that was the basis of the 344
charge of the violation of division (C) of this section, the 345
offender also shall be sentenced in accordance with section 346
4511.19 of the Revised Code for that violation of division (A) 347
of section 4511.19 of the Revised Code. 348

(6) If the offender violates division (A), (B)(1), or (B) 349
(2) of this section, if the offense is a felony, and if the 350
offender also is convicted of or pleads guilty to a 351
specification as described in section 2941.1425 of the Revised 352
Code that was included in the indictment, count in the 353
indictment, or information and that charges that the victim of 354
the offense suffered permanent disabling harm as a result of the 355
offense, in addition to any other penalty or sanction imposed 356
for the violation, the court shall sentence the offender to a 357
mandatory prison term pursuant to division (B)(9) of section 358
2929.14 of the Revised Code. 359

(F)(1)(a) A court may require an offender to perform not 360
more than two hundred hours of supervised community service work 361
under the authority of an agency, subdivision, or charitable 362
organization. The requirement shall be part of the community 363
control sanction or sentence of the offender, and the court 364
shall impose the community service in accordance with and 365
subject to divisions (F)(1)(a) and (b) of this section. The 366
court may require an offender whom it requires to perform 367
supervised community service work as part of the offender's 368
community control sanction or sentence to pay the court a 369
reasonable fee to cover the costs of the offender's 370

participation in the work, including, but not limited to, the 371
costs of procuring a policy or policies of liability insurance 372
to cover the period during which the offender will perform the 373
work. If the court requires the offender to perform supervised 374
community service work as part of the offender's community 375
control sanction or sentence, the court shall do so in 376
accordance with the following limitations and criteria: 377

(i) The court shall require that the community service 378
work be performed after completion of the term of imprisonment 379
or jail term imposed upon the offender for the violation of 380
division (C) of this section, if applicable. 381

(ii) The supervised community service work shall be 382
subject to the limitations set forth in divisions (B) (1), (2), 383
and (3) of section 2951.02 of the Revised Code. 384

(iii) The community service work shall be supervised in 385
the manner described in division (B) (4) of section 2951.02 of 386
the Revised Code by an official or person with the 387
qualifications described in that division. The official or 388
person periodically shall report in writing to the court 389
concerning the conduct of the offender in performing the work. 390

(iv) The court shall inform the offender in writing that 391
if the offender does not adequately perform, as determined by 392
the court, all of the required community service work, the court 393
may order that the offender be committed to a jail or workhouse 394
for a period of time that does not exceed the term of 395
imprisonment that the court could have imposed upon the offender 396
for the violation of division (C) of this section, reduced by 397
the total amount of time that the offender actually was 398
imprisoned under the sentence or term that was imposed upon the 399
offender for that violation and by the total amount of time that 400

the offender was confined for any reason arising out of the 401
offense for which the offender was convicted and sentenced as 402
described in sections 2949.08 and 2967.191 of the Revised Code, 403
and that, if the court orders that the offender be so committed, 404
the court is authorized, but not required, to grant the offender 405
credit upon the period of the commitment for the community 406
service work that the offender adequately performed. 407

(b) If a court, pursuant to division (F)(1)(a) of this 408
section, orders an offender to perform community service work as 409
part of the offender's community control sanction or sentence 410
and if the offender does not adequately perform all of the 411
required community service work, as determined by the court, the 412
court may order that the offender be committed to a jail or 413
workhouse for a period of time that does not exceed the term of 414
imprisonment that the court could have imposed upon the offender 415
for the violation of division (C) of this section, reduced by 416
the total amount of time that the offender actually was 417
imprisoned under the sentence or term that was imposed upon the 418
offender for that violation and by the total amount of time that 419
the offender was confined for any reason arising out of the 420
offense for which the offender was convicted and sentenced as 421
described in sections 2949.08 and 2967.191 of the Revised Code. 422
The court may order that a person committed pursuant to this 423
division shall receive hour-for-hour credit upon the period of 424
the commitment for the community service work that the offender 425
adequately performed. No commitment pursuant to this division 426
shall exceed the period of the term of imprisonment that the 427
sentencing court could have imposed upon the offender for the 428
violation of division (C) of this section, reduced by the total 429
amount of time that the offender actually was imprisoned under 430
that sentence or term and by the total amount of time that the 431

offender was confined for any reason arising out of the offense 432
for which the offender was convicted and sentenced as described 433
in sections 2949.08 and 2967.191 of the Revised Code. 434

(2) Division (F)(1) of this section does not limit or 435
affect the authority of the court to suspend the sentence 436
imposed upon a misdemeanor offender and place the offender under 437
a community control sanction pursuant to section 2929.25 of the 438
Revised Code, to require a misdemeanor or felony offender to 439
perform supervised community service work in accordance with 440
division (B) of section 2951.02 of the Revised Code, or to place 441
a felony offender under a community control sanction. 442

(G)(1) If a court suspends an offender's driver's or 443
commercial driver's license or permit or nonresident operating 444
privilege under division (E)(5)(d) of this section, the period 445
of the suspension shall be consecutive to, and commence after, 446
the period of suspension of the offender's driver's or 447
commercial driver's license or permit or nonresident operating 448
privilege that is imposed under Chapter 4506., 4509., 4510., or 449
4511. of the Revised Code or under any other provision of law in 450
relation to the violation of division (C) of this section that 451
is the basis of the suspension under division (E)(5)(d) of this 452
section or in relation to the violation of division (A) of 453
section 4511.19 of the Revised Code that is the basis for that 454
violation of division (C) of this section. 455

(2) An offender is not entitled to request, and the court 456
shall not grant to the offender, limited driving privileges if 457
the offender's license, permit, or privilege has been suspended 458
under division (E)(5)(d) of this section and the offender, 459
within the preceding six years, has been convicted of or pleaded 460
guilty to three or more violations of one or more of the 461

following: 462

(a) Division (C) of this section; 463

(b) Any equivalent offense, as defined in section 4511.181 464
of the Revised Code. 465

(H) (1) If a person violates division (C) of this section 466
and if, at the time of the violation, there were two or more 467
children under eighteen years of age in the motor vehicle 468
involved in the violation, the offender may be convicted of a 469
violation of division (C) of this section for each of the 470
children, but the court may sentence the offender for only one 471
of the violations. 472

(2) (a) If a person is convicted of or pleads guilty to a 473
violation of division (C) of this section but the person is not 474
also convicted of and does not also plead guilty to a separate 475
charge charging the violation of division (A) of section 4511.19 476
of the Revised Code that was the basis of the charge of the 477
violation of division (C) of this section, both of the following 478
apply: 479

(i) For purposes of the provisions of section 4511.19 of 480
the Revised Code that set forth the penalties and sanctions for 481
a violation of division (A) of section 4511.19 of the Revised 482
Code, the conviction of or plea of guilty to the violation of 483
division (C) of this section shall not constitute a violation of 484
division (A) of section 4511.19 of the Revised Code; 485

(ii) For purposes of any provision of law that refers to a 486
conviction of or plea of guilty to a violation of division (A) 487
of section 4511.19 of the Revised Code and that is not described 488
in division (H) (2) (a) (i) of this section, the conviction of or 489
plea of guilty to the violation of division (C) of this section 490

shall constitute a conviction of or plea of guilty to a 491
violation of division (A) of section 4511.19 of the Revised 492
Code. 493

(b) If a person is convicted of or pleads guilty to a 494
violation of division (C) of this section and the person also is 495
convicted of or pleads guilty to a separate charge charging the 496
violation of division (A) of section 4511.19 of the Revised Code 497
that was the basis of the charge of the violation of division 498
(C) of this section, the conviction of or plea of guilty to the 499
violation of division (C) of this section shall not constitute, 500
for purposes of any provision of law that refers to a conviction 501
of or plea of guilty to a violation of division (A) of section 502
4511.19 of the Revised Code, a conviction of or plea of guilty 503
to a violation of division (A) of section 4511.19 of the Revised 504
Code. 505

(I) As used in this section: 506

(1) "Community control sanction" has the same meaning as 507
in section 2929.01 of the Revised Code; 508

(2) "Limited driving privileges" has the same meaning as 509
in section 4501.01 of the Revised Code; 510

(3) "Methamphetamine" has the same meaning as in section 511
2925.01 of the Revised Code. 512

(4) "Permanent disabling harm" has the same meaning as in 513
section 2929.01 of the Revised Code. 514

Sec. 2929.01. As used in this chapter: 515

(A) (1) "Alternative residential facility" means, subject 516
to division (A) (2) of this section, any facility other than an 517
offender's home or residence in which an offender is assigned to 518

live and that satisfies all of the following criteria: 519

(a) It provides programs through which the offender may 520
seek or maintain employment or may receive education, training, 521
treatment, or habilitation. 522

(b) It has received the appropriate license or certificate 523
for any specialized education, training, treatment, 524
habilitation, or other service that it provides from the 525
government agency that is responsible for licensing or 526
certifying that type of education, training, treatment, 527
habilitation, or service. 528

(2) "Alternative residential facility" does not include a 529
community-based correctional facility, jail, halfway house, or 530
prison. 531

(B) "Basic probation supervision" means a requirement that 532
the offender maintain contact with a person appointed to 533
supervise the offender in accordance with sanctions imposed by 534
the court or imposed by the parole board pursuant to section 535
2967.28 of the Revised Code. "Basic probation supervision" 536
includes basic parole supervision and basic post-release control 537
supervision. 538

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 539
the same meanings as in section 2925.01 of the Revised Code. 540

(D) "Community-based correctional facility" means a 541
community-based correctional facility and program or district 542
community-based correctional facility and program developed 543
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 544

(E) "Community control sanction" means a sanction that is 545
not a prison term and that is described in section 2929.15, 546
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 547

that is not a jail term and that is described in section 548
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 549
control sanction" includes probation if the sentence involved 550
was imposed for a felony that was committed prior to July 1, 551
1996, or if the sentence involved was imposed for a misdemeanor 552
that was committed prior to January 1, 2004. 553

(F) "Controlled substance," "marihuana," "schedule I," and 554
"schedule II" have the same meanings as in section 3719.01 of 555
the Revised Code. 556

(G) "Curfew" means a requirement that an offender during a 557
specified period of time be at a designated place. 558

(H) "Day reporting" means a sanction pursuant to which an 559
offender is required each day to report to and leave a center or 560
other approved reporting location at specified times in order to 561
participate in work, education or training, treatment, and other 562
approved programs at the center or outside the center. 563

(I) "Deadly weapon" has the same meaning as in section 564
2923.11 of the Revised Code. 565

(J) "Drug and alcohol use monitoring" means a program 566
under which an offender agrees to submit to random chemical 567
analysis of the offender's blood, breath, or urine to determine 568
whether the offender has ingested any alcohol or other drugs. 569

(K) "Drug treatment program" means any program under which 570
a person undergoes assessment and treatment designed to reduce 571
or completely eliminate the person's physical or emotional 572
reliance upon alcohol, another drug, or alcohol and another drug 573
and under which the person may be required to receive assessment 574
and treatment on an outpatient basis or may be required to 575
reside at a facility other than the person's home or residence 576

while undergoing assessment and treatment. 577

(L) "Economic loss" means any economic detriment suffered 578
by a victim as a direct and proximate result of the commission 579
of an offense and includes any loss of income due to lost time 580
at work because of any injury caused to the victim, and any 581
property loss, medical cost, or funeral expense incurred as a 582
result of the commission of the offense. "Economic loss" does 583
not include non-economic loss or any punitive or exemplary 584
damages. 585

(M) "Education or training" includes study at, or in 586
conjunction with a program offered by, a university, college, or 587
technical college or vocational study and also includes the 588
completion of primary school, secondary school, and literacy 589
curricula or their equivalent. 590

(N) "Firearm" has the same meaning as in section 2923.11 591
of the Revised Code. 592

(O) "Halfway house" means a facility licensed by the 593
division of parole and community services of the department of 594
rehabilitation and correction pursuant to section 2967.14 of the 595
Revised Code as a suitable facility for the care and treatment 596
of adult offenders. 597

(P) "House arrest" means a period of confinement of an 598
offender that is in the offender's home or in other premises 599
specified by the sentencing court or by the parole board 600
pursuant to section 2967.28 of the Revised Code and during which 601
all of the following apply: 602

