

As Introduced

133rd General Assembly

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H. B. No. 552

Representatives Galonski, Manning, D.

**Cosponsors: Representatives Weinstein, Seitz, Riedel, Crossman, Lightbody,
Crawley, Smith, K., Miller, J., Sobecki**

A BILL

To amend sections 2907.02, 2909.24, 2929.02, 1
2929.03, 2929.06, 2929.14, 2929.19, 2967.13, 2
2971.03, and 5149.101 and to enact sections 3
2929.07 and 2967.132 of the Revised Code 4
regarding a bar against a sentence of life 5
without parole, and special parole dates, for 6
offenders who committed the offense when under 7
age 18. 8

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

Section 1. That sections 2907.02, 2909.24, 2929.02, 9
2929.03, 2929.06, 2929.14, 2929.19, 2967.13, 2971.03, and 10
5149.101 be amended and sections 2929.07 and 2967.132 of the 11
Revised Code be enacted to read as follows: 12

Sec. 2907.02. (A) (1) No person shall engage in sexual 13
conduct with another who is not the spouse of the offender or 14
who is the spouse of the offender but is living separate and 15
apart from the offender, when any of the following applies: 16

(a) For the purpose of preventing resistance, the offender 17

substantially impairs the other person's judgment or control by 18
administering any drug, intoxicant, or controlled substance to 19
the other person surreptitiously or by force, threat of force, 20
or deception. 21

(b) The other person is less than thirteen years of age, 22
whether or not the offender knows the age of the other person. 23

(c) The other person's ability to resist or consent is 24
substantially impaired because of a mental or physical condition 25
or because of advanced age, and the offender knows or has 26
reasonable cause to believe that the other person's ability to 27
resist or consent is substantially impaired because of a mental 28
or physical condition or because of advanced age. 29

(2) No person shall engage in sexual conduct with another 30
when the offender purposely compels the other person to submit 31
by force or threat of force. 32

(B) Whoever violates this section is guilty of rape, a 33
felony of the first degree. If the offender under division (A) 34
(1) (a) of this section substantially impairs the other person's 35
judgment or control by administering any controlled substance, 36
as defined in section 3719.01 of the Revised Code, to the other 37
person surreptitiously or by force, threat of force, or 38
deception, the prison term imposed upon the offender shall be 39
one of the definite prison terms prescribed for a felony of the 40
first degree in division (A) (1) (b) of section 2929.14 of the 41
Revised Code that is not less than five years, except that if 42
the violation is committed on or after ~~the effective date of~~ 43
~~this amendment~~ March 22, 2019, the court shall impose as the 44
minimum prison term for the offense a mandatory prison term that 45
is one of the minimum terms prescribed for a felony of the first 46
degree in division (A) (1) (a) of section 2929.14 of the Revised 47

Code that is not less than five years. Except as otherwise 48
provided in this division, notwithstanding sections 2929.11 to 49
2929.14 of the Revised Code, an offender under division (A) (1) 50
(b) of this section shall be sentenced to a prison term or term 51
of life imprisonment pursuant to section 2971.03 of the Revised 52
Code. If an offender is convicted of or pleads guilty to a 53
violation of division (A) (1) (b) of this section, if the offender 54
was less than sixteen years of age at the time the offender 55
committed the violation of that division, and if the offender 56
during or immediately after the commission of the offense did 57
not cause serious physical harm to the victim, the victim was 58
ten years of age or older at the time of the commission of the 59
violation, and the offender has not previously been convicted of 60
or pleaded guilty to a violation of this section or a 61
substantially similar existing or former law of this state, 62
another state, or the United States, the court shall not 63
sentence the offender to a prison term or term of life 64
imprisonment pursuant to section 2971.03 of the Revised Code, 65
and instead the court shall sentence the offender as otherwise 66
provided in this division. If an offender under division (A) (1) 67
(b) of this section previously has been convicted of or pleaded 68
guilty to violating division (A) (1) (b) of this section or to 69
violating an existing or former law of this state, another 70
state, or the United States that is substantially similar to 71
division (A) (1) (b) of this section, if the offender during or 72
immediately after the commission of the offense caused serious 73
physical harm to the victim, or if the victim under division (A) 74
(1) (b) of this section is less than ten years of age, in lieu of 75
sentencing the offender to a prison term or term of life 76
imprisonment pursuant to section 2971.03 of the Revised Code, 77
except as otherwise provided in this division, the court may 78
impose upon the offender a term of life without parole. If the 79

court imposes a term of life without parole pursuant to this 80
division, division (F) of section 2971.03 of the Revised Code 81
applies, and the offender automatically is classified a tier III 82
sex offender/child-victim offender, as described in that 83
division. A court shall not impose a term of life without parole 84
on an offender for rape if the offender was under eighteen years 85
of age at the time of the offense. 86

(C) A victim need not prove physical resistance to the 87
offender in prosecutions under this section. 88

(D) Evidence of specific instances of the victim's sexual 89
activity, opinion evidence of the victim's sexual activity, and 90
reputation evidence of the victim's sexual activity shall not be 91
admitted under this section unless it involves evidence of the 92
origin of semen, pregnancy, or disease, or the victim's past 93
sexual activity with the offender, and only to the extent that 94
the court finds that the evidence is material to a fact at issue 95
in the case and that its inflammatory or prejudicial nature does 96
not outweigh its probative value. 97

Evidence of specific instances of the defendant's sexual 98
activity, opinion evidence of the defendant's sexual activity, 99
and reputation evidence of the defendant's sexual activity shall 100
not be admitted under this section unless it involves evidence 101
of the origin of semen, pregnancy, or disease, the defendant's 102
past sexual activity with the victim, or is admissible against 103
the defendant under section 2945.59 of the Revised Code, and 104
only to the extent that the court finds that the evidence is 105
material to a fact at issue in the case and that its 106
inflammatory or prejudicial nature does not outweigh its 107
probative value. 108

(E) Prior to taking testimony or receiving evidence of any 109

sexual activity of the victim or the defendant in a proceeding 110
under this section, the court shall resolve the admissibility of 111
the proposed evidence in a hearing in chambers, which shall be 112
held at or before preliminary hearing and not less than three 113
days before trial, or for good cause shown during the trial. 114

(F) Upon approval by the court, the victim may be 115
represented by counsel in any hearing in chambers or other 116
proceeding to resolve the admissibility of evidence. If the 117
victim is indigent or otherwise is unable to obtain the services 118
of counsel, the court, upon request, may appoint counsel to 119
represent the victim without cost to the victim. 120

(G) It is not a defense to a charge under division (A) (2) 121
of this section that the offender and the victim were married or 122
were cohabiting at the time of the commission of the offense. 123

Sec. 2909.24. (A) No person shall commit a specified 124
offense with purpose to do any of the following: 125

(1) Intimidate or coerce a civilian population; 126

(2) Influence the policy of any government by intimidation 127
or coercion; 128

(3) Affect the conduct of any government by the specified 129
offense. 130

(B) (1) Whoever violates this section is guilty of 131
terrorism. 132

(2) Except as otherwise provided in divisions (B) (3) and 133
(4) of this section, terrorism is an offense one degree higher 134
than the most serious underlying specified offense the defendant 135
committed. 136

(3) ~~If~~ Except as provided in division (B) (6) of this 137

section, if the most serious underlying specified offense the 138
defendant committed is a felony of the first degree or murder, 139
the person shall be sentenced to life imprisonment without 140
parole. 141

(4) ~~If~~ Except as provided in division (B)(6) of this 142
section, if the most serious underlying specified offense the 143
defendant committed is aggravated murder, the offender shall be 144
sentenced to life imprisonment without parole or death pursuant 145
to sections 2929.02 to 2929.06 of the Revised Code. 146

(5) Section 2909.25 of the Revised Code applies regarding 147
an offender who is convicted of or pleads guilty to a violation 148
of this section. 149

(6) If a person commits a violation of this section, if 150
the most serious underlying specified offense the offender 151
committed is aggravated murder, murder, or a felony of the first 152
degree, and if the offender was under eighteen years of age at 153
the time of the violation, the offender shall not be sentenced 154
to life imprisonment without parole, but instead the offender 155
shall be sentenced to an indefinite prison term of thirty years 156
to life. 157

Sec. 2929.02. (A) Whoever is convicted of or pleads guilty 158
to aggravated murder in violation of section 2903.01 of the 159
Revised Code shall suffer death or be imprisoned for life, as 160
determined pursuant to sections 2929.022, 2929.03, and 2929.04 161
of the Revised Code, except that no person who is not found to 162
have been eighteen years of age or older at the time of the 163
commission of the offense shall be imprisoned for life without 164
parole, and that no person who raises the matter of age pursuant 165
to section 2929.023 of the Revised Code and who is not found to 166
have been eighteen years of age or older at the time of the 167

commission of the offense shall suffer death. In addition, the 168
offender may be fined an amount fixed by the court, but not more 169
than twenty-five thousand dollars. 170

(B) (1) Except as otherwise provided in division (B) (2) or 171
(3) of this section, whoever is convicted of or pleads guilty to 172
murder in violation of section 2903.02 of the Revised Code shall 173
be imprisoned for an indefinite term of fifteen years to life. 174

(2) Except as otherwise provided in division (B) (3) of 175
this section, if a person is convicted of or pleads guilty to 176
murder in violation of section 2903.02 of the Revised Code, the 177
victim of the offense was less than thirteen years of age, and 178
the offender also is convicted of or pleads guilty to a sexual 179
motivation specification that was included in the indictment, 180
count in the indictment, or information charging the offense, 181
the court shall impose an indefinite prison term of thirty years 182
to life pursuant to division (B) (3) of section 2971.03 of the 183
Revised Code. 184

(3) ~~If Except as otherwise provided in this division, if a~~ 185
person is convicted of or pleads guilty to murder in violation 186
of section 2903.02 of the Revised Code and also is convicted of 187
or pleads guilty to a sexual motivation specification and a 188
sexually violent predator specification that were included in 189
the indictment, count in the indictment, or information that 190
charged the murder, the court shall impose upon the offender a 191
term of life imprisonment without parole that shall be served 192
pursuant to section 2971.03 of the Revised Code. If the offender 193
was under eighteen years of age at the time of the offense, the 194
court shall impose an indefinite prison term of thirty years to 195
life. 196

(4) In addition, the offender may be fined an amount fixed 197

by the court, but not more than fifteen thousand dollars. 198

(C) If an offender receives or received a sentence of life imprisonment without parole, a sentence of life imprisonment, a definite sentence, or a sentence to an indefinite prison term under this chapter for an aggravated murder or murder that was committed when the offender was under eighteen years of age, the offender's parole eligibility shall be determined under section 2967.132 of the Revised Code. 199
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(D) The court shall not impose a fine or fines for aggravated murder or murder which, in the aggregate and to the extent not suspended by the court, exceeds the amount which the offender is or will be able to pay by the method and within the time allowed without undue hardship to the offender or to the dependents of the offender, or will prevent the offender from making reparation for the victim's wrongful death. 206
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~~(D)~~ (1) (E) (1) In addition to any other sanctions imposed for a violation of section 2903.01 or 2903.02 of the Revised Code, if the offender used a motor vehicle as the means to commit the violation, the court shall impose upon the offender a class two suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege as specified in division (A) (2) of section 4510.02 of the Revised Code. 213
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(2) As used in division ~~(D)~~ (E) of this section, "motor vehicle" has the same meaning as in section 4501.01 of the Revised Code. 222
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Sec. 2929.03. (A) If the indictment or count in the indictment charging aggravated murder does not contain one or 225
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more specifications of aggravating circumstances listed in 227
division (A) of section 2929.04 of the Revised Code, then, 228
following a verdict of guilty of the charge of aggravated 229
murder, the trial court shall impose sentence on the offender as 230
follows: 231

(1) Except as provided in division (A) (2) or (H) of this 232
section, the trial court shall impose one of the following 233
sentences on the offender: 234

(a) Life imprisonment without parole; 235

(b) Subject to division (A) (1) (e) of this section, life 236
imprisonment with parole eligibility after serving twenty years 237
of imprisonment; 238

(c) Subject to division (A) (1) (e) of this section, life 239
imprisonment with parole eligibility after serving twenty-five 240
full years of imprisonment; 241

(d) Subject to division (A) (1) (e) of this section, life 242
imprisonment with parole eligibility after serving thirty full 243
years of imprisonment; 244

(e) If the victim of the aggravated murder was less than 245
thirteen years of age, the offender also is convicted of or 246
pleads guilty to a sexual motivation specification that was 247
included in the indictment, count in the indictment, or 248
information charging the offense, and the trial court does not 249
impose a sentence of life imprisonment without parole on the 250
offender pursuant to division (A) (1) (a) of this section, the 251
trial court shall sentence the offender pursuant to division (B) 252
(3) of section 2971.03 of the Revised Code to an indefinite term 253
consisting of a minimum term of thirty years and a maximum term 254
of life imprisonment that shall be served pursuant to that 255

section. 256

(2) If the offender also is convicted of or pleads guilty 257
to a sexual motivation specification and a sexually violent 258
predator specification that are included in the indictment, 259
count in the indictment, or information that charged the 260
aggravated murder, except as provided in division (H) of this 261
section, the trial court shall impose upon the offender a 262
sentence of life imprisonment without parole that shall be 263
served pursuant to section 2971.03 of the Revised Code. 264

(B) If the indictment or count in the indictment charging 265
aggravated murder contains one or more specifications of 266
aggravating circumstances listed in division (A) of section 267
2929.04 of the Revised Code, the verdict shall separately state 268
whether the accused is found guilty or not guilty of the 269
principal charge and, if guilty of the principal charge, whether 270
the offender was eighteen years of age or older at the time of 271
the commission of the offense, if the matter of age was raised 272
by the offender pursuant to section 2929.023 of the Revised 273
Code, and whether the offender is guilty or not guilty of each 274
specification. The jury shall be instructed on its duties in 275
this regard. The instruction to the jury shall include an 276
instruction that a specification shall be proved beyond a 277
reasonable doubt in order to support a guilty verdict on the 278
specification, but the instruction shall not mention the penalty 279
that may be the consequence of a guilty or not guilty verdict on 280
any charge or specification. 281

(C) (1) If the indictment or count in the indictment 282
charging aggravated murder contains one or more specifications 283
of aggravating circumstances listed in division (A) of section 284
2929.04 of the Revised Code, then, following a verdict of guilty 285

of the charge but not guilty of each of the specifications, and 286
regardless of whether the offender raised the matter of age 287
pursuant to section 2929.023 of the Revised Code, the trial 288
court shall impose sentence on the offender as follows: 289

(a) Except as provided in division (C) (1) (b) or (H) of 290
this section, the trial court shall impose one of the following 291
sentences on the offender: 292

(i) Life imprisonment without parole; 293

(ii) Subject to division (C) (1) (a) (v) of this section, 294
life imprisonment with parole eligibility after serving twenty 295
years of imprisonment; 296

(iii) Subject to division (C) (1) (a) (v) of this section, 297
life imprisonment with parole eligibility after serving twenty- 298
five full years of imprisonment; 299

(iv) Subject to division (C) (1) (a) (v) of this section, 300
life imprisonment with parole eligibility after serving thirty 301
full years of imprisonment; 302

(v) If the victim of the aggravated murder was less than 303
thirteen years of age, the offender also is convicted of or 304
pleads guilty to a sexual motivation specification that was 305
included in the indictment, count in the indictment, or 306
information charging the offense, and the trial court does not 307
impose a sentence of life imprisonment without parole on the 308
offender pursuant to division (C) (1) (a) (i) of this section, the 309
trial court shall sentence the offender pursuant to division (B) 310
(3) of section 2971.03 of the Revised Code to an indefinite term 311
consisting of a minimum term of thirty years and a maximum term 312
of life imprisonment. 313

(b) If the offender also is convicted of or pleads guilty 314

to a sexual motivation specification and a sexually violent 315
predator specification that are included in the indictment, 316
count in the indictment, or information that charged the 317
aggravated murder, except as provided in division (H) of this 318
section, the trial court shall impose upon the offender a 319
sentence of life imprisonment without parole that shall be 320
served pursuant to section 2971.03 of the Revised Code. 321

(2) (a) If the indictment or count in the indictment 322
contains one or more specifications of aggravating circumstances 323
listed in division (A) of section 2929.04 of the Revised Code 324
and if the offender is found guilty of both the charge and one 325
or more of the specifications, the penalty to be imposed on the 326
offender shall be one of the following: 327

(i) Except as provided in division (C) (2) (a) (ii) ~~or~~, (C) 328
(2) (a) (iii), or (H) of this section, the penalty to be imposed 329
on the offender shall be death, life imprisonment without 330
parole, life imprisonment with parole eligibility after serving 331
twenty-five full years of imprisonment, or life imprisonment 332
with parole eligibility after serving thirty full years of 333
imprisonment. 334

