

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 134

Senator Gavarone

A BILL

To amend sections 2743.51, 2903.06, 2903.08, 1
2929.14, 4510.17, 4511.181, 4511.75, 4511.751, 2
and 4511.76 and to enact section 5.501 of the 3
Revised Code to make changes to the law 4
governing passing a school bus, to create a new 5
offense for vehicular homicide and vehicular 6
assault related to improperly passing a stopped 7
school bus, to make an appropriation, and to 8
designate this the School Bus Safety Act. 9

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

Section 1. That sections 2743.51, 2903.06, 2903.08, 10
2929.14, 4510.17, 4511.181, 4511.75, 4511.751, and 4511.76 be 11
amended and section 5.501 of the Revised Code be enacted to read 12
as follows: 13

Sec. 5.501. The month of August is designated as "School 14
Bus Safety Awareness Month" to increase public awareness of the 15
need to properly stop when a stopped school bus is loading and 16
unloading passengers. 17

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of 18
the Revised Code: 19

(A) "Claimant" means both of the following categories of persons: 20
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(1) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code: 22
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(a) A victim who was one of the following at the time of the criminally injurious conduct: 25
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(i) A resident of the United States; 27

(ii) A resident of a foreign country the laws of which permit residents of this state to recover compensation as victims of offenses committed in that country. 28
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(b) A dependent of a deceased victim who is described in division (A) (1) (a) of this section; 31
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(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A) (1) (a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses; 33
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(d) A person who is authorized to act on behalf of any person who is described in division (A) (1) (a), (b), or (c) of this section; 40
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(e) The estate of a deceased victim who is described in division (A) (1) (a) of this section. 43
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(2) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code: 45
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(a) A victim who had a permanent place of residence within this state at the time of the criminally injurious conduct and who, at the time of the criminally injurious conduct, complied with any one of the following:	48 49 50 51
(i) Had a permanent place of employment in this state;	52
(ii) Was a member of the regular armed forces of the United States or of the United States coast guard or was a full-time member of the Ohio organized militia or of the United States army reserve, naval reserve, or air force reserve;	53 54 55 56
(iii) Was retired and receiving social security or any other retirement income;	57 58
(iv) Was sixty years of age or older;	59
(v) Was temporarily in another state for the purpose of receiving medical treatment;	60 61
(vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits;	62 63 64 65
(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits;	66 67 68 69 70
(viii) Was a full-time student at an academic institution, college, or university located in another state;	71 72
(ix) Had not departed the geographical boundaries of this state for a period exceeding thirty days or with the intention of becoming a citizen of another state or establishing a	73 74 75

permanent place of residence in another state.	76
(b) A dependent of a deceased victim who is described in division (A) (2) (a) of this section;	77 78
(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A) (2) (a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;	79 80 81 82 83 84 85
(d) A person who is authorized to act on behalf of any person who is described in division (A) (2) (a), (b), or (c) of this section;	86 87 88
(e) The estate of a deceased victim who is described in division (A) (2) (a) of this section.	89 90
(B) "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable that the victim or claimant has received, or that is readily available to the victim or claimant, from any of the following sources:	91 92 93 94
(1) The offender;	95
(2) The government of the United States or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under sections 2743.51 to 2743.72 of the Revised Code;	96 97 98 99 100
(3) Social security, medicare, and medicaid;	101
(4) State-required, temporary, nonoccupational disability insurance;	102 103

(5) Workers' compensation;	104
(6) Wage continuation programs of any employer;	105
(7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct;	106 107 108
(8) A contract providing prepaid hospital and other health care services, or benefits for disability;	109 110
(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim that exceeds fifty thousand dollars;	111 112 113
(10) Any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country.	114 115 116 117
"Collateral source" does not include any money, or the monetary value of any property, that is subject to sections 2969.01 to 2969.06 of the Revised Code or that is received as a benefit from the Ohio public safety officers death benefit fund created by section 742.62 of the Revised Code.	118 119 120 121 122
(C) "Criminally injurious conduct" means one of the following:	123 124
(1) For the purposes of any person described in division (A) (1) of this section, any conduct that occurs or is attempted in this state; poses a substantial threat of personal injury or death; and is punishable by fine, imprisonment, or death, or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. Criminally injurious conduct does not	125 126 127 128 129 130 131

include conduct arising out of the ownership, maintenance, or 132
use of a motor vehicle, except when any of the following 133
applies: 134

(a) The person engaging in the conduct intended to cause 135
personal injury or death; 136

(b) The person engaging in the conduct was using the 137
vehicle to flee immediately after committing a felony or an act 138
that would constitute a felony but for the fact that the person 139
engaging in the conduct lacked the capacity to commit the felony 140
under the laws of this state; 141

(c) The person engaging in the conduct was using the 142
vehicle in a manner that constitutes an OVI violation; 143

(d) The conduct occurred on or after July 25, 1990, and 144
the person engaging in the conduct was using the vehicle in a 145
manner that constitutes a violation of section 2903.08 of the 146
Revised Code; 147

(e) The person engaging in the conduct acted in a manner 148
that caused serious physical harm to a person and that 149
constituted a violation of section 4549.02 or 4549.021 of the 150
Revised Code. 151

(2) For the purposes of any person described in division 152
(A) (2) of this section, any conduct that occurs or is attempted 153
in another state, district, territory, or foreign country; poses 154
a substantial threat of personal injury or death; and is 155
punishable by fine, imprisonment, or death, or would be so 156
punishable but for the fact that the person engaging in the 157
conduct lacked capacity to commit the crime under the laws of 158
the state, district, territory, or foreign country in which the 159
conduct occurred or was attempted. Criminally injurious conduct 160

does not include conduct arising out of the ownership, 161
maintenance, or use of a motor vehicle, except when any of the 162
following applies: 163

(a) The person engaging in the conduct intended to cause 164
personal injury or death; 165

(b) The person engaging in the conduct was using the 166
vehicle to flee immediately after committing a felony or an act 167
that would constitute a felony but for the fact that the person 168
engaging in the conduct lacked the capacity to commit the felony 169
under the laws of the state, district, territory, or foreign 170
country in which the conduct occurred or was attempted; 171

(c) The person engaging in the conduct was using the 172
vehicle in a manner that constitutes an OVI violation; 173

(d) The conduct occurred on or after July 25, 1990, the 174
person engaging in the conduct was using the vehicle in a manner 175
that constitutes a violation of any law of the state, district, 176
territory, or foreign country in which the conduct occurred, and 177
that law is substantially similar to a violation of section 178
2903.08 of the Revised Code; 179

(e) The person engaging in the conduct acted in a manner 180
that caused serious physical harm to a person and that 181
constituted a violation of any law of the state, district, 182
territory, or foreign country in which the conduct occurred, and 183
that law is substantially similar to section 4549.02 or 4549.021 184
of the Revised Code. 185

(3) For the purposes of any person described in division 186
(A) (1) or (2) of this section, terrorism that occurs within or 187
outside the territorial jurisdiction of the United States. 188

(D) "Dependent" means an individual wholly or partially 189

dependent upon the victim for care and support, and includes a 190
child of the victim born after the victim's death. 191

(E) "Economic loss" means economic detriment consisting 192
only of allowable expense, work loss, funeral expense, 193
unemployment benefits loss, replacement services loss, cost of 194
crime scene cleanup, and cost of evidence replacement. If 195
criminally injurious conduct causes death, economic loss 196
includes a dependent's economic loss and a dependent's 197
replacement services loss. Noneconomic detriment is not economic 198
loss; however, economic loss may be caused by pain and suffering 199
or physical impairment. 200

(F) (1) "Allowable expense" means reasonable charges 201
incurred for reasonably needed products, services, and 202
accommodations, including those for medical care, 203
rehabilitation, rehabilitative occupational training, and other 204
remedial treatment and care and including replacement costs for 205
hearing aids; dentures, retainers, and other dental appliances; 206
canes, walkers, and other mobility tools; and eyeglasses and 207
other corrective lenses. It does not include that portion of a 208
charge for a room in a hospital, clinic, convalescent home, 209
nursing home, or any other institution engaged in providing 210
nursing care and related services in excess of a reasonable and 211
customary charge for semiprivate accommodations, unless 212
accommodations other than semiprivate accommodations are 213
medically required. 214

(2) An immediate family member of a victim of criminally 215
injurious conduct that consists of a homicide, a sexual assault, 216
domestic violence, or a severe and permanent incapacitating 217
injury resulting in paraplegia or a similar life-altering 218
condition, who requires psychiatric care or counseling as a 219

result of the criminally injurious conduct, may be reimbursed 220
for that care or counseling as an allowable expense through the 221
victim's application. The cumulative allowable expense for care 222
or counseling of that nature shall not exceed two thousand five 223
hundred dollars for each immediate family member of a victim of 224
that type and seven thousand five hundred dollars in the 225
aggregate for all immediate family members of a victim of that 226
type. 227

(3) A family member of a victim who died as a proximate 228
result of criminally injurious conduct may be reimbursed as an 229
allowable expense through the victim's application for wages 230
lost and travel expenses incurred in order to attend criminal 231
justice proceedings arising from the criminally injurious 232
conduct. The cumulative allowable expense for wages lost and 233
travel expenses incurred by a family member to attend criminal 234
justice proceedings shall not exceed five hundred dollars for 235
each family member of the victim and two thousand dollars in the 236
aggregate for all family members of the victim. 237

(4) (a) "Allowable expense" includes reasonable expenses 238
and fees necessary to obtain a guardian's bond pursuant to 239
section 2109.04 of the Revised Code when the bond is required to 240
pay an award to a fiduciary on behalf of a minor or other 241
incompetent. 242

(b) "Allowable expense" includes attorney's fees not 243
exceeding one thousand dollars, at a rate not exceeding one 244
hundred dollars per hour, incurred to successfully obtain a 245
restraining order, custody order, or other order to physically 246
separate a victim from an offender. Attorney's fees for the 247
services described in this division may include an amount for 248
reasonable travel time incurred to attend court hearings, not 249

exceeding three hours_ round-trip for each court hearing, 250
assessed at a rate not exceeding thirty dollars per hour. 251

(G) "Work loss" means loss of income from work that the 252
injured person would have performed if the person had not been 253
injured and expenses reasonably incurred by the person to obtain 254
services in lieu of those the person would have performed for 255
income, reduced by any income from substitute work actually 256
performed by the person, or by income the person would have 257
earned in available appropriate substitute work that the person 258
was capable of performing but unreasonably failed to undertake. 259

(H) "Replacement services loss" means expenses reasonably 260
incurred in obtaining ordinary and necessary services in lieu of 261
those the injured person would have performed, not for income, 262
but for the benefit of the person's self or family, if the 263
person had not been injured. 264