(1) The offender is required to remain in the offender's 603
home or other specified premises for the specified period of 604
confinement, except for periods of time during which the 605

offender is at the offender's place of employment or at other 606
premises as authorized by the sentencing court or by the parole 607
board. 608

(2) The offender is required to report periodically to a 609
person designated by the court or parole board. 610

(3) The offender is subject to any other restrictions and 611
requirements that may be imposed by the sentencing court or by 612
the parole board. 613

(Q) "Intensive probation supervision" means a requirement 614
that an offender maintain frequent contact with a person 615
appointed by the court, or by the parole board pursuant to 616
section 2967.28 of the Revised Code, to supervise the offender 617
while the offender is seeking or maintaining necessary 618
employment and participating in training, education, and 619
treatment programs as required in the court's or parole board's 620
order. "Intensive probation supervision" includes intensive 621
parole supervision and intensive post-release control 622
supervision. 623

(R) "Jail" means a jail, workhouse, minimum security jail, 624
or other residential facility used for the confinement of 625
alleged or convicted offenders that is operated by a political 626
subdivision or a combination of political subdivisions of this 627
state. 628

(S) "Jail term" means the term in a jail that a sentencing 629
court imposes or is authorized to impose pursuant to section 630
2929.24 or 2929.25 of the Revised Code or pursuant to any other 631
provision of the Revised Code that authorizes a term in a jail 632
for a misdemeanor conviction. 633

(T) "Mandatory jail term" means the term in a jail that a 634

sentencing court is required to impose pursuant to division (G) 635
of section 1547.99 of the Revised Code, division (E) of section 636
2903.06 or division (D) of section 2903.08 of the Revised Code, 637
division (E) or (G) of section 2929.24 of the Revised Code, 638
division (B) of section 4510.14 of the Revised Code, or division 639
(G) of section 4511.19 of the Revised Code or pursuant to any 640
other provision of the Revised Code that requires a term in a 641
jail for a misdemeanor conviction. 642

(U) "Delinquent child" has the same meaning as in section 643
2152.02 of the Revised Code. 644

(V) "License violation report" means a report that is made 645
by a sentencing court, or by the parole board pursuant to 646
section 2967.28 of the Revised Code, to the regulatory or 647
licensing board or agency that issued an offender a professional 648
license or a license or permit to do business in this state and 649
that specifies that the offender has been convicted of or 650
pleaded guilty to an offense that may violate the conditions 651
under which the offender's professional license or license or 652
permit to do business in this state was granted or an offense 653
for which the offender's professional license or license or 654
permit to do business in this state may be revoked or suspended. 655

(W) "Major drug offender" means an offender who is 656
convicted of or pleads guilty to the possession of, sale of, or 657
offer to sell any drug, compound, mixture, preparation, or 658
substance that consists of or contains at least one thousand 659
grams of hashish; at least one hundred grams of cocaine; at 660
least one thousand unit doses or one hundred grams of heroin; at 661
least five thousand unit doses of L.S.D. or five hundred grams 662
of L.S.D. in a liquid concentrate, liquid extract, or liquid 663
distillate form; at least fifty grams of a controlled substance 664

analog; or at least one hundred times the amount of any other 665
schedule I or II controlled substance other than marihuana that 666
is necessary to commit a felony of the third degree pursuant to 667
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 668
Code that is based on the possession of, sale of, or offer to 669
sell the controlled substance. 670

(X) "Mandatory prison term" means any of the following: 671

(1) Subject to division (X) (2) of this section, the term 672
in prison that must be imposed for the offenses or circumstances 673
set forth in divisions (F) (1) to (8) or (F) (12) to ~~(18)~~ (20) of 674
section 2929.13 and division (B) of section 2929.14 of the 675
Revised Code. Except as provided in sections 2925.02, 2925.03, 676
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 677
maximum or another specific term is required under section 678
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 679
described in this division may be any prison term authorized for 680
the level of offense. 681

(2) The term of sixty or one hundred twenty days in prison 682
that a sentencing court is required to impose for a third or 683
fourth degree felony OVI offense pursuant to division (G) (2) of 684
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 685
of the Revised Code or the term of one, two, three, four, or 686
five years in prison that a sentencing court is required to 687
impose pursuant to division (G) (2) of section 2929.13 of the 688
Revised Code. 689

(3) The term in prison imposed pursuant to division (A) of 690
section 2971.03 of the Revised Code for the offenses and in the 691
circumstances described in division (F) (11) of section 2929.13 692
of the Revised Code or pursuant to division (B) (1) (a), (b), or 693
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 694

section 2971.03 of the Revised Code and that term as modified or 695
terminated pursuant to section 2971.05 of the Revised Code. 696

(Y) "Monitored time" means a period of time during which 697
an offender continues to be under the control of the sentencing 698
court or parole board, subject to no conditions other than 699
leading a law-abiding life. 700

(Z) "Offender" means a person who, in this state, is 701
convicted of or pleads guilty to a felony or a misdemeanor. 702

(AA) "Prison" means a residential facility used for the 703
confinement of convicted felony offenders that is under the 704
control of the department of rehabilitation and correction but 705
does not include a violation sanction center operated under 706
authority of section 2967.141 of the Revised Code. 707

(BB) "Prison term" includes either of the following 708
sanctions for an offender: 709

(1) A stated prison term; 710

(2) A term in a prison shortened by, or with the approval 711
of, the sentencing court pursuant to section 2929.143, 2929.20, 712
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 713

(CC) "Repeat violent offender" means a person about whom 714
both of the following apply: 715

(1) The person is being sentenced for committing or for 716
complicity in committing any of the following: 717

(a) Aggravated murder, murder, any felony of the first or 718
second degree that is an offense of violence, or an attempt to 719
commit any of these offenses if the attempt is a felony of the 720
first or second degree; 721

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

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

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

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

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

programming pursuant to those sections. 752

(GG) "Victim-offender mediation" means a reconciliation or 753
mediation program that involves an offender and the victim of 754
the offense committed by the offender and that includes a 755
meeting in which the offender and the victim may discuss the 756
offense, discuss restitution, and consider other sanctions for 757
the offense. 758

(HH) "Fourth degree felony OVI offense" means a violation 759
of division (A) of section 4511.19 of the Revised Code that, 760
under division (G) of that section, is a felony of the fourth 761
degree. 762

(II) "Mandatory term of local incarceration" means the 763
term of sixty or one hundred twenty days in a jail, a community- 764
based correctional facility, a halfway house, or an alternative 765
residential facility that a sentencing court may impose upon a 766
person who is convicted of or pleads guilty to a fourth degree 767
felony OVI offense pursuant to division (G) (1) of section 768
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 769
section 4511.19 of the Revised Code. 770

(JJ) "Designated homicide, assault, or kidnapping 771
offense," "violent sex offense," "sexual motivation 772
specification," "sexually violent offense," "sexually violent 773
predator," and "sexually violent predator specification" have 774
the same meanings as in section 2971.01 of the Revised Code. 775

(KK) "Sexually oriented offense," "child-victim oriented 776
offense," and "tier III sex offender/child-victim offender" have 777
the same meanings as in section 2950.01 of the Revised Code. 778

(LL) An offense is "committed in the vicinity of a child" 779
if the offender commits the offense within thirty feet of or 780

within the same residential unit as a child who is under 781
eighteen years of age, regardless of whether the offender knows 782
the age of the child or whether the offender knows the offense 783
is being committed within thirty feet of or within the same 784
residential unit as the child and regardless of whether the 785
child actually views the commission of the offense. 786

(MM) "Family or household member" has the same meaning as 787
in section 2919.25 of the Revised Code. 788

(NN) "Motor vehicle" and "manufactured home" have the same 789
meanings as in section 4501.01 of the Revised Code. 790

(OO) "Detention" and "detention facility" have the same 791
meanings as in section 2921.01 of the Revised Code. 792

(PP) "Third degree felony OVI offense" means a violation 793
of division (A) of section 4511.19 of the Revised Code that, 794
under division (G) of that section, is a felony of the third 795
degree. 796

(QQ) "Random drug testing" has the same meaning as in 797
section 5120.63 of the Revised Code. 798

(RR) "Felony sex offense" has the same meaning as in 799
section 2967.28 of the Revised Code. 800

(SS) "Body armor" has the same meaning as in section 801
2941.1411 of the Revised Code. 802

(TT) "Electronic monitoring" means monitoring through the 803
use of an electronic monitoring device. 804

(UU) "Electronic monitoring device" means any of the 805
following: 806

(1) Any device that can be operated by electrical or 807

battery power and that conforms with all of the following: 808

(a) The device has a transmitter that can be attached to a 809
person, that will transmit a specified signal to a receiver of 810
the type described in division (UU) (1) (b) of this section if the 811
transmitter is removed from the person, turned off, or altered 812
in any manner without prior court approval in relation to 813
electronic monitoring or without prior approval of the 814
department of rehabilitation and correction in relation to the 815
use of an electronic monitoring device for an inmate on 816
transitional control or otherwise is tampered with, that can 817
transmit continuously and periodically a signal to that receiver 818
when the person is within a specified distance from the 819
receiver, and that can transmit an appropriate signal to that 820
receiver if the person to whom it is attached travels a 821
specified distance from that receiver. 822

(b) The device has a receiver that can receive 823
continuously the signals transmitted by a transmitter of the 824
type described in division (UU) (1) (a) of this section, can 825
transmit continuously those signals by a wireless or landline 826
telephone connection to a central monitoring computer of the 827
type described in division (UU) (1) (c) of this section, and can 828
transmit continuously an appropriate signal to that central 829
monitoring computer if the device has been turned off or altered 830
without prior court approval or otherwise tampered with. The 831
device is designed specifically for use in electronic 832
monitoring, is not a converted wireless phone or another 833
tracking device that is clearly not designed for electronic 834
monitoring, and provides a means of text-based or voice 835
communication with the person. 836

(c) The device has a central monitoring computer that can 837

receive continuously the signals transmitted by a wireless or 838
landline telephone connection by a receiver of the type 839
described in division (UU) (1) (b) of this section and can monitor 840
continuously the person to whom an electronic monitoring device 841
of the type described in division (UU) (1) (a) of this section is 842
attached. 843

(2) Any device that is not a device of the type described 844
in division (UU) (1) of this section and that conforms with all 845
of the following: 846

(a) The device includes a transmitter and receiver that 847
can monitor and determine the location of a subject person at 848
any time, or at a designated point in time, through the use of a 849
central monitoring computer or through other electronic means. 850

(b) The device includes a transmitter and receiver that 851
can determine at any time, or at a designated point in time, 852
through the use of a central monitoring computer or other 853
electronic means the fact that the transmitter is turned off or 854
altered in any manner without prior approval of the court in 855
relation to the electronic monitoring or without prior approval 856
of the department of rehabilitation and correction in relation 857
to the use of an electronic monitoring device for an inmate on 858
transitional control or otherwise is tampered with. 859

(3) Any type of technology that can adequately track or 860
determine the location of a subject person at any time and that 861
is approved by the director of rehabilitation and correction, 862
including, but not limited to, any satellite technology, voice 863
tracking system, or retinal scanning system that is so approved. 864

(VV) "Non-economic loss" means nonpecuniary harm suffered 865
by a victim of an offense as a result of or related to the 866

commission of the offense, including, but not limited to, pain 867
and suffering; loss of society, consortium, companionship, care, 868
assistance, attention, protection, advice, guidance, counsel, 869
instruction, training, or education; mental anguish; and any 870
other intangible loss. 871

(WW) "Prosecutor" has the same meaning as in section 872
2935.01 of the Revised Code. 873

(XX) "Continuous alcohol monitoring" means the ability to 874
automatically test and periodically transmit alcohol consumption 875
levels and tamper attempts at least every hour, regardless of 876
the location of the person who is being monitored. 877

(YY) A person is "adjudicated a sexually violent predator" 878
if the person is convicted of or pleads guilty to a violent sex 879
offense and also is convicted of or pleads guilty to a sexually 880
violent predator specification that was included in the 881
indictment, count in the indictment, or information charging 882
that violent sex offense or if the person is convicted of or 883
pleads guilty to a designated homicide, assault, or kidnapping 884
offense and also is convicted of or pleads guilty to both a 885
sexual motivation specification and a sexually violent predator 886
specification that were included in the indictment, count in the 887
indictment, or information charging that designated homicide, 888
assault, or kidnapping offense. 889