(ii) Except as provided in division (C) (2) (a) (iii) or (H) 335
of this section, if the victim of the aggravated murder was less 336
than thirteen years of age, the offender also is convicted of or 337
pleads guilty to a sexual motivation specification that was 338
included in the indictment, count in the indictment, or 339
information charging the offense, and the trial court does not 340
impose a sentence of death or life imprisonment without parole 341
on the offender pursuant to division (C) (2) (a) (i) of this 342
section, the penalty to be imposed on the offender shall be an 343
indefinite term consisting of a minimum term of thirty years and 344

a maximum term of life imprisonment that shall be imposed 345
pursuant to division (B) (3) of section 2971.03 of the Revised 346
Code and served pursuant to that section. 347

(iii) If the offender also is convicted of or pleads 348
guilty to a sexual motivation specification and a sexually 349
violent predator specification that are included in the 350
indictment, count in the indictment, or information that charged 351
the aggravated murder, except as provided in division (H) of 352
this section, the penalty to be imposed on the offender shall be 353
death or life imprisonment without parole that shall be served 354
pursuant to section 2971.03 of the Revised Code. 355

(b) A penalty imposed pursuant to division (C) (2) (a) (i), 356
(ii), or (iii) of this section shall be determined pursuant to 357
divisions (D) and (E) of this section and shall be determined by 358
one of the following: 359

(i) By the panel of three judges that tried the offender 360
upon the offender's waiver of the right to trial by jury; 361

(ii) By the trial jury and the trial judge, if the 362
offender was tried by jury. 363

(D) (1) Death may not be imposed as a penalty for 364
aggravated murder if the offender raised the matter of age at 365
trial pursuant to section 2929.023 of the Revised Code and was 366
not found at trial to have been eighteen years of age or older 367
at the time of the commission of the offense. When death may be 368
imposed as a penalty for aggravated murder, the court shall 369
proceed under this division. When death may be imposed as a 370
penalty, the court, upon the request of the defendant, shall 371
require a pre-sentence investigation to be made and, upon the 372
request of the defendant, shall require a mental examination to 373

be made, and shall require reports of the investigation and of 374
any mental examination submitted to the court, pursuant to 375
section 2947.06 of the Revised Code. No statement made or 376
information provided by a defendant in a mental examination or 377
proceeding conducted pursuant to this division shall be 378
disclosed to any person, except as provided in this division, or 379
be used in evidence against the defendant on the issue of guilt 380
in any retrial. A pre-sentence investigation or mental 381
examination shall not be made except upon request of the 382
defendant. Copies of any reports prepared under this division 383
shall be furnished to the court, to the trial jury if the 384
offender was tried by a jury, to the prosecutor, and to the 385
offender or the offender's counsel for use under this division. 386
The court, and the trial jury if the offender was tried by a 387
jury, shall consider any report prepared pursuant to this 388
division and furnished to it and any evidence raised at trial 389
that is relevant to the aggravating circumstances the offender 390
was found guilty of committing or to any factors in mitigation 391
of the imposition of the sentence of death, shall hear testimony 392
and other evidence that is relevant to the nature and 393
circumstances of the aggravating circumstances the offender was 394
found guilty of committing, the mitigating factors set forth in 395
division (B) of section 2929.04 of the Revised Code, and any 396
other factors in mitigation of the imposition of the sentence of 397
death, and shall hear the statement, if any, of the offender, 398
and the arguments, if any, of counsel for the defense and 399
prosecution, that are relevant to the penalty that should be 400
imposed on the offender. The defendant shall be given great 401
latitude in the presentation of evidence of the mitigating 402
factors set forth in division (B) of section 2929.04 of the 403
Revised Code and of any other factors in mitigation of the 404
imposition of the sentence of death. If the offender chooses to 405

make a statement, the offender is subject to cross-examination 406
only if the offender consents to make the statement under oath 407
or affirmation. 408

The defendant shall have the burden of going forward with 409
the evidence of any factors in mitigation of the imposition of 410
the sentence of death. The prosecution shall have the burden of 411
proving, by proof beyond a reasonable doubt, that the 412
aggravating circumstances the defendant was found guilty of 413
committing are sufficient to outweigh the factors in mitigation 414
of the imposition of the sentence of death. 415

(2) Upon consideration of the relevant evidence raised at 416
trial, the testimony, other evidence, statement of the offender, 417
arguments of counsel, and, if applicable, the reports submitted 418
pursuant to division (D)(1) of this section, the trial jury, if 419
the offender was tried by a jury, shall determine whether the 420
aggravating circumstances the offender was found guilty of 421
committing are sufficient to outweigh the mitigating factors 422
present in the case. If the trial jury unanimously finds, by 423
proof beyond a reasonable doubt, that the aggravating 424
circumstances the offender was found guilty of committing 425
outweigh the mitigating factors, the trial jury shall recommend 426
to the court that the sentence of death be imposed on the 427
offender. Absent such a finding, the jury shall recommend that 428
the offender be sentenced to one of the following: 429

(a) Except as provided in division (D)(2)(b) ~~or, (D)(2)~~ 430
(c), or (H) of this section, to life imprisonment without 431
parole, life imprisonment with parole eligibility after serving 432
twenty-five full years of imprisonment, or life imprisonment 433
with parole eligibility after serving thirty full years of 434
imprisonment; 435

(b) Except as provided in division (D) (2) (c) or (H) of 436
this section, if the victim of the aggravated murder was less 437
than thirteen years of age, the offender also is convicted of or 438
pleads guilty to a sexual motivation specification that was 439
included in the indictment, count in the indictment, or 440
information charging the offense, and the jury does not 441
recommend a sentence of life imprisonment without parole 442
pursuant to division (D) (2) (a) of this section, to an indefinite 443
term consisting of a minimum term of thirty years and a maximum 444
term of life imprisonment to be imposed pursuant to division (B) 445
(3) of section 2971.03 of the Revised Code and served pursuant 446
to that section. 447

(c) If the offender also is convicted of or pleads guilty 448
to a sexual motivation specification and a sexually violent 449
predator specification that are included in the indictment, 450
count in the indictment, or information that charged the 451
aggravated murder, except as provided in division (H) of this 452
section, to life imprisonment without parole. 453

If the trial jury recommends that the offender be 454
sentenced to life imprisonment without parole, life imprisonment 455
with parole eligibility after serving twenty-five full years of 456
imprisonment, life imprisonment with parole eligibility after 457
serving thirty full years of imprisonment, or an indefinite term 458
consisting of a minimum term of thirty years and a maximum term 459
of life imprisonment to be imposed pursuant to division (B) (3) 460
of section 2971.03 of the Revised Code, except as provided in 461
division (H) of this section, the court shall impose the 462
sentence recommended by the jury upon the offender. If the 463
sentence is an indefinite term consisting of a minimum term of 464
thirty years and a maximum term of life imprisonment imposed as 465
described in division (D) (2) (b) of this section or a sentence of 466

life imprisonment without parole imposed under division (D) (2) 467
(c) of this section, the sentence shall be served pursuant to 468
section 2971.03 of the Revised Code. If the trial jury 469
recommends that the sentence of death be imposed upon the 470
offender, the court shall proceed to impose sentence pursuant to 471
division (D) (3) of this section. 472

(3) Upon consideration of the relevant evidence raised at 473
trial, the testimony, other evidence, statement of the offender, 474
arguments of counsel, and, if applicable, the reports submitted 475
to the court pursuant to division (D) (1) of this section, if, 476
after receiving pursuant to division (D) (2) of this section the 477
trial jury's recommendation that the sentence of death be 478
imposed, the court finds, by proof beyond a reasonable doubt, or 479
if the panel of three judges unanimously finds, by proof beyond 480
a reasonable doubt, that the aggravating circumstances the 481
offender was found guilty of committing outweigh the mitigating 482
factors, it shall impose sentence of death on the offender. 483
Absent such a finding by the court or panel, the court or the 484
panel shall impose one of the following sentences on the 485
offender: 486

(a) Except as provided in division (D) (3) (b) or (H) of 487
this section, one of the following: 488

(i) Life imprisonment without parole; 489

(ii) Subject to division (D) (3) (a) (iv) of this section, 490
life imprisonment with parole eligibility after serving twenty- 491
five full years of imprisonment; 492

(iii) Subject to division (D) (3) (a) (iv) of this section, 493
life imprisonment with parole eligibility after serving thirty 494
full years of imprisonment; 495

(iv) If the victim of the aggravated murder was less than 496
thirteen years of age, the offender also is convicted of or 497
pleads guilty to a sexual motivation specification that was 498
included in the indictment, count in the indictment, or 499
information charging the offense, and the trial court does not 500
impose a sentence of life imprisonment without parole on the 501
offender pursuant to division (D)(3)(a)(i) of this section, the 502
court or panel shall sentence the offender pursuant to division 503
(B)(3) of section 2971.03 of the Revised Code to an indefinite 504
term consisting of a minimum term of thirty years and a maximum 505
term of life imprisonment. 506

(b) If the offender also is convicted of or pleads guilty 507
to a sexual motivation specification and a sexually violent 508
predator specification that are included in the indictment, 509
count in the indictment, or information that charged the 510
aggravated murder, except as provided in division (H) of this 511
section, life imprisonment without parole that shall be served 512
pursuant to section 2971.03 of the Revised Code. 513

(E) If the offender raised the matter of age at trial 514
pursuant to section 2929.023 of the Revised Code, was convicted 515
of aggravated murder and one or more specifications of an 516
aggravating circumstance listed in division (A) of section 517
2929.04 of the Revised Code, and was not found at trial to have 518
been eighteen years of age or older at the time of the 519
commission of the offense, the court or the panel of three 520
judges shall not impose a sentence of death on the offender. 521
Instead, the court or panel shall impose one of the following 522
sentences on the offender: 523

(1) Except as provided in division (E)(2) or (H) of this 524
section, one of the following: 525

(a) Life imprisonment without parole;	526
(b) Subject to division (E) (2) (d) of this section, life imprisonment with parole eligibility after serving twenty-five full years of imprisonment;	527 528 529
(c) Subject to division (E) (2) (d) of this section, life imprisonment with parole eligibility after serving thirty full years of imprisonment;	530 531 532
(d) If the victim of the aggravated murder was less than thirteen years of age, the offender also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the offense, and the trial court does not impose a sentence of life imprisonment without parole on the offender pursuant to division (E) (2) (a) of this section, the court or panel shall sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code to an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment.	533 534 535 536 537 538 539 540 541 542 543
(2) If the offender also is convicted of or pleads guilty to a sexual motivation specification and a sexually violent predator specification that are included in the indictment, count in the indictment, or information that charged the aggravated murder, <u>except as provided in division (H) of this section,</u> life imprisonment without parole that shall be served pursuant to section 2971.03 of the Revised Code.	544 545 546 547 548 549 550
(F) The court or the panel of three judges, when it imposes sentence of death, shall state in a separate opinion its specific findings as to the existence of any of the mitigating factors set forth in division (B) of section 2929.04 of the	551 552 553 554

Revised Code, the existence of any other mitigating factors, the 555
aggravating circumstances the offender was found guilty of 556
committing, and the reasons why the aggravating circumstances 557
the offender was found guilty of committing were sufficient to 558
outweigh the mitigating factors. The court or panel, when it 559
imposes life imprisonment or an indefinite term consisting of a 560
minimum term of thirty years and a maximum term of life 561
imprisonment under division (D) of this section, shall state in 562
a separate opinion its specific findings of which of the 563
mitigating factors set forth in division (B) of section 2929.04 564
of the Revised Code it found to exist, what other mitigating 565
factors it found to exist, what aggravating circumstances the 566
offender was found guilty of committing, and why it could not 567
find that these aggravating circumstances were sufficient to 568
outweigh the mitigating factors. For cases in which a sentence 569
of death is imposed for an offense committed before January 1, 570
1995, the court or panel shall file the opinion required to be 571
prepared by this division with the clerk of the appropriate 572
court of appeals and with the clerk of the supreme court within 573
fifteen days after the court or panel imposes sentence. For 574
cases in which a sentence of death is imposed for an offense 575
committed on or after January 1, 1995, the court or panel shall 576
file the opinion required to be prepared by this division with 577
the clerk of the supreme court within fifteen days after the 578
court or panel imposes sentence. The judgment in a case in which 579
a sentencing hearing is held pursuant to this section is not 580
final until the opinion is filed. 581

(G) (1) Whenever the court or a panel of three judges 582
imposes a sentence of death for an offense committed before 583
January 1, 1995, the clerk of the court in which the judgment is 584
rendered shall make and retain a copy of the entire record in 585

the case, and shall deliver the original of the entire record in 586
the case to the appellate court. 587

(2) Whenever the court or a panel of three judges imposes 588
a sentence of death for an offense committed on or after January 589
1, 1995, the clerk of the court in which the judgment is 590
rendered shall make and retain a copy of the entire record in 591
the case, and shall deliver the original of the entire record in 592
the case to the supreme court. 593

(H) A court shall not impose a sentence of life 594
imprisonment without parole on a person under division (A) (1) or 595
(2), (C) (1) or (2), (D) (2) or (3), or (E) (1) or (2) of this 596
section for an offense that was committed when the person was 597
under eighteen years of age. 598

Sec. 2929.06. (A) If a sentence of death imposed upon an 599
offender is set aside, nullified, or vacated because the court 600
of appeals, in a case in which a sentence of death was imposed 601
for an offense committed before January 1, 1995, or the supreme 602
court, in cases in which the supreme court reviews the sentence 603
upon appeal, could not affirm the sentence of death under the 604
standards imposed by section 2929.05 of the Revised Code, is set 605
aside, nullified, or vacated for the sole reason that the 606
statutory procedure for imposing the sentence of death that is 607
set forth in sections 2929.03 and 2929.04 of the Revised Code is 608
unconstitutional, is set aside, nullified, or vacated pursuant 609
to division (C) of section 2929.05 of the Revised Code, or is 610
set aside, nullified, or vacated because a court has determined 611
that the offender is a person with an intellectual disability 612
under standards set forth in decisions of the supreme court of 613
this state or the United States supreme court, the trial court 614
that sentenced the offender shall conduct a hearing to 615

resentence the offender. At the resentencing hearing, the court 616
shall impose upon the offender a sentence of life imprisonment 617
or an indefinite term consisting of a minimum term of thirty 618
years and a maximum term of life imprisonment that is determined 619
as specified in this division. If division (D) of section 620
2929.03 of the Revised Code, at the time the offender committed 621
the aggravated murder for which the sentence of death was 622
imposed, required the imposition when a sentence of death was 623
not imposed of a sentence of life imprisonment without parole or 624
a sentence of an indefinite term consisting of a minimum term of 625
thirty years and a maximum term of life imprisonment to be 626
imposed pursuant to division (A) or (B) (3) of section 2971.03 of 627
the Revised Code and served pursuant to that section, except as 628
provided in division (F) of this section, the court shall impose 629
the sentence so required. In all other cases, except as provided 630
in division (F) of this section, the sentences of life 631
imprisonment that are available at the hearing, and from which 632
the court shall impose sentence, shall be the same sentences of 633
life imprisonment that were available under division (D) of 634
section 2929.03 or under section 2909.24 of the Revised Code at 635
the time the offender committed the offense for which the 636
sentence of death was imposed. Nothing in this division 637
regarding the resentencing of an offender shall affect the 638
operation of section 2971.03 of the Revised Code. 639

(B) Whenever any court of this state or any federal court 640
sets aside, nullifies, or vacates a sentence of death imposed 641
upon an offender because of error that occurred in the 642
sentencing phase of the trial and if division (A) of this 643
section does not apply, the trial court that sentenced the 644
offender shall conduct a new hearing to resentence the offender. 645
If the offender was tried by a jury, the trial court shall 646

impanel a new jury for the hearing. If the offender was tried by 647
a panel of three judges, that panel or, if necessary, a new 648
panel of three judges shall conduct the hearing. At the hearing, 649
the court or panel shall follow the procedure set forth in 650
division (D) of section 2929.03 of the Revised Code in 651
determining whether to impose upon the offender a sentence of 652
death, a sentence of life imprisonment, or an indefinite term 653
consisting of a minimum term of thirty years and a maximum term 654
of life imprisonment. If, pursuant to that procedure, the court 655
or panel determines that it will impose a sentence other than a 656
sentence of death, except as provided in division (F) of this 657
section, the court or panel shall impose upon the offender one 658
of the sentences of life imprisonment that could have been 659
imposed at the time the offender committed the offense for which 660
the sentence of death was imposed, determined as specified in 661
this division, or an indefinite term consisting of a minimum 662
term of thirty years and a maximum term of life imprisonment 663
that is determined as specified in this division. If division 664
(D) of section 2929.03 of the Revised Code, at the time the 665
offender committed the aggravated murder for which the sentence 666
of death was imposed, required the imposition when a sentence of 667
death was not imposed of a sentence of life imprisonment without 668
parole or a sentence of an indefinite term consisting of a 669
minimum term of thirty years and a maximum term of life 670
imprisonment to be imposed pursuant to division (A) or (B) (3) of 671
section 2971.03 of the Revised Code and served pursuant to that 672
section, except as provided in division (F) of this section, the 673
court or panel shall impose the sentence so required. In all 674
other cases, except as provided in division (F) of this section, 675
the sentences of life imprisonment that are available at the 676
hearing, and from which the court or panel shall impose 677
sentence, shall be the same sentences of life imprisonment that 678

were available under division (D) of section 2929.03 or under 679
section 2909.24 of the Revised Code at the time the offender 680
committed the offense for which the sentence of death was 681
imposed. 682