(I) "Dependent's economic loss" means loss after a 265
victim's death of contributions of things of economic value to 266
the victim's dependents, not including services they would have 267
received from the victim if the victim had not suffered the 268
fatal injury, less expenses of the dependents avoided by reason 269
of the victim's death. If a minor child of a victim is adopted 270
after the victim's death, the minor child continues after the 271
adoption to incur a dependent's economic loss as a result of the 272
victim's death. If the surviving spouse of a victim remarries, 273
the surviving spouse continues after the remarriage to incur a 274
dependent's economic loss as a result of the victim's death. 275

(J) "Dependent's replacement services loss" means loss 276
reasonably incurred by dependents after a victim's death in 277
obtaining ordinary and necessary services in lieu of those the 278
victim would have performed for their benefit if the victim had 279

not suffered the fatal injury, less expenses of the dependents 280
avoided by reason of the victim's death and not subtracted in 281
calculating the dependent's economic loss. If a minor child of a 282
victim is adopted after the victim's death, the minor child 283
continues after the adoption to incur a dependent's replacement 284
services loss as a result of the victim's death. If the 285
surviving spouse of a victim remarries, the surviving spouse 286
continues after the remarriage to incur a dependent's 287
replacement services loss as a result of the victim's death. 288

(K) "Noneconomic detriment" means pain, suffering, 289
inconvenience, physical impairment, or other nonpecuniary 290
damage. 291

(L) "Victim" means a person who suffers personal injury or 292
death as a result of any of the following: 293

(1) Criminally injurious conduct; 294

(2) The good faith effort of any person to prevent 295
criminally injurious conduct; 296

(3) The good faith effort of any person to apprehend a 297
person suspected of engaging in criminally injurious conduct. 298

(M) "Contributory misconduct" means any conduct of the 299
claimant or of the victim through whom the claimant claims an 300
award of reparations that is unlawful or intentionally tortious 301
and that, without regard to the conduct's proximity in time or 302
space to the criminally injurious conduct, has a causal 303
relationship to the criminally injurious conduct that is the 304
basis of the claim. 305

(N) (1) "Funeral expense" means any reasonable charges that 306
are not in excess of seven thousand five hundred dollars per 307
funeral and that are incurred for expenses directly related to a 308

victim's funeral, cremation, or burial and any wages lost or 309
travel expenses incurred by a family member of a victim in order 310
to attend the victim's funeral, cremation, or burial. 311

(2) An award for funeral expenses shall be applied first 312
to expenses directly related to the victim's funeral, cremation, 313
or burial. An award for wages lost or travel expenses incurred 314
by a family member of the victim shall not exceed five hundred 315
dollars for each family member and shall not exceed in the 316
aggregate the difference between seven thousand five hundred 317
dollars and expenses that are reimbursed by the program and that 318
are directly related to the victim's funeral, cremation, or 319
burial. 320

(O) "Unemployment benefits loss" means a loss of 321
unemployment benefits pursuant to Chapter 4141. of the Revised 322
Code when the loss arises solely from the inability of a victim 323
to meet the able to work, available for suitable work, or the 324
actively seeking suitable work requirements of division (A) (4) 325
(a) of section 4141.29 of the Revised Code. 326

(P) "OVI violation" means any of the following: 327

(1) A violation of section 4511.19 of the Revised Code, of 328
any municipal ordinance prohibiting the operation of a vehicle 329
while under the influence of alcohol, a drug of abuse, or a 330
combination of them, or of any municipal ordinance prohibiting 331
the operation of a vehicle with a prohibited concentration of 332
alcohol, a controlled substance, or a metabolite of a controlled 333
substance in the whole blood, blood serum or plasma, breath, or 334
urine; 335

(2) A violation of division (A) (1) of section 2903.06 of 336
the Revised Code; 337

(3) A violation of division (A) (2), (3), ~~or (4)~~, or (5) of 338
section 2903.06 of the Revised Code or of a municipal ordinance 339
substantially similar to any of those divisions, if the offender 340
was under the influence of alcohol, a drug of abuse, or a 341
combination of them, at the time of the commission of the 342
offense; 343

(4) For purposes of any person described in division (A) 344
(2) of this section, a violation of any law of the state, 345
district, territory, or foreign country in which the criminally 346
injurious conduct occurred, if that law is substantially similar 347
to a violation described in division (P) (1) or (2) of this 348
section or if that law is substantially similar to a violation 349
described in division (P) (3) of this section and the offender 350
was under the influence of alcohol, a drug of abuse, or a 351
combination of them, at the time of the commission of the 352
offense. 353

(Q) "Pendency of the claim" for an original reparations 354
application or supplemental reparations application means the 355
period of time from the date the criminally injurious conduct 356
upon which the application is based occurred until the date a 357
final decision, order, or judgment concerning that original 358
reparations application or supplemental reparations application 359
is issued. 360

(R) "Terrorism" means any activity to which all of the 361
following apply: 362

(1) The activity involves a violent act or an act that is 363
dangerous to human life. 364

(2) The act described in division (R) (1) of this section 365
is committed within the territorial jurisdiction of the United 366

States and is a violation of the criminal laws of the United 367
States, this state, or any other state or the act described in 368
division (R)(1) of this section is committed outside the 369
territorial jurisdiction of the United States and would be a 370
violation of the criminal laws of the United States, this state, 371
or any other state if committed within the territorial 372
jurisdiction of the United States. 373

(3) The activity appears to be intended to do any of the 374
following: 375

(a) Intimidate or coerce a civilian population; 376

(b) Influence the policy of any government by intimidation 377
or coercion; 378

(c) Affect the conduct of any government by assassination 379
or kidnapping. 380

(4) The activity occurs primarily outside the territorial 381
jurisdiction of the United States or transcends the national 382
boundaries of the United States in terms of the means by which 383
the activity is accomplished, the person or persons that the 384
activity appears intended to intimidate or coerce, or the area 385
or locale in which the perpetrator or perpetrators of the 386
activity operate or seek asylum. 387

(S) "Transcends the national boundaries of the United 388
States" means occurring outside the territorial jurisdiction of 389
the United States in addition to occurring within the 390
territorial jurisdiction of the United States. 391

(T) "Cost of crime scene cleanup" means any of the 392
following: 393

(1) The replacement cost for items of clothing removed 394

from a victim in order to make an assessment of possible 395
physical harm or to treat physical harm; 396

(2) Reasonable and necessary costs of cleaning the scene 397
and repairing, for the purpose of personal security, property 398
damaged at the scene where the criminally injurious conduct 399
occurred, not to exceed seven hundred fifty dollars in the 400
aggregate per claim. 401

(U) "Cost of evidence replacement" means costs for 402
replacement of property confiscated for evidentiary purposes 403
related to the criminally injurious conduct, not to exceed seven 404
hundred fifty dollars in the aggregate per claim. 405

(V) "Provider" means any person who provides a victim or 406
claimant with a product, service, or accommodations that are an 407
allowable expense or a funeral expense. 408

(W) "Immediate family member" means an individual who 409
resided in the same permanent household as a victim at the time 410
of the criminally injurious conduct and who is related to the 411
victim by affinity or consanguinity. 412

(X) "Family member" means an individual who is related to 413
a victim by affinity or consanguinity. 414

Sec. 2903.06. (A) No person, while operating or 415
participating in the operation of a motor vehicle, motorcycle, 416
snowmobile, locomotive, watercraft, or aircraft, shall cause the 417
death of another or the unlawful termination of another's 418
pregnancy in any of the following ways: 419

(1) (a) As the proximate result of committing a violation 420
of division (A) of section 4511.19 of the Revised Code or of a 421
substantially equivalent municipal ordinance; 422

(b) As the proximate result of committing a violation of 423
division (A) of section 1547.11 of the Revised Code or of a 424
substantially equivalent municipal ordinance; 425

(c) As the proximate result of committing a violation of 426
division (A) (3) of section 4561.15 of the Revised Code or of a 427
substantially equivalent municipal ordinance. 428

(2) In one of the following ways: 429

(a) Recklessly; 430

(b) As the proximate result of committing, while operating 431
or participating in the operation of a motor vehicle or 432
motorcycle in a construction zone, a reckless operation offense, 433
provided that this division applies only if the person whose 434
death is caused or whose pregnancy is unlawfully terminated is 435
in the construction zone at the time of the offender's 436
commission of the reckless operation offense in the construction 437
zone and does not apply as described in division (F) of this 438
section. 439

(3) In one of the following ways: 440

(a) Negligently; 441

(b) As the proximate result of committing, while operating 442
or participating in the operation of a motor vehicle or 443
motorcycle in a construction zone, a speeding offense, provided 444
that this division applies only if the person whose death is 445
caused or whose pregnancy is unlawfully terminated is in the 446
construction zone at the time of the offender's commission of 447
the speeding offense in the construction zone and does not apply 448
as described in division (F) of this section. 449

(4) As the proximate result of committing a violation of 450

any provision of any section contained in Title XLV of the Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Revised Code that is a minor misdemeanor;

(5) As the proximate result of recklessly committing a violation of section 4511.75 of the Revised Code.

(B) (1) Whoever violates division (A) (1) ~~or, (2), or (5)~~ of this section is guilty of aggravated vehicular homicide and shall be punished as provided in divisions (B) (2) ~~and, (3), and (4)~~ of this section.

(2) (a) Except as otherwise provided in division (B) (2) (b) or (c) of this section, aggravated vehicular homicide committed in violation of division (A) (1) of this section is a felony of the second degree and the court shall impose a mandatory prison term on the offender as described in division (E) of this section.