(ZZ) An offense is "committed in proximity to a school" if 890
the offender commits the offense in a school safety zone or 891
within five hundred feet of any school building or the 892
boundaries of any school premises, regardless of whether the 893
offender knows the offense is being committed in a school safety 894
zone or within five hundred feet of any school building or the 895
boundaries of any school premises. 896

(AAA) "Human trafficking" means a scheme or plan to which 897
all of the following apply: 898

(1) Its object is one or more of the following: 899

(a) To subject a victim or victims to involuntary 900
servitude, as defined in section 2905.31 of the Revised Code or 901
to compel a victim or victims to engage in sexual activity for 902
hire, to engage in a performance that is obscene, sexually 903
oriented, or nudity oriented, or to be a model or participant in 904
the production of material that is obscene, sexually oriented, 905
or nudity oriented; 906

(b) To facilitate, encourage, or recruit a victim who is 907
less than sixteen years of age or is a person with a 908
developmental disability, or victims who are less than sixteen 909
years of age or are persons with developmental disabilities, for 910
any purpose listed in divisions (A) (2) (a) to (c) of section 911
2905.32 of the Revised Code; 912

(c) To facilitate, encourage, or recruit a victim who is 913
sixteen or seventeen years of age, or victims who are sixteen or 914
seventeen years of age, for any purpose listed in divisions (A) 915
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 916
circumstances described in division (A) (5), (6), (7), (8), (9), 917
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 918
apply with respect to the person engaging in the conduct and the 919
victim or victims. 920

(2) It involves at least two felony offenses, whether or 921
not there has been a prior conviction for any of the felony 922
offenses, to which all of the following apply: 923

(a) Each of the felony offenses is a violation of section 924
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 925

division (A) (1) or (2) of section 2907.323, or division (B) (1), 926
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 927
is a violation of a law of any state other than this state that 928
is substantially similar to any of the sections or divisions of 929
the Revised Code identified in this division. 930

(b) At least one of the felony offenses was committed in 931
this state. 932

(c) The felony offenses are related to the same scheme or 933
plan and are not isolated instances. 934

(BBB) "Material," "nudity," "obscene," "performance," and 935
"sexual activity" have the same meanings as in section 2907.01 936
of the Revised Code. 937

(CCC) "Material that is obscene, sexually oriented, or 938
nudity oriented" means any material that is obscene, that shows 939
a person participating or engaging in sexual activity, 940
masturbation, or bestiality, or that shows a person in a state 941
of nudity. 942

(DDD) "Performance that is obscene, sexually oriented, or 943
nudity oriented" means any performance that is obscene, that 944
shows a person participating or engaging in sexual activity, 945
masturbation, or bestiality, or that shows a person in a state 946
of nudity. 947

(EEE) "Permanent disabling harm" means serious physical 948
harm that results in permanent injury to the intellectual, 949
physical, or sensory functions and that permanently and 950
substantially impairs a person's ability to meet one or more of 951
the ordinary demands of life, including the functions of caring 952
for one's self, performing manual tasks, walking, seeing, 953
hearing, speaking, breathing, learning, and working. 954

Sec. 2929.13. (A) Except as provided in division (E), (F), 955
or (G) of this section and unless a specific sanction is 956
required to be imposed or is precluded from being imposed 957
pursuant to law, a court that imposes a sentence upon an 958
offender for a felony may impose any sanction or combination of 959
sanctions on the offender that are provided in sections 2929.14 960
to 2929.18 of the Revised Code. 961

If the offender is eligible to be sentenced to community 962
control sanctions, the court shall consider the appropriateness 963
of imposing a financial sanction pursuant to section 2929.18 of 964
the Revised Code or a sanction of community service pursuant to 965
section 2929.17 of the Revised Code as the sole sanction for the 966
offense. Except as otherwise provided in this division, if the 967
court is required to impose a mandatory prison term for the 968
offense for which sentence is being imposed, the court also 969
shall impose any financial sanction pursuant to section 2929.18 970
of the Revised Code that is required for the offense and may 971
impose any other financial sanction pursuant to that section but 972
may not impose any additional sanction or combination of 973
sanctions under section 2929.16 or 2929.17 of the Revised Code. 974

If the offender is being sentenced for a fourth degree 975
felony OVI offense or for a third degree felony OVI offense, in 976
addition to the mandatory term of local incarceration or the 977
mandatory prison term required for the offense by division (G) 978
(1) or (2) of this section, the court shall impose upon the 979
offender a mandatory fine in accordance with division (B) (3) of 980
section 2929.18 of the Revised Code and may impose whichever of 981
the following is applicable: 982

(1) For a fourth degree felony OVI offense for which 983
sentence is imposed under division (G) (1) of this section, an 984

additional community control sanction or combination of 985
community control sanctions under section 2929.16 or 2929.17 of 986
the Revised Code. If the court imposes upon the offender a 987
community control sanction and the offender violates any 988
condition of the community control sanction, the court may take 989
any action prescribed in division (B) of section 2929.15 of the 990
Revised Code relative to the offender, including imposing a 991
prison term on the offender pursuant to that division. 992

(2) For a third or fourth degree felony OVI offense for 993
which sentence is imposed under division (G) (2) of this section, 994
an additional prison term as described in division (B) (4) of 995
section 2929.14 of the Revised Code or a community control 996
sanction as described in division (G) (2) of this section. 997

(B) (1) (a) Except as provided in division (B) (1) (b) of this 998
section, if an offender is convicted of or pleads guilty to a 999
felony of the fourth or fifth degree that is not an offense of 1000
violence or that is a qualifying assault offense, the court 1001
shall sentence the offender to a community control sanction of 1002
at least one year's duration if all of the following apply: 1003

(i) The offender previously has not been convicted of or 1004
pleaded guilty to a felony offense. 1005

(ii) The most serious charge against the offender at the 1006
time of sentencing is a felony of the fourth or fifth degree. 1007

(iii) If the court made a request of the department of 1008
rehabilitation and correction pursuant to division (B) (1) (c) of 1009
this section, the department, within the forty-five-day period 1010
specified in that division, provided the court with the names 1011
of, contact information for, and program details of one or more 1012
community control sanctions of at least one year's duration that 1013

are available for persons sentenced by the court. 1014

(iv) The offender previously has not been convicted of or 1015
pleaded guilty to a misdemeanor offense of violence that the 1016
offender committed within two years prior to the offense for 1017
which sentence is being imposed. 1018

(b) The court has discretion to impose a prison term upon 1019
an offender who is convicted of or pleads guilty to a felony of 1020
the fourth or fifth degree that is not an offense of violence or 1021
that is a qualifying assault offense if any of the following 1022
apply: 1023

(i) The offender committed the offense while having a 1024
firearm on or about the offender's person or under the 1025
offender's control. 1026

(ii) If the offense is a qualifying assault offense, the 1027
offender caused serious physical harm to another person while 1028
committing the offense, and, if the offense is not a qualifying 1029
assault offense, the offender caused physical harm to another 1030
person while committing the offense. 1031

(iii) The offender violated a term of the conditions of 1032
bond as set by the court. 1033

(iv) The court made a request of the department of 1034
rehabilitation and correction pursuant to division (B)(1)(c) of 1035
this section, and the department, within the forty-five-day 1036
period specified in that division, did not provide the court 1037
with the name of, contact information for, and program details 1038
of any community control sanction of at least one year's 1039
duration that is available for persons sentenced by the court. 1040

(v) The offense is a sex offense that is a fourth or fifth 1041
degree felony violation of any provision of Chapter 2907. of the 1042

Revised Code. 1043

(vi) In committing the offense, the offender attempted to 1044
cause or made an actual threat of physical harm to a person with 1045
a deadly weapon. 1046

(vii) In committing the offense, the offender attempted to 1047
cause or made an actual threat of physical harm to a person, and 1048
the offender previously was convicted of an offense that caused 1049
physical harm to a person. 1050

(viii) The offender held a public office or position of 1051
trust, and the offense related to that office or position; the 1052
offender's position obliged the offender to prevent the offense 1053
or to bring those committing it to justice; or the offender's 1054
professional reputation or position facilitated the offense or 1055
was likely to influence the future conduct of others. 1056

(ix) The offender committed the offense for hire or as 1057
part of an organized criminal activity. 1058

(x) The offender at the time of the offense was serving, 1059
or the offender previously had served, a prison term. 1060

(xi) The offender committed the offense while under a 1061
community control sanction, while on probation, or while 1062
released from custody on a bond or personal recognizance. 1063

(c) If a court that is sentencing an offender who is 1064
convicted of or pleads guilty to a felony of the fourth or fifth 1065
degree that is not an offense of violence or that is a 1066
qualifying assault offense believes that no community control 1067
sanctions are available for its use that, if imposed on the 1068
offender, will adequately fulfill the overriding principles and 1069
purposes of sentencing, the court shall contact the department 1070
of rehabilitation and correction and ask the department to 1071

provide the court with the names of, contact information for, 1072
and program details of one or more community control sanctions 1073
of at least one year's duration that are available for persons 1074
sentenced by the court. Not later than forty-five days after 1075
receipt of a request from a court under this division, the 1076
department shall provide the court with the names of, contact 1077
information for, and program details of one or more community 1078
control sanctions of at least one year's duration that are 1079
available for persons sentenced by the court, if any. Upon 1080
making a request under this division that relates to a 1081
particular offender, a court shall defer sentencing of that 1082
offender until it receives from the department the names of, 1083
contact information for, and program details of one or more 1084
community control sanctions of at least one year's duration that 1085
are available for persons sentenced by the court or for forty- 1086
five days, whichever is the earlier. 1087

If the department provides the court with the names of, 1088
contact information for, and program details of one or more 1089
community control sanctions of at least one year's duration that 1090
are available for persons sentenced by the court within the 1091
forty-five-day period specified in this division, the court 1092
shall impose upon the offender a community control sanction 1093
under division (B) (1) (a) of this section, except that the court 1094
may impose a prison term under division (B) (1) (b) of this 1095
section if a factor described in division (B) (1) (b) (i) or (ii) 1096
of this section applies. If the department does not provide the 1097
court with the names of, contact information for, and program 1098
details of one or more community control sanctions of at least 1099
one year's duration that are available for persons sentenced by 1100
the court within the forty-five-day period specified in this 1101
division, the court may impose upon the offender a prison term 1102

under division (B) (1) (b) (iv) of this section. 1103

(d) A sentencing court may impose an additional penalty 1104
under division (B) of section 2929.15 of the Revised Code upon 1105
an offender sentenced to a community control sanction under 1106
division (B) (1) (a) of this section if the offender violates the 1107
conditions of the community control sanction, violates a law, or 1108
leaves the state without the permission of the court or the 1109
offender's probation officer. 1110

(2) If division (B) (1) of this section does not apply, 1111
except as provided in division (E), (F), or (G) of this section, 1112
in determining whether to impose a prison term as a sanction for 1113
a felony of the fourth or fifth degree, the sentencing court 1114
shall comply with the purposes and principles of sentencing 1115
under section 2929.11 of the Revised Code and with section 1116
2929.12 of the Revised Code. 1117

(C) Except as provided in division (D), (E), (F), or (G) 1118
of this section, in determining whether to impose a prison term 1119
as a sanction for a felony of the third degree or a felony drug 1120
offense that is a violation of a provision of Chapter 2925. of 1121
the Revised Code and that is specified as being subject to this 1122
division for purposes of sentencing, the sentencing court shall 1123
comply with the purposes and principles of sentencing under 1124
section 2929.11 of the Revised Code and with section 2929.12 of 1125
the Revised Code. 1126

(D) (1) Except as provided in division (E) or (F) of this 1127
section, for a felony of the first or second degree, for a 1128
felony drug offense that is a violation of any provision of 1129
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1130
presumption in favor of a prison term is specified as being 1131
applicable, and for a violation of division (A) (4) or (B) of 1132

section 2907.05 of the Revised Code for which a presumption in 1133
favor of a prison term is specified as being applicable, it is 1134
presumed that a prison term is necessary in order to comply with 1135
the purposes and principles of sentencing under section 2929.11 1136
of the Revised Code. Division (D) (2) of this section does not 1137
apply to a presumption established under this division for a 1138
violation of division (A) (4) of section 2907.05 of the Revised 1139
Code. 1140