(C) If a sentence of life imprisonment without parole 683
imposed upon an offender pursuant to section 2929.021 or 2929.03 684
of the Revised Code is set aside, nullified, or vacated for the 685
sole reason that the statutory procedure for imposing the 686
sentence of life imprisonment without parole that is set forth 687
in sections 2929.03 and 2929.04 of the Revised Code is 688
unconstitutional, the trial court that sentenced the offender 689
shall conduct a hearing to resentence the offender to life 690
imprisonment with parole eligibility after serving twenty-five 691
full years of imprisonment or to life imprisonment with parole 692
eligibility after serving thirty full years of imprisonment. 693

(D) Nothing in this section limits or restricts the rights 694
of the state to appeal any order setting aside, nullifying, or 695
vacating a conviction or sentence of death, when an appeal of 696
that nature otherwise would be available. 697

(E) This section, as amended by H.B. 184 of the 125th 698
general assembly, shall apply to all offenders who have been 699
sentenced to death for an aggravated murder that was committed 700
on or after October 19, 1981, or for terrorism that was 701
committed on or after May 15, 2002. This section, as amended by 702
H.B. 184 of the 125th general assembly, shall apply equally to 703
all such offenders sentenced to death prior to, on, or after 704
March 23, 2005, including offenders who, on March 23, 2005, are 705
challenging their sentence of death and offenders whose sentence 706
of death has been set aside, nullified, or vacated by any court 707
of this state or any federal court but who, as of March 23, 708

2005, have not yet been resentenced. 709

(F) A court shall not impose a sentence of life imprisonment without parole on a person under division (A) or (B) of this section for an offense that was committed when the person was under eighteen years of age. 710
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Sec. 2929.07. (A) Notwithstanding any provision of the Revised Code to the contrary, a court shall not impose a sentence of life imprisonment without parole on any person for an offense that was committed when the person was under eighteen years of age. 714
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(B) If an offender receives or received a sentence of life imprisonment without parole for an offense that was committed when the offender was under eighteen years of age, the offender's parole eligibility shall be determined under section 2967.132 of the Revised Code. 719
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Sec. 2929.14. (A) Except as provided in division (B) (1), (B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), (B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or in division (D) (6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a prison term that shall be one of the following: 724
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(1) (a) For a felony of the first degree committed on or after the effective date of this amendment, the prison term shall be an indefinite prison term with a stated minimum term selected by the court of three, four, five, six, seven, eight, 734
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nine, ten, or eleven years and a maximum term that is determined 738
pursuant to section 2929.144 of the Revised Code, except that if 739
the section that criminalizes the conduct constituting the 740
felony specifies a different minimum term or penalty for the 741
offense, the specific language of that section shall control in 742
determining the minimum term or otherwise sentencing the 743
offender but the minimum term or sentence imposed under that 744
specific language shall be considered for purposes of the 745
Revised Code as if it had been imposed under this division. 746

(b) For a felony of the first degree committed prior to 747
the effective date of this amendment, the prison term shall be a 748
definite prison term of three, four, five, six, seven, eight, 749
nine, ten, or eleven years. 750

(2) (a) For a felony of the second degree committed on or 751
after the effective date of this amendment, the prison term 752
shall be an indefinite prison term with a stated minimum term 753
selected by the court of two, three, four, five, six, seven, or 754
eight years and a maximum term that is determined pursuant to 755
section 2929.144 of the Revised Code, except that if the section 756
that criminalizes the conduct constituting the felony specifies 757
a different minimum term or penalty for the offense, the 758
specific language of that section shall control in determining 759
the minimum term or otherwise sentencing the offender but the 760
minimum term or sentence imposed under that specific language 761
shall be considered for purposes of the Revised Code as if it 762
had been imposed under this division. 763

(b) For a felony of the second degree committed prior to 764
the effective date of this amendment, the prison term shall be a 765
definite term of two, three, four, five, six, seven, or eight 766
years. 767

(3) (a) For a felony of the third degree that is a 768
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 769
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 770
Code or that is a violation of section 2911.02 or 2911.12 of the 771
Revised Code if the offender previously has been convicted of or 772
pleaded guilty in two or more separate proceedings to two or 773
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 774
of the Revised Code, the prison term shall be a definite term of 775
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 776
forty-eight, fifty-four, or sixty months. 777

(b) For a felony of the third degree that is not an 778
offense for which division (A) (3) (a) of this section applies, 779
the prison term shall be a definite term of nine, twelve, 780
eighteen, twenty-four, thirty, or thirty-six months. 781

(4) For a felony of the fourth degree, the prison term 782
shall be a definite term of six, seven, eight, nine, ten, 783
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 784
or eighteen months. 785

(5) For a felony of the fifth degree, the prison term 786
shall be a definite term of six, seven, eight, nine, ten, 787
eleven, or twelve months. 788

(B) (1) (a) Except as provided in division (B) (1) (e) of this 789
section, if an offender who is convicted of or pleads guilty to 790
a felony also is convicted of or pleads guilty to a 791
specification of the type described in section 2941.141, 792
2941.144, or 2941.145 of the Revised Code, the court shall 793
impose on the offender one of the following prison terms: 794

(i) A prison term of six years if the specification is of 795
the type described in division (A) of section 2941.144 of the 796

Revised Code that charges the offender with having a firearm 797
that is an automatic firearm or that was equipped with a firearm 798
muffler or suppressor on or about the offender's person or under 799
the offender's control while committing the offense; 800

(ii) A prison term of three years if the specification is 801
of the type described in division (A) of section 2941.145 of the 802
Revised Code that charges the offender with having a firearm on 803
or about the offender's person or under the offender's control 804
while committing the offense and displaying the firearm, 805
brandishing the firearm, indicating that the offender possessed 806
the firearm, or using it to facilitate the offense; 807

(iii) A prison term of one year if the specification is of 808
the type described in division (A) of section 2941.141 of the 809
Revised Code that charges the offender with having a firearm on 810
or about the offender's person or under the offender's control 811
while committing the offense; 812

(iv) A prison term of nine years if the specification is 813
of the type described in division (D) of section 2941.144 of the 814
Revised Code that charges the offender with having a firearm 815
that is an automatic firearm or that was equipped with a firearm 816
muffler or suppressor on or about the offender's person or under 817
the offender's control while committing the offense and 818
specifies that the offender previously has been convicted of or 819
pleaded guilty to a specification of the type described in 820
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 821
the Revised Code; 822

(v) A prison term of fifty-four months if the 823
specification is of the type described in division (D) of 824
section 2941.145 of the Revised Code that charges the offender 825
with having a firearm on or about the offender's person or under 826

the offender's control while committing the offense and 827
displaying the firearm, brandishing the firearm, indicating that 828
the offender possessed the firearm, or using the firearm to 829
facilitate the offense and that the offender previously has been 830
convicted of or pleaded guilty to a specification of the type 831
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 832
2941.1412 of the Revised Code; 833

(vi) A prison term of eighteen months if the specification 834
is of the type described in division (D) of section 2941.141 of 835
the Revised Code that charges the offender with having a firearm 836
on or about the offender's person or under the offender's 837
control while committing the offense and that the offender 838
previously has been convicted of or pleaded guilty to a 839
specification of the type described in section 2941.141, 840
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 841

(b) If a court imposes a prison term on an offender under 842
division (B)(1)(a) of this section, the prison term shall not be 843
reduced pursuant to section 2967.19, section 2929.20, section 844
2967.193, or any other provision of Chapter 2967. or Chapter 845
5120. of the Revised Code. Except as provided in division (B)(1) 846
(g) of this section, a court shall not impose more than one 847
prison term on an offender under division (B)(1)(a) of this 848
section for felonies committed as part of the same act or 849
transaction. 850

(c) (i) Except as provided in division (B)(1)(e) of this 851
section, if an offender who is convicted of or pleads guilty to 852
a violation of section 2923.161 of the Revised Code or to a 853
felony that includes, as an essential element, purposely or 854
knowingly causing or attempting to cause the death of or 855
physical harm to another, also is convicted of or pleads guilty 856

to a specification of the type described in division (A) of 857
section 2941.146 of the Revised Code that charges the offender 858
with committing the offense by discharging a firearm from a 859
motor vehicle other than a manufactured home, the court, after 860
imposing a prison term on the offender for the violation of 861
section 2923.161 of the Revised Code or for the other felony 862
offense under division (A), (B) (2), or (B) (3) of this section, 863
shall impose an additional prison term of five years upon the 864
offender that shall not be reduced pursuant to section 2929.20, 865
section 2967.19, section 2967.193, or any other provision of 866
Chapter 2967. or Chapter 5120. of the Revised Code. 867

(ii) Except as provided in division (B) (1) (e) of this 868
section, if an offender who is convicted of or pleads guilty to 869
a violation of section 2923.161 of the Revised Code or to a 870
felony that includes, as an essential element, purposely or 871
knowingly causing or attempting to cause the death of or 872
physical harm to another, also is convicted of or pleads guilty 873
to a specification of the type described in division (C) of 874
section 2941.146 of the Revised Code that charges the offender 875
with committing the offense by discharging a firearm from a 876
motor vehicle other than a manufactured home and that the 877
offender previously has been convicted of or pleaded guilty to a 878
specification of the type described in section 2941.141, 879
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 880
the court, after imposing a prison term on the offender for the 881
violation of section 2923.161 of the Revised Code or for the 882
other felony offense under division (A), (B) (2), or (3) of this 883
section, shall impose an additional prison term of ninety months 884
upon the offender that shall not be reduced pursuant to section 885
2929.20, 2967.19, 2967.193, or any other provision of Chapter 886
2967. or Chapter 5120. of the Revised Code. 887

(iii) A court shall not impose more than one additional 888
prison term on an offender under division (B) (1) (c) of this 889
section for felonies committed as part of the same act or 890
transaction. If a court imposes an additional prison term on an 891
offender under division (B) (1) (c) of this section relative to an 892
offense, the court also shall impose a prison term under 893
division (B) (1) (a) of this section relative to the same offense, 894
provided the criteria specified in that division for imposing an 895
additional prison term are satisfied relative to the offender 896
and the offense. 897

(d) If an offender who is convicted of or pleads guilty to 898
an offense of violence that is a felony also is convicted of or 899
pleads guilty to a specification of the type described in 900
section 2941.1411 of the Revised Code that charges the offender 901
with wearing or carrying body armor while committing the felony 902
offense of violence, the court shall impose on the offender an 903
additional prison term of two years. The prison term so imposed, 904
subject to divisions (C) to (I) of section 2967.19 of the 905
Revised Code, shall not be reduced pursuant to section 2929.20, 906
section 2967.19, section 2967.193, or any other provision of 907
Chapter 2967. or Chapter 5120. of the Revised Code. A court 908
shall not impose more than one prison term on an offender under 909
division (B) (1) (d) of this section for felonies committed as 910
part of the same act or transaction. If a court imposes an 911
additional prison term under division (B) (1) (a) or (c) of this 912
section, the court is not precluded from imposing an additional 913
prison term under division (B) (1) (d) of this section. 914

(e) The court shall not impose any of the prison terms 915
described in division (B) (1) (a) of this section or any of the 916
additional prison terms described in division (B) (1) (c) of this 917
section upon an offender for a violation of section 2923.12 or 918

2923.123 of the Revised Code. The court shall not impose any of 919
the prison terms described in division (B) (1) (a) or (b) of this 920
section upon an offender for a violation of section 2923.122 921
that involves a deadly weapon that is a firearm other than a 922
dangerous ordnance, section 2923.16, or section 2923.121 of the 923
Revised Code. The court shall not impose any of the prison terms 924
described in division (B) (1) (a) of this section or any of the 925
additional prison terms described in division (B) (1) (c) of this 926
section upon an offender for a violation of section 2923.13 of 927
the Revised Code unless all of the following apply: 928

(i) The offender previously has been convicted of 929
aggravated murder, murder, or any felony of the first or second 930
degree. 931

(ii) Less than five years have passed since the offender 932
was released from prison or post-release control, whichever is 933
later, for the prior offense. 934

(f) (i) If an offender is convicted of or pleads guilty to 935
a felony that includes, as an essential element, causing or 936
attempting to cause the death of or physical harm to another and 937
also is convicted of or pleads guilty to a specification of the 938
type described in division (A) of section 2941.1412 of the 939
Revised Code that charges the offender with committing the 940
offense by discharging a firearm at a peace officer as defined 941
in section 2935.01 of the Revised Code or a corrections officer, 942
as defined in section 2941.1412 of the Revised Code, the court, 943
after imposing a prison term on the offender for the felony 944
offense under division (A), (B) (2), or (B) (3) of this section, 945
shall impose an additional prison term of seven years upon the 946
offender that shall not be reduced pursuant to section 2929.20, 947
section 2967.19, section 2967.193, or any other provision of 948

Chapter 2967. or Chapter 5120. of the Revised Code. 949

(ii) If an offender is convicted of or pleads guilty to a 950
felony that includes, as an essential element, causing or 951
attempting to cause the death of or physical harm to another and 952
also is convicted of or pleads guilty to a specification of the 953
type described in division (B) of section 2941.1412 of the 954
Revised Code that charges the offender with committing the 955
offense by discharging a firearm at a peace officer, as defined 956
in section 2935.01 of the Revised Code, or a corrections 957
officer, as defined in section 2941.1412 of the Revised Code, 958
and that the offender previously has been convicted of or 959
pleaded guilty to a specification of the type described in 960
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 961
the Revised Code, the court, after imposing a prison term on the 962
offender for the felony offense under division (A), (B) (2), or 963
(3) of this section, shall impose an additional prison term of 964
one hundred twenty-six months upon the offender that shall not 965
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 966
any other provision of Chapter 2967. or 5120. of the Revised 967
Code. 968

(iii) If an offender is convicted of or pleads guilty to 969
two or more felonies that include, as an essential element, 970
causing or attempting to cause the death or physical harm to 971
another and also is convicted of or pleads guilty to a 972
specification of the type described under division (B) (1) (f) of 973
this section in connection with two or more of the felonies of 974
which the offender is convicted or to which the offender pleads 975
guilty, the sentencing court shall impose on the offender the 976
prison term specified under division (B) (1) (f) of this section 977
for each of two of the specifications of which the offender is 978
convicted or to which the offender pleads guilty and, in its 979

discretion, also may impose on the offender the prison term 980
specified under that division for any or all of the remaining 981
specifications. If a court imposes an additional prison term on 982
an offender under division (B) (1) (f) of this section relative to 983
an offense, the court shall not impose a prison term under 984
division (B) (1) (a) or (c) of this section relative to the same 985
offense. 986

(g) If an offender is convicted of or pleads guilty to two 987
or more felonies, if one or more of those felonies are 988
aggravated murder, murder, attempted aggravated murder, 989
attempted murder, aggravated robbery, felonious assault, or 990
rape, and if the offender is convicted of or pleads guilty to a 991
specification of the type described under division (B) (1) (a) of 992
this section in connection with two or more of the felonies, the 993
sentencing court shall impose on the offender the prison term 994
specified under division (B) (1) (a) of this section for each of 995
the two most serious specifications of which the offender is 996
convicted or to which the offender pleads guilty and, in its 997
discretion, also may impose on the offender the prison term 998
specified under that division for any or all of the remaining 999
specifications. 1000

(2) (a) If division (B) (2) (b) of this section does not 1001
apply, the court may impose on an offender, in addition to the 1002
longest prison term authorized or required for the offense or, 1003
for offenses for which division (A) (1) (a) or (2) (a) of this 1004
section applies, in addition to the longest minimum prison term 1005
authorized or required for the offense, an additional definite 1006
prison term of one, two, three, four, five, six, seven, eight, 1007
nine, or ten years if all of the following criteria are met: 1008

(i) The offender is convicted of or pleads guilty to a 1009

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

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

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

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

(v) The court finds that the prison terms imposed pursuant to division (B) (2) (a) (iii) of this section and, if applicable, division (B) (1) or (3) of this section are demeaning to the seriousness of the offense, because one or more of the factors

under section 2929.12 of the Revised Code indicating that the 1040
offender's conduct is more serious than conduct normally 1041
constituting the offense are present, and they outweigh the 1042
applicable factors under that section indicating that the 1043
offender's conduct is less serious than conduct normally 1044
constituting the offense. 1045

(b) The court shall impose on an offender the longest 1046
prison term authorized or required for the offense or, for 1047
offenses for which division (A) (1) (a) or (2) (a) of this section 1048
applies, the longest minimum prison term authorized or required 1049
for the offense, and shall impose on the offender an additional 1050
definite prison term of one, two, three, four, five, six, seven, 1051
eight, nine, or ten years if all of the following criteria are 1052
met: 1053

(i) The offender is convicted of or pleads guilty to a 1054
specification of the type described in section 2941.149 of the 1055
Revised Code that the offender is a repeat violent offender. 1056