(b) Except as otherwise provided in division (B) (2) (c) of this section, aggravated vehicular homicide committed in violation of division (A) (1) of this section is a felony of the first degree, and the court shall impose a mandatory prison term on the offender as described in division (E) of this section, if any of the following apply:

(i) At the time of the offense, the offender was driving under a suspension or cancellation imposed under Chapter 4510. or any other provision of the Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction

permit, probationary license, or nonresident operating 480
privilege, and was not eligible for renewal of the offender's 481
driver's license or commercial driver's license without 482
examination under section 4507.10 of the Revised Code. 483

(ii) The offender previously has been convicted of or 484
pleaded guilty to a violation of this section. 485

(iii) The offender previously has been convicted of or 486
pleaded guilty to any traffic-related homicide, manslaughter, or 487
assault offense. 488

(c) Aggravated vehicular homicide committed in violation 489
of division (A) (1) of this section is a felony of the first 490
degree, and the court shall sentence the offender to a mandatory 491
prison term as provided in section 2929.142 of the Revised Code 492
and described in division (E) of this section if any of the 493
following apply: 494

(i) The offender previously has been convicted of or 495
pleaded guilty to three or more prior violations of section 496
4511.19 of the Revised Code or of a substantially equivalent 497
municipal ordinance within the previous ten years. 498

(ii) The offender previously has been convicted of or 499
pleaded guilty to three or more prior violations of division (A) 500
of section 1547.11 of the Revised Code or of a substantially 501
equivalent municipal ordinance within the previous ten years. 502

(iii) The offender previously has been convicted of or 503
pleaded guilty to three or more prior violations of division (A) 504
(3) of section 4561.15 of the Revised Code or of a substantially 505
equivalent municipal ordinance within the previous ten years. 506

(iv) The offender previously has been convicted of or 507
pleaded guilty to three or more prior violations of division (A) 508

(1) of this section within the previous ten years.	509
(v) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) (1) of section 2903.08 of the Revised Code within the previous ten years.	510 511 512 513
(vi) The offender previously has been convicted of or pleaded guilty to three or more prior violations of section 2903.04 of the Revised Code within the previous ten years in circumstances in which division (D) of that section applied regarding the violations.	514 515 516 517 518
(vii) The offender previously has been convicted of or pleaded guilty to three or more violations of any combination of the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv), (v), or (vi) of this section within the previous ten years.	519 520 521 522
(viii) The offender previously has been convicted of or pleaded guilty to a second or subsequent felony violation of division (A) of section 4511.19 of the Revised Code.	523 524 525
(d) In addition to any other sanctions imposed pursuant to division (B) (2) (a), (b), or (c) of this section for aggravated vehicular homicide committed in violation of division (A) (1) of this section, the court shall impose upon the offender a class one 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) (1) of section 4510.02 of the Revised Code.	526 527 528 529 530 531 532 533
Divisions (A) (1) to (3) of section 4510.54 of the Revised Code apply to a suspension imposed under division (B) (2) (d) of this section.	534 535 536
(3) Except as otherwise provided in this division,	537

aggravated vehicular homicide committed in violation of division 538
(A) (2) of this section is a felony of the third degree. 539
Aggravated vehicular homicide committed in violation of division 540
(A) (2) of this section is a felony of the second degree if, at 541
the time of the offense, the offender was driving under a 542
suspension or cancellation imposed under Chapter 4510. or any 543
other provision of the Revised Code or was operating a motor 544
vehicle or motorcycle, did not have a valid driver's license, 545
commercial driver's license, temporary instruction permit, 546
probationary license, or nonresident operating privilege, and 547
was not eligible for renewal of the offender's driver's license 548
or commercial driver's license without examination under section 549
4507.10 of the Revised Code or if the offender previously has 550
been convicted of or pleaded guilty to a violation of this 551
section or any traffic-related homicide, manslaughter, or 552
assault offense. The court shall impose a mandatory prison term 553
on the offender when required by division (E) of this section. 554

In addition to any other sanctions imposed pursuant to 555
this division for a violation of division (A) (2) of this 556
section, the court shall impose upon the offender a class two 557
suspension of the offender's driver's license, commercial 558
driver's license, temporary instruction permit, probationary 559
license, or nonresident operating privilege from the range 560
specified in division (A) (2) of section 4510.02 of the Revised 561
Code or, if the offender previously has been convicted of or 562
pleaded guilty to a traffic-related murder, felonious assault, 563
or attempted murder offense, a class one suspension of the 564
offender's driver's license, commercial driver's license, 565
temporary instruction permit, probationary license, or 566
nonresident operating privilege as specified in division (A) (1) 567
of that section. 568

(4) Except as otherwise provided in this division, 569
aggravated vehicular homicide committed in violation of division 570
(A) (5) of this section is a felony of the second degree. 571
Aggravated vehicular homicide committed in violation of division 572
(A) (5) of this section is a felony of the first degree if, at 573
the time of the offense, any of the following apply to the 574
offender: 575

(a) The offender was driving under a suspension or 576
cancellation imposed under Chapter 4510. or any other provision 577
of the Revised Code. 578

(b) The offender was operating a motor vehicle or 579
motorcycle, did not have a valid driver's license, commercial 580
driver's license, temporary instruction permit, probationary 581
license, or nonresident operating privilege, and was not 582
eligible for renewal of the offender's driver's license or 583
commercial driver's license without examination under section 584
4507.10 of the Revised Code. 585

(c) The offender previously has been convicted of or 586
pleaded guilty to a violation of this section or any traffic- 587
related homicide, manslaughter, or assault offense. 588

The court shall impose a mandatory prison term on the 589
offender for a violation of division (A) (5) of this section when 590
required by division (E) of this section. 591

In addition to any other sanctions imposed pursuant to 592
this division for a violation of division (A) (5) of this 593
section, the court shall impose upon the offender a class one 594
suspension of the offender's driver's license, commercial 595
driver's license, temporary instruction permit, probationary 596
license, or nonresident operating privilege from the range 597

specified in division (A) (1) of section 4510.02 of the Revised 598
Code. 599

(C) Whoever violates division (A) (3) of this section is 600
guilty of vehicular homicide. Except as otherwise provided in 601
this division, vehicular homicide is a misdemeanor of the first 602
degree. Vehicular homicide committed in violation of division 603
(A) (3) of this section is a felony of the fourth degree if, at 604
the time of the offense, the offender was driving under a 605
suspension or cancellation imposed under Chapter 4510. or any 606
other provision of the Revised Code or was operating a motor 607
vehicle or motorcycle, did not have a valid driver's license, 608
commercial driver's license, temporary instruction permit, 609
probationary license, or nonresident operating privilege, and 610
was not eligible for renewal of the offender's driver's license 611
or commercial driver's license without examination under section 612
4507.10 of the Revised Code or if the offender previously has 613
been convicted of or pleaded guilty to a violation of this 614
section or any traffic-related homicide, manslaughter, or 615
assault offense. The court shall impose a mandatory jail term or 616
a mandatory prison term on the offender when required by 617
division (E) of this section. 618

In addition to any other sanctions imposed pursuant to 619
this division, the court shall impose upon the offender a class 620
four suspension of the offender's driver's license, commercial 621
driver's license, temporary instruction permit, probationary 622
license, or nonresident operating privilege from the range 623
specified in division (A) (4) of section 4510.02 of the Revised 624
Code, or, if the offender previously has been convicted of or 625
pleaded guilty to a violation of this section or any traffic- 626
related homicide, manslaughter, or assault offense, a class 627
three suspension of the offender's driver's license, commercial 628

driver's license, temporary instruction permit, probationary 629
license, or nonresident operating privilege from the range 630
specified in division (A) (3) of that section, or, if the 631
offender previously has been convicted of or pleaded guilty to a 632
traffic-related murder, felonious assault, or attempted murder 633
offense, a class two suspension of the offender's driver's 634
license, commercial driver's license, temporary instruction 635
permit, probationary license, or nonresident operating privilege 636
as specified in division (A) (2) of that section. 637

(D) Whoever violates division (A) (4) of this section is 638
guilty of vehicular manslaughter. Except as otherwise provided 639
in this division, vehicular manslaughter is a misdemeanor of the 640
second degree. Vehicular manslaughter is a misdemeanor of the 641
first degree if, at the time of the offense, the offender was 642
driving under a suspension or cancellation imposed under Chapter 643
4510. or any other provision of the Revised Code or was 644
operating a motor vehicle or motorcycle, did not have a valid 645
driver's license, commercial driver's license, temporary 646
instruction permit, probationary license, or nonresident 647
operating privilege, and was not eligible for renewal of the 648
offender's driver's license or commercial driver's license 649
without examination under section 4507.10 of the Revised Code or 650
if the offender previously has been convicted of or pleaded 651
guilty to a violation of this section or any traffic-related 652
homicide, manslaughter, or assault offense. 653

In addition to any other sanctions imposed pursuant to 654
this division, the court shall impose upon the offender a class 655
six suspension of the offender's driver's license, commercial 656
driver's license, temporary instruction permit, probationary 657
license, or nonresident operating privilege from the range 658
specified in division (A) (6) of section 4510.02 of the Revised 659

Code or, if the offender previously has been convicted of or 660
pleaded guilty to a violation of this section, any traffic- 661
related homicide, manslaughter, or assault offense, or a 662
traffic-related murder, felonious assault, or attempted murder 663
offense, a class four suspension of the offender's driver's 664
license, commercial driver's license, temporary instruction 665
permit, probationary license, or nonresident operating privilege 666
from the range specified in division (A) (4) of that section. 667

(E) (1) The court shall impose a mandatory prison term on 668
an offender who is convicted of or pleads guilty to a violation 669
of division (A) (1) of this section. Except as otherwise provided 670
in this division, the mandatory prison term shall be a definite 671
term from the range of prison terms provided in division (A) (1) 672
(b) of section 2929.14 of the Revised Code for a felony of the 673
first degree or from division (A) (2) (b) of that section for a 674
felony of the second degree, whichever is applicable, except 675
that if the violation is committed on or after ~~the effective~~ 676
~~date of this amendment~~ March 22, 2019, the court shall impose as 677
the minimum prison term for the offense a mandatory prison term 678
that is one of the minimum terms prescribed for a felony of the 679
first degree in division (A) (1) (a) of section 2929.14 of the 680
Revised Code or one of the terms prescribed for a felony of the 681
second degree in division (A) (2) (a) of that section, whichever 682
is applicable. If division (B) (2) (c) (i), (ii), (iii), (iv), (v), 683
(vi), (vii), or (viii) of this section applies to an offender 684
who is convicted of or pleads guilty to the violation of 685
division (A) (1) of this section, the court shall impose the 686
mandatory prison term pursuant to division (B) of section 687
2929.142 of the Revised Code. The court shall impose a mandatory 688
jail term of at least fifteen days on an offender who is 689
convicted of or pleads guilty to a misdemeanor violation of 690

division (A) (3) (b) of this section and may impose upon the 691
offender a longer jail term as authorized pursuant to section 692
2929.24 of the Revised Code. 693

(2) The court shall impose a mandatory prison term on an 694
offender who is convicted of or pleads guilty to a violation of 695
division (A) (2) or (3) (a) of this section or a felony violation 696
of division (A) (3) (b) of this section if either division (E) (2) 697
(a) or (b) of this section applies. The mandatory prison term 698
shall be a definite term from the range of prison terms provided 699
in division (A) (3) (a) of section 2929.14 of the Revised Code for 700
a felony of the third degree or from division (A) (4) of that 701
section for a felony of the fourth degree, whichever is 702
applicable. The court shall impose a mandatory prison term on an 703
offender in a category described in this division if either of 704
the following applies: 705

(a) The offender previously has been convicted of or 706
pleaded guilty to a violation of this section or section 2903.08 707
of the Revised Code. 708

(b) At the time of the offense, the offender was driving 709
under suspension or cancellation under Chapter 4510. or any 710
other provision of the Revised Code or was operating a motor 711
vehicle or motorcycle, did not have a valid driver's license, 712
commercial driver's license, temporary instruction permit, 713
probationary license, or nonresident operating privilege, and 714
was not eligible for renewal of the offender's driver's license 715
or commercial driver's license without examination under section 716
4507.10 of the Revised Code. 717