(2) Notwithstanding the presumption established under 1141
division (D) (1) of this section for the offenses listed in that 1142
division other than a violation of division (A) (4) or (B) of 1143
section 2907.05 of the Revised Code, the sentencing court may 1144
impose a community control sanction or a combination of 1145
community control sanctions instead of a prison term on an 1146
offender for a felony of the first or second degree or for a 1147
felony drug offense that is a violation of any provision of 1148
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1149
presumption in favor of a prison term is specified as being 1150
applicable if it makes both of the following findings: 1151

(a) A community control sanction or a combination of 1152
community control sanctions would adequately punish the offender 1153
and protect the public from future crime, because the applicable 1154
factors under section 2929.12 of the Revised Code indicating a 1155
lesser likelihood of recidivism outweigh the applicable factors 1156
under that section indicating a greater likelihood of 1157
recidivism. 1158

(b) A community control sanction or a combination of 1159
community control sanctions would not demean the seriousness of 1160
the offense, because one or more factors under section 2929.12 1161
of the Revised Code that indicate that the offender's conduct 1162

was less serious than conduct normally constituting the offense 1163
are applicable, and they outweigh the applicable factors under 1164
that section that indicate that the offender's conduct was more 1165
serious than conduct normally constituting the offense. 1166

(E) (1) Except as provided in division (F) of this section, 1167
for any drug offense that is a violation of any provision of 1168
Chapter 2925. of the Revised Code and that is a felony of the 1169
third, fourth, or fifth degree, the applicability of a 1170
presumption under division (D) of this section in favor of a 1171
prison term or of division (B) or (C) of this section in 1172
determining whether to impose a prison term for the offense 1173
shall be determined as specified in section 2925.02, 2925.03, 1174
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 1175
2925.36, or 2925.37 of the Revised Code, whichever is applicable 1176
regarding the violation. 1177

(2) If an offender who was convicted of or pleaded guilty 1178
to a felony violates the conditions of a community control 1179
sanction imposed for the offense solely by reason of producing 1180
positive results on a drug test or by acting pursuant to 1181
division (B) (2) (b) of section 2925.11 of the Revised Code with 1182
respect to a minor drug possession offense, the court, as 1183
punishment for the violation of the sanction, shall not order 1184
that the offender be imprisoned unless the court determines on 1185
the record either of the following: 1186

(a) The offender had been ordered as a sanction for the 1187
felony to participate in a drug treatment program, in a drug 1188
education program, or in narcotics anonymous or a similar 1189
program, and the offender continued to use illegal drugs after a 1190
reasonable period of participation in the program. 1191

(b) The imprisonment of the offender for the violation is 1192

consistent with the purposes and principles of sentencing set 1193
forth in section 2929.11 of the Revised Code. 1194

(3) A court that sentences an offender for a drug abuse 1195
offense that is a felony of the third, fourth, or fifth degree 1196
may require that the offender be assessed by a properly 1197
credentialed professional within a specified period of time. The 1198
court shall require the professional to file a written 1199
assessment of the offender with the court. If the offender is 1200
eligible for a community control sanction and after considering 1201
the written assessment, the court may impose a community control 1202
sanction that includes addiction services and recovery supports 1203
included in a community-based continuum of care established 1204
under section 340.032 of the Revised Code. If the court imposes 1205
addiction services and recovery supports as a community control 1206
sanction, the court shall direct the level and type of addiction 1207
services and recovery supports after considering the assessment 1208
and recommendation of community addiction services providers. 1209

(F) Notwithstanding divisions (A) to (E) of this section, 1210
the court shall impose a prison term or terms under sections 1211
2929.02 to 2929.06, section 2929.14, section 2929.142, or 1212
section 2971.03 of the Revised Code and except as specifically 1213
provided in section 2929.20, divisions (C) to (I) of section 1214
2967.19, or section 2967.191 of the Revised Code or when parole 1215
is authorized for the offense under section 2967.13 of the 1216
Revised Code shall not reduce the term or terms pursuant to 1217
section 2929.20, section 2967.19, section 2967.193, or any other 1218
provision of Chapter 2967. or Chapter 5120. of the Revised Code 1219
for any of the following offenses: 1220

(1) Aggravated murder when death is not imposed or murder; 1221

(2) Any rape, regardless of whether force was involved and 1222

regardless of the age of the victim, or an attempt to commit 1223
rape if, had the offender completed the rape that was attempted, 1224
the offender would have been guilty of a violation of division 1225
(A) (1) (b) of section 2907.02 of the Revised Code and would be 1226
sentenced under section 2971.03 of the Revised Code; 1227

(3) Gross sexual imposition or sexual battery, if the 1228
victim is less than thirteen years of age and if any of the 1229
following applies: 1230

(a) Regarding gross sexual imposition, the offender 1231
previously was convicted of or pleaded guilty to rape, the 1232
former offense of felonious sexual penetration, gross sexual 1233
imposition, or sexual battery, and the victim of the previous 1234
offense was less than thirteen years of age; 1235

(b) Regarding gross sexual imposition, the offense was 1236
committed on or after August 3, 2006, and evidence other than 1237
the testimony of the victim was admitted in the case 1238
corroborating the violation. 1239

(c) Regarding sexual battery, either of the following 1240
applies: 1241

(i) The offense was committed prior to August 3, 2006, the 1242
offender previously was convicted of or pleaded guilty to rape, 1243
the former offense of felonious sexual penetration, or sexual 1244
battery, and the victim of the previous offense was less than 1245
thirteen years of age. 1246

(ii) The offense was committed on or after August 3, 2006. 1247

(4) A felony violation of section 2903.04, 2903.06, 1248
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 1249
or 2923.132 of the Revised Code if the section requires the 1250
imposition of a prison term; 1251

(5) A first, second, or third degree felony drug offense 1252
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1253
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 1254
or 4729.99 of the Revised Code, whichever is applicable 1255
regarding the violation, requires the imposition of a mandatory 1256
prison term; 1257

(6) Any offense that is a first or second degree felony 1258
and that is not set forth in division (F) (1), (2), (3), or (4) 1259
of this section, if the offender previously was convicted of or 1260
pleaded guilty to aggravated murder, murder, any first or second 1261
degree felony, or an offense under an existing or former law of 1262
this state, another state, or the United States that is or was 1263
substantially equivalent to one of those offenses; 1264

(7) Any offense that is a third degree felony and either 1265
is a violation of section 2903.04 of the Revised Code or an 1266
attempt to commit a felony of the second degree that is an 1267
offense of violence and involved an attempt to cause serious 1268
physical harm to a person or that resulted in serious physical 1269
harm to a person if the offender previously was convicted of or 1270
pleaded guilty to any of the following offenses: 1271

(a) Aggravated murder, murder, involuntary manslaughter, 1272
rape, felonious sexual penetration as it existed under section 1273
2907.12 of the Revised Code prior to September 3, 1996, a felony 1274
of the first or second degree that resulted in the death of a 1275
person or in physical harm to a person, or complicity in or an 1276
attempt to commit any of those offenses; 1277

(b) An offense under an existing or former law of this 1278
state, another state, or the United States that is or was 1279
substantially equivalent to an offense listed in division (F) (7) 1280
(a) of this section that resulted in the death of a person or in 1281

physical harm to a person.	1282
(8) Any offense, other than a violation of section 2923.12	1283
of the Revised Code, that is a felony, if the offender had a	1284
firearm on or about the offender's person or under the	1285
offender's control while committing the felony, with respect to	1286
a portion of the sentence imposed pursuant to division (B)(1)(a)	1287
of section 2929.14 of the Revised Code for having the firearm;	1288
(9) Any offense of violence that is a felony, if the	1289
offender wore or carried body armor while committing the felony	1290
offense of violence, with respect to the portion of the sentence	1291
imposed pursuant to division (B)(1)(d) of section 2929.14 of the	1292
Revised Code for wearing or carrying the body armor;	1293
(10) Corrupt activity in violation of section 2923.32 of	1294
the Revised Code when the most serious offense in the pattern of	1295
corrupt activity that is the basis of the offense is a felony of	1296
the first degree;	1297
(11) Any violent sex offense or designated homicide,	1298
assault, or kidnapping offense if, in relation to that offense,	1299
the offender is adjudicated a sexually violent predator;	1300
(12) A violation of division (A)(1) or (2) of section	1301
2921.36 of the Revised Code, or a violation of division (C) of	1302
that section involving an item listed in division (A)(1) or (2)	1303
of that section, if the offender is an officer or employee of	1304
the department of rehabilitation and correction;	1305
(13) A violation of division (A)(1) or (2) of section	1306
2903.06 of the Revised Code if the victim of the offense is a	1307
peace officer, as defined in section 2935.01 of the Revised	1308
Code, or an investigator of the bureau of criminal	1309
identification and investigation, as defined in section 2903.11	1310

of the Revised Code, with respect to the portion of the sentence 1311
imposed pursuant to division (B) (5) of section 2929.14 of the 1312
Revised Code; 1313

(14) A violation of division (A) (1) or (2) of section 1314
2903.06 of the Revised Code if the offender has been convicted 1315
of or pleaded guilty to three or more violations of division (A) 1316
or (B) of section 4511.19 of the Revised Code or an equivalent 1317
offense, as defined in section 2941.1415 of the Revised Code, or 1318
three or more violations of any combination of those divisions 1319
and offenses, with respect to the portion of the sentence 1320
imposed pursuant to division (B) (6) of section 2929.14 of the 1321
Revised Code; 1322

(15) Kidnapping, in the circumstances specified in section 1323
2971.03 of the Revised Code and when no other provision of 1324
division (F) of this section applies; 1325

(16) Kidnapping, abduction, compelling prostitution, 1326
promoting prostitution, engaging in a pattern of corrupt 1327
activity, illegal use of a minor in a nudity-oriented material 1328
or performance in violation of division (A) (1) or (2) of section 1329
2907.323 of the Revised Code, or endangering children in 1330
violation of division (B) (1), (2), (3), (4), or (5) of section 1331
2919.22 of the Revised Code, if the offender is convicted of or 1332
pleads guilty to a specification as described in section 1333
2941.1422 of the Revised Code that was included in the 1334
indictment, count in the indictment, or information charging the 1335
offense; 1336

(17) A felony violation of division (A) or (B) of section 1337
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 1338
that section, and division (D) (6) of that section, require the 1339
imposition of a prison term; 1340

(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) A felony violation of division (A), (B) (1), or (B) (2) of section 2919.22 of the Revised Code or a violation of section 2903.11 of the Revised Code when the victim of the violation is a child under thirteen years of age or a mentally or physically handicapped child under twenty-one years of age, if the offender is convicted of or pleads guilty to a specification as described in section 2941.1425 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, with respect to the portion of the sentence imposed under division (B) (9) of section 2929.14 of the Revised Code.