(ii) The offender within the preceding twenty years has 1057
been convicted of or pleaded guilty to three or more offenses 1058
described in division (CC) (1) of section 2929.01 of the Revised 1059
Code, including all offenses described in that division of which 1060
the offender is convicted or to which the offender pleads guilty 1061
in the current prosecution and all offenses described in that 1062
division of which the offender previously has been convicted or 1063
to which the offender previously pleaded guilty, whether 1064
prosecuted together or separately. 1065

(iii) The offense or offenses of which the offender 1066
currently is convicted or to which the offender currently pleads 1067
guilty is aggravated murder and the court does not impose a 1068
sentence of death or life imprisonment without parole, murder, 1069

terrorism and the court does not impose a sentence of life 1070
imprisonment without parole, any felony of the first degree that 1071
is an offense of violence and the court does not impose a 1072
sentence of life imprisonment without parole, or any felony of 1073
the second degree that is an offense of violence and the trier 1074
of fact finds that the offense involved an attempt to cause or a 1075
threat to cause serious physical harm to a person or resulted in 1076
serious physical harm to a person. 1077

(c) For purposes of division (B) (2) (b) of this section, 1078
two or more offenses committed at the same time or as part of 1079
the same act or event shall be considered one offense, and that 1080
one offense shall be the offense with the greatest penalty. 1081

(d) A sentence imposed under division (B) (2) (a) or (b) of 1082
this section shall not be reduced pursuant to section 2929.20, 1083
section 2967.19, or section 2967.193, or any other provision of 1084
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1085
shall serve an additional prison term imposed under division (B) 1086
(2) (a) or (b) of this section consecutively to and prior to the 1087
prison term imposed for the underlying offense. 1088

(e) When imposing a sentence pursuant to division (B) (2) 1089
(a) or (b) of this section, the court shall state its findings 1090
explaining the imposed sentence. 1091

(3) Except when an offender commits a violation of section 1092
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1093
for the violation is life imprisonment or commits a violation of 1094
section 2903.02 of the Revised Code, if the offender commits a 1095
violation of section 2925.03 or 2925.11 of the Revised Code and 1096
that section classifies the offender as a major drug offender, 1097
if the offender commits a violation of section 2925.05 of the 1098
Revised Code and division (E) (1) of that section classifies the 1099

offender as a major drug offender, if the offender commits a 1100
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1101
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1102
division (C) or (D) of section 3719.172, division (E) of section 1103
4729.51, or division (J) of section 4729.54 of the Revised Code 1104
that includes the sale, offer to sell, or possession of a 1105
schedule I or II controlled substance, with the exception of 1106
marihuana, and the court imposing sentence upon the offender 1107
finds that the offender is guilty of a specification of the type 1108
described in division (A) of section 2941.1410 of the Revised 1109
Code charging that the offender is a major drug offender, if the 1110
court imposing sentence upon an offender for a felony finds that 1111
the offender is guilty of corrupt activity with the most serious 1112
offense in the pattern of corrupt activity being a felony of the 1113
first degree, or if the offender is guilty of an attempted 1114
violation of section 2907.02 of the Revised Code and, had the 1115
offender completed the violation of section 2907.02 of the 1116
Revised Code that was attempted, the offender would have been 1117
subject to a sentence of life imprisonment or life imprisonment 1118
without parole for the violation of section 2907.02 of the 1119
Revised Code, the court shall impose upon the offender for the 1120
felony violation a mandatory prison term determined as described 1121
in this division that, subject to divisions (C) to (I) of 1122
section 2967.19 of the Revised Code, cannot be reduced pursuant 1123
to section 2929.20, section 2967.19, or any other provision of 1124
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 1125
term shall be the maximum definite prison term prescribed in 1126
division (A)(1)(b) of this section for a felony of the first 1127
degree, except that for offenses for which division (A)(1)(a) of 1128
this section applies, the mandatory prison term shall be the 1129
longest minimum prison term prescribed in that division for the 1130
offense. 1131

(4) If the offender is being sentenced for a third or 1132
fourth degree felony OVI offense under division (G) (2) of 1133
section 2929.13 of the Revised Code, the sentencing court shall 1134
impose upon the offender a mandatory prison term in accordance 1135
with that division. In addition to the mandatory prison term, if 1136
the offender is being sentenced for a fourth degree felony OVI 1137
offense, the court, notwithstanding division (A) (4) of this 1138
section, may sentence the offender to a definite prison term of 1139
not less than six months and not more than thirty months, and if 1140
the offender is being sentenced for a third degree felony OVI 1141
offense, the sentencing court may sentence the offender to an 1142
additional prison term of any duration specified in division (A) 1143
(3) of this section. In either case, the additional prison term 1144
imposed shall be reduced by the sixty or one hundred twenty days 1145
imposed upon the offender as the mandatory prison term. The 1146
total of the additional prison term imposed under division (B) 1147
(4) of this section plus the sixty or one hundred twenty days 1148
imposed as the mandatory prison term shall equal a definite term 1149
in the range of six months to thirty months for a fourth degree 1150
felony OVI offense and shall equal one of the authorized prison 1151
terms specified in division (A) (3) of this section for a third 1152
degree felony OVI offense. If the court imposes an additional 1153
prison term under division (B) (4) of this section, the offender 1154
shall serve the additional prison term after the offender has 1155
served the mandatory prison term required for the offense. In 1156
addition to the mandatory prison term or mandatory and 1157
additional prison term imposed as described in division (B) (4) 1158
of this section, the court also may sentence the offender to a 1159
community control sanction under section 2929.16 or 2929.17 of 1160
the Revised Code, but the offender shall serve all of the prison 1161
terms so imposed prior to serving the community control 1162
sanction. 1163

If the offender is being sentenced for a fourth degree 1164
felony OVI offense under division (G) (1) of section 2929.13 of 1165
the Revised Code and the court imposes a mandatory term of local 1166
incarceration, the court may impose a prison term as described 1167
in division (A) (1) of that section. 1168

(5) If an offender is convicted of or pleads guilty to a 1169
violation of division (A) (1) or (2) of section 2903.06 of the 1170
Revised Code and also is convicted of or pleads guilty to a 1171
specification of the type described in section 2941.1414 of the 1172
Revised Code that charges that the victim of the offense is a 1173
peace officer, as defined in section 2935.01 of the Revised 1174
Code, or an investigator of the bureau of criminal 1175
identification and investigation, as defined in section 2903.11 1176
of the Revised Code, the court shall impose on the offender a 1177
prison term of five years. If a court imposes a prison term on 1178
an offender under division (B) (5) of this section, the prison 1179
term, subject to divisions (C) to (I) of section 2967.19 of the 1180
Revised Code, shall not be reduced pursuant to section 2929.20, 1181
section 2967.19, section 2967.193, or any other provision of 1182
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1183
shall not impose more than one prison term on an offender under 1184
division (B) (5) of this section for felonies committed as part 1185
of the same act. 1186

(6) If an offender is convicted of or pleads guilty to a 1187
violation of division (A) (1) or (2) of section 2903.06 of the 1188
Revised Code and also is convicted of or pleads guilty to a 1189
specification of the type described in section 2941.1415 of the 1190
Revised Code that charges that the offender previously has been 1191
convicted of or pleaded guilty to three or more violations of 1192
division (A) or (B) of section 4511.19 of the Revised Code or an 1193
equivalent offense, as defined in section 2941.1415 of the 1194

Revised Code, or three or more violations of any combination of 1195
those divisions and offenses, the court shall impose on the 1196
offender a prison term of three years. If a court imposes a 1197
prison term on an offender under division (B) (6) of this 1198
section, the prison term, subject to divisions (C) to (I) of 1199
section 2967.19 of the Revised Code, shall not be reduced 1200
pursuant to section 2929.20, section 2967.19, section 2967.193, 1201
or any other provision of Chapter 2967. or Chapter 5120. of the 1202
Revised Code. A court shall not impose more than one prison term 1203
on an offender under division (B) (6) of this section for 1204
felonies committed as part of the same act. 1205

(7) (a) If an offender is convicted of or pleads guilty to 1206
a felony violation of section 2905.01, 2905.02, 2907.21, 1207
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1208
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1209
section 2919.22 of the Revised Code and also is convicted of or 1210
pleads guilty to a specification of the type described in 1211
section 2941.1422 of the Revised Code that charges that the 1212
offender knowingly committed the offense in furtherance of human 1213
trafficking, the court shall impose on the offender a mandatory 1214
prison term that is one of the following: 1215

(i) If the offense is a felony of the first degree, a 1216
definite prison term of not less than five years and not greater 1217
than eleven years, except that if the offense is a felony of the 1218
first degree committed on or after the effective date of this 1219
amendment, the court shall impose as the minimum prison term a 1220
mandatory term of not less than five years and not greater than 1221
eleven years; 1222

(ii) If the offense is a felony of the second or third 1223
degree, a definite prison term of not less than three years and 1224

not greater than the maximum prison term allowed for the offense 1225
by division (A) (2) (b) or (3) of this section, except that if the 1226
offense is a felony of the second degree committed on or after 1227
the effective date of this amendment, the court shall impose as 1228
the minimum prison term a mandatory term of not less than three 1229
years and not greater than eight years; 1230

(iii) If the offense is a felony of the fourth or fifth 1231
degree, a definite prison term that is the maximum prison term 1232
allowed for the offense by division (A) of section 2929.14 of 1233
the Revised Code. 1234

(b) Subject to divisions (C) to (I) of section 2967.19 of 1235
the Revised Code, the prison term imposed under division (B) (7) 1236
(a) of this section shall not be reduced pursuant to section 1237
2929.20, section 2967.19, section 2967.193, or any other 1238
provision of Chapter 2967. of the Revised Code. A court shall 1239
not impose more than one prison term on an offender under 1240
division (B) (7) (a) of this section for felonies committed as 1241
part of the same act, scheme, or plan. 1242

(8) If an offender is convicted of or pleads guilty to a 1243
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1244
Revised Code and also is convicted of or pleads guilty to a 1245
specification of the type described in section 2941.1423 of the 1246
Revised Code that charges that the victim of the violation was a 1247
woman whom the offender knew was pregnant at the time of the 1248
violation, notwithstanding the range prescribed in division (A) 1249
of this section as the definite prison term or minimum prison 1250
term for felonies of the same degree as the violation, the court 1251
shall impose on the offender a mandatory prison term that is 1252
either a definite prison term of six months or one of the prison 1253
terms prescribed in division (A) of this section for felonies of 1254

the same degree as the violation, except that if the violation 1255
is a felony of the first or second degree committed on or after 1256
the effective date of this amendment, the court shall impose as 1257
the minimum prison term under division (A) (1) (a) or (2) (a) of 1258
this section a mandatory term that is one of the terms 1259
prescribed in that division, whichever is applicable, for the 1260
offense. 1261

(9) (a) If an offender is convicted of or pleads guilty to 1262
a violation of division (A) (1) or (2) of section 2903.11 of the 1263
Revised Code and also is convicted of or pleads guilty to a 1264
specification of the type described in section 2941.1425 of the 1265
Revised Code, the court shall impose on the offender a mandatory 1266
prison term of six years if either of the following applies: 1267

(i) The violation is a violation of division (A) (1) of 1268
section 2903.11 of the Revised Code and the specification 1269
charges that the offender used an accelerant in committing the 1270
violation and the serious physical harm to another or to 1271
another's unborn caused by the violation resulted in a 1272
permanent, serious disfigurement or permanent, substantial 1273
incapacity; 1274

(ii) The violation is a violation of division (A) (2) of 1275
section 2903.11 of the Revised Code and the specification 1276
charges that the offender used an accelerant in committing the 1277
violation, that the violation caused physical harm to another or 1278
to another's unborn, and that the physical harm resulted in a 1279
permanent, serious disfigurement or permanent, substantial 1280
incapacity. 1281

(b) If a court imposes a prison term on an offender under 1282
division (B) (9) (a) of this section, the prison term shall not be 1283
reduced pursuant to section 2929.20, section 2967.19, section 1284

2967.193, or any other provision of Chapter 2967. or Chapter 1285
5120. of the Revised Code. A court shall not impose more than 1286
one prison term on an offender under division (B)(9) of this 1287
section for felonies committed as part of the same act. 1288

(c) The provisions of divisions (B)(9) and (C)(6) of this 1289
section and of division (D)(2) of section 2903.11, division (F) 1290
(20) of section 2929.13, and section 2941.1425 of the Revised 1291
Code shall be known as "Judy's Law." 1292

(10) If an offender is convicted of or pleads guilty to a 1293
violation of division (A) of section 2903.11 of the Revised Code 1294
and also is convicted of or pleads guilty to a specification of 1295
the type described in section 2941.1426 of the Revised Code that 1296
charges that the victim of the offense suffered permanent 1297
disabling harm as a result of the offense and that the victim 1298
was under ten years of age at the time of the offense, 1299
regardless of whether the offender knew the age of the victim, 1300
the court shall impose upon the offender an additional definite 1301
prison term of six years. A prison term imposed on an offender 1302
under division (B)(10) of this section shall not be reduced 1303
pursuant to section 2929.20, section 2967.193, or any other 1304
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1305
If a court imposes an additional prison term on an offender 1306
under this division relative to a violation of division (A) of 1307
section 2903.11 of the Revised Code, the court shall not impose 1308
any other additional prison term on the offender relative to the 1309
same offense. 1310

(11) If an offender is convicted of or pleads guilty to a 1311
felony violation of section 2925.03 or 2925.05 of the Revised 1312
Code or a felony violation of section 2925.11 of the Revised 1313
Code for which division (C)(11) of that section applies in 1314

determining the sentence for the violation, if the drug involved 1315
in the violation is a fentanyl-related compound or a compound, 1316
mixture, preparation, or substance containing a fentanyl-related 1317
compound, and if the offender also is convicted of or pleads 1318
guilty to a specification of the type described in division (B) 1319
of section 2941.1410 of the Revised Code that charges that the 1320
offender is a major drug offender, in addition to any other 1321
penalty imposed for the violation, the court shall impose on the 1322
offender a mandatory prison term of three, four, five, six, 1323
seven, or eight years. If a court imposes a prison term on an 1324
offender under division (B) (11) of this section, the prison 1325
term, subject to divisions (C) to (I) of section 2967.19 of the 1326
Revised Code, shall not be reduced pursuant to section 2929.20, 1327
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1328
5120. of the Revised Code. A court shall not impose more than 1329
one prison term on an offender under division (B) (11) of this 1330
section for felonies committed as part of the same act. 1331

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1332
if a mandatory prison term is imposed upon an offender pursuant 1333
to division (B) (1) (a) of this section for having a firearm on or 1334
about the offender's person or under the offender's control 1335
while committing a felony, if a mandatory prison term is imposed 1336
upon an offender pursuant to division (B) (1) (c) of this section 1337
for committing a felony specified in that division by 1338
discharging a firearm from a motor vehicle, or if both types of 1339
mandatory prison terms are imposed, the offender shall serve any 1340
mandatory prison term imposed under either division 1341
consecutively to any other mandatory prison term imposed under 1342
either division or under division (B) (1) (d) of this section, 1343
consecutively to and prior to any prison term imposed for the 1344
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1345

this section or any other section of the Revised Code, and 1346
consecutively to any other prison term or mandatory prison term 1347
previously or subsequently imposed upon the offender. 1348

(b) If a mandatory prison term is imposed upon an offender 1349
pursuant to division (B)(1)(d) of this section for wearing or 1350
carrying body armor while committing an offense of violence that 1351
is a felony, the offender shall serve the mandatory term so 1352
imposed consecutively to any other mandatory prison term imposed 1353
under that division or under division (B)(1)(a) or (c) of this 1354
section, consecutively to and prior to any prison term imposed 1355
for the underlying felony under division (A), (B)(2), or (B)(3) 1356
of this section or any other section of the Revised Code, and 1357
consecutively to any other prison term or mandatory prison term 1358
previously or subsequently imposed upon the offender. 1359

(c) If a mandatory prison term is imposed upon an offender 1360
pursuant to division (B)(1)(f) of this section, the offender 1361
shall serve the mandatory prison term so imposed consecutively 1362
to and prior to any prison term imposed for the underlying 1363
felony under division (A), (B)(2), or (B)(3) of this section or 1364
any other section of the Revised Code, and consecutively to any 1365
other prison term or mandatory prison term previously or 1366
subsequently imposed upon the offender. 1367

(d) If a mandatory prison term is imposed upon an offender 1368
pursuant to division (B)(7) or (8) of this section, the offender 1369
shall serve the mandatory prison term so imposed consecutively 1370
to any other mandatory prison term imposed under that division 1371
or under any other provision of law and consecutively to any 1372
other prison term or mandatory prison term previously or 1373
subsequently imposed upon the offender. 1374

(e) If a mandatory prison term is imposed upon an offender 1375

pursuant to division (B)(11) of this section, the offender shall 1376
serve the mandatory prison term consecutively to any other 1377
mandatory prison term imposed under that division, consecutively 1378
to and prior to any prison term imposed for the underlying 1379
felony, and consecutively to any other prison term or mandatory 1380
prison term previously or subsequently imposed upon the 1381
offender. 1382