(3) The court shall impose a mandatory prison term on an 718
offender who is convicted of or pleads guilty to a violation of 719
division (A) (5) of this section if either division (E) (2) (a) or 720

(b) of this section applies. The court shall impose as the 721
minimum prison term for the offense a mandatory prison term that 722
is one of the minimum terms prescribed for a felony of the first 723
degree in division (A) (1) (a) of section 2929.14 of the Revised 724
Code. 725

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 726
apply in a particular construction zone unless signs of the type 727
described in section 2903.081 of the Revised Code are erected in 728
that construction zone in accordance with the guidelines and 729
design specifications established by the director of 730
transportation under section 5501.27 of the Revised Code. The 731
failure to erect signs of the type described in section 2903.081 732
of the Revised Code in a particular construction zone in 733
accordance with those guidelines and design specifications does 734
not limit or affect the application of division (A) (1), (A) (2) 735
(a), (A) (3) (a), or (A) (4) of this section in that construction 736
zone or the prosecution of any person who violates any of those 737
divisions in that construction zone. 738

(G) (1) As used in this section: 739

(a) "Mandatory prison term" and "mandatory jail term" have 740
the same meanings as in section 2929.01 of the Revised Code. 741

(b) "Traffic-related homicide, manslaughter, or assault 742
offense" means a violation of section 2903.04 of the Revised 743
Code in circumstances in which division (D) of that section 744
applies, a violation of section 2903.06 or 2903.08 of the 745
Revised Code, or a violation of section 2903.06, 2903.07, or 746
2903.08 of the Revised Code as they existed prior to March 23, 747
2000. 748

(c) "Construction zone" has the same meaning as in section 749

5501.27 of the Revised Code. 750

(d) "Reckless operation offense" means a violation of 751
section 4511.20 of the Revised Code or a municipal ordinance 752
substantially equivalent to section 4511.20 of the Revised Code. 753

(e) "Speeding offense" means a violation of section 754
4511.21 of the Revised Code or a municipal ordinance pertaining 755
to speed. 756

(f) "Traffic-related murder, felonious assault, or 757
attempted murder offense" means a violation of section 2903.01 758
or 2903.02 of the Revised Code in circumstances in which the 759
offender used a motor vehicle as the means to commit the 760
violation, a violation of division (A) (2) of section 2903.11 of 761
the Revised Code in circumstances in which the deadly weapon 762
used in the commission of the violation is a motor vehicle, or 763
an attempt to commit aggravated murder or murder in violation of 764
section 2923.02 of the Revised Code in circumstances in which 765
the offender used a motor vehicle as the means to attempt to 766
commit the aggravated murder or murder. 767

(g) "Motor vehicle" has the same meaning as in section 768
4501.01 of the Revised Code. 769

(2) For the purposes of this section, when a penalty or 770
suspension is enhanced because of a prior or current violation 771
of a specified law or a prior or current specified offense, the 772
reference to the violation of the specified law or the specified 773
offense includes any violation of any substantially equivalent 774
municipal ordinance, former law of this state, or current or 775
former law of another state or the United States. 776

Sec. 2903.08. (A) No person, while operating or 777
participating in the operation of a motor vehicle, motorcycle, 778

snowmobile, locomotive, watercraft, or aircraft, shall cause 779
serious physical harm to another person or another's unborn in 780
any of the following ways: 781

(1) (a) As the proximate result of committing a violation 782
of division (A) of section 4511.19 of the Revised Code or of a 783
substantially equivalent municipal ordinance; 784

(b) As the proximate result of committing a violation of 785
division (A) of section 1547.11 of the Revised Code or of a 786
substantially equivalent municipal ordinance; 787

(c) As the proximate result of committing a violation of 788
division (A) (3) of section 4561.15 of the Revised Code or of a 789
substantially equivalent municipal ordinance. 790

(2) In one of the following ways: 791

(a) As the proximate result of committing, while operating 792
or participating in the operation of a motor vehicle or 793
motorcycle in a construction zone, a reckless operation offense, 794
provided that this division applies only if the person to whom 795
the serious physical harm is caused or to whose unborn the 796
serious physical harm is caused is in the construction zone at 797
the time of the offender's commission of the reckless operation 798
offense in the construction zone and does not apply as described 799
in division (E) of this section; 800

(b) Recklessly. 801

(3) As the proximate result of committing, while operating 802
or participating in the operation of a motor vehicle or 803
motorcycle in a construction zone, a speeding offense, provided 804
that this division applies only if the person to whom the 805
serious physical harm is caused or to whose unborn the serious 806
physical harm is caused is in the construction zone at the time 807

of the offender's commission of the speeding offense in the 808
construction zone and does not apply as described in division 809
(E) of this section; 810

(4) As the proximate result of recklessly committing a 811
violation of section 4511.75 of the Revised Code. 812

(B) (1) Whoever violates division (A) (1) of this section is 813
guilty of aggravated vehicular assault. Except as otherwise 814
provided in this division, aggravated vehicular assault is a 815
felony of the third degree. Aggravated vehicular assault is a 816
felony of the second degree if any of the following apply: 817

(a) At the time of the offense, the offender was driving 818
under a suspension imposed under Chapter 4510. or any other 819
provision of the Revised Code. 820

(b) The offender previously has been convicted of or 821
pleaded guilty to a violation of this section. 822

(c) The offender previously has been convicted of or 823
pleaded guilty to any traffic-related homicide, manslaughter, or 824
assault offense. 825

(d) The offender previously has been convicted of or 826
pleaded guilty to three or more prior violations of section 827
4511.19 of the Revised Code or a substantially equivalent 828
municipal ordinance within the previous ten years. 829

(e) The offender previously has been convicted of or 830
pleaded guilty to three or more prior violations of division (A) 831
of section 1547.11 of the Revised Code or of a substantially 832
equivalent municipal ordinance within the previous ten years. 833

(f) The offender previously has been convicted of or 834
pleaded guilty to three or more prior violations of division (A) 835

(3) of section 4561.15 of the Revised Code or of a substantially equivalent municipal ordinance within the previous ten years. 836
837

(g) The offender previously has been convicted of or 838
pleaded guilty to three or more prior violations of any 839
combination of the offenses listed in division (B) (1) (d), (e), 840
or (f) of this section. 841

(h) The offender previously has been convicted of or 842
pleaded guilty to a second or subsequent felony violation of 843
division (A) of section 4511.19 of the Revised Code. 844

(2) In addition to any other sanctions imposed pursuant to 845
division (B) (1) of this section, except as otherwise provided in 846
this division, the court shall impose upon the offender a class 847
three suspension of the offender's driver's license, commercial 848
driver's license, temporary instruction permit, probationary 849
license, or nonresident operating privilege from the range 850
specified in division (A) (3) of section 4510.02 of the Revised 851
Code. If the offender previously has been convicted of or 852
pleaded guilty to a violation of this section, any traffic- 853
related homicide, manslaughter, or assault offense, or any 854
traffic-related murder, felonious assault, or attempted murder 855
offense, the court shall impose either a class two suspension of 856
the offender's driver's license, commercial driver's license, 857
temporary instruction permit, probationary license, or 858
nonresident operating privilege from the range specified in 859
division (A) (2) of that section or a class one suspension as 860
specified in division (A) (1) of that section. 861

(C) (1) Whoever violates division (A) (2) or (3) of this 862
section is guilty of vehicular assault and shall be punished as 863
provided in divisions (C) (2) and (3) of this section. 864

(2) Except as otherwise provided in this division, 865
vehicular assault committed in violation of division (A) (2) of 866
this section is a felony of the fourth degree. Vehicular assault 867
committed in violation of division (A) (2) of this section is a 868
felony of the third degree if, at the time of the offense, the 869
offender was driving under a suspension imposed under Chapter 870
4510. or any other provision of the Revised Code, if the 871
offender previously has been convicted of or pleaded guilty to a 872
violation of this section or any traffic-related homicide, 873
manslaughter, or assault offense, or if, in the same course of 874
conduct that resulted in the violation of division (A) (2) of 875
this section, the offender also violated section 4549.02, 876
4549.021, or 4549.03 of the Revised Code. 877

In addition to any other sanctions imposed, the court 878
shall impose upon the offender a class four suspension of the 879
offender's driver's license, commercial driver's license, 880
temporary instruction permit, probationary license, or 881
nonresident operating privilege from the range specified in 882
division (A) (4) of section 4510.02 of the Revised Code or, if 883
the offender previously has been convicted of or pleaded guilty 884
to a violation of this section, any traffic-related homicide, 885
manslaughter, or assault offense, or any traffic-related murder, 886
felonious assault, or attempted murder offense, a class three 887
suspension of the offender's driver's license, commercial 888
driver's license, temporary instruction permit, probationary 889
license, or nonresident operating privilege from the range 890
specified in division (A) (3) of that section. 891

(3) Except as otherwise provided in this division, 892
vehicular assault committed in violation of division (A) (3) of 893
this section is a misdemeanor of the first degree. Vehicular 894
assault committed in violation of division (A) (3) of this 895

section is a felony of the fourth degree if, at the time of the 896
offense, the offender was driving under a suspension imposed 897
under Chapter 4510. or any other provision of the Revised Code 898
or if the offender previously has been convicted of or pleaded 899
guilty to a violation of this section or any traffic-related 900
homicide, manslaughter, or assault offense. 901

In addition to any other sanctions imposed, the court 902
shall impose upon the offender a class four suspension of the 903
offender's driver's license, commercial driver's license, 904
temporary instruction permit, probationary license, or 905
nonresident operating privilege from the range specified in 906
division (A) (4) of section 4510.02 of the Revised Code or, if 907
the offender previously has been convicted of or pleaded guilty 908
to a violation of this section, any traffic-related homicide, 909
manslaughter, or assault offense, or any traffic-related murder, 910
felonious assault, or attempted murder offense, a class three 911
suspension of the offender's driver's license, commercial 912
driver's license, temporary instruction permit, probationary 913
license, or nonresident operating privilege from the range 914
specified in division (A) (3) of section 4510.02 of the Revised 915
Code. 916

(4) Except as otherwise provided in this division, 917
vehicular assault committed in violation of division (A) (4) of 918
this section is a felony of the third degree. Vehicular assault 919
committed in violation of division (A) (4) of this section is a 920
felony of the second degree if, at the time of the offense, the 921
offender was driving under a suspension imposed under Chapter 922
4510. or any other provision of the Revised Code, if the 923
offender previously has been convicted of or pleaded guilty to a 924
violation of this section or any traffic-related homicide, 925
manslaughter, or assault offense, or if, in the same course of 926

conduct that resulted in the violation of division (A) (4) of 927
this section, the offender also violated section 4549.02, 928
4549.021, or 4549.03 of the Revised Code. 929