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

shall impose upon the offender a mandatory term of local 1371
incarceration or a mandatory prison term in accordance with the 1372
following: 1373

(1) If the offender is being sentenced for a fourth degree 1374
felony OVI offense and if the offender has not been convicted of 1375
and has not pleaded guilty to a specification of the type 1376
described in section 2941.1413 of the Revised Code, the court 1377
may impose upon the offender a mandatory term of local 1378
incarceration of sixty days or one hundred twenty days as 1379
specified in division (G) (1) (d) of section 4511.19 of the 1380
Revised Code. The court shall not reduce the term pursuant to 1381
section 2929.20, 2967.193, or any other provision of the Revised 1382
Code. The court that imposes a mandatory term of local 1383
incarceration under this division shall specify whether the term 1384
is to be served in a jail, a community-based correctional 1385
facility, a halfway house, or an alternative residential 1386
facility, and the offender shall serve the term in the type of 1387
facility specified by the court. A mandatory term of local 1388
incarceration imposed under division (G) (1) of this section is 1389
not subject to any other Revised Code provision that pertains to 1390
a prison term except as provided in division (A) (1) of this 1391
section. 1392

(2) If the offender is being sentenced for a third degree 1393
felony OVI offense, or if the offender is being sentenced for a 1394
fourth degree felony OVI offense and the court does not impose a 1395
mandatory term of local incarceration under division (G) (1) of 1396
this section, the court shall impose upon the offender a 1397
mandatory prison term of one, two, three, four, or five years if 1398
the offender also is convicted of or also pleads guilty to a 1399
specification of the type described in section 2941.1413 of the 1400
Revised Code or shall impose upon the offender a mandatory 1401

prison term of sixty days or one hundred twenty days as 1402
specified in division (G) (1) (d) or (e) of section 4511.19 of the 1403
Revised Code if the offender has not been convicted of and has 1404
not pleaded guilty to a specification of that type. Subject to 1405
divisions (C) to (I) of section 2967.19 of the Revised Code, the 1406
court shall not reduce the term pursuant to section 2929.20, 1407
2967.19, 2967.193, or any other provision of the Revised Code. 1408
The offender shall serve the one-, two-, three-, four-, or five- 1409
year mandatory prison term consecutively to and prior to the 1410
prison term imposed for the underlying offense and consecutively 1411
to any other mandatory prison term imposed in relation to the 1412
offense. In no case shall an offender who once has been 1413
sentenced to a mandatory term of local incarceration pursuant to 1414
division (G) (1) of this section for a fourth degree felony OVI 1415
offense be sentenced to another mandatory term of local 1416
incarceration under that division for any violation of division 1417
(A) of section 4511.19 of the Revised Code. In addition to the 1418
mandatory prison term described in division (G) (2) of this 1419
section, the court may sentence the offender to a community 1420
control sanction under section 2929.16 or 2929.17 of the Revised 1421
Code, but the offender shall serve the prison term prior to 1422
serving the community control sanction. The department of 1423
rehabilitation and correction may place an offender sentenced to 1424
a mandatory prison term under this division in an intensive 1425
program prison established pursuant to section 5120.033 of the 1426
Revised Code if the department gave the sentencing judge prior 1427
notice of its intent to place the offender in an intensive 1428
program prison established under that section and if the judge 1429
did not notify the department that the judge disapproved the 1430
placement. Upon the establishment of the initial intensive 1431
program prison pursuant to section 5120.033 of the Revised Code 1432
that is privately operated and managed by a contractor pursuant 1433

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

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

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

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

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

the duties specified in that division. 1464

(J) (1) Except as provided in division (J) (2) of this 1465
section, when considering sentencing factors under this section 1466
in relation to an offender who is convicted of or pleads guilty 1467
to an attempt to commit an offense in violation of section 1468
2923.02 of the Revised Code, the sentencing court shall consider 1469
the factors applicable to the felony category of the violation 1470
of section 2923.02 of the Revised Code instead of the factors 1471
applicable to the felony category of the offense attempted. 1472

(2) When considering sentencing factors under this section 1473
in relation to an offender who is convicted of or pleads guilty 1474
to an attempt to commit a drug abuse offense for which the 1475
penalty is determined by the amount or number of unit doses of 1476
the controlled substance involved in the drug abuse offense, the 1477
sentencing court shall consider the factors applicable to the 1478
felony category that the drug abuse offense attempted would be 1479
if that drug abuse offense had been committed and had involved 1480
an amount or number of unit doses of the controlled substance 1481
that is within the next lower range of controlled substance 1482
amounts than was involved in the attempt. 1483

(K) As used in this section: 1484

(1) "Community addiction services provider" has the same 1485
meaning as in section 5119.01 of the Revised Code. 1486

(2) "Drug abuse offense" has the same meaning as in 1487
section 2925.01 of the Revised Code. 1488

(3) "Minor drug possession offense" has the same meaning 1489
as in section 2925.11 of the Revised Code. 1490

(4) "Qualifying assault offense" means a violation of 1491
section 2903.13 of the Revised Code for which the penalty 1492

provision in division (C) (8) (b) or (C) (9) (b) of that section 1493
applies. 1494

(L) At the time of sentencing an offender for any sexually 1495
oriented offense, if the offender is a tier III sex 1496
offender/child-victim offender relative to that offense and the 1497
offender does not serve a prison term or jail term, the court 1498
may require that the offender be monitored by means of a global 1499
positioning device. If the court requires such monitoring, the 1500
cost of monitoring shall be borne by the offender. If the 1501
offender is indigent, the cost of compliance shall be paid by 1502
the crime victims reparations fund. 1503

Sec. 2929.14. (A) Except as provided in division (B) (1), 1504
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1505
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 1506
of section 2919.25 of the Revised Code and except in relation to 1507
an offense for which a sentence of death or life imprisonment is 1508
to be imposed, if the court imposing a sentence upon an offender 1509
for a felony elects or is required to impose a prison term on 1510
the offender pursuant to this chapter, the court shall impose a 1511
definite prison term that shall be one of the following: 1512

(1) For a felony of the first degree, the prison term 1513
shall be three, four, five, six, seven, eight, nine, ten, or 1514
eleven years. 1515

(2) For a felony of the second degree, the prison term 1516
shall be two, three, four, five, six, seven, or eight years. 1517

(3) (a) For a felony of the third degree that is a 1518
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1519
2907.05, or 3795.04 of the Revised Code or that is a violation 1520
of section 2911.02 or 2911.12 of the Revised Code if the 1521

offender previously has been convicted of or pleaded guilty in 1522
two or more separate proceedings to two or more violations of 1523
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 1524
Code, the prison term shall be twelve, eighteen, twenty-four, 1525
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 1526
months. 1527

(b) For a felony of the third degree that is not an 1528
offense for which division (A) (3) (a) of this section applies, 1529
the prison term shall be nine, twelve, eighteen, twenty-four, 1530
thirty, or thirty-six months. 1531

(4) For a felony of the fourth degree, the prison term 1532
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1533
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1534

(5) For a felony of the fifth degree, the prison term 1535
shall be six, seven, eight, nine, ten, eleven, or twelve months. 1536

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1537
section, if an offender who is convicted of or pleads guilty to 1538
a felony also is convicted of or pleads guilty to a 1539
specification of the type described in section 2941.141, 1540
2941.144, or 2941.145 of the Revised Code, the court shall 1541
impose on the offender one of the following prison terms: 1542

(i) A prison term of six years if the specification is of 1543
the type described in division (A) of section 2941.144 of the 1544
Revised Code that charges the offender with having a firearm 1545
that is an automatic firearm or that was equipped with a firearm 1546
muffler or suppressor on or about the offender's person or under 1547
the offender's control while committing the offense; 1548

(ii) A prison term of three years if the specification is 1549
of the type described in division (A) of section 2941.145 of the 1550

Revised Code that charges the offender with having a firearm on 1551
or about the offender's person or under the offender's control 1552
while committing the offense and displaying the firearm, 1553
brandishing the firearm, indicating that the offender possessed 1554
the firearm, or using it to facilitate the offense; 1555

(iii) A prison term of one year if the specification is of 1556
the type described in division (A) of section 2941.141 of the 1557
Revised Code that charges the offender with having a firearm on 1558
or about the offender's person or under the offender's control 1559
while committing the offense; 1560

(iv) A prison term of nine years if the specification is 1561
of the type described in division (D) of section 2941.144 of the 1562
Revised Code that charges the offender with having a firearm 1563
that is an automatic firearm or that was equipped with a firearm 1564
muffler or suppressor on or about the offender's person or under 1565
the offender's control while committing the offense and 1566
specifies that the offender previously has been convicted of or 1567
pleaded guilty to a specification of the type described in 1568
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1569
the Revised Code; 1570

(v) A prison term of fifty-four months if the 1571
specification is of the type described in division (D) of 1572
section 2941.145 of the Revised Code that charges the offender 1573
with having a firearm on or about the offender's person or under 1574
the offender's control while committing the offense and 1575
displaying the firearm, brandishing the firearm, indicating that 1576
the offender possessed the firearm, or using the firearm to 1577
facilitate the offense and that the offender previously has been 1578
convicted of or pleaded guilty to a specification of the type 1579
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1580

2941.1412 of the Revised Code; 1581

(vi) A prison term of eighteen months if the specification 1582
is of the type described in division (D) of section 2941.141 of 1583
the Revised Code that charges the offender with having a firearm 1584
on or about the offender's person or under the offender's 1585
control while committing the offense and that the offender 1586
previously has been convicted of or pleaded guilty to a 1587
specification of the type described in section 2941.141, 1588
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1589

(b) If a court imposes a prison term on an offender under 1590
division (B) (1) (a) of this section, the prison term shall not be 1591
reduced pursuant to section 2967.19, section 2929.20, section 1592
2967.193, or any other provision of Chapter 2967. or Chapter 1593
5120. of the Revised Code. Except as provided in division (B) (1) 1594
(g) of this section, a court shall not impose more than one 1595
prison term on an offender under division (B) (1) (a) of this 1596
section for felonies committed as part of the same act or 1597
transaction. 1598

(c) (i) Except as provided in division (B) (1) (e) of this 1599
section, if an offender who is convicted of or pleads guilty to 1600
a violation of section 2923.161 of the Revised Code or to a 1601
felony that includes, as an essential element, purposely or 1602
knowingly causing or attempting to cause the death of or 1603
physical harm to another, also is convicted of or pleads guilty 1604
to a specification of the type described in division (A) of 1605
section 2941.146 of the Revised Code that charges the offender 1606
with committing the offense by discharging a firearm from a 1607
motor vehicle other than a manufactured home, the court, after 1608
imposing a prison term on the offender for the violation of 1609
section 2923.161 of the Revised Code or for the other felony 1610

offense under division (A), (B) (2), or (B) (3) of this section, 1611
shall impose an additional prison term of five years upon the 1612
offender that shall not be reduced pursuant to section 2929.20, 1613
section 2967.19, section 2967.193, or any other provision of 1614
Chapter 2967. or Chapter 5120. of the Revised Code. 1615

(ii) Except as provided in division (B) (1) (e) of this 1616
section, if an offender who is convicted of or pleads guilty to 1617
a violation of section 2923.161 of the Revised Code or to a 1618
felony that includes, as an essential element, purposely or 1619
knowingly causing or attempting to cause the death of or 1620
physical harm to another, also is convicted of or pleads guilty 1621
to a specification of the type described in division (C) of 1622
section 2941.146 of the Revised Code that charges the offender 1623
with committing the offense by discharging a firearm from a 1624
motor vehicle other than a manufactured home and that the 1625
offender previously has been convicted of or pleaded guilty to a 1626
specification of the type described in section 2941.141, 1627
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1628
the court, after imposing a prison term on the offender for the 1629
violation of section 2923.161 of the Revised Code or for the 1630
other felony offense under division (A), (B) (2), or (3) of this 1631
section, shall impose an additional prison term of ninety months 1632
upon the offender that shall not be reduced pursuant to section 1633
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1634
2967. or Chapter 5120. of the Revised Code. 1635

(iii) A court shall not impose more than one additional 1636
prison term on an offender under division (B) (1) (c) of this 1637
section for felonies committed as part of the same act or 1638
transaction. If a court imposes an additional prison term on an 1639
offender under division (B) (1) (c) of this section relative to an 1640
offense, the court also shall impose a prison term under 1641

division (B) (1) (a) of this section relative to the same offense, 1642
provided the criteria specified in that division for imposing an 1643
additional prison term are satisfied relative to the offender 1644
and the offense. 1645

(d) If an offender who is convicted of or pleads guilty to 1646
an offense of violence that is a felony also is convicted of or 1647
pleads guilty to a specification of the type described in 1648
section 2941.1411 of the Revised Code that charges the offender 1649
with wearing or carrying body armor while committing the felony 1650
offense of violence, the court shall impose on the offender a 1651
prison term of two years. The prison term so imposed, subject to 1652
divisions (C) to (I) of section 2967.19 of the Revised Code, 1653
shall not be reduced pursuant to section 2929.20, section 1654
2967.19, section 2967.193, or any other provision of Chapter 1655
2967. or Chapter 5120. of the Revised Code. A court shall not 1656
impose more than one prison term on an offender under division 1657
(B) (1) (d) of this section for felonies committed as part of the 1658
same act or transaction. If a court imposes an additional prison 1659
term under division (B) (1) (a) or (c) of this section, the court 1660
is not precluded from imposing an additional prison term under 1661
division (B) (1) (d) of this section. 1662