(2) If an offender who is an inmate in a jail, prison, or 1383
other residential detention facility violates section 2917.02, 1384
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 1385
(2) of section 2921.34 of the Revised Code, if an offender who 1386
is under detention at a detention facility commits a felony 1387
violation of section 2923.131 of the Revised Code, or if an 1388
offender who is an inmate in a jail, prison, or other 1389
residential detention facility or is under detention at a 1390
detention facility commits another felony while the offender is 1391
an escapee in violation of division (A)(1) or (2) of section 1392
2921.34 of the Revised Code, any prison term imposed upon the 1393
offender for one of those violations shall be served by the 1394
offender consecutively to the prison term or term of 1395
imprisonment the offender was serving when the offender 1396
committed that offense and to any other prison term previously 1397
or subsequently imposed upon the offender. 1398

(3) If a prison term is imposed for a violation of 1399
division (B) of section 2911.01 of the Revised Code, a violation 1400
of division (A) of section 2913.02 of the Revised Code in which 1401
the stolen property is a firearm or dangerous ordnance, or a 1402
felony violation of division (B) of section 2921.331 of the 1403
Revised Code, the offender shall serve that prison term 1404
consecutively to any other prison term or mandatory prison term 1405
previously or subsequently imposed upon the offender. 1406

(4) If multiple prison terms are imposed on an offender 1407
for convictions of multiple offenses, the court may require the 1408
offender to serve the prison terms consecutively if the court 1409
finds that the consecutive service is necessary to protect the 1410
public from future crime or to punish the offender and that 1411
consecutive sentences are not disproportionate to the 1412
seriousness of the offender's conduct and to the danger the 1413
offender poses to the public, and if the court also finds any of 1414
the following: 1415

(a) The offender committed one or more of the multiple 1416
offenses while the offender was awaiting trial or sentencing, 1417
was under a sanction imposed pursuant to section 2929.16, 1418
2929.17, or 2929.18 of the Revised Code, or was under post- 1419
release control for a prior offense. 1420

(b) At least two of the multiple offenses were committed 1421
as part of one or more courses of conduct, and the harm caused 1422
by two or more of the multiple offenses so committed was so 1423
great or unusual that no single prison term for any of the 1424
offenses committed as part of any of the courses of conduct 1425
adequately reflects the seriousness of the offender's conduct. 1426

(c) The offender's history of criminal conduct 1427
demonstrates that consecutive sentences are necessary to protect 1428
the public from future crime by the offender. 1429

(5) If a mandatory prison term is imposed upon an offender 1430
pursuant to division (B) (5) or (6) of this section, the offender 1431
shall serve the mandatory prison term consecutively to and prior 1432
to any prison term imposed for the underlying violation of 1433
division (A) (1) or (2) of section 2903.06 of the Revised Code 1434
pursuant to division (A) of this section or section 2929.142 of 1435
the Revised Code. If a mandatory prison term is imposed upon an 1436

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

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

(7) If a mandatory prison term is imposed on an offender
pursuant to division (B) (10) of this section, the offender shall
serve that mandatory prison term consecutively to and prior to
any prison term imposed for the underlying felonious assault.
Except as otherwise provided in division (C) of this section,
any other prison term or mandatory prison term previously or
subsequently imposed upon the offender may be served
concurrently with, or consecutively to, the prison term imposed
pursuant to division (B) (10) of this section.

(8) Any prison term imposed for a violation of section
2903.04 of the Revised Code that is based on a violation of
section 2925.03 or 2925.11 of the Revised Code or on a violation

of section 2925.05 of the Revised Code that is not funding of 1467
marihuana trafficking shall run consecutively to any prison term 1468
imposed for the violation of section 2925.03 or 2925.11 of the 1469
Revised Code or for the violation of section 2925.05 of the 1470
Revised Code that is not funding of marihuana trafficking. 1471

(9) When consecutive prison terms are imposed pursuant to 1472
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 1473
division (H) (1) or (2) of this section, subject to division (C) 1474
(10) of this section, the term to be served is the aggregate of 1475
all of the terms so imposed. 1476

(10) When a court sentences an offender to a non-life 1477
felony indefinite prison term, any definite prison term or 1478
mandatory definite prison term previously or subsequently 1479
imposed on the offender in addition to that indefinite sentence 1480
that is required to be served consecutively to that indefinite 1481
sentence shall be served prior to the indefinite sentence. 1482

(11) If a court is sentencing an offender for a felony of 1483
the first or second degree, if division (A) (1) (a) or (2) (a) of 1484
this section applies with respect to the sentencing for the 1485
offense, and if the court is required under the Revised Code 1486
section that sets forth the offense or any other Revised Code 1487
provision to impose a mandatory prison term for the offense, the 1488
court shall impose the required mandatory prison term as the 1489
minimum term imposed under division (A) (1) (a) or (2) (a) of this 1490
section, whichever is applicable. 1491

(D) (1) If a court imposes a prison term, other than a term 1492
of life imprisonment, for a felony of the first degree, for a 1493
felony of the second degree, for a felony sex offense, or for a 1494
felony of the third degree that is an offense of violence and 1495
that is not a felony sex offense, it shall include in the 1496

sentence a requirement that the offender be subject to a period 1497
of post-release control after the offender's release from 1498
imprisonment, in accordance with section 2967.28 of the Revised 1499
Code. If a court imposes a sentence including a prison term of a 1500
type described in this division on or after July 11, 2006, the 1501
failure of a court to include a post-release control requirement 1502
in the sentence pursuant to this division does not negate, 1503
limit, or otherwise affect the mandatory period of post-release 1504
control that is required for the offender under division (B) of 1505
section 2967.28 of the Revised Code. Section 2929.191 of the 1506
Revised Code applies if, prior to July 11, 2006, a court imposed 1507
a sentence including a prison term of a type described in this 1508
division and failed to include in the sentence pursuant to this 1509
division a statement regarding post-release control. 1510

(2) If a court imposes a prison term for a felony of the 1511
third, fourth, or fifth degree that is not subject to division 1512
(D) (1) of this section, it shall include in the sentence a 1513
requirement that the offender be subject to a period of post- 1514
release control after the offender's release from imprisonment, 1515
in accordance with that division, if the parole board determines 1516
that a period of post-release control is necessary. Section 1517
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1518
a court imposed a sentence including a prison term of a type 1519
described in this division and failed to include in the sentence 1520
pursuant to this division a statement regarding post-release 1521
control. 1522

(E) The court shall impose sentence upon the offender in 1523
accordance with section 2971.03 of the Revised Code, and Chapter 1524
2971. of the Revised Code applies regarding the prison term or 1525
term of life imprisonment without parole imposed upon the 1526
offender and the service of that term of imprisonment if any of 1527

the following apply: 1528

(1) A person is convicted of or pleads guilty to a violent 1529
sex offense or a designated homicide, assault, or kidnapping 1530
offense, and, in relation to that offense, the offender is 1531
adjudicated a sexually violent predator. 1532

(2) A person is convicted of or pleads guilty to a 1533
violation of division (A) (1) (b) of section 2907.02 of the 1534
Revised Code committed on or after January 2, 2007, and either 1535
the court does not impose a sentence of life without parole when 1536
authorized pursuant to division (B) of section 2907.02 of the 1537
Revised Code, or division (B) of section 2907.02 of the Revised 1538
Code provides that the court shall not sentence the offender 1539
pursuant to section 2971.03 of the Revised Code. 1540

(3) A person is convicted of or pleads guilty to attempted 1541
rape committed on or after January 2, 2007, and a specification 1542
of the type described in section 2941.1418, 2941.1419, or 1543
2941.1420 of the Revised Code. 1544

(4) A person is convicted of or pleads guilty to a 1545
violation of section 2905.01 of the Revised Code committed on or 1546
after January 1, 2008, and that section requires the court to 1547
sentence the offender pursuant to section 2971.03 of the Revised 1548
Code. 1549

(5) A person is convicted of or pleads guilty to 1550
aggravated murder committed on or after January 1, 2008, and 1551
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1552
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1553
(d) of section 2929.03, or division (A) or (B) of section 1554
2929.06 of the Revised Code requires the court to sentence the 1555
offender pursuant to division (B) (3) of section 2971.03 of the 1556

Revised Code. 1557

(6) A person is convicted of or pleads guilty to murder 1558
committed on or after January 1, 2008, and division (B) (2) of 1559
section 2929.02 of the Revised Code requires the court to 1560
sentence the offender pursuant to section 2971.03 of the Revised 1561
Code. 1562

(F) If a person who has been convicted of or pleaded 1563
guilty to a felony is sentenced to a prison term or term of 1564
imprisonment under this section, sections 2929.02 to 2929.06 of 1565
the Revised Code, section 2929.142 of the Revised Code, section 1566
2971.03 of the Revised Code, or any other provision of law, 1567
section 5120.163 of the Revised Code applies regarding the 1568
person while the person is confined in a state correctional 1569
institution. 1570

(G) If an offender who is convicted of or pleads guilty to 1571
a felony that is an offense of violence also is convicted of or 1572
pleads guilty to a specification of the type described in 1573
section 2941.142 of the Revised Code that charges the offender 1574
with having committed the felony while participating in a 1575
criminal gang, the court shall impose upon the offender an 1576
additional prison term of one, two, or three years. 1577

(H) (1) If an offender who is convicted of or pleads guilty 1578
to aggravated murder, murder, or a felony of the first, second, 1579
or third degree that is an offense of violence also is convicted 1580
of or pleads guilty to a specification of the type described in 1581
section 2941.143 of the Revised Code that charges the offender 1582
with having committed the offense in a school safety zone or 1583
towards a person in a school safety zone, the court shall impose 1584
upon the offender an additional prison term of two years. The 1585
offender shall serve the additional two years consecutively to 1586

and prior to the prison term imposed for the underlying offense. 1587

(2) (a) If an offender is convicted of or pleads guilty to 1588
a felony violation of section 2907.22, 2907.24, 2907.241, or 1589
2907.25 of the Revised Code and to a specification of the type 1590
described in section 2941.1421 of the Revised Code and if the 1591
court imposes a prison term on the offender for the felony 1592
violation, the court may impose upon the offender an additional 1593
prison term as follows: 1594

(i) Subject to division (H) (2) (a) (ii) of this section, an 1595
additional prison term of one, two, three, four, five, or six 1596
months; 1597

(ii) If the offender previously has been convicted of or 1598
pleaded guilty to one or more felony or misdemeanor violations 1599
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1600
the Revised Code and also was convicted of or pleaded guilty to 1601
a specification of the type described in section 2941.1421 of 1602
the Revised Code regarding one or more of those violations, an 1603
additional prison term of one, two, three, four, five, six, 1604
seven, eight, nine, ten, eleven, or twelve months. 1605

(b) In lieu of imposing an additional prison term under 1606
division (H) (2) (a) of this section, the court may directly 1607
impose on the offender a sanction that requires the offender to 1608
wear a real-time processing, continual tracking electronic 1609
monitoring device during the period of time specified by the 1610
court. The period of time specified by the court shall equal the 1611
duration of an additional prison term that the court could have 1612
imposed upon the offender under division (H) (2) (a) of this 1613
section. A sanction imposed under this division shall commence 1614
on the date specified by the court, provided that the sanction 1615
shall not commence until after the offender has served the 1616

prison term imposed for the felony violation of section 2907.22, 1617
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1618
residential sanction imposed for the violation under section 1619
2929.16 of the Revised Code. A sanction imposed under this 1620
division shall be considered to be a community control sanction 1621
for purposes of section 2929.15 of the Revised Code, and all 1622
provisions of the Revised Code that pertain to community control 1623
sanctions shall apply to a sanction imposed under this division, 1624
except to the extent that they would by their nature be clearly 1625
inapplicable. The offender shall pay all costs associated with a 1626
sanction imposed under this division, including the cost of the 1627
use of the monitoring device. 1628

(I) At the time of sentencing, the court may recommend the 1629
offender for placement in a program of shock incarceration under 1630
section 5120.031 of the Revised Code or for placement in an 1631
intensive program prison under section 5120.032 of the Revised 1632
Code, disapprove placement of the offender in a program of shock 1633
incarceration or an intensive program prison of that nature, or 1634
make no recommendation on placement of the offender. In no case 1635
shall the department of rehabilitation and correction place the 1636
offender in a program or prison of that nature unless the 1637
department determines as specified in section 5120.031 or 1638
5120.032 of the Revised Code, whichever is applicable, that the 1639
offender is eligible for the placement. 1640

If the court disapproves placement of the offender in a 1641
program or prison of that nature, the department of 1642
rehabilitation and correction shall not place the offender in 1643
any program of shock incarceration or intensive program prison. 1644

If the court recommends placement of the offender in a 1645
program of shock incarceration or in an intensive program 1646

prison, and if the offender is subsequently placed in the 1647
recommended program or prison, the department shall notify the 1648
court of the placement and shall include with the notice a brief 1649
description of the placement. 1650

If the court recommends placement of the offender in a 1651
program of shock incarceration or in an intensive program prison 1652
and the department does not subsequently place the offender in 1653
the recommended program or prison, the department shall send a 1654
notice to the court indicating why the offender was not placed 1655
in the recommended program or prison. 1656

If the court does not make a recommendation under this 1657
division with respect to an offender and if the department 1658
determines as specified in section 5120.031 or 5120.032 of the 1659
Revised Code, whichever is applicable, that the offender is 1660
eligible for placement in a program or prison of that nature, 1661
the department shall screen the offender and determine if there 1662
is an available program of shock incarceration or an intensive 1663
program prison for which the offender is suited. If there is an 1664
available program of shock incarceration or an intensive program 1665
prison for which the offender is suited, the department shall 1666
notify the court of the proposed placement of the offender as 1667
specified in section 5120.031 or 5120.032 of the Revised Code 1668
and shall include with the notice a brief description of the 1669
placement. The court shall have ten days from receipt of the 1670
notice to disapprove the placement. 1671

(J) If a person is convicted of or pleads guilty to 1672
aggravated vehicular homicide in violation of division (A) (1) of 1673
section 2903.06 of the Revised Code and division (B) (2) (c) of 1674
that section applies, the person shall be sentenced pursuant to 1675
section 2929.142 of the Revised Code. 1676

(K) (1) The court shall impose an additional mandatory 1677
prison term of two, three, four, five, six, seven, eight, nine, 1678
ten, or eleven years on an offender who is convicted of or 1679
pleads guilty to a violent felony offense if the offender also 1680
is convicted of or pleads guilty to a specification of the type 1681
described in section 2941.1424 of the Revised Code that charges 1682
that the offender is a violent career criminal and had a firearm 1683
on or about the offender's person or under the offender's 1684
control while committing the presently charged violent felony 1685
offense and displayed or brandished the firearm, indicated that 1686
the offender possessed a firearm, or used the firearm to 1687
facilitate the offense. The offender shall serve the prison term 1688
imposed under this division consecutively to and prior to the 1689
prison term imposed for the underlying offense. The prison term 1690
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1691
any other provision of Chapter 2967. or 5120. of the Revised 1692
Code. A court may not impose more than one sentence under 1693
division (B) (2) (a) of this section and this division for acts 1694
committed as part of the same act or transaction. 1695

(2) As used in division (K) (1) of this section, "violent 1696
career criminal" and "violent felony offense" have the same 1697
meanings as in section 2923.132 of the Revised Code. 1698

(L) If an offender receives or received a sentence of life 1699
imprisonment without parole, a sentence of life imprisonment, a 1700
definite sentence, or a sentence to an indefinite prison term 1701
under this chapter for a felony offense that was committed when 1702
the offender was under eighteen years of age, the offender's 1703
parole eligibility shall be determined under section 2967.132 of 1704
the Revised Code. 1705

Sec. 2929.19. (A) The court shall hold a sentencing 1706

hearing before imposing a sentence under this chapter upon an 1707
offender who was convicted of or pleaded guilty to a felony and 1708
before resentencing an offender who was convicted of or pleaded 1709
guilty to a felony and whose case was remanded pursuant to 1710
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 1711
the offender, the prosecuting attorney, the victim or the 1712
victim's representative in accordance with section 2930.14 of 1713
the Revised Code, and, with the approval of the court, any other 1714
person may present information relevant to the imposition of 1715
sentence in the case. The court shall inform the offender of the 1716
verdict of the jury or finding of the court and ask the offender 1717
whether the offender has anything to say as to why sentence 1718
should not be imposed upon the offender. 1719

(B) (1) At the sentencing hearing, the court, before 1720
imposing sentence, shall ~~consider~~ do all of the following: 1721

(a) Consider the record, any information presented at the 1722
hearing by any person pursuant to division (A) of this section, 1723
and, if one was prepared, the presentence investigation report 1724
made pursuant to section 2951.03 of the Revised Code or Criminal 1725
Rule 32.2, and any victim impact statement made pursuant to 1726
section 2947.051 of the Revised Code; 1727

(b) If the offense was committed when the offender was 1728
under eighteen years of age, in addition to other factors 1729
considered, consider youth and its characteristics as mitigating 1730
factors, including: 1731

(i) The chronological age of the offender at the time of 1732
the offense and that age's hallmark features, including 1733
intellectual capacity, immaturity, impetuosity, and a failure to 1734
appreciate risks and consequences; 1735