In addition to any other sanctions imposed, the court 930
shall impose upon the offender a class three suspension of the 931
offender's driver's license, commercial driver's license, 932
temporary instruction permit, probationary license, or 933
nonresident operating privilege from the range specified in 934
division (A) (3) of section 4510.02 of the Revised Code or, if 935
the offender previously has been convicted of or pleaded guilty 936
to a violation of this section, any traffic-related homicide, 937
manslaughter, or assault offense, or any traffic-related murder, 938
felonious assault, or attempted murder offense, a class two 939
suspension of the offender's driver's license, commercial 940
driver's license, temporary instruction permit, probationary 941
license, or nonresident operating privilege from the range 942
specified in division (A) (2) of that section. 943

(D) (1) The court shall impose a mandatory prison term, as 944
described in division (D) (4) of this section, on an offender who 945
is convicted of or pleads guilty to a violation of division (A) 946
(1) of this section. 947

(2) The court shall impose a mandatory prison term, as 948
described in division (D) (4) of this section, on an offender who 949
is convicted of or pleads guilty to a violation of division (A) 950
(2) or (4) of this section or a felony violation of division (A) 951
(3) of this section if either of the following applies: 952

(a) The offender previously has been convicted of or 953
pleaded guilty to a violation of this section or section 2903.06 954
of the Revised Code. 955

(b) At the time of the offense, the offender was driving 956
under suspension under Chapter 4510. or any other provision of 957
the Revised Code. 958

(3) The court shall impose a mandatory jail term of at 959
least seven days on an offender who is convicted of or pleads 960
guilty to a misdemeanor violation of division (A) (3) of this 961
section and may impose upon the offender a longer jail term as 962
authorized pursuant to section 2929.24 of the Revised Code. 963

(4) A mandatory prison term required under division (D) (1) 964
or (2) of this section shall be a definite term from the range 965
of prison terms provided in division (A) (2) (b) of section 966
2929.14 of the Revised Code for a felony of the second degree, 967
from division (A) (3) (a) of that section for a felony of the 968
third degree, or from division (A) (4) of that section for a 969
felony of the fourth degree, whichever is applicable, except 970
that if the violation is a felony of the second degree committed 971
on or after ~~the effective date of this amendment~~ March 22, 2019, 972
the court shall impose as the minimum prison term for the 973
offense a mandatory prison term that is one of the minimum terms 974
prescribed for a felony of the second degree in division (A) (2) 975
(a) of section 2929.14 of the Revised Code. 976

(E) Divisions (A) (2) (a) and (3) of this section do not 977
apply in a particular construction zone unless signs of the type 978
described in section 2903.081 of the Revised Code are erected in 979
that construction zone in accordance with the guidelines and 980
design specifications established by the director of 981
transportation under section 5501.27 of the Revised Code. The 982
failure to erect signs of the type described in section 2903.081 983
of the Revised Code in a particular construction zone in 984
accordance with those guidelines and design specifications does 985

not limit or affect the application of division (A) (1) or (2) (b)	986
of this section in that construction zone or the prosecution of	987
any person who violates either of those divisions in that	988
construction zone.	989
(F) As used in this section:	990
(1) "Mandatory prison term" and "mandatory jail term" have	991
the same meanings as in section 2929.01 of the Revised Code.	992
(2) "Traffic-related homicide, manslaughter, or assault	993
offense" and "traffic-related murder, felonious assault, or	994
attempted murder offense" have the same meanings as in section	995
2903.06 of the Revised Code.	996
(3) "Construction zone" has the same meaning as in section	997
5501.27 of the Revised Code.	998
(4) "Reckless operation offense" and "speeding offense"	999
have the same meanings as in section 2903.06 of the Revised	1000
Code.	1001
(G) For the purposes of this section, when a penalty or	1002
suspension is enhanced because of a prior or current violation	1003
of a specified law or a prior or current specified offense, the	1004
reference to the violation of the specified law or the specified	1005
offense includes any violation of any substantially equivalent	1006
municipal ordinance, former law of this state, or current or	1007
former law of another state or the United States.	1008
Sec. 2929.14. (A) Except as provided in division (B) (1),	1009
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9),	1010
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or	1011
in division (D) (6) of section 2919.25 of the Revised Code and	1012
except in relation to an offense for which a sentence of death	1013
or life imprisonment is to be imposed, if the court imposing a	1014

sentence upon an offender for a felony elects or is required to 1015
impose a prison term on the offender pursuant to this chapter, 1016
the court shall impose a prison term that shall be one of the 1017
following: 1018

(1) (a) For a felony of the first degree committed on or 1019
after the effective date of this amendment, the prison term 1020
shall be an indefinite prison term with a stated minimum term 1021
selected by the court of three, four, five, six, seven, eight, 1022
nine, ten, or eleven years and a maximum term that is determined 1023
pursuant to section 2929.144 of the Revised Code, except that if 1024
the section that criminalizes the conduct constituting the 1025
felony specifies a different minimum term or penalty for the 1026
offense, the specific language of that section shall control in 1027
determining the minimum term or otherwise sentencing the 1028
offender but the minimum term or sentence imposed under that 1029
specific language shall be considered for purposes of the 1030
Revised Code as if it had been imposed under this division. 1031

(b) For a felony of the first degree committed prior to 1032
the effective date of this amendment, the prison term shall be a 1033
definite prison term of three, four, five, six, seven, eight, 1034
nine, ten, or eleven years. 1035

(2) (a) For a felony of the second degree committed on or 1036
after the effective date of this amendment, the prison term 1037
shall be an indefinite prison term with a stated minimum term 1038
selected by the court of two, three, four, five, six, seven, or 1039
eight years and a maximum term that is determined pursuant to 1040
section 2929.144 of the Revised Code, except that if the section 1041
that criminalizes the conduct constituting the felony specifies 1042
a different minimum term or penalty for the offense, the 1043
specific language of that section shall control in determining 1044

the minimum term or otherwise sentencing the offender but the 1045
minimum term or sentence imposed under that specific language 1046
shall be considered for purposes of the Revised Code as if it 1047
had been imposed under this division. 1048

(b) For a felony of the second degree committed prior to 1049
the effective date of this amendment, the prison term shall be a 1050
definite term of two, three, four, five, six, seven, or eight 1051
years. 1052

(3) (a) For a felony of the third degree that is a 1053
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1054
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 1055
Code or that is a violation of section 2911.02 or 2911.12 of the 1056
Revised Code if the offender previously has been convicted of or 1057
pleaded guilty in two or more separate proceedings to two or 1058
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 1059
of the Revised Code, the prison term shall be a definite term of 1060
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 1061
forty-eight, fifty-four, or sixty months. 1062

(b) For a felony of the third degree that is not an 1063
offense for which division (A) (3) (a) of this section applies, 1064
the prison term shall be a definite term of nine, twelve, 1065
eighteen, twenty-four, thirty, or thirty-six months. 1066

(4) For a felony of the fourth degree, the prison term 1067
shall be a definite term of six, seven, eight, nine, ten, 1068
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1069
or eighteen months. 1070

(5) For a felony of the fifth degree, the prison term 1071
shall be a definite term of six, seven, eight, nine, ten, 1072
eleven, or twelve months. 1073

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

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

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

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

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

specifies that the offender previously has been convicted of or 1104
pleaded guilty to a specification of the type described in 1105
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1106
the Revised Code; 1107

(v) A prison term of fifty-four months if the 1108
specification is of the type described in division (D) of 1109
section 2941.145 of the Revised Code that charges the offender 1110
with having a firearm on or about the offender's person or under 1111
the offender's control while committing the offense and 1112
displaying the firearm, brandishing the firearm, indicating that 1113
the offender possessed the firearm, or using the firearm to 1114
facilitate the offense and that the offender previously has been 1115
convicted of or pleaded guilty to a specification of the type 1116
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1117
2941.1412 of the Revised Code; 1118

(vi) A prison term of eighteen months if the specification 1119
is of the type described in division (D) of section 2941.141 of 1120
the Revised Code that charges the offender with having a firearm 1121
on or about the offender's person or under the offender's 1122
control while committing the offense and that the offender 1123
previously has been convicted of or pleaded guilty to a 1124
specification of the type described in section 2941.141, 1125
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1126

(b) If a court imposes a prison term on an offender under 1127
division (B)(1)(a) of this section, the prison term shall not be 1128
reduced pursuant to section 2967.19, section 2929.20, section 1129
2967.193, or any other provision of Chapter 2967. or Chapter 1130
5120. of the Revised Code. Except as provided in division (B)(1) 1131
(g) of this section, a court shall not impose more than one 1132
prison term on an offender under division (B)(1)(a) of this 1133

section for felonies committed as part of the same act or 1134
transaction. 1135

(c) (i) Except as provided in division (B) (1) (e) of this 1136
section, if an offender who is convicted of or pleads guilty to 1137
a violation of section 2923.161 of the Revised Code or to a 1138
felony that includes, as an essential element, purposely or 1139
knowingly causing or attempting to cause the death of or 1140
physical harm to another, also is convicted of or pleads guilty 1141
to a specification of the type described in division (A) of 1142
section 2941.146 of the Revised Code that charges the offender 1143
with committing the offense by discharging a firearm from a 1144
motor vehicle other than a manufactured home, the court, after 1145
imposing a prison term on the offender for the violation of 1146
section 2923.161 of the Revised Code or for the other felony 1147
offense under division (A), (B) (2), or (B) (3) of this section, 1148
shall impose an additional prison term of five years upon the 1149
offender that shall not be reduced pursuant to section 2929.20, 1150
section 2967.19, section 2967.193, or any other provision of 1151
Chapter 2967. or Chapter 5120. of the Revised Code. 1152

(ii) Except as provided in division (B) (1) (e) of this 1153
section, if an offender who is convicted of or pleads guilty to 1154
a violation of section 2923.161 of the Revised Code or to a 1155
felony that includes, as an essential element, purposely or 1156
knowingly causing or attempting to cause the death of or 1157
physical harm to another, also is convicted of or pleads guilty 1158
to a specification of the type described in division (C) of 1159
section 2941.146 of the Revised Code that charges the offender 1160
with committing the offense by discharging a firearm from a 1161
motor vehicle other than a manufactured home and that the 1162
offender previously has been convicted of or pleaded guilty to a 1163
specification of the type described in section 2941.141, 1164

2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1165
the court, after imposing a prison term on the offender for the 1166
violation of section 2923.161 of the Revised Code or for the 1167
other felony offense under division (A), (B) (2), or (3) of this 1168
section, shall impose an additional prison term of ninety months 1169
upon the offender that shall not be reduced pursuant to section 1170
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1171
2967. or Chapter 5120. of the Revised Code. 1172