(e) The court shall not impose any of the prison terms 1663
described in division (B) (1) (a) of this section or any of the 1664
additional prison terms described in division (B) (1) (c) of this 1665
section upon an offender for a violation of section 2923.12 or 1666
2923.123 of the Revised Code. The court shall not impose any of 1667
the prison terms described in division (B) (1) (a) or (b) of this 1668
section upon an offender for a violation of section 2923.122 1669
that involves a deadly weapon that is a firearm other than a 1670
dangerous ordnance, section 2923.16, or section 2923.121 of the 1671
Revised Code. The court shall not impose any of the prison terms 1672

described in division (B) (1) (a) of this section or any of the 1673
additional prison terms described in division (B) (1) (c) of this 1674
section upon an offender for a violation of section 2923.13 of 1675
the Revised Code unless all of the following apply: 1676

(i) The offender previously has been convicted of 1677
aggravated murder, murder, or any felony of the first or second 1678
degree. 1679

(ii) Less than five years have passed since the offender 1680
was released from prison or post-release control, whichever is 1681
later, for the prior offense. 1682

(f) (i) If an offender is convicted of or pleads guilty to 1683
a felony that includes, as an essential element, causing or 1684
attempting to cause the death of or physical harm to another and 1685
also is convicted of or pleads guilty to a specification of the 1686
type described in division (A) of section 2941.1412 of the 1687
Revised Code that charges the offender with committing the 1688
offense by discharging a firearm at a peace officer as defined 1689
in section 2935.01 of the Revised Code or a corrections officer, 1690
as defined in section 2941.1412 of the Revised Code, the court, 1691
after imposing a prison term on the offender for the felony 1692
offense under division (A), (B) (2), or (B) (3) of this section, 1693
shall impose an additional prison term of seven years upon the 1694
offender that shall not be reduced pursuant to section 2929.20, 1695
section 2967.19, section 2967.193, or any other provision of 1696
Chapter 2967. or Chapter 5120. of the Revised Code. 1697

(ii) If an offender is convicted of or pleads guilty to a 1698
felony that includes, as an essential element, causing or 1699
attempting to cause the death of or physical harm to another and 1700
also is convicted of or pleads guilty to a specification of the 1701
type described in division (B) of section 2941.1412 of the 1702

Revised Code that charges the offender with committing the 1703
offense by discharging a firearm at a peace officer, as defined 1704
in section 2935.01 of the Revised Code, or a corrections 1705
officer, as defined in section 2941.1412 of the Revised Code, 1706
and that the offender previously has been convicted of or 1707
pleaded guilty to a specification of the type described in 1708
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1709
the Revised Code, the court, after imposing a prison term on the 1710
offender for the felony offense under division (A), (B) (2), or 1711
(3) of this section, shall impose an additional prison term of 1712
one hundred twenty-six months upon the offender that shall not 1713
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1714
any other provision of Chapter 2967. or 5120. of the Revised 1715
Code. 1716

(iii) If an offender is convicted of or pleads guilty to 1717
two or more felonies that include, as an essential element, 1718
causing or attempting to cause the death or physical harm to 1719
another and also is convicted of or pleads guilty to a 1720
specification of the type described under division (B) (1) (f) of 1721
this section in connection with two or more of the felonies of 1722
which the offender is convicted or to which the offender pleads 1723
guilty, the sentencing court shall impose on the offender the 1724
prison term specified under division (B) (1) (f) of this section 1725
for each of two of the specifications of which the offender is 1726
convicted or to which the offender pleads guilty and, in its 1727
discretion, also may impose on the offender the prison term 1728
specified under that division for any or all of the remaining 1729
specifications. If a court imposes an additional prison term on 1730
an offender under division (B) (1) (f) of this section relative to 1731
an offense, the court shall not impose a prison term under 1732
division (B) (1) (a) or (c) of this section relative to the same 1733

offense. 1734

(g) If an offender is convicted of or pleads guilty to two 1735
or more felonies, if one or more of those felonies are 1736
aggravated murder, murder, attempted aggravated murder, 1737
attempted murder, aggravated robbery, felonious assault, or 1738
rape, and if the offender is convicted of or pleads guilty to a 1739
specification of the type described under division (B)(1)(a) of 1740
this section in connection with two or more of the felonies, the 1741
sentencing court shall impose on the offender the prison term 1742
specified under division (B)(1)(a) of this section for each of 1743
the two most serious specifications of which the offender is 1744
convicted or to which the offender pleads guilty and, in its 1745
discretion, also may impose on the offender the prison term 1746
specified under that division for any or all of the remaining 1747
specifications. 1748

(2)(a) If division (B)(2)(b) of this section does not 1749
apply, the court may impose on an offender, in addition to the 1750
longest prison term authorized or required for the offense, an 1751
additional definite prison term of one, two, three, four, five, 1752
six, seven, eight, nine, or ten years if all of the following 1753
criteria are met: 1754

(i) The offender is convicted of or pleads guilty to a 1755
specification of the type described in section 2941.149 of the 1756
Revised Code that the offender is a repeat violent offender. 1757

(ii) The offense of which the offender currently is 1758
convicted or to which the offender currently pleads guilty is 1759
aggravated murder and the court does not impose a sentence of 1760
death or life imprisonment without parole, murder, terrorism and 1761
the court does not impose a sentence of life imprisonment 1762
without parole, any felony of the first degree that is an 1763

offense of violence and the court does not impose a sentence of 1764
life imprisonment without parole, or any felony of the second 1765
degree that is an offense of violence and the trier of fact 1766
finds that the offense involved an attempt to cause or a threat 1767
to cause serious physical harm to a person or resulted in 1768
serious physical harm to a person. 1769

(iii) The court imposes the longest prison term for the 1770
offense that is not life imprisonment without parole. 1771

(iv) The court finds that the prison terms imposed 1772
pursuant to division (B) (2) (a) (iii) of this section and, if 1773
applicable, division (B) (1) or (3) of this section are 1774
inadequate to punish the offender and protect the public from 1775
future crime, because the applicable factors under section 1776
2929.12 of the Revised Code indicating a greater likelihood of 1777
recidivism outweigh the applicable factors under that section 1778
indicating a lesser likelihood of recidivism. 1779

(v) The court finds that the prison terms imposed pursuant 1780
to division (B) (2) (a) (iii) of this section and, if applicable, 1781
division (B) (1) or (3) of this section are demeaning to the 1782
seriousness of the offense, because one or more of the factors 1783
under section 2929.12 of the Revised Code indicating that the 1784
offender's conduct is more serious than conduct normally 1785
constituting the offense are present, and they outweigh the 1786
applicable factors under that section indicating that the 1787
offender's conduct is less serious than conduct normally 1788
constituting the offense. 1789

(b) The court shall impose on an offender the longest 1790
prison term authorized or required for the offense and shall 1791
impose on the offender an additional definite prison term of 1792
one, two, three, four, five, six, seven, eight, nine, or ten 1793

years if all of the following criteria are met: 1794

(i) The offender is convicted of or pleads guilty to a 1795
specification of the type described in section 2941.149 of the 1796
Revised Code that the offender is a repeat violent offender. 1797

(ii) The offender within the preceding twenty years has 1798
been convicted of or pleaded guilty to three or more offenses 1799
described in division (CC) (1) of section 2929.01 of the Revised 1800
Code, including all offenses described in that division of which 1801
the offender is convicted or to which the offender pleads guilty 1802
in the current prosecution and all offenses described in that 1803
division of which the offender previously has been convicted or 1804
to which the offender previously pleaded guilty, whether 1805
prosecuted together or separately. 1806

(iii) The offense or offenses of which the offender 1807
currently is convicted or to which the offender currently pleads 1808
guilty is aggravated murder and the court does not impose a 1809
sentence of death or life imprisonment without parole, murder, 1810
terrorism and the court does not impose a sentence of life 1811
imprisonment without parole, any felony of the first degree that 1812
is an offense of violence and the court does not impose a 1813
sentence of life imprisonment without parole, or any felony of 1814
the second degree that is an offense of violence and the trier 1815
of fact finds that the offense involved an attempt to cause or a 1816
threat to cause serious physical harm to a person or resulted in 1817
serious physical harm to a person. 1818

(c) For purposes of division (B) (2) (b) of this section, 1819
two or more offenses committed at the same time or as part of 1820
the same act or event shall be considered one offense, and that 1821
one offense shall be the offense with the greatest penalty. 1822

(d) A sentence imposed under division (B) (2) (a) or (b) of 1823
this section shall not be reduced pursuant to section 2929.20, 1824
section 2967.19, or section 2967.193, or any other provision of 1825
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1826
shall serve an additional prison term imposed under this section 1827
consecutively to and prior to the prison term imposed for the 1828
underlying offense. 1829

(e) When imposing a sentence pursuant to division (B) (2) 1830
(a) or (b) of this section, the court shall state its findings 1831
explaining the imposed sentence. 1832

(3) Except when an offender commits a violation of section 1833
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1834
for the violation is life imprisonment or commits a violation of 1835
section 2903.02 of the Revised Code, if the offender commits a 1836
violation of section 2925.03 or 2925.11 of the Revised Code and 1837
that section classifies the offender as a major drug offender, 1838
if the offender commits a felony violation of section 2925.02, 1839
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1840
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1841
division (E) of section 4729.51, or division (J) of section 1842
4729.54 of the Revised Code that includes the sale, offer to 1843
sell, or possession of a schedule I or II controlled substance, 1844
with the exception of marihuana, and the court imposing sentence 1845
upon the offender finds that the offender is guilty of a 1846
specification of the type described in section 2941.1410 of the 1847
Revised Code charging that the offender is a major drug 1848
offender, if the court imposing sentence upon an offender for a 1849
felony finds that the offender is guilty of corrupt activity 1850
with the most serious offense in the pattern of corrupt activity 1851
being a felony of the first degree, or if the offender is guilty 1852
of an attempted violation of section 2907.02 of the Revised Code 1853

and, had the offender completed the violation of section 2907.02 1854
of the Revised Code that was attempted, the offender would have 1855
been subject to a sentence of life imprisonment or life 1856
imprisonment without parole for the violation of section 2907.02 1857
of the Revised Code, the court shall impose upon the offender 1858
for the felony violation a mandatory prison term of the maximum 1859
prison term prescribed for a felony of the first degree that, 1860
subject to divisions (C) to (I) of section 2967.19 of the 1861
Revised Code, cannot be reduced pursuant to section 2929.20, 1862
section 2967.19, or any other provision of Chapter 2967. or 1863
5120. of the Revised Code. 1864

(4) If the offender is being sentenced for a third or 1865
fourth degree felony OVI offense under division (G) (2) of 1866
section 2929.13 of the Revised Code, the sentencing court shall 1867
impose upon the offender a mandatory prison term in accordance 1868
with that division. In addition to the mandatory prison term, if 1869
the offender is being sentenced for a fourth degree felony OVI 1870
offense, the court, notwithstanding division (A) (4) of this 1871
section, may sentence the offender to a definite prison term of 1872
not less than six months and not more than thirty months, and if 1873
the offender is being sentenced for a third degree felony OVI 1874
offense, the sentencing court may sentence the offender to an 1875
additional prison term of any duration specified in division (A) 1876
(3) of this section. In either case, the additional prison term 1877
imposed shall be reduced by the sixty or one hundred twenty days 1878
imposed upon the offender as the mandatory prison term. The 1879
total of the additional prison term imposed under division (B) 1880
(4) of this section plus the sixty or one hundred twenty days 1881
imposed as the mandatory prison term shall equal a definite term 1882
in the range of six months to thirty months for a fourth degree 1883
felony OVI offense and shall equal one of the authorized prison 1884

terms specified in division (A) (3) of this section for a third 1885
degree felony OVI offense. If the court imposes an additional 1886
prison term under division (B) (4) of this section, the offender 1887
shall serve the additional prison term after the offender has 1888
served the mandatory prison term required for the offense. In 1889
addition to the mandatory prison term or mandatory and 1890
additional prison term imposed as described in division (B) (4) 1891
of this section, the court also may sentence the offender to a 1892
community control sanction under section 2929.16 or 2929.17 of 1893
the Revised Code, but the offender shall serve all of the prison 1894
terms so imposed prior to serving the community control 1895
sanction. 1896

If the offender is being sentenced for a fourth degree 1897
felony OVI offense under division (G) (1) of section 2929.13 of 1898
the Revised Code and the court imposes a mandatory term of local 1899
incarceration, the court may impose a prison term as described 1900
in division (A) (1) of that section. 1901