(ii) The family and home environment of the offender at 1736
the time of the offense, the offender's inability to control the 1737
offender's surroundings, a history of trauma regarding the 1738
offender, and the offender's school and special education 1739
history; 1740

(iii) The circumstances of the offense, including the 1741
extent of the offender's participation in the conduct and the 1742
way familial and peer pressures may have impacted the offender's 1743
conduct; 1744

(iv) Whether the offender might have been charged and 1745
convicted of a lesser offense if not for the incompetencies 1746
associated with youth, such as the offender's inability to deal 1747
with police officers and prosecutors during the offender's 1748
interrogation or possible plea agreement or the offender's 1749
inability to assist the offender's own attorney; 1750

(v) Examples of the offender's rehabilitation, including 1751
any subsequent growth or increase in maturity during 1752
confinement. 1753

(2) Subject to division (B)(3) of this section, if the 1754
sentencing court determines at the sentencing hearing that a 1755
prison term is necessary or required, the court shall do all of 1756
the following: 1757

(a) Impose a stated prison term and, if the court imposes 1758
a mandatory prison term, notify the offender that the prison 1759
term is a mandatory prison term; 1760

(b) In addition to any other information, include in the 1761
sentencing entry the name and section reference to the offense 1762
or offenses, the sentence or sentences imposed and whether the 1763
sentence or sentences contain mandatory prison terms, if 1764

sentences are imposed for multiple counts whether the sentences 1765
are to be served concurrently or consecutively, and the name and 1766
section reference of any specification or specifications for 1767
which sentence is imposed and the sentence or sentences imposed 1768
for the specification or specifications; 1769

(c) If the prison term is a non-life felony indefinite 1770
prison term, notify the offender of all of the following: 1771

(i) That it is rebuttably presumed that the offender will 1772
be released from service of the sentence on the expiration of 1773
the minimum prison term imposed as part of the sentence or on 1774
the offender's presumptive earned early release date, as defined 1775
in section 2967.271 of the Revised Code, whichever is earlier; 1776

(ii) That the department of rehabilitation and correction 1777
may rebut the presumption described in division (B)(2)(c)(i) of 1778
this section if, at a hearing held under section 2967.271 of the 1779
Revised Code, the department makes specified determinations 1780
regarding the offender's conduct while confined, the offender's 1781
rehabilitation, the offender's threat to society, the offender's 1782
restrictive housing, if any, while confined, and the offender's 1783
security classification; 1784

(iii) That if, as described in division (B)(2)(c)(ii) of 1785
this section, the department at the hearing makes the specified 1786
determinations and rebuts the presumption, the department may 1787
maintain the offender's incarceration after the expiration of 1788
that minimum term or after that presumptive earned early release 1789
date for the length of time the department determines to be 1790
reasonable, subject to the limitation specified in section 1791
2967.271 of the Revised Code; 1792

(iv) That the department may make the specified 1793

determinations and maintain the offender's incarceration under 1794
the provisions described in divisions (B) (2) (c) (i) and (ii) of 1795
this section more than one time, subject to the limitation 1796
specified in section 2967.271 of the Revised Code; 1797

(v) That if the offender has not been released prior to 1798
the expiration of the offender's maximum prison term imposed as 1799
part of the sentence, the offender must be released upon the 1800
expiration of that term. 1801

(d) Notify the offender that the offender will be 1802
supervised under section 2967.28 of the Revised Code after the 1803
offender leaves prison if the offender is being sentenced, other 1804
than to a sentence of life imprisonment, for a felony of the 1805
first degree or second degree, for a felony sex offense, or for 1806
a felony of the third degree that is an offense of violence and 1807
is not a felony sex offense. This division applies with respect 1808
to all prison terms imposed for an offense of a type described 1809
in this division, including a non-life felony indefinite prison 1810
term and including a term imposed for any offense of a type 1811
described in this division that is a risk reduction sentence, as 1812
defined in section 2967.28 of the Revised Code. If a court 1813
imposes a sentence including a prison term of a type described 1814
in division (B) (2) (d) of this section on or after July 11, 2006, 1815
the failure of a court to notify the offender pursuant to 1816
division (B) (2) (d) of this section that the offender will be 1817
supervised under section 2967.28 of the Revised Code after the 1818
offender leaves prison or to include in the judgment of 1819
conviction entered on the journal a statement to that effect 1820
does not negate, limit, or otherwise affect the mandatory period 1821
of supervision that is required for the offender under division 1822
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1823
the Revised Code applies if, prior to July 11, 2006, a court 1824

imposed a sentence including a prison term of a type described 1825
in division (B) (2) (d) of this section and failed to notify the 1826
offender pursuant to division (B) (2) (d) of this section 1827
regarding post-release control or to include in the judgment of 1828
conviction entered on the journal or in the sentence a statement 1829
regarding post-release control. 1830

(e) Notify the offender that the offender may be 1831
supervised under section 2967.28 of the Revised Code after the 1832
offender leaves prison if the offender is being sentenced for a 1833
felony of the third, fourth, or fifth degree that is not subject 1834
to division (B) (2) (d) of this section. This division applies 1835
with respect to all prison terms imposed for an offense of a 1836
type described in this division, including a term imposed for 1837
any such offense that is a risk reduction sentence, as defined 1838
in section 2967.28 of the Revised Code. Section 2929.191 of the 1839
Revised Code applies if, prior to July 11, 2006, a court imposed 1840
a sentence including a prison term of a type described in 1841
division (B) (2) (e) of this section and failed to notify the 1842
offender pursuant to division (B) (2) (e) of this section 1843
regarding post-release control or to include in the judgment of 1844
conviction entered on the journal or in the sentence a statement 1845
regarding post-release control. 1846

(f) Notify the offender that, if a period of supervision 1847
is imposed following the offender's release from prison, as 1848
described in division (B) (2) (d) or (e) of this section, and if 1849
the offender violates that supervision or a condition of post- 1850
release control imposed under division (B) of section 2967.131 1851
of the Revised Code, the parole board may impose a prison term, 1852
as part of the sentence, of up to one-half of the definite 1853
prison term originally imposed upon the offender as the 1854
offender's stated prison term or up to one-half of the minimum 1855

prison term originally imposed upon the offender as part of the 1856
offender's stated non-life felony indefinite prison term. If a 1857
court imposes a sentence including a prison term on or after 1858
July 11, 2006, the failure of a court to notify the offender 1859
pursuant to division (B)(2)(f) of this section that the parole 1860
board may impose a prison term as described in division (B)(2) 1861
(f) of this section for a violation of that supervision or a 1862
condition of post-release control imposed under division (B) of 1863
section 2967.131 of the Revised Code or to include in the 1864
judgment of conviction entered on the journal a statement to 1865
that effect does not negate, limit, or otherwise affect the 1866
authority of the parole board to so impose a prison term for a 1867
violation of that nature if, pursuant to division (D)(1) of 1868
section 2967.28 of the Revised Code, the parole board notifies 1869
the offender prior to the offender's release of the board's 1870
authority to so impose a prison term. Section 2929.191 of the 1871
Revised Code applies if, prior to July 11, 2006, a court imposed 1872
a sentence including a prison term and failed to notify the 1873
offender pursuant to division (B)(2)(f) of this section 1874
regarding the possibility of the parole board imposing a prison 1875
term for a violation of supervision or a condition of post- 1876
release control. 1877

(g)(i) Determine, notify the offender of, and include in 1878
the sentencing entry the total number of days, including the 1879
sentencing date but excluding conveyance time, that the offender 1880
has been confined for any reason arising out of the offense for 1881
which the offender is being sentenced and by which the 1882
department of rehabilitation and correction must reduce the 1883
definite prison term imposed on the offender as the offender's 1884
stated prison term or, if the offense is an offense for which a 1885
non-life felony indefinite prison term is imposed under division 1886

(A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code, the minimum and maximum prison terms imposed on the offender as part of that non-life felony indefinite prison term, under section 2967.191 of the Revised Code. The court's calculation shall not include the number of days, if any, that the offender served in the custody of the department of rehabilitation and correction arising out of any prior offense for which the prisoner was convicted and sentenced.

(ii) In making a determination under division (B) (2) (g) (i) of this section, the court shall consider the arguments of the parties and conduct a hearing if one is requested.

(iii) The sentencing court retains continuing jurisdiction to correct any error not previously raised at sentencing in making a determination under division (B) (2) (g) (i) of this section. The offender may, at any time after sentencing, file a motion in the sentencing court to correct any error made in making a determination under division (B) (2) (g) (i) of this section, and the court may in its discretion grant or deny that motion. If the court changes the number of days in its determination or redetermination, the court shall cause the entry granting that change to be delivered to the department of rehabilitation and correction without delay. Sections 2931.15 and 2953.21 of the Revised Code do not apply to a motion made under this section.

(iv) An inaccurate determination under division (B) (2) (g) (i) of this section is not grounds for setting aside the offender's conviction or sentence and does not otherwise render the sentence void or voidable.

(v) The department of rehabilitation and correction shall rely upon the latest journal entry of the court in determining

the total days of local confinement for purposes of division (B) 1917
(2) (f) (i) to (iii) of this section and section 2967.191 of the 1918
Revised Code. 1919

(3) (a) The court shall include in the offender's sentence 1920
a statement that the offender is a tier III sex offender/child- 1921
victim offender, and the court shall comply with the 1922
requirements of section 2950.03 of the Revised Code if any of 1923
the following apply: 1924

(i) The offender is being sentenced for a violent sex 1925
offense or designated homicide, assault, or kidnapping offense 1926
that the offender committed on or after January 1, 1997, and the 1927
offender is adjudicated a sexually violent predator in relation 1928
to that offense. 1929

(ii) The offender is being sentenced for a sexually 1930
oriented offense that the offender committed on or after January 1931
1, 1997, and the offender is a tier III sex offender/child- 1932
victim offender relative to that offense. 1933

(iii) The offender is being sentenced on or after July 31, 1934
2003, for a child-victim oriented offense, and the offender is a 1935
tier III sex offender/child-victim offender relative to that 1936
offense. 1937

(iv) The offender is being sentenced under section 2971.03 1938
of the Revised Code for a violation of division (A) (1) (b) of 1939
section 2907.02 of the Revised Code committed on or after 1940
January 2, 2007. 1941

(v) The offender is sentenced to a term of life without 1942
parole under division (B) of section 2907.02 of the Revised 1943
Code. 1944

(vi) The offender is being sentenced for attempted rape 1945

committed on or after January 2, 2007, and a specification of 1946
the type described in section 2941.1418, 2941.1419, or 2941.1420 1947
of the Revised Code. 1948

(vii) The offender is being sentenced under division (B) 1949
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 1950
for an offense described in those divisions committed on or 1951
after January 1, 2008. 1952

(b) Additionally, if any criterion set forth in divisions 1953
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 1954
circumstances described in division (E) of section 2929.14 of 1955
the Revised Code, the court shall impose sentence on the 1956
offender as described in that division. 1957

(4) If the sentencing court determines at the sentencing 1958
hearing that a community control sanction should be imposed and 1959
the court is not prohibited from imposing a community control 1960
sanction, the court shall impose a community control sanction. 1961
The court shall notify the offender that, if the conditions of 1962
the sanction are violated, if the offender commits a violation 1963
of any law, or if the offender leaves this state without the 1964
permission of the court or the offender's probation officer, the 1965
court may impose a longer time under the same sanction, may 1966
impose a more restrictive sanction, or may impose a prison term 1967
on the offender and shall indicate the specific prison term that 1968
may be imposed as a sanction for the violation, as selected by 1969
the court from the range of prison terms for the offense 1970
pursuant to section 2929.14 of the Revised Code and as described 1971
in section 2929.15 of the Revised Code. 1972

(5) Before imposing a financial sanction under section 1973
2929.18 of the Revised Code or a fine under section 2929.32 of 1974
the Revised Code, the court shall consider the offender's 1975

present and future ability to pay the amount of the sanction or 1976
fine. 1977

(6) If the sentencing court sentences the offender to a 1978
sanction of confinement pursuant to section 2929.14 or 2929.16 1979
of the Revised Code that is to be served in a local detention 1980
facility, as defined in section 2929.36 of the Revised Code, and 1981
if the local detention facility is covered by a policy adopted 1982
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 1983
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 1984
and section 2929.37 of the Revised Code, both of the following 1985
apply: 1986

(a) The court shall specify both of the following as part 1987
of the sentence: 1988

(i) If the offender is presented with an itemized bill 1989
pursuant to section 2929.37 of the Revised Code for payment of 1990
the costs of confinement, the offender is required to pay the 1991
bill in accordance with that section. 1992

(ii) If the offender does not dispute the bill described 1993
in division (B) (6) (a) (i) of this section and does not pay the 1994
bill by the times specified in section 2929.37 of the Revised 1995
Code, the clerk of the court may issue a certificate of judgment 1996
against the offender as described in that section. 1997

(b) The sentence automatically includes any certificate of 1998
judgment issued as described in division (B) (6) (a) (ii) of this 1999
section. 2000

(7) The failure of the court to notify the offender that a 2001
prison term is a mandatory prison term pursuant to division (B) 2002
(2) (a) of this section or to include in the sentencing entry any 2003
information required by division (B) (2) (b) of this section does 2004

not affect the validity of the imposed sentence or sentences. If 2005
the sentencing court notifies the offender at the sentencing 2006
hearing that a prison term is mandatory but the sentencing entry 2007
does not specify that the prison term is mandatory, the court 2008
may complete a corrected journal entry and send copies of the 2009
corrected entry to the offender and the department of 2010
rehabilitation and correction, or, at the request of the state, 2011
the court shall complete a corrected journal entry and send 2012
copies of the corrected entry to the offender and department of 2013
rehabilitation and correction. 2014

(C) (1) If the offender is being sentenced for a fourth 2015
degree felony OVI offense under division (G) (1) of section 2016
2929.13 of the Revised Code, the court shall impose the 2017
mandatory term of local incarceration in accordance with that 2018
division, shall impose a mandatory fine in accordance with 2019
division (B) (3) of section 2929.18 of the Revised Code, and, in 2020
addition, may impose additional sanctions as specified in 2021
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 2022
Code. The court shall not impose a prison term on the offender 2023
except that the court may impose a prison term upon the offender 2024
as provided in division (A) (1) of section 2929.13 of the Revised 2025
Code. 2026

(2) If the offender is being sentenced for a third or 2027
fourth degree felony OVI offense under division (G) (2) of 2028
section 2929.13 of the Revised Code, the court shall impose the 2029
mandatory prison term in accordance with that division, shall 2030
impose a mandatory fine in accordance with division (B) (3) of 2031
section 2929.18 of the Revised Code, and, in addition, may 2032
impose an additional prison term as specified in section 2929.14 2033
of the Revised Code. In addition to the mandatory prison term or 2034
mandatory prison term and additional prison term the court 2035

imposes, the court also may impose a community control sanction 2036
on the offender, but the offender shall serve all of the prison 2037
terms so imposed prior to serving the community control 2038
sanction. 2039

(D) The sentencing court, pursuant to division (I)(1) of 2040
section 2929.14 of the Revised Code, may recommend placement of 2041
the offender in a program of shock incarceration under section 2042
5120.031 of the Revised Code or an intensive program prison 2043
under section 5120.032 of the Revised Code, disapprove placement 2044
of the offender in a program or prison of that nature, or make 2045
no recommendation. If the court recommends or disapproves 2046
placement, it shall make a finding that gives its reasons for 2047
its recommendation or disapproval. 2048

Sec. 2967.13. (A) Except as provided in division (G) of 2049
this section or section 2967.132 of the Revised Code, a prisoner 2050
serving a sentence of imprisonment for life for an offense 2051
committed on or after July 1, 1996, is not entitled to any 2052
earned credit under section 2967.193 of the Revised Code and 2053
becomes eligible for parole as follows: 2054

(1) If a sentence of imprisonment for life was imposed for 2055
the offense of murder, at the expiration of the prisoner's 2056
minimum term; 2057

(2) If a sentence of imprisonment for life with parole 2058
eligibility after serving twenty years of imprisonment was 2059
imposed pursuant to section 2929.022 or 2929.03 of the Revised 2060
Code, after serving a term of twenty years; 2061

(3) If a sentence of imprisonment for life with parole 2062
eligibility after serving twenty-five full years of imprisonment 2063
was imposed pursuant to section 2929.022 or 2929.03 of the 2064

Revised Code, after serving a term of twenty-five full years; 2065

(4) If a sentence of imprisonment for life with parole 2066
eligibility after serving thirty full years of imprisonment was 2067
imposed pursuant to section 2929.022 or 2929.03 of the Revised 2068
Code, after serving a term of thirty full years; 2069

(5) If a sentence of imprisonment for life was imposed for 2070
rape, after serving a term of ten full years' imprisonment; 2071

(6) If a sentence of imprisonment for life with parole 2072
eligibility after serving fifteen years of imprisonment was 2073
imposed for a violation of section 2927.24 of the Revised Code, 2074
after serving a term of fifteen years. 2075