(iii) A court shall not impose more than one additional 1173
prison term on an offender under division (B) (1) (c) of this 1174
section for felonies committed as part of the same act or 1175
transaction. If a court imposes an additional prison term on an 1176
offender under division (B) (1) (c) of this section relative to an 1177
offense, the court also shall impose a prison term under 1178
division (B) (1) (a) of this section relative to the same offense, 1179
provided the criteria specified in that division for imposing an 1180
additional prison term are satisfied relative to the offender 1181
and the offense. 1182

(d) If an offender who is convicted of or pleads guilty to 1183
an offense of violence that is a felony also is convicted of or 1184
pleads guilty to a specification of the type described in 1185
section 2941.1411 of the Revised Code that charges the offender 1186
with wearing or carrying body armor while committing the felony 1187
offense of violence, the court shall impose on the offender an 1188
additional prison term of two years. The prison term so imposed, 1189
subject to divisions (C) to (I) of section 2967.19 of the 1190
Revised Code, shall not be reduced pursuant to section 2929.20, 1191
section 2967.19, section 2967.193, or any other provision of 1192
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1193
shall not impose more than one prison term on an offender under 1194
division (B) (1) (d) of this section for felonies committed as 1195

part of the same act or transaction. If a court imposes an 1196
additional prison term under division (B) (1) (a) or (c) of this 1197
section, the court is not precluded from imposing an additional 1198
prison term under division (B) (1) (d) of this section. 1199

(e) The court shall not impose any of the prison terms 1200
described in division (B) (1) (a) of this section or any of the 1201
additional prison terms described in division (B) (1) (c) of this 1202
section upon an offender for a violation of section 2923.12 or 1203
2923.123 of the Revised Code. The court shall not impose any of 1204
the prison terms described in division (B) (1) (a) or (b) of this 1205
section upon an offender for a violation of section 2923.122 1206
that involves a deadly weapon that is a firearm other than a 1207
dangerous ordnance, section 2923.16, or section 2923.121 of the 1208
Revised Code. The court shall not impose any of the prison terms 1209
described in division (B) (1) (a) of this section or any of the 1210
additional prison terms described in division (B) (1) (c) of this 1211
section upon an offender for a violation of section 2923.13 of 1212
the Revised Code unless all of the following apply: 1213

(i) The offender previously has been convicted of 1214
aggravated murder, murder, or any felony of the first or second 1215
degree. 1216

(ii) Less than five years have passed since the offender 1217
was released from prison or post-release control, whichever is 1218
later, for the prior offense. 1219

(f) (i) If an offender is convicted of or pleads guilty to 1220
a felony that includes, as an essential element, causing or 1221
attempting to cause the death of or physical harm to another and 1222
also is convicted of or pleads guilty to a specification of the 1223
type described in division (A) of section 2941.1412 of the 1224
Revised Code that charges the offender with committing the 1225

offense by discharging a firearm at a peace officer as defined 1226
in section 2935.01 of the Revised Code or a corrections officer, 1227
as defined in section 2941.1412 of the Revised Code, the court, 1228
after imposing a prison term on the offender for the felony 1229
offense under division (A), (B) (2), or (B) (3) of this section, 1230
shall impose an additional prison term of seven years upon the 1231
offender that shall not be reduced pursuant to section 2929.20, 1232
section 2967.19, section 2967.193, or any other provision of 1233
Chapter 2967. or Chapter 5120. of the Revised Code. 1234

(ii) If an offender is convicted of or pleads guilty to a 1235
felony that includes, as an essential element, causing or 1236
attempting to cause the death of or physical harm to another and 1237
also is convicted of or pleads guilty to a specification of the 1238
type described in division (B) of section 2941.1412 of the 1239
Revised Code that charges the offender with committing the 1240
offense by discharging a firearm at a peace officer, as defined 1241
in section 2935.01 of the Revised Code, or a corrections 1242
officer, as defined in section 2941.1412 of the Revised Code, 1243
and that the offender previously has been convicted of or 1244
pleaded guilty to a specification of the type described in 1245
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1246
the Revised Code, the court, after imposing a prison term on the 1247
offender for the felony offense under division (A), (B) (2), or 1248
(3) of this section, shall impose an additional prison term of 1249
one hundred twenty-six months upon the offender that shall not 1250
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1251
any other provision of Chapter 2967. or 5120. of the Revised 1252
Code. 1253

(iii) If an offender is convicted of or pleads guilty to 1254
two or more felonies that include, as an essential element, 1255
causing or attempting to cause the death or physical harm to 1256

another and also is convicted of or pleads guilty to a 1257
specification of the type described under division (B) (1) (f) of 1258
this section in connection with two or more of the felonies of 1259
which the offender is convicted or to which the offender pleads 1260
guilty, the sentencing court shall impose on the offender the 1261
prison term specified under division (B) (1) (f) of this section 1262
for each of two of the specifications of which the offender is 1263
convicted or to which the offender pleads guilty and, in its 1264
discretion, also may impose on the offender the prison term 1265
specified under that division for any or all of the remaining 1266
specifications. If a court imposes an additional prison term on 1267
an offender under division (B) (1) (f) of this section relative to 1268
an offense, the court shall not impose a prison term under 1269
division (B) (1) (a) or (c) of this section relative to the same 1270
offense. 1271

(g) If an offender is convicted of or pleads guilty to two 1272
or more felonies, if one or more of those felonies are 1273
aggravated murder, murder, attempted aggravated murder, 1274
attempted murder, aggravated robbery, felonious assault, or 1275
rape, and if the offender is convicted of or pleads guilty to a 1276
specification of the type described under division (B) (1) (a) of 1277
this section in connection with two or more of the felonies, the 1278
sentencing court shall impose on the offender the prison term 1279
specified under division (B) (1) (a) of this section for each of 1280
the two most serious specifications of which the offender is 1281
convicted or to which the offender pleads guilty and, in its 1282
discretion, also may impose on the offender the prison term 1283
specified under that division for any or all of the remaining 1284
specifications. 1285

(2) (a) If division (B) (2) (b) of this section does not 1286
apply, the court may impose on an offender, in addition to the 1287

longest prison term authorized or required for the offense or, 1288
for offenses for which division (A) (1) (a) or (2) (a) of this 1289
section applies, in addition to the longest minimum prison term 1290
authorized or required for the offense, an additional definite 1291
prison term of one, two, three, four, five, six, seven, eight, 1292
nine, or ten years if all of the following criteria are met: 1293

(i) The offender is convicted of or pleads guilty to a 1294
specification of the type described in section 2941.149 of the 1295
Revised Code that the offender is a repeat violent offender. 1296

(ii) The offense of which the offender currently is 1297
convicted or to which the offender currently pleads guilty is 1298
aggravated murder and the court does not impose a sentence of 1299
death or life imprisonment without parole, murder, terrorism and 1300
the court does not impose a sentence of life imprisonment 1301
without parole, any felony of the first degree that is an 1302
offense of violence and the court does not impose a sentence of 1303
life imprisonment without parole, or any felony of the second 1304
degree that is an offense of violence and the trier of fact 1305
finds that the offense involved an attempt to cause or a threat 1306
to cause serious physical harm to a person or resulted in 1307
serious physical harm to a person. 1308

(iii) The court imposes the longest prison term for the 1309
offense or the longest minimum prison term for the offense, 1310
whichever is applicable, that is not life imprisonment without 1311
parole. 1312

(iv) The court finds that the prison terms imposed 1313
pursuant to division (B) (2) (a) (iii) of this section and, if 1314
applicable, division (B) (1) or (3) of this section are 1315
inadequate to punish the offender and protect the public from 1316
future crime, because the applicable factors under section 1317

2929.12 of the Revised Code indicating a greater likelihood of 1318
recidivism outweigh the applicable factors under that section 1319
indicating a lesser likelihood of recidivism. 1320

(v) The court finds that the prison terms imposed pursuant 1321
to division (B) (2) (a) (iii) of this section and, if applicable, 1322
division (B) (1) or (3) of this section are demeaning to the 1323
seriousness of the offense, because one or more of the factors 1324
under section 2929.12 of the Revised Code indicating that the 1325
offender's conduct is more serious than conduct normally 1326
constituting the offense are present, and they outweigh the 1327
applicable factors under that section indicating that the 1328
offender's conduct is less serious than conduct normally 1329
constituting the offense. 1330

(b) The court shall impose on an offender the longest 1331
prison term authorized or required for the offense or, for 1332
offenses for which division (A) (1) (a) or (2) (a) of this section 1333
applies, the longest minimum prison term authorized or required 1334
for the offense, and shall impose on the offender an additional 1335
definite prison term of one, two, three, four, five, six, seven, 1336
eight, nine, or ten years if all of the following criteria are 1337
met: 1338

(i) The offender is convicted of or pleads guilty to a 1339
specification of the type described in section 2941.149 of the 1340
Revised Code that the offender is a repeat violent offender. 1341

(ii) The offender within the preceding twenty years has 1342
been convicted of or pleaded guilty to three or more offenses 1343
described in division (CC) (1) of section 2929.01 of the Revised 1344
Code, including all offenses described in that division of which 1345
the offender is convicted or to which the offender pleads guilty 1346
in the current prosecution and all offenses described in that 1347

division of which the offender previously has been convicted or 1348
to which the offender previously pleaded guilty, whether 1349
prosecuted together or separately. 1350

(iii) The offense or offenses of which the offender 1351
currently is convicted or to which the offender currently pleads 1352
guilty is aggravated murder and the court does not impose a 1353
sentence of death or life imprisonment without parole, murder, 1354
terrorism and the court does not impose a sentence of life 1355
imprisonment without parole, any felony of the first degree that 1356
is an offense of violence and the court does not impose a 1357
sentence of life imprisonment without parole, or any felony of 1358
the second degree that is an offense of violence and the trier 1359
of fact finds that the offense involved an attempt to cause or a 1360
threat to cause serious physical harm to a person or resulted in 1361
serious physical harm to a person. 1362

(c) For purposes of division (B) (2) (b) of this section, 1363
two or more offenses committed at the same time or as part of 1364
the same act or event shall be considered one offense, and that 1365
one offense shall be the offense with the greatest penalty. 1366

(d) A sentence imposed under division (B) (2) (a) or (b) of 1367
this section shall not be reduced pursuant to section 2929.20, 1368
section 2967.19, or section 2967.193, or any other provision of 1369
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1370
shall serve an additional prison term imposed under division (B) 1371
(2) (a) or (b) of this section consecutively to and prior to the 1372
prison term imposed for the underlying offense. 1373

(e) When imposing a sentence pursuant to division (B) (2) 1374
(a) or (b) of this section, the court shall state its findings 1375
explaining the imposed sentence. 1376