(5) If an offender is convicted of or pleads guilty to a 1902
violation of division (A) (1) or (2) of section 2903.06 of the 1903
Revised Code and also is convicted of or pleads guilty to a 1904
specification of the type described in section 2941.1414 of the 1905
Revised Code that charges that the victim of the offense is a 1906
peace officer, as defined in section 2935.01 of the Revised 1907
Code, or an investigator of the bureau of criminal 1908
identification and investigation, as defined in section 2903.11 1909
of the Revised Code, the court shall impose on the offender a 1910
prison term of five years. If a court imposes a prison term on 1911
an offender under division (B) (5) of this section, the prison 1912
term, subject to divisions (C) to (I) of section 2967.19 of the 1913
Revised Code, shall not be reduced pursuant to section 2929.20, 1914
section 2967.19, section 2967.193, or any other provision of 1915

Chapter 2967. or Chapter 5120. of the Revised Code. A court 1916
shall not impose more than one prison term on an offender under 1917
division (B) (5) of this section for felonies committed as part 1918
of the same act. 1919

(6) If an offender is convicted of or pleads guilty to a 1920
violation of division (A) (1) or (2) of section 2903.06 of the 1921
Revised Code and also is convicted of or pleads guilty to a 1922
specification of the type described in section 2941.1415 of the 1923
Revised Code that charges that the offender previously has been 1924
convicted of or pleaded guilty to three or more violations of 1925
division (A) or (B) of section 4511.19 of the Revised Code or an 1926
equivalent offense, as defined in section 2941.1415 of the 1927
Revised Code, or three or more violations of any combination of 1928
those divisions and offenses, the court shall impose on the 1929
offender a prison term of three years. If a court imposes a 1930
prison term on an offender under division (B) (6) of this 1931
section, the prison term, subject to divisions (C) to (I) of 1932
section 2967.19 of the Revised Code, shall not be reduced 1933
pursuant to section 2929.20, section 2967.19, section 2967.193, 1934
or any other provision of Chapter 2967. or Chapter 5120. of the 1935
Revised Code. A court shall not impose more than one prison term 1936
on an offender under division (B) (6) of this section for 1937
felonies committed as part of the same act. 1938

(7) (a) If an offender is convicted of or pleads guilty to 1939
a felony violation of section 2905.01, 2905.02, 2907.21, 1940
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 1941
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 1942
the Revised Code and also is convicted of or pleads guilty to a 1943
specification of the type described in section 2941.1422 of the 1944
Revised Code that charges that the offender knowingly committed 1945
the offense in furtherance of human trafficking, the court shall 1946

impose on the offender a mandatory prison term that is one of 1947
the following: 1948

(i) If the offense is a felony of the first degree, a 1949
definite prison term of not less than five years and not greater 1950
than ten years; 1951

(ii) If the offense is a felony of the second or third 1952
degree, a definite prison term of not less than three years and 1953
not greater than the maximum prison term allowed for the offense 1954
by division (A) of section 2929.14 of the Revised Code; 1955

(iii) If the offense is a felony of the fourth or fifth 1956
degree, a definite prison term that is the maximum prison term 1957
allowed for the offense by division (A) of section 2929.14 of 1958
the Revised Code. 1959

(b) Subject to divisions (C) to (I) of section 2967.19 of 1960
the Revised Code, the prison term imposed under division (B) (7) 1961
(a) of this section shall not be reduced pursuant to section 1962
2929.20, section 2967.19, section 2967.193, or any other 1963
provision of Chapter 2967. of the Revised Code. A court shall 1964
not impose more than one prison term on an offender under 1965
division (B) (7) (a) of this section for felonies committed as 1966
part of the same act, scheme, or plan. 1967

(8) If an offender is convicted of or pleads guilty to a 1968
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1969
Revised Code and also is convicted of or pleads guilty to a 1970
specification of the type described in section 2941.1423 of the 1971
Revised Code that charges that the victim of the violation was a 1972
woman whom the offender knew was pregnant at the time of the 1973
violation, notwithstanding the range of prison terms prescribed 1974
in division (A) of this section for felonies of the same degree 1975

as the violation, the court shall impose on the offender a 1976
mandatory prison term that is either a definite prison term of 1977
six months or one of the prison terms prescribed in section 1978
2929.14 of the Revised Code for felonies of the same degree as 1979
the violation. 1980

(9) If an offender is convicted of or pleads guilty to a 1981
felony violation of division (A), (B) (1), or (B) (2) of section 1982
2919.22 of the Revised Code or a violation of section 2903.11 of 1983
the Revised Code when the victim of the offense is a child under 1984
thirteen years of age or a mentally or physically handicapped 1985
child under twenty-one years of age, and if the offender also is 1986
convicted of or pleads guilty to a specification of the type 1987
described in section 2941.1425 of the Revised Code that charges 1988
that the victim of the offense suffered permanent disabling harm 1989
as a result of the offense, the court shall impose upon the 1990
offender, in addition to any other sanction imposed for the 1991
violation, a mandatory definite prison term of three, four, 1992
five, six, seven, or eight years. A prison term imposed upon an 1993
offender under division (B) (9) of this section shall not be 1994
reduced pursuant to section 2929.20, section 2967.193, or any 1995
other provision of Chapter 2967. or Chapter 5120. of the Revised 1996
Code. 1997

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1998
if a mandatory prison term is imposed upon an offender pursuant 1999
to division (B) (1) (a) of this section for having a firearm on or 2000
about the offender's person or under the offender's control 2001
while committing a felony, if a mandatory prison term is imposed 2002
upon an offender pursuant to division (B) (1) (c) of this section 2003
for committing a felony specified in that division by 2004
discharging a firearm from a motor vehicle, or if both types of 2005
mandatory prison terms are imposed, the offender shall serve any 2006

mandatory prison term imposed under either division 2007
consecutively to any other mandatory prison term imposed under 2008
either division or under division (B) (1) (d) of this section, 2009
consecutively to and prior to any prison term imposed for the 2010
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 2011
this section or any other section of the Revised Code, and 2012
consecutively to any other prison term or mandatory prison term 2013
previously or subsequently imposed upon the offender. 2014

(b) If a mandatory prison term is imposed upon an offender 2015
pursuant to division (B) (1) (d) of this section for wearing or 2016
carrying body armor while committing an offense of violence that 2017
is a felony, the offender shall serve the mandatory term so 2018
imposed consecutively to any other mandatory prison term imposed 2019
under that division or under division (B) (1) (a) or (c) of this 2020
section, consecutively to and prior to any prison term imposed 2021
for the underlying felony under division (A), (B) (2), or (B) (3) 2022
of this section or any other section of the Revised Code, and 2023
consecutively to any other prison term or mandatory prison term 2024
previously or subsequently imposed upon the offender. 2025

(c) If a mandatory prison term is imposed upon an offender 2026
pursuant to division (B) (1) (f) of this section, the offender 2027
shall serve the mandatory prison term so imposed consecutively 2028
to and prior to any prison term imposed for the underlying 2029
felony under division (A), (B) (2), or (B) (3) of this section or 2030
any other section of the Revised Code, and consecutively to any 2031
other prison term or mandatory prison term previously or 2032
subsequently imposed upon the offender. 2033

(d) If a mandatory prison term is imposed upon an offender 2034
pursuant to division (B) (7) or (8) of this section, the offender 2035
shall serve the mandatory prison term so imposed consecutively 2036

to any other mandatory prison term imposed under that division 2037
or under any other provision of law and consecutively to any 2038
other prison term or mandatory prison term previously or 2039
subsequently imposed upon the offender. 2040

(2) If an offender who is an inmate in a jail, prison, or 2041
other residential detention facility violates section 2917.02, 2042
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 2043
(2) of section 2921.34 of the Revised Code, if an offender who 2044
is under detention at a detention facility commits a felony 2045
violation of section 2923.131 of the Revised Code, or if an 2046
offender who is an inmate in a jail, prison, or other 2047
residential detention facility or is under detention at a 2048
detention facility commits another felony while the offender is 2049
an escapee in violation of division (A) (1) or (2) of section 2050
2921.34 of the Revised Code, any prison term imposed upon the 2051
offender for one of those violations shall be served by the 2052
offender consecutively to the prison term or term of 2053
imprisonment the offender was serving when the offender 2054
committed that offense and to any other prison term previously 2055
or subsequently imposed upon the offender. 2056

(3) If a prison term is imposed for a violation of 2057
division (B) of section 2911.01 of the Revised Code, a violation 2058
of division (A) of section 2913.02 of the Revised Code in which 2059
the stolen property is a firearm or dangerous ordnance, or a 2060
felony violation of division (B) of section 2921.331 of the 2061
Revised Code, the offender shall serve that prison term 2062
consecutively to any other prison term or mandatory prison term 2063
previously or subsequently imposed upon the offender. 2064

(4) If multiple prison terms are imposed on an offender 2065
for convictions of multiple offenses, the court may require the 2066

offender to serve the prison terms consecutively if the court 2067
finds that the consecutive service is necessary to protect the 2068
public from future crime or to punish the offender and that 2069
consecutive sentences are not disproportionate to the 2070
seriousness of the offender's conduct and to the danger the 2071
offender poses to the public, and if the court also finds any of 2072
the following: 2073

(a) The offender committed one or more of the multiple 2074
offenses while the offender was awaiting trial or sentencing, 2075
was under a sanction imposed pursuant to section 2929.16, 2076
2929.17, or 2929.18 of the Revised Code, or was under post- 2077
release control for a prior offense. 2078

(b) At least two of the multiple offenses were committed 2079
as part of one or more courses of conduct, and the harm caused 2080
by two or more of the multiple offenses so committed was so 2081
great or unusual that no single prison term for any of the 2082
offenses committed as part of any of the courses of conduct 2083
adequately reflects the seriousness of the offender's conduct. 2084

(c) The offender's history of criminal conduct 2085
demonstrates that consecutive sentences are necessary to protect 2086
the public from future crime by the offender. 2087

(5) If a mandatory prison term is imposed upon an offender 2088
pursuant to division (B) (5) or (6) of this section, the offender 2089
shall serve the mandatory prison term consecutively to and prior 2090
to any prison term imposed for the underlying violation of 2091
division (A) (1) or (2) of section 2903.06 of the Revised Code 2092
pursuant to division (A) of this section or section 2929.142 of 2093
the Revised Code. If a mandatory prison term is imposed upon an 2094
offender pursuant to division (B) (5) of this section, and if a 2095
mandatory prison term also is imposed upon the offender pursuant 2096

to division (B) (6) of this section in relation to the same 2097
violation, the offender shall serve the mandatory prison term 2098
imposed pursuant to division (B) (5) of this section 2099
consecutively to and prior to the mandatory prison term imposed 2100
pursuant to division (B) (6) of this section and consecutively to 2101
and prior to any prison term imposed for the underlying 2102
violation of division (A) (1) or (2) of section 2903.06 of the 2103
Revised Code pursuant to division (A) of this section or section 2104
2929.142 of the Revised Code. 2105

(6) If a mandatory prison term is imposed upon an offender 2106
under division (B) (9) of this section, the offender shall serve 2107
that mandatory prison term consecutively to and prior to any 2108
prison term imposed for the underlying violation of division 2109
(A), (B) (1), or (B) (2) of section 2919.22 of the Revised Code or 2110
of section 2903.11 of the Revised Code and consecutively to and 2111
prior to any other prison term or mandatory prison term 2112
previously or subsequently imposed upon the offender. 2113

(7) When consecutive prison terms are imposed pursuant to 2114
division (C) (1), (2), (3), (4), ~~or~~ (5), or (6) or division (H) 2115
(1) or (2) of this section, the term to be served is the 2116
aggregate of all of the terms so imposed. 2117

(D) (1) If a court imposes a prison term for a felony of 2118
the first degree, for a felony of the second degree, for a 2119
felony sex offense, or for a felony of the third degree that is 2120
not a felony sex offense and in the commission of which the 2121
offender caused or threatened to cause physical harm to a 2122
person, it shall include in the sentence a requirement that the 2123
offender be subject to a period of post-release control after 2124
the offender's release from imprisonment, in accordance with 2125
that division. If a court imposes a sentence including a prison 2126

term of a type described in this division on or after July 11, 2127
2006, the failure of a court to include a post-release control 2128
requirement in the sentence pursuant to this division does not 2129
negate, limit, or otherwise affect the mandatory period of post- 2130
release control that is required for the offender under division 2131
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 2132
the Revised Code applies if, prior to July 11, 2006, a court 2133
imposed a sentence including a prison term of a type described 2134
in this division and failed to include in the sentence pursuant 2135
to this division a statement regarding post-release control. 2136