(B) Except as provided in division (G) of this section or 2076
section 2967.132 of the Revised Code, a prisoner serving a 2077
sentence of imprisonment for life with parole eligibility after 2078
serving twenty years of imprisonment or a sentence of 2079
imprisonment for life with parole eligibility after serving 2080
twenty-five full years or thirty full years of imprisonment 2081
imposed pursuant to section 2929.022 or 2929.03 of the Revised 2082
Code for an offense committed on or after July 1, 1996, 2083
consecutively to any other term of imprisonment, becomes 2084
eligible for parole after serving twenty years, twenty full 2085
years, or thirty full years, as applicable, as to each such 2086
sentence of life imprisonment, which shall not be reduced for 2087
earned credits under section 2967.193 of the Revised Code, plus 2088
the term or terms of the other sentences consecutively imposed 2089
or, if one of the other sentences is another type of life 2090
sentence with parole eligibility, the number of years before 2091
parole eligibility for that sentence. 2092

(C) Except as provided in division (G) of this section or 2093

section 2967.132 of the Revised Code, a prisoner serving 2094
consecutively two or more sentences in which an indefinite term 2095
of imprisonment is imposed becomes eligible for parole upon the 2096
expiration of the aggregate of the minimum terms of the 2097
sentences. 2098

(D) Except as provided in division (G) of this section or 2099
section 2967.132 of the Revised Code, a prisoner serving a term 2100
of imprisonment who is described in division (A) of section 2101
2967.021 of the Revised Code becomes eligible for parole as 2102
described in that division or, if the prisoner is serving a 2103
definite term of imprisonment, shall be released as described in 2104
that division. 2105

(E) ~~A~~ Except as provided in section 2967.132 of the 2106
Revised Code, a prisoner serving a sentence of life imprisonment 2107
without parole imposed pursuant to section 2907.02 or section 2108
2929.03 or 2929.06 of the Revised Code is not eligible for 2109
parole and shall be imprisoned until death. 2110

(F) A prisoner serving a stated prison term that is a non- 2111
life felony indefinite prison term shall be released in 2112
accordance with sections 2967.271 and 2967.28 of the Revised 2113
Code. A prisoner serving a stated prison term of any other 2114
nature shall be released in accordance with section 2967.28 of 2115
the Revised Code. 2116

(G) ~~A~~ Except as provided in section 2967.132 of the 2117
Revised Code, a prisoner serving a prison term or term of life 2118
imprisonment without parole imposed pursuant to section 2971.03 2119
of the Revised Code never becomes eligible for parole during 2120
that term of imprisonment. 2121

Sec. 2967.132. (A) As used in this section: 2122

(1) "Aggravated homicide offense" means aggravated murder 2123
or any other offense or combination of offenses that involved 2124
the purposeful killing of three or more persons, when the 2125
offender is the principal offender in each offense. 2126

(2) "Homicide offense" means a violation of section 2127
2903.02, 2903.03, 2903.04, or 2903.041 of the Revised Code or a 2128
violation of section 2903.01 of the Revised Code that is not an 2129
aggravated homicide offense. 2130

(B) This section applies to any prisoner serving a prison 2131
sentence for one or more offenses committed when the prisoner 2132
was under eighteen years of age. Regardless of whether the 2133
prisoner's stated prison term includes mandatory time, this 2134
section shall apply automatically and cannot be limited by the 2135
sentencing court. 2136

(C) Notwithstanding any provision of the Revised Code to 2137
the contrary, and regardless of when the offense or offenses 2138
were committed and when the sentence was imposed, a prisoner who 2139
is serving a prison sentence for an offense other than an 2140
aggravated homicide offense and who was under eighteen years of 2141
age at the time of the offense, or who is serving consecutive 2142
prison sentences for multiple offenses none of which is an 2143
aggravated homicide offense and who was under eighteen years of 2144
age at the time of the offenses, is eligible for parole as 2145
follows: 2146

(1) Except as provided in division (C) (2) or (3) of this 2147
section, the prisoner is eligible for parole after serving 2148
eighteen years in prison. 2149

(2) Except as provided in division (C) (3) of this section, 2150
if the prisoner is serving a sentence for one or more homicide 2151

offenses, none of which are an aggravated homicide offense, the 2152
prisoner is eligible for parole after serving twenty-five years 2153
in prison. 2154

(3) If the prisoner is serving a sentence for one or more 2155
offenses and the sentence permits parole earlier than the parole 2156
eligibility date specified in division (C) (1) or (2) of this 2157
section, the prisoner is eligible for parole after serving the 2158
period of time in prison that is specified in the sentence. 2159

(D) If the prisoner is serving a sentence for an 2160
aggravated homicide offense, the prisoner is not eligible for 2161
parole review other than in accordance with the sentence imposed 2162
for the offense. 2163

(E) (1) Once a prisoner is eligible for parole pursuant to 2164
division (C) or (D) of this section, the parole board, within a 2165
reasonable time after the prisoner becomes eligible, shall 2166
conduct a hearing to consider the prisoner's release on parole 2167
under parole supervision. The board shall conduct the hearing in 2168
accordance with Chapters 2930., 2967., and 5149. of the Revised 2169
Code and in accordance with the board's policies and procedures. 2170
Those policies and procedures must permit the prisoner's 2171
privately retained counsel or the state public defender to 2172
appear at the prisoner's hearing to make a statement in support 2173
of the prisoner's release. 2174

(2) The parole board shall ensure that the review process 2175
provides the prisoner a meaningful opportunity to obtain 2176
release. In addition to any other factors the board is required 2177
or authorized to consider by rule or statute, the board shall 2178
consider the following factors as mitigating factors: 2179

(a) The chronological age of the prisoner at the time of 2180

the offense and that age's hallmark features, including 2181
intellectual capacity, immaturity, impetuosity, and a failure to 2182
appreciate risks and consequences; 2183

(b) The family and home environment of the prisoner at the 2184
time of the offense, the prisoner's inability to control the 2185
prisoner's surroundings, a history of trauma regarding the 2186
prisoner, and the prisoner's school and special education 2187
history; 2188

(c) The circumstances of the offense, including the extent 2189
of the prisoner's participation in the conduct and the way 2190
familial and peer pressures may have impacted the prisoner's 2191
conduct; 2192

(d) Whether the prisoner might have been charged and 2193
convicted of a lesser offense if not for the incompetencies 2194
associated with youth such as the prisoner's inability to deal 2195
with police officers and prosecutors during the prisoner's 2196
interrogation or possible plea agreement, or the prisoner's 2197
inability to assist the prisoner's own attorney; 2198

(e) Examples of the prisoner's rehabilitation, including 2199
any subsequent growth or increase in maturity during 2200
imprisonment. 2201

(F) In accordance with section 2967.131 of the Revised 2202
Code, the parole board shall impose appropriate terms and 2203
conditions of release upon each prisoner granted a parole under 2204
this section. 2205

(G) If the parole board denies release on parole pursuant 2206
to this section, the board shall conduct a subsequent release 2207
review not later than five years after release was denied. 2208

(H) In addition to any notice required by rule or statute, 2209

the parole board shall notify the state public defender, the 2210
victim, and the appropriate prosecuting attorney of a prisoner's 2211
eligibility for review under this section at least sixty days 2212
before the board begins any review or proceedings involving that 2213
prisoner under this section. 2214

(I) This section shall apply to determine the parole 2215
eligibility of all prisoners described in this section who 2216
committed an offense prior to, on, or after the effective date 2217
of this section, regardless of when the prisoner committed or 2218
was sentenced for the offense. 2219

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of 2220
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 2221
another section of the Revised Code, other than divisions (B) 2222
and (C) of section 2929.14 of the Revised Code, that authorizes 2223
or requires a specified prison term or a mandatory prison term 2224
for a person who is convicted of or pleads guilty to a felony or 2225
that specifies the manner and place of service of a prison term 2226
or term of imprisonment, the court shall impose a sentence upon 2227
a person who is convicted of or pleads guilty to a violent sex 2228
offense and who also is convicted of or pleads guilty to a 2229
sexually violent predator specification that was included in the 2230
indictment, count in the indictment, or information charging 2231
that offense, and upon a person who is convicted of or pleads 2232
guilty to a designated homicide, assault, or kidnapping offense 2233
and also is convicted of or pleads guilty to both a sexual 2234
motivation specification and a sexually violent predator 2235
specification that were included in the indictment, count in the 2236
indictment, or information charging that offense, as follows: 2237

(1) ~~If~~ Except as provided in division (A) (5) of this 2238
section, if the offense for which the sentence is being imposed 2239

is aggravated murder and if the court does not impose upon the 2240
offender a sentence of death, it shall impose upon the offender 2241
a term of life imprisonment without parole. If the court 2242
sentences the offender to death and the sentence of death is 2243
vacated, overturned, or otherwise set aside, the court shall 2244
impose upon the offender a term of life imprisonment without 2245
parole. 2246

(2) ~~If Except as provided in division (A) (5) of this~~ 2247
section, if the offense for which the sentence is being imposed 2248
is murder; or if the offense is rape committed in violation of 2249
division (A) (1) (b) of section 2907.02 of the Revised Code when 2250
the offender purposely compelled the victim to submit by force 2251
or threat of force, when the victim was less than ten years of 2252
age, when the offender previously has been convicted of or 2253
pleaded guilty to either rape committed in violation of that 2254
division or a violation of an existing or former law of this 2255
state, another state, or the United States that is substantially 2256
similar to division (A) (1) (b) of section 2907.02 of the Revised 2257
Code, or when the offender during or immediately after the 2258
commission of the rape caused serious physical harm to the 2259
victim; or if the offense is an offense other than aggravated 2260
murder or murder for which a term of life imprisonment may be 2261
imposed, it shall impose upon the offender a term of life 2262
imprisonment without parole. 2263

(3) (a) Except as otherwise provided in division (A) (3) (b), 2264
(c), (d), or (e) or (A) (4) of this section, if the offense for 2265
which the sentence is being imposed is an offense other than 2266
aggravated murder, murder, or rape and other than an offense for 2267
which a term of life imprisonment may be imposed, it shall 2268
impose an indefinite prison term consisting of a minimum term 2269
fixed by the court as described in this division, but not less 2270

than two years, and a maximum term of life imprisonment. Except 2271
as otherwise specified in this division, the minimum term shall 2272
be fixed by the court from among the range of terms available as 2273
a definite term for the offense. If the offense is a felony of 2274
the first or second degree committed on or after ~~the effective~~ 2275
~~date of this amendment~~ March 22, 2019, the minimum term shall be 2276
fixed by the court from among the range of terms available as a 2277
minimum term for the offense under division (A) (1) (a) or (2) (a) 2278
of that section. 2279

(b) Except as otherwise provided in division (A) (4) of 2280
this section, if the offense for which the sentence is being 2281
imposed is kidnapping that is a felony of the first degree, it 2282
shall impose an indefinite prison term as follows: 2283

(i) If the kidnapping is committed on or after January 1, 2284
2008, and the victim of the offense is less than thirteen years 2285
of age, except as otherwise provided in this division, it shall 2286
impose an indefinite prison term consisting of a minimum term of 2287
fifteen years and a maximum term of life imprisonment. If the 2288
kidnapping is committed on or after January 1, 2008, the victim 2289
of the offense is less than thirteen years of age, and the 2290
offender released the victim in a safe place unharmed, it shall 2291
impose an indefinite prison term consisting of a minimum term of 2292
ten years and a maximum term of life imprisonment. 2293

(ii) If the kidnapping is committed prior to January 1, 2294
2008, or division (A) (3) (b) (i) of this section does not apply, 2295
it shall impose an indefinite term consisting of a minimum term 2296
fixed by the court that is not less than ten years and a maximum 2297
term of life imprisonment. 2298

(c) Except as otherwise provided in division (A) (4) of 2299
this section, if the offense for which the sentence is being 2300

imposed is kidnapping that is a felony of the second degree, it 2301
shall impose an indefinite prison term consisting of a minimum 2302
term fixed by the court that is not less than eight years, and a 2303
maximum term of life imprisonment. 2304

(d) Except as otherwise provided in division (A) (4) of 2305
this section, if the offense for which the sentence is being 2306
imposed is rape for which a term of life imprisonment is not 2307
imposed under division (A) (2) of this section or division (B) of 2308
section 2907.02 of the Revised Code, it shall impose an 2309
indefinite prison term as follows: 2310

(i) If the rape is committed on or after January 2, 2007, 2311
in violation of division (A) (1) (b) of section 2907.02 of the 2312
Revised Code, it shall impose an indefinite prison term 2313
consisting of a minimum term of twenty-five years and a maximum 2314
term of life imprisonment. 2315

(ii) If the rape is committed prior to January 2, 2007, or 2316
the rape is committed on or after January 2, 2007, other than in 2317
violation of division (A) (1) (b) of section 2907.02 of the 2318
Revised Code, it shall impose an indefinite prison term 2319
consisting of a minimum term fixed by the court that is not less 2320
than ten years, and a maximum term of life imprisonment. 2321

(e) Except as otherwise provided in division (A) (4) of 2322
this section, if the offense for which sentence is being imposed 2323
is attempted rape, it shall impose an indefinite prison term as 2324
follows: 2325

(i) Except as otherwise provided in division (A) (3) (e) 2326
(ii), (iii), or (iv) of this section, it shall impose an 2327
indefinite prison term pursuant to division (A) (3) (a) of this 2328
section. 2329

(ii) If the attempted rape for which sentence is being 2330
imposed was committed on or after January 2, 2007, and if the 2331
offender also is convicted of or pleads guilty to a 2332
specification of the type described in section 2941.1418 of the 2333
Revised Code, it shall impose an indefinite prison term 2334
consisting of a minimum term of five years and a maximum term of 2335
twenty-five years. 2336

(iii) If the attempted rape for which sentence is being 2337
imposed was committed on or after January 2, 2007, and if the 2338
offender also is convicted of or pleads guilty to a 2339
specification of the type described in section 2941.1419 of the 2340
Revised Code, it shall impose an indefinite prison term 2341
consisting of a minimum term of ten years and a maximum of life 2342
imprisonment. 2343

(iv) If the attempted rape for which sentence is being 2344
imposed was committed on or after January 2, 2007, and if the 2345
offender also is convicted of or pleads guilty to a 2346
specification of the type described in section 2941.1420 of the 2347
Revised Code, it shall impose an indefinite prison term 2348
consisting of a minimum term of fifteen years and a maximum of 2349
life imprisonment. 2350

(4) ~~For~~ Except as provided in division (A)(5) of this 2351
section, for any offense for which the sentence is being 2352
imposed, if the offender previously has been convicted of or 2353
pleaded guilty to a violent sex offense and also to a sexually 2354
violent predator specification that was included in the 2355
indictment, count in the indictment, or information charging 2356
that offense, or previously has been convicted of or pleaded 2357
guilty to a designated homicide, assault, or kidnapping offense 2358
and also to both a sexual motivation specification and a 2359

sexually violent predator specification that were included in 2360
the indictment, count in the indictment, or information charging 2361
that offense, it shall impose upon the offender a term of life 2362
imprisonment without parole. 2363

(5) Notwithstanding divisions (A) (1), (2), and (4) of this 2364
section, the court shall not impose a sentence of life 2365
imprisonment without parole upon any person for an offense that 2366
was committed when the person was under eighteen years of age. 2367
In any case described in division (A) (1), (2), or (4) of this 2368
section, if the offense was committed when the person was under 2369
eighteen years of age, the court shall impose an indefinite 2370
prison term consisting of a minimum term of thirty years and a 2371
maximum term of life imprisonment. 2372

(B) (1) Notwithstanding section 2929.13, division (A) or 2373
(D) of section 2929.14, or another section of the Revised Code 2374
other than division (B) of section 2907.02 or divisions (B) and 2375
(C) of section 2929.14 of the Revised Code that authorizes or 2376
requires a specified prison term or a mandatory prison term for 2377
a person who is convicted of or pleads guilty to a felony or 2378
that specifies the manner and place of service of a prison term 2379
or term of imprisonment, if a person is convicted of or pleads 2380
guilty to a violation of division (A) (1) (b) of section 2907.02 2381
of the Revised Code committed on or after January 2, 2007, if 2382
division (A) of this section does not apply regarding the 2383
person, and if the court does not impose a sentence of life 2384
without parole when authorized pursuant to division (B) of 2385
section 2907.02 of the Revised Code, the court shall impose upon 2386
the person an indefinite prison term consisting of one of the 2387
following: 2388

(a) Except as otherwise required in division (B) (1) (b) or 2389

(c) of this section, a minimum term of ten years and a maximum term of life imprisonment. 2390
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(b) If the victim was less than ten years of age, a minimum term of fifteen years and a maximum of life imprisonment. 2392
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(c) If the offender purposely compels the victim to submit by force or threat of force, or if the offender previously has been convicted of or pleaded guilty to violating division (A) (1) (b) of section 2907.02 of the Revised Code or to violating an existing or former law of this state, another state, or the United States that is substantially similar to division (A) (1) (b) of that section, or if the offender during or immediately after the commission of the offense caused serious physical harm to the victim, a minimum term of twenty-five years and a maximum of life imprisonment. 2395
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(2) Notwithstanding section 2929.13, division (A) or (D) of section 2929.14, or another section of the Revised Code other than divisions (B) and (C) of section 2929.14 of the Revised Code that authorizes or requires a specified prison term or a mandatory prison term for a person who is convicted of or pleads guilty to a felony or that specifies the manner and place of service of a prison term or term of imprisonment and except as otherwise provided in division (B) of section 2907.02 of the Revised Code, if a person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and if division (A) of this section does not apply regarding the person, the court shall impose upon the person an indefinite prison term consisting of one of the following: 2405
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(a) If the person also is convicted of or pleads guilty to a specification of the type described in section 2941.1418 of 2418
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the Revised Code, the court shall impose upon the person an 2420
indefinite prison term consisting of a minimum term of five 2421
years and a maximum term of twenty-five years. 2422