(3) Except when an offender commits a violation of section 1377
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1378
for the violation is life imprisonment or commits a violation of 1379
section 2903.02 of the Revised Code, if the offender commits a 1380
violation of section 2925.03 or 2925.11 of the Revised Code and 1381
that section classifies the offender as a major drug offender, 1382
if the offender commits a violation of section 2925.05 of the 1383
Revised Code and division (E)(1) of that section classifies the 1384
offender as a major drug offender, if the offender commits a 1385
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1386
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1387
division (C) or (D) of section 3719.172, division (E) of section 1388
4729.51, or division (J) of section 4729.54 of the Revised Code 1389
that includes the sale, offer to sell, or possession of a 1390
schedule I or II controlled substance, with the exception of 1391
marihuana, and the court imposing sentence upon the offender 1392
finds that the offender is guilty of a specification of the type 1393
described in division (A) of section 2941.1410 of the Revised 1394
Code charging that the offender is a major drug offender, if the 1395
court imposing sentence upon an offender for a felony finds that 1396
the offender is guilty of corrupt activity with the most serious 1397
offense in the pattern of corrupt activity being a felony of the 1398
first degree, or if the offender is guilty of an attempted 1399
violation of section 2907.02 of the Revised Code and, had the 1400
offender completed the violation of section 2907.02 of the 1401
Revised Code that was attempted, the offender would have been 1402
subject to a sentence of life imprisonment or life imprisonment 1403
without parole for the violation of section 2907.02 of the 1404
Revised Code, the court shall impose upon the offender for the 1405
felony violation a mandatory prison term determined as described 1406
in this division that, subject to divisions (C) to (I) of 1407
section 2967.19 of the Revised Code, cannot be reduced pursuant 1408

to section 2929.20, section 2967.19, or any other provision of 1409
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 1410
term shall be the maximum definite prison term prescribed in 1411
division (A) (1) (b) of this section for a felony of the first 1412
degree, except that for offenses for which division (A) (1) (a) of 1413
this section applies, the mandatory prison term shall be the 1414
longest minimum prison term prescribed in that division for the 1415
offense. 1416

(4) If the offender is being sentenced for a third or 1417
fourth degree felony OVI offense under division (G) (2) of 1418
section 2929.13 of the Revised Code, the sentencing court shall 1419
impose upon the offender a mandatory prison term in accordance 1420
with that division. In addition to the mandatory prison term, if 1421
the offender is being sentenced for a fourth degree felony OVI 1422
offense, the court, notwithstanding division (A) (4) of this 1423
section, may sentence the offender to a definite prison term of 1424
not less than six months and not more than thirty months, and if 1425
the offender is being sentenced for a third degree felony OVI 1426
offense, the sentencing court may sentence the offender to an 1427
additional prison term of any duration specified in division (A) 1428
(3) of this section. In either case, the additional prison term 1429
imposed shall be reduced by the sixty or one hundred twenty days 1430
imposed upon the offender as the mandatory prison term. The 1431
total of the additional prison term imposed under division (B) 1432
(4) of this section plus the sixty or one hundred twenty days 1433
imposed as the mandatory prison term shall equal a definite term 1434
in the range of six months to thirty months for a fourth degree 1435
felony OVI offense and shall equal one of the authorized prison 1436
terms specified in division (A) (3) of this section for a third 1437
degree felony OVI offense. If the court imposes an additional 1438
prison term under division (B) (4) of this section, the offender 1439

shall serve the additional prison term after the offender has 1440
served the mandatory prison term required for the offense. In 1441
addition to the mandatory prison term or mandatory and 1442
additional prison term imposed as described in division (B) (4) 1443
of this section, the court also may sentence the offender to a 1444
community control sanction under section 2929.16 or 2929.17 of 1445
the Revised Code, but the offender shall serve all of the prison 1446
terms so imposed prior to serving the community control 1447
sanction. 1448

If the offender is being sentenced for a fourth degree 1449
felony OVI offense under division (G) (1) of section 2929.13 of 1450
the Revised Code and the court imposes a mandatory term of local 1451
incarceration, the court may impose a prison term as described 1452
in division (A) (1) of that section. 1453

(5) If an offender is convicted of or pleads guilty to a 1454
violation of division (A) (1) or (2) of section 2903.06 of the 1455
Revised Code and also is convicted of or pleads guilty to a 1456
specification of the type described in section 2941.1414 of the 1457
Revised Code that charges that the victim of the offense is a 1458
peace officer, as defined in section 2935.01 of the Revised 1459
Code, or an investigator of the bureau of criminal 1460
identification and investigation, as defined in section 2903.11 1461
of the Revised Code, the court shall impose on the offender a 1462
prison term of five years. If a court imposes a prison term on 1463
an offender under division (B) (5) of this section, the prison 1464
term, subject to divisions (C) to (I) of section 2967.19 of the 1465
Revised Code, shall not be reduced pursuant to section 2929.20, 1466
section 2967.19, section 2967.193, or any other provision of 1467
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1468
shall not impose more than one prison term on an offender under 1469
division (B) (5) of this section for felonies committed as part 1470

of the same act. 1471

(6) If an offender is convicted of or pleads guilty to a 1472
violation of division (A) (1) ~~or~~, (2), or (5) of section 2903.06 1473
of the Revised Code and also is convicted of or pleads guilty to 1474
a specification of the type described in section 2941.1415 of 1475
the Revised Code that charges that the offender previously has 1476
been convicted of or pleaded guilty to three or more violations 1477
of division (A) or (B) of section 4511.19 of the Revised Code or 1478
an equivalent offense, as defined in section 2941.1415 of the 1479
Revised Code, or three or more violations of any combination of 1480
those divisions and offenses, the court shall impose on the 1481
offender a prison term of three years. If a court imposes a 1482
prison term on an offender under division (B) (6) of this 1483
section, the prison term, subject to divisions (C) to (I) of 1484
section 2967.19 of the Revised Code, shall not be reduced 1485
pursuant to section 2929.20, section 2967.19, section 2967.193, 1486
or any other provision of Chapter 2967. or Chapter 5120. of the 1487
Revised Code. A court shall not impose more than one prison term 1488
on an offender under division (B) (6) of this section for 1489
felonies committed as part of the same act. 1490

(7) (a) If an offender is convicted of or pleads guilty to 1491
a felony violation of section 2905.01, 2905.02, 2907.21, 1492
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1493
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1494
section 2919.22 of the Revised Code and also is convicted of or 1495
pleads guilty to a specification of the type described in 1496
section 2941.1422 of the Revised Code that charges that the 1497
offender knowingly committed the offense in furtherance of human 1498
trafficking, the court shall impose on the offender a mandatory 1499
prison term that is one of the following: 1500

(i) If the offense is a felony of the first degree, a 1501
definite prison term of not less than five years and not greater 1502
than eleven years, except that if the offense is a felony of the 1503
first degree committed on or after the effective date of this 1504
amendment, the court shall impose as the minimum prison term a 1505
mandatory term of not less than five years and not greater than 1506
eleven years; 1507

(ii) If the offense is a felony of the second or third 1508
degree, a definite prison term of not less than three years and 1509
not greater than the maximum prison term allowed for the offense 1510
by division (A) (2) (b) or (3) of this section, except that if the 1511
offense is a felony of the second degree committed on or after 1512
the effective date of this amendment, the court shall impose as 1513
the minimum prison term a mandatory term of not less than three 1514
years and not greater than eight years; 1515

(iii) If the offense is a felony of the fourth or fifth 1516
degree, a definite prison term that is the maximum prison term 1517
allowed for the offense by division (A) of section 2929.14 of 1518
the Revised Code. 1519

(b) Subject to divisions (C) to (I) of section 2967.19 of 1520
the Revised Code, the prison term imposed under division (B) (7) 1521
(a) of this section shall not be reduced pursuant to section 1522
2929.20, section 2967.19, section 2967.193, or any other 1523
provision of Chapter 2967. of the Revised Code. A court shall 1524
not impose more than one prison term on an offender under 1525
division (B) (7) (a) of this section for felonies committed as 1526
part of the same act, scheme, or plan. 1527

(8) If an offender is convicted of or pleads guilty to a 1528
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1529
Revised Code and also is convicted of or pleads guilty to a 1530

specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range prescribed in division (A) of this section as the definite prison term or minimum prison term for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison terms prescribed in division (A) of this section for felonies of the same degree as the violation, except that if the violation is a felony of the first or second degree committed on or after the effective date of this amendment, the court shall impose as the minimum prison term under division (A) (1) (a) or (2) (a) of this section a mandatory term that is one of the terms prescribed in that division, whichever is applicable, for the offense.

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

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

(ii) The violation is a violation of division (A) (2) of

section 2903.11 of the Revised Code and the specification 1561
charges that the offender used an accelerant in committing the 1562
violation, that the violation caused physical harm to another or 1563
to another's unborn, and that the physical harm resulted in a 1564
permanent, serious disfigurement or permanent, substantial 1565
incapacity. 1566

(b) If a court imposes a prison term on an offender under 1567
division (B) (9) (a) of this section, the prison term shall not be 1568
reduced pursuant to section 2929.20, section 2967.19, section 1569
2967.193, or any other provision of Chapter 2967. or Chapter 1570
5120. of the Revised Code. A court shall not impose more than 1571
one prison term on an offender under division (B) (9) of this 1572
section for felonies committed as part of the same act. 1573

(c) The provisions of divisions (B) (9) and (C) (6) of this 1574
section and of division (D) (2) of section 2903.11, division (F) 1575
(20) of section 2929.13, and section 2941.1425 of the Revised 1576
Code shall be known as "Judy's Law." 1577

(10) If an offender is convicted of or pleads guilty to a 1578
violation of division (A) of section 2903.11 of the Revised Code 1579
and also is convicted of or pleads guilty to a specification of 1580
the type described in section 2941.1426 of the Revised Code that 1581
charges that the victim of the offense suffered permanent 1582
disabling harm as a result of the offense and that the victim 1583
was under ten years of age at the time of the offense, 1584
regardless of whether the offender knew the age of the victim, 1585
the court shall impose upon the offender an additional definite 1586
prison term of six years. A prison term imposed on an offender 1587
under division (B) (10) of this section shall not be reduced 1588
pursuant to section 2929.20, section 2967.193, or any other 1589
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1590

If a court imposes an additional prison term on an offender 1591
under this division relative to a violation of division (A) of 1592
section 2903.11 of the Revised Code, the court shall not impose 1593
any other additional prison term on the offender relative to the 1594
same offense. 1595