(2) If a court imposes a prison term for a felony of the 2137
third, fourth, or fifth degree that is not subject to division 2138
(D)(1) of this section, it shall include in the sentence a 2139
requirement that the offender be subject to a period of post- 2140
release control after the offender's release from imprisonment, 2141
in accordance with that division, if the parole board determines 2142
that a period of post-release control is necessary. Section 2143
2929.191 of the Revised Code applies if, prior to July 11, 2006, 2144
a court imposed a sentence including a prison term of a type 2145
described in this division and failed to include in the sentence 2146
pursuant to this division a statement regarding post-release 2147
control. 2148

(E) The court shall impose sentence upon the offender in 2149
accordance with section 2971.03 of the Revised Code, and Chapter 2150
2971. of the Revised Code applies regarding the prison term or 2151
term of life imprisonment without parole imposed upon the 2152
offender and the service of that term of imprisonment if any of 2153
the following apply: 2154

(1) A person is convicted of or pleads guilty to a violent 2155
sex offense or a designated homicide, assault, or kidnapping 2156

offense, and, in relation to that offense, the offender is 2157
adjudicated a sexually violent predator. 2158

(2) A person is convicted of or pleads guilty to a 2159
violation of division (A) (1) (b) of section 2907.02 of the 2160
Revised Code committed on or after January 2, 2007, and either 2161
the court does not impose a sentence of life without parole when 2162
authorized pursuant to division (B) of section 2907.02 of the 2163
Revised Code, or division (B) of section 2907.02 of the Revised 2164
Code provides that the court shall not sentence the offender 2165
pursuant to section 2971.03 of the Revised Code. 2166

(3) A person is convicted of or pleads guilty to attempted 2167
rape committed on or after January 2, 2007, and a specification 2168
of the type described in section 2941.1418, 2941.1419, or 2169
2941.1420 of the Revised Code. 2170

(4) A person is convicted of or pleads guilty to a 2171
violation of section 2905.01 of the Revised Code committed on or 2172
after January 1, 2008, and that section requires the court to 2173
sentence the offender pursuant to section 2971.03 of the Revised 2174
Code. 2175

(5) A person is convicted of or pleads guilty to 2176
aggravated murder committed on or after January 1, 2008, and 2177
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 2178
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 2179
(d) of section 2929.03, or division (A) or (B) of section 2180
2929.06 of the Revised Code requires the court to sentence the 2181
offender pursuant to division (B) (3) of section 2971.03 of the 2182
Revised Code. 2183

(6) A person is convicted of or pleads guilty to murder 2184
committed on or after January 1, 2008, and division (B) (2) of 2185

section 2929.02 of the Revised Code requires the court to 2186
sentence the offender pursuant to section 2971.03 of the Revised 2187
Code. 2188

(F) If a person who has been convicted of or pleaded 2189
guilty to a felony is sentenced to a prison term or term of 2190
imprisonment under this section, sections 2929.02 to 2929.06 of 2191
the Revised Code, section 2929.142 of the Revised Code, section 2192
2971.03 of the Revised Code, or any other provision of law, 2193
section 5120.163 of the Revised Code applies regarding the 2194
person while the person is confined in a state correctional 2195
institution. 2196

(G) If an offender who is convicted of or pleads guilty to 2197
a felony that is an offense of violence also is convicted of or 2198
pleads guilty to a specification of the type described in 2199
section 2941.142 of the Revised Code that charges the offender 2200
with having committed the felony while participating in a 2201
criminal gang, the court shall impose upon the offender an 2202
additional prison term of one, two, or three years. 2203

(H) (1) If an offender who is convicted of or pleads guilty 2204
to aggravated murder, murder, or a felony of the first, second, 2205
or third degree that is an offense of violence also is convicted 2206
of or pleads guilty to a specification of the type described in 2207
section 2941.143 of the Revised Code that charges the offender 2208
with having committed the offense in a school safety zone or 2209
towards a person in a school safety zone, the court shall impose 2210
upon the offender an additional prison term of two years. The 2211
offender shall serve the additional two years consecutively to 2212
and prior to the prison term imposed for the underlying offense. 2213

(2) (a) If an offender is convicted of or pleads guilty to 2214
a felony violation of section 2907.22, 2907.24, 2907.241, or 2215

2907.25 of the Revised Code and to a specification of the type 2216
described in section 2941.1421 of the Revised Code and if the 2217
court imposes a prison term on the offender for the felony 2218
violation, the court may impose upon the offender an additional 2219
prison term as follows: 2220

(i) Subject to division (H) (2) (a) (ii) of this section, an 2221
additional prison term of one, two, three, four, five, or six 2222
months; 2223

(ii) If the offender previously has been convicted of or 2224
pleaded guilty to one or more felony or misdemeanor violations 2225
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 2226
the Revised Code and also was convicted of or pleaded guilty to 2227
a specification of the type described in section 2941.1421 of 2228
the Revised Code regarding one or more of those violations, an 2229
additional prison term of one, two, three, four, five, six, 2230
seven, eight, nine, ten, eleven, or twelve months. 2231

(b) In lieu of imposing an additional prison term under 2232
division (H) (2) (a) of this section, the court may directly 2233
impose on the offender a sanction that requires the offender to 2234
wear a real-time processing, continual tracking electronic 2235
monitoring device during the period of time specified by the 2236
court. The period of time specified by the court shall equal the 2237
duration of an additional prison term that the court could have 2238
imposed upon the offender under division (H) (2) (a) of this 2239
section. A sanction imposed under this division shall commence 2240
on the date specified by the court, provided that the sanction 2241
shall not commence until after the offender has served the 2242
prison term imposed for the felony violation of section 2907.22, 2243
2907.24, 2907.241, or 2907.25 of the Revised Code and any 2244
residential sanction imposed for the violation under section 2245

2929.16 of the Revised Code. A sanction imposed under this 2246
division shall be considered to be a community control sanction 2247
for purposes of section 2929.15 of the Revised Code, and all 2248
provisions of the Revised Code that pertain to community control 2249
sanctions shall apply to a sanction imposed under this division, 2250
except to the extent that they would by their nature be clearly 2251
inapplicable. The offender shall pay all costs associated with a 2252
sanction imposed under this division, including the cost of the 2253
use of the monitoring device. 2254

(I) At the time of sentencing, the court may recommend the 2255
offender for placement in a program of shock incarceration under 2256
section 5120.031 of the Revised Code or for placement in an 2257
intensive program prison under section 5120.032 of the Revised 2258
Code, disapprove placement of the offender in a program of shock 2259
incarceration or an intensive program prison of that nature, or 2260
make no recommendation on placement of the offender. In no case 2261
shall the department of rehabilitation and correction place the 2262
offender in a program or prison of that nature unless the 2263
department determines as specified in section 5120.031 or 2264
5120.032 of the Revised Code, whichever is applicable, that the 2265
offender is eligible for the placement. 2266

If the court disapproves placement of the offender in a 2267
program or prison of that nature, the department of 2268
rehabilitation and correction shall not place the offender in 2269
any program of shock incarceration or intensive program prison. 2270

If the court recommends placement of the offender in a 2271
program of shock incarceration or in an intensive program 2272
prison, and if the offender is subsequently placed in the 2273
recommended program or prison, the department shall notify the 2274
court of the placement and shall include with the notice a brief 2275

description of the placement. 2276

If the court recommends placement of the offender in a 2277
program of shock incarceration or in an intensive program prison 2278
and the department does not subsequently place the offender in 2279
the recommended program or prison, the department shall send a 2280
notice to the court indicating why the offender was not placed 2281
in the recommended program or prison. 2282

If the court does not make a recommendation under this 2283
division with respect to an offender and if the department 2284
determines as specified in section 5120.031 or 5120.032 of the 2285
Revised Code, whichever is applicable, that the offender is 2286
eligible for placement in a program or prison of that nature, 2287
the department shall screen the offender and determine if there 2288
is an available program of shock incarceration or an intensive 2289
program prison for which the offender is suited. If there is an 2290
available program of shock incarceration or an intensive program 2291
prison for which the offender is suited, the department shall 2292
notify the court of the proposed placement of the offender as 2293
specified in section 5120.031 or 5120.032 of the Revised Code 2294
and shall include with the notice a brief description of the 2295
placement. The court shall have ten days from receipt of the 2296
notice to disapprove the placement. 2297

(J) If a person is convicted of or pleads guilty to 2298
aggravated vehicular homicide in violation of division (A) (1) of 2299
section 2903.06 of the Revised Code and division (B) (2) (c) of 2300
that section applies, the person shall be sentenced pursuant to 2301
section 2929.142 of the Revised Code. 2302

(K) (1) The court shall impose an additional mandatory 2303
prison term of two, three, four, five, six, seven, eight, nine, 2304
ten, or eleven years on an offender who is convicted of or 2305

pleads guilty to a violent felony offense if the offender also 2306
is convicted of or pleads guilty to a specification of the type 2307
described in section 2941.1424 of the Revised Code that charges 2308
that the offender is a violent career criminal and had a firearm 2309
on or about the offender's person or under the offender's 2310
control while committing the presently charged violent felony 2311
offense and displayed or brandished the firearm, indicated that 2312
the offender possessed a firearm, or used the firearm to 2313
facilitate the offense. The offender shall serve the prison term 2314
imposed under this division consecutively to and prior to the 2315
prison term imposed for the underlying offense. The prison term 2316
shall not be reduced pursuant to section 2929.20 or 2967.19 or 2317
any other provision of Chapter 2967. or 5120. of the Revised 2318
Code. A court may not impose more than one sentence under 2319
division (B) (2) (a) of this section and this division for acts 2320
committed as part of the same act or transaction. 2321

(2) As used in division (K) (1) of this section, "violent 2322
career criminal" and "violent felony offense" have the same 2323
meanings as in section 2923.132 of the Revised Code. 2324

Sec. 2941.1425. (A) Imposition of a mandatory prison term 2325
of three, four, five, six, seven, or eight years upon an 2326
offender under division (B) (9) of section 2929.14 of the Revised 2327
Code is precluded unless the offender is convicted of or pleads 2328
guilty to a felony violation of division (A), (B) (1), or (B) (2) 2329
of section 2919.22 of the Revised Code or a violation of section 2330
2903.11 of the Revised Code when the victim of the offense is a 2331
child under thirteen years of age or a mentally or physically 2332
handicapped child under twenty-one years of age and unless the 2333
indictment, count in the indictment, or information charging the 2334
offense specifies that the victim of the offense suffered 2335
permanent disabling harm as a result of the offense. The 2336

specification shall be stated at the end of the body of the 2337
indictment, count, or information and shall be stated in 2338
substantially the following form: 2339

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2340
Grand Jurors (or insert the person's or the prosecuting 2341
attorney's name when appropriate) further find and specify that 2342
(set forth that the victim of the offense suffered permanent 2343
disabling harm as a result of the offense)." 2344

(B) As used in this section, "permanent disabling harm" 2345
has the same meaning as in section 2929.01 of the Revised Code. 2346

Section 2. That existing sections 2903.11, 2919.22, 2347
2929.01, 2929.13, and 2929.14 of the Revised Code are hereby 2348
repealed. 2349

Section 3. Section 2929.01 of the Revised Code is 2350
presented in this act as a composite of the section as amended 2351
by both Sub. H.B. 158 and H.B. 171 of the 131st General 2352
Assembly. The General Assembly, applying the principle stated in 2353
division (B) of section 1.52 of the Revised Code that amendments 2354
are to be harmonized if reasonably capable of simultaneous 2355
operation, finds that the composite is the resulting version of 2356
the section in effect prior to the effective date of the section 2357
as presented in this act. 2358

Section 2929.14 of the Revised Code is presented in this 2359
act as a composite of the section as amended by both Sub. H.B. 2360
470 and Sub. S.B. 319 of the 131st General Assembly. The General 2361
Assembly, applying the principle stated in division (B) of 2362
section 1.52 of the Revised Code that amendments are to be 2363
harmonized if reasonably capable of simultaneous operation, 2364
finds that the composite is the resulting version of the section 2365

in effect prior to the effective date of the section as 2366
presented in this act. 2367

Section 4. This act shall be known as "Destiny's Law." 2368