(b) If the person also is convicted of or pleads guilty to 2423
a specification of the type described in section 2941.1419 of 2424
the Revised Code, the court shall impose upon the person an 2425
indefinite prison term consisting of a minimum term of ten years 2426
and a maximum term of life imprisonment. 2427

(c) If the person also is convicted of or pleads guilty to 2428
a specification of the type described in section 2941.1420 of 2429
the Revised Code, the court shall impose upon the person an 2430
indefinite prison term consisting of a minimum term of fifteen 2431
years and a maximum term of life imprisonment. 2432

(3) Notwithstanding section 2929.13, division (A) or (D) 2433
of section 2929.14, or another section of the Revised Code other 2434
than divisions (B) and (C) of section 2929.14 of the Revised 2435
Code that authorizes or requires a specified prison term or a 2436
mandatory prison term for a person who is convicted of or pleads 2437
guilty to a felony or that specifies the manner and place of 2438
service of a prison term or term of imprisonment, if a person is 2439
convicted of or pleads guilty to an offense described in 2440
division (B) (3) (a), (b), (c), or (d) of this section committed 2441
on or after January 1, 2008, if the person also is convicted of 2442
or pleads guilty to a sexual motivation specification that was 2443
included in the indictment, count in the indictment, or 2444
information charging that offense, and if division (A) of this 2445
section does not apply regarding the person, the court shall 2446
impose upon the person an indefinite prison term consisting of 2447
one of the following: 2448

(a) An indefinite prison term consisting of a minimum of 2449

ten years and a maximum term of life imprisonment if the offense 2450
for which the sentence is being imposed is kidnapping, the 2451
victim of the offense is less than thirteen years of age, and 2452
the offender released the victim in a safe place unharmed; 2453

(b) An indefinite prison term consisting of a minimum of 2454
fifteen years and a maximum term of life imprisonment if the 2455
offense for which the sentence is being imposed is kidnapping 2456
when the victim of the offense is less than thirteen years of 2457
age and division (B) (3) (a) of this section does not apply; 2458

(c) An indefinite term consisting of a minimum of thirty 2459
years and a maximum term of life imprisonment if the offense for 2460
which the sentence is being imposed is aggravated murder, when 2461
the victim of the offense is less than thirteen years of age, a 2462
sentence of death or life imprisonment without parole is not 2463
imposed for the offense, and division (A) (2) (b) (ii) of section 2464
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 2465
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 2466
division (A) or (B) of section 2929.06 of the Revised Code 2467
requires that the sentence for the offense be imposed pursuant 2468
to this division; 2469

(d) An indefinite prison term consisting of a minimum of 2470
thirty years and a maximum term of life imprisonment if the 2471
offense for which the sentence is being imposed is murder when 2472
the victim of the offense is less than thirteen years of age. 2473

(C) (1) If the offender is sentenced to a prison term 2474
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 2475
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 2476
parole board shall have control over the offender's service of 2477
the term during the entire term unless the parole board 2478
terminates its control in accordance with section 2971.04 of the 2479

Revised Code. 2480

(2) Except as provided in division (C) (3) or (G) of this 2481
section, an offender sentenced to a prison term or term of life 2482
imprisonment without parole pursuant to division (A) of this 2483
section shall serve the entire prison term or term of life 2484
imprisonment in a state correctional institution. The offender 2485
is not eligible for judicial release under section 2929.20 of 2486
the Revised Code. 2487

(3) For a prison term imposed pursuant to division (A) (3), 2488
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 2489
(b), (c), or (d) of this section, subject to the application of 2490
division (G) of this section, the court, in accordance with 2491
section 2971.05 of the Revised Code, may terminate the prison 2492
term or modify the requirement that the offender serve the 2493
entire term in a state correctional institution if all of the 2494
following apply: 2495

(a) The offender has served at least the minimum term 2496
imposed as part of that prison term. 2497

(b) The parole board, pursuant to section 2971.04 of the 2498
Revised Code, has terminated its control over the offender's 2499
service of that prison term. 2500

(c) The court has held a hearing and found, by clear and 2501
convincing evidence, one of the following: 2502

(i) In the case of termination of the prison term, that 2503
the offender is unlikely to commit a sexually violent offense in 2504
the future; 2505

(ii) In the case of modification of the requirement, that 2506
the offender does not represent a substantial risk of physical 2507
harm to others. 2508

(4) ~~An~~ Except as provided in division (G) of this section, 2509
an offender who has been sentenced to a term of life 2510
imprisonment without parole pursuant to division (A) (1), (2), or 2511
(4) of this section shall not be released from the term of life 2512
imprisonment or be permitted to serve a portion of it in a place 2513
other than a state correctional institution. 2514

(D) If a court sentences an offender to a prison term or 2515
term of life imprisonment without parole pursuant to division 2516
(A) of this section and the court also imposes on the offender 2517
one or more additional prison terms pursuant to division (B) of 2518
section 2929.14 of the Revised Code, all of the additional 2519
prison terms shall be served consecutively with, and prior to, 2520
the prison term or term of life imprisonment without parole 2521
imposed upon the offender pursuant to division (A) of this 2522
section. 2523

(E) If the offender is convicted of or pleads guilty to 2524
two or more offenses for which a prison term or term of life 2525
imprisonment without parole is required to be imposed pursuant 2526
to division (A) of this section, divisions (A) to (D) of this 2527
section shall be applied for each offense. All minimum terms 2528
imposed upon the offender pursuant to division (A) (3) or (B) of 2529
this section for those offenses shall be aggregated and served 2530
consecutively, as if they were a single minimum term imposed 2531
under that division. 2532

(F) (1) If an offender is convicted of or pleads guilty to 2533
a violent sex offense and also is convicted of or pleads guilty 2534
to a sexually violent predator specification that was included 2535
in the indictment, count in the indictment, or information 2536
charging that offense, or is convicted of or pleads guilty to a 2537
designated homicide, assault, or kidnapping offense and also is 2538

convicted of or pleads guilty to both a sexual motivation 2539
specification and a sexually violent predator specification that 2540
were included in the indictment, count in the indictment, or 2541
information charging that offense, the conviction of or plea of 2542
guilty to the offense and the sexually violent predator 2543
specification automatically classifies the offender as a tier 2544
III sex offender/child-victim offender for purposes of Chapter 2545
2950. of the Revised Code. 2546

(2) If an offender is convicted of or pleads guilty to 2547
committing on or after January 2, 2007, a violation of division 2548
(A) (1) (b) of section 2907.02 of the Revised Code and either the 2549
offender is sentenced under section 2971.03 of the Revised Code 2550
or a sentence of life without parole is imposed under division 2551
(B) of section 2907.02 of the Revised Code, the conviction of or 2552
plea of guilty to the offense automatically classifies the 2553
offender as a tier III sex offender/child-victim offender for 2554
purposes of Chapter 2950. of the Revised Code. 2555

(3) If a person is convicted of or pleads guilty to 2556
committing on or after January 2, 2007, attempted rape and also 2557
is convicted of or pleads guilty to a specification of the type 2558
described in section 2941.1418, 2941.1419, or 2941.1420 of the 2559
Revised Code, the conviction of or plea of guilty to the offense 2560
and the specification automatically classify the offender as a 2561
tier III sex offender/child-victim offender for purposes of 2562
Chapter 2950. of the Revised Code. 2563

(4) If a person is convicted of or pleads guilty to one of 2564
the offenses described in division (B) (3) (a), (b), (c), or (d) 2565
of this section and a sexual motivation specification related to 2566
the offense and the victim of the offense is less than thirteen 2567
years of age, the conviction of or plea of guilty to the offense 2568

automatically classifies the offender as a tier III sex 2569
offender/child-victim offender for purposes of Chapter 2950. of 2570
the Revised Code. 2571

(G) Notwithstanding divisions (A) to (E) of this section, 2572
if an offender receives or received a sentence of life 2573
imprisonment without parole, a definite sentence, or a sentence 2574
to an indefinite prison term under this chapter for an offense 2575
committed when the offender was under eighteen years of age, the 2576
offender is eligible for parole and the offender's parole 2577
eligibility shall be determined under section 2967.132 of the 2578
Revised Code. 2579

Sec. 5149.101. (A) (1) A board hearing officer, a board 2580
member, or the office of victims' services may petition the 2581
board for a full board hearing that relates to the proposed 2582
parole or re-parole of a prisoner, including any prisoner 2583
described in section 2967.132 of the Revised Code. At a meeting 2584
of the board at which a majority of board members are present, 2585
the majority of those present shall determine whether a full 2586
board hearing shall be held. 2587

(2) A victim of a violation of section 2903.01 or 2903.02 2588
of the Revised Code, an offense of violence that is a felony of 2589
the first, second, or third degree, or an offense punished by a 2590
sentence of life imprisonment, the victim's representative, or 2591
any person described in division (B) (5) of this section may 2592
request the board to hold a full board hearing that relates to 2593
the proposed parole or re-parole of the person that committed 2594
the violation. If a victim, victim's representative, or other 2595
person requests a full board hearing pursuant to this division, 2596
the board shall hold a full board hearing. 2597

At least thirty days before the full hearing, except as 2598

otherwise provided in this division, the board shall give notice 2599
of the date, time, and place of the hearing to the victim 2600
regardless of whether the victim has requested the notification. 2601
The notice of the date, time, and place of the hearing shall not 2602
be given under this division to a victim if the victim has 2603
requested pursuant to division (B)(2) of section 2930.03 of the 2604
Revised Code that the notice not be provided to the victim. At 2605
least thirty days before the full board hearing and regardless 2606
of whether the victim has requested that the notice be provided 2607
or not be provided under this division to the victim, the board 2608
shall give similar notice to the prosecuting attorney in the 2609
case, the law enforcement agency that arrested the prisoner if 2610
any officer of that agency was a victim of the offense, and, if 2611
different than the victim, the person who requested the full 2612
hearing. If the prosecuting attorney has not previously been 2613
sent an institutional summary report with respect to the 2614
prisoner, upon the request of the prosecuting attorney, the 2615
board shall include with the notice sent to the prosecuting 2616
attorney an institutional summary report that covers the 2617
offender's participation while confined in a state correctional 2618
institution in training, work, and other rehabilitative 2619
activities and any disciplinary action taken against the 2620
offender while so confined. Upon the request of a law 2621
enforcement agency that has not previously been sent an 2622
institutional summary report with respect to the prisoner, the 2623
board also shall send a copy of the institutional summary report 2624
to the law enforcement agency. If notice is to be provided as 2625
described in this division, the board may give the notice by any 2626
reasonable means, including regular mail, telephone, and 2627
electronic mail, in accordance with division (D)(1) of section 2628
2930.16 of the Revised Code. If the notice is based on an 2629
offense committed prior to ~~the effective date of this amendment~~ 2630

March 22, 2013, the notice also shall include the opt-out 2631
information described in division (D) (1) of section 2930.16 of 2632
the Revised Code. The board, in accordance with division (D) (2) 2633
of section 2930.16 of the Revised Code, shall keep a record of 2634
all attempts to provide the notice, and of all notices provided, 2635
under this division. 2636

The preceding paragraph, and the notice-related provisions 2637
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 2638
of section 2930.16, division (H) of section 2967.12, division 2639
(E) (1) (b) of section 2967.19, division (A) (3) (b) of section 2640
2967.26, and division (D) (1) of section 2967.28 of the Revised 2641
Code enacted in the act in which this paragraph was enacted, 2642
shall be known as "Roberta's Law." 2643

(B) At a full board hearing that relates to the proposed 2644
parole or re-parole of a prisoner and that has been petitioned 2645
for or requested in accordance with division (A) of this 2646
section, the parole board shall permit the following persons to 2647
appear and to give testimony or to submit written statements: 2648

(1) The prosecuting attorney of the county in which the 2649
original indictment against the prisoner was found and members 2650
of any law enforcement agency that assisted in the prosecution 2651
of the original offense; 2652

(2) The judge of the court of common pleas who imposed the 2653
original sentence of incarceration upon the prisoner, or the 2654
judge's successor; 2655

(3) The victim of the original offense for which the 2656
prisoner is serving the sentence or the victim's representative 2657
designated pursuant to section 2930.02 of the Revised Code; 2658

(4) The victim of any behavior that resulted in parole 2659

being revoked; 2660

(5) With respect to a full board hearing held pursuant to 2661
division (A) (2) of this section, all of the following: 2662

(a) The spouse of the victim of the original offense; 2663

(b) The parent or parents of the victim of the original 2664
offense; 2665

(c) The sibling of the victim of the original offense; 2666

(d) The child or children of the victim of the original 2667
offense. 2668

(6) Counsel or some other person designated by the 2669
prisoner as a representative, as described in division (C) of 2670
this section. 2671

(C) Except as otherwise provided in this division, a full 2672
board hearing of the parole board is not subject to section 2673
121.22 of the Revised Code. The persons who may attend a full 2674
board hearing are the persons described in divisions (B) (1) to 2675
(6) of this section, and representatives of the press, radio and 2676
television stations, and broadcasting networks who are members 2677
of a generally recognized professional media organization. 2678

At the request of a person described in division (B) (3) of 2679
this section, representatives of the news media described in 2680
this division shall be excluded from the hearing while that 2681
person is giving testimony at the hearing. The prisoner being 2682
considered for parole has no right to be present at the hearing, 2683
but may be represented by counsel or some other person 2684
designated by the prisoner. 2685

If there is an objection at a full board hearing to a 2686
recommendation for the parole of a prisoner, the board may 2687

approve or disapprove the recommendation or defer its decision 2688
until a subsequent full board hearing. The board may permit 2689
interested persons other than those listed in this division and 2690
division (B) of this section to attend full board hearings 2691
pursuant to rules adopted by the adult parole authority. 2692

(D) If the victim of the original offense died as a result 2693
of the offense and the offense was aggravated murder, murder, an 2694
offense of violence that is a felony of the first, second, or 2695
third degree, or an offense punished by a sentence of life 2696
imprisonment, the family of the victim may show at a full board 2697
hearing a video recording not exceeding five minutes in length 2698
memorializing the victim. 2699

(E) The adult parole authority shall adopt rules for the 2700
implementation of this section. The rules shall specify 2701
reasonable restrictions on the number of media representatives 2702
that may attend a hearing, based on considerations of space, and 2703
other procedures designed to accomplish an effective, orderly 2704
process for full board hearings. 2705

Section 2. That existing sections 2907.02, 2909.24, 2706
2929.02, 2929.03, 2929.06, 2929.14, 2929.19, 2967.13, 2971.03, 2707
and 5149.101 of the Revised Code are hereby repealed. 2708

Section 3. (A) The amendments to sections 2907.02, 2709
2909.24, 2929.03, 2929.06, 2929.19, divisions (A) and (B) of 2710
section 2929.02, and division (A) of section 2971.03 of the 2711
Revised Code made in Sections 1 and 2 of this act and the 2712
enactment of division (A) of section 2929.07 of the Revised Code 2713
made in Sections 1 and 2 of this act apply to both of the 2714
following: 2715

(1) All offenses described in those provisions that are 2716

committed on or after the effective date of this section; 2717

(2) All offenses described in those provisions that were 2718
committed prior to the effective date of this section if, as of 2719
the effective date of this section, the offender has not been 2720
sentenced for the particular offense. 2721

(B) The amendments to sections 2967.13, 5149.101, division 2722
(C) of section 2929.02, division (L) of section 2929.14, and 2723
divisions (C) and (G) of section 2971.03 of the Revised Code and 2724
the enactment of section 2967.132 and division (B) of section 2725
2929.07 of the Revised Code made in Sections 1 and 2 of this act 2726
apply to all offenses, offenders, and prisoners described in 2727
those provisions, regardless of when the offender or prisoner 2728
committed, or was sentenced for, the offense. 2729

Section 4. The General Assembly, applying the principle 2730
stated in division (B) of section 1.52 of the Revised Code that 2731
amendments are to be harmonized if reasonably capable of 2732
simultaneous operation, finds that the following sections, 2733
presented in this act as composites of the sections as amended 2734
by the acts indicated, are the resulting versions of the 2735
sections in effect prior to the effective date of the sections 2736
as presented in this act: 2737

Section 2907.02 of the Revised Code as amended by both 2738
S.B. 201 and S.B. 229 of the 132nd General Assembly. 2739

Section 2929.14 of the Revised Code as amended by H.B. 63, 2740
S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General 2741
Assembly. 2742

Section 2929.19 of the Revised Code as amended by both 2743
S.B. 66 and S.B. 201 of the 132nd General Assembly. 2744