(11) If an offender is convicted of or pleads guilty to a 1596
felony violation of section 2925.03 or 2925.05 of the Revised 1597
Code or a felony violation of section 2925.11 of the Revised 1598
Code for which division (C) (11) of that section applies in 1599
determining the sentence for the violation, if the drug involved 1600
in the violation is a fentanyl-related compound or a compound, 1601
mixture, preparation, or substance containing a fentanyl-related 1602
compound, and if the offender also is convicted of or pleads 1603
guilty to a specification of the type described in division (B) 1604
of section 2941.1410 of the Revised Code that charges that the 1605
offender is a major drug offender, in addition to any other 1606
penalty imposed for the violation, the court shall impose on the 1607
offender a mandatory prison term of three, four, five, six, 1608
seven, or eight years. If a court imposes a prison term on an 1609
offender under division (B) (11) of this section, the prison 1610
term, subject to divisions (C) to (I) of section 2967.19 of the 1611
Revised Code, shall not be reduced pursuant to section 2929.20, 1612
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1613
5120. of the Revised Code. A court shall not impose more than 1614
one prison term on an offender under division (B) (11) of this 1615
section for felonies committed as part of the same act. 1616

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1617
if a mandatory prison term is imposed upon an offender pursuant 1618
to division (B) (1) (a) of this section for having a firearm on or 1619
about the offender's person or under the offender's control 1620
while committing a felony, if a mandatory prison term is imposed 1621

upon an offender pursuant to division (B) (1) (c) of this section 1622
for committing a felony specified in that division by 1623
discharging a firearm from a motor vehicle, or if both types of 1624
mandatory prison terms are imposed, the offender shall serve any 1625
mandatory prison term imposed under either division 1626
consecutively to any other mandatory prison term imposed under 1627
either division or under division (B) (1) (d) of this section, 1628
consecutively to and prior to any prison term imposed for the 1629
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1630
this section or any other section of the Revised Code, and 1631
consecutively to any other prison term or mandatory prison term 1632
previously or subsequently imposed upon the offender. 1633

(b) If a mandatory prison term is imposed upon an offender 1634
pursuant to division (B) (1) (d) of this section for wearing or 1635
carrying body armor while committing an offense of violence that 1636
is a felony, the offender shall serve the mandatory term so 1637
imposed consecutively to any other mandatory prison term imposed 1638
under that division or under division (B) (1) (a) or (c) of this 1639
section, consecutively to and prior to any prison term imposed 1640
for the underlying felony under division (A), (B) (2), or (B) (3) 1641
of this section or any other section of the Revised Code, and 1642
consecutively to any other prison term or mandatory prison term 1643
previously or subsequently imposed upon the offender. 1644

(c) If a mandatory prison term is imposed upon an offender 1645
pursuant to division (B) (1) (f) of this section, the offender 1646
shall serve the mandatory prison term so imposed consecutively 1647
to and prior to any prison term imposed for the underlying 1648
felony under division (A), (B) (2), or (B) (3) of this section or 1649
any other section of the Revised Code, and consecutively to any 1650
other prison term or mandatory prison term previously or 1651
subsequently imposed upon the offender. 1652

(d) If a mandatory prison term is imposed upon an offender 1653
pursuant to division (B) (7) or (8) of this section, the offender 1654
shall serve the mandatory prison term so imposed consecutively 1655
to any other mandatory prison term imposed under that division 1656
or under any other provision of law and consecutively to any 1657
other prison term or mandatory prison term previously or 1658
subsequently imposed upon the offender. 1659

(e) If a mandatory prison term is imposed upon an offender 1660
pursuant to division (B) (11) of this section, the offender shall 1661
serve the mandatory prison term consecutively to any other 1662
mandatory prison term imposed under that division, consecutively 1663
to and prior to any prison term imposed for the underlying 1664
felony, and consecutively to any other prison term or mandatory 1665
prison term previously or subsequently imposed upon the 1666
offender. 1667

(2) If an offender who is an inmate in a jail, prison, or 1668
other residential detention facility violates section 2917.02, 1669
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1670
(2) of section 2921.34 of the Revised Code, if an offender who 1671
is under detention at a detention facility commits a felony 1672
violation of section 2923.131 of the Revised Code, or if an 1673
offender who is an inmate in a jail, prison, or other 1674
residential detention facility or is under detention at a 1675
detention facility commits another felony while the offender is 1676
an escapee in violation of division (A) (1) or (2) of section 1677
2921.34 of the Revised Code, any prison term imposed upon the 1678
offender for one of those violations shall be served by the 1679
offender consecutively to the prison term or term of 1680
imprisonment the offender was serving when the offender 1681
committed that offense and to any other prison term previously 1682
or subsequently imposed upon the offender. 1683

(3) If a prison term is imposed for a violation of 1684
division (B) of section 2911.01 of the Revised Code, a violation 1685
of division (A) of section 2913.02 of the Revised Code in which 1686
the stolen property is a firearm or dangerous ordnance, or a 1687
felony violation of division (B) of section 2921.331 of the 1688
Revised Code, the offender shall serve that prison term 1689
consecutively to any other prison term or mandatory prison term 1690
previously or subsequently imposed upon the offender. 1691

(4) If multiple prison terms are imposed on an offender 1692
for convictions of multiple offenses, the court may require the 1693
offender to serve the prison terms consecutively if the court 1694
finds that the consecutive service is necessary to protect the 1695
public from future crime or to punish the offender and that 1696
consecutive sentences are not disproportionate to the 1697
seriousness of the offender's conduct and to the danger the 1698
offender poses to the public, and if the court also finds any of 1699
the following: 1700

(a) The offender committed one or more of the multiple 1701
offenses while the offender was awaiting trial or sentencing, 1702
was under a sanction imposed pursuant to section 2929.16, 1703
2929.17, or 2929.18 of the Revised Code, or was under post- 1704
release control for a prior offense. 1705

(b) At least two of the multiple offenses were committed 1706
as part of one or more courses of conduct, and the harm caused 1707
by two or more of the multiple offenses so committed was so 1708
great or unusual that no single prison term for any of the 1709
offenses committed as part of any of the courses of conduct 1710
adequately reflects the seriousness of the offender's conduct. 1711

(c) The offender's history of criminal conduct 1712
demonstrates that consecutive sentences are necessary to protect 1713

the public from future crime by the offender. 1714

(5) If a mandatory prison term is imposed upon an offender 1715
pursuant to division (B) (5) or (6) of this section, the offender 1716
shall serve the mandatory prison term consecutively to and prior 1717
to any prison term imposed for the underlying violation of 1718
division (A) (1) ~~or~~, (2), or (5) of section 2903.06 of the 1719
Revised Code pursuant to division (A) of this section or section 1720
2929.142 of the Revised Code. If a mandatory prison term is 1721
imposed upon an offender pursuant to division (B) (5) of this 1722
section, and if a mandatory prison term also is imposed upon the 1723
offender pursuant to division (B) (6) of this section in relation 1724
to the same violation, the offender shall serve the mandatory 1725
prison term imposed pursuant to division (B) (5) of this section 1726
consecutively to and prior to the mandatory prison term imposed 1727
pursuant to division (B) (6) of this section and consecutively to 1728
and prior to any prison term imposed for the underlying 1729
violation of division (A) (1) ~~or~~, (2), or (5) of section 2903.06 1730
of the Revised Code pursuant to division (A) of this section or 1731
section 2929.142 of the Revised Code. 1732

(6) If a mandatory prison term is imposed on an offender 1733
pursuant to division (B) (9) of this section, the offender shall 1734
serve the mandatory prison term consecutively to and prior to 1735
any prison term imposed for the underlying violation of division 1736
(A) (1) or (2) of section 2903.11 of the Revised Code and 1737
consecutively to and prior to any other prison term or mandatory 1738
prison term previously or subsequently imposed on the offender. 1739

(7) If a mandatory prison term is imposed on an offender 1740
pursuant to division (B) (10) of this section, the offender shall 1741
serve that mandatory prison term consecutively to and prior to 1742
any prison term imposed for the underlying felonious assault. 1743

Except as otherwise provided in division (C) of this section, 1744
any other prison term or mandatory prison term previously or 1745
subsequently imposed upon the offender may be served 1746
concurrently with, or consecutively to, the prison term imposed 1747
pursuant to division (B)(10) of this section. 1748

(8) Any prison term imposed for a violation of section 1749
2903.04 of the Revised Code that is based on a violation of 1750
section 2925.03 or 2925.11 of the Revised Code or on a violation 1751
of section 2925.05 of the Revised Code that is not funding of 1752
marihuana trafficking shall run consecutively to any prison term 1753
imposed for the violation of section 2925.03 or 2925.11 of the 1754
Revised Code or for the violation of section 2925.05 of the 1755
Revised Code that is not funding of marihuana trafficking. 1756

(9) When consecutive prison terms are imposed pursuant to 1757
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 1758
division (H)(1) or (2) of this section, subject to division (C) 1759
(10) of this section, the term to be served is the aggregate of 1760
all of the terms so imposed. 1761

(10) When a court sentences an offender to a non-life 1762
felony indefinite prison term, any definite prison term or 1763
mandatory definite prison term previously or subsequently 1764
imposed on the offender in addition to that indefinite sentence 1765
that is required to be served consecutively to that indefinite 1766
sentence shall be served prior to the indefinite sentence. 1767

(11) If a court is sentencing an offender for a felony of 1768
the first or second degree, if division (A)(1)(a) or (2)(a) of 1769
this section applies with respect to the sentencing for the 1770
offense, and if the court is required under the Revised Code 1771
section that sets forth the offense or any other Revised Code 1772
provision to impose a mandatory prison term for the offense, the 1773

court shall impose the required mandatory prison term as the 1774
minimum term imposed under division (A) (1) (a) or (2) (a) of this 1775
section, whichever is applicable. 1776

(D) (1) If a court imposes a prison term, other than a term 1777
of life imprisonment, for a felony of the first degree, for a 1778
felony of the second degree, for a felony sex offense, or for a 1779
felony of the third degree that is an offense of violence and 1780
that is not a felony sex offense, it shall include in the 1781
sentence a requirement that the offender be subject to a period 1782
of post-release control after the offender's release from 1783
imprisonment, in accordance with section 2967.28 of the Revised 1784
Code. If a court imposes a sentence including a prison term of a 1785
type described in this division on or after July 11, 2006, the 1786
failure of a court to include a post-release control requirement 1787
in the sentence pursuant to this division does not negate, 1788
limit, or otherwise affect the mandatory period of post-release 1789
control that is required for the offender under division (B) of 1790
section 2967.28 of the Revised Code. Section 2929.191 of the 1791
Revised Code applies if, prior to July 11, 2006, a court imposed 1792
a sentence including a prison term of a type described in this 1793
division and failed to include in the sentence pursuant to this 1794
division a statement regarding post-release control. 1795

(2) If a court imposes a prison term for a felony of the 1796
third, fourth, or fifth degree that is not subject to division 1797
(D) (1) of this section, it shall include in the sentence a 1798
requirement that the offender be subject to a period of post- 1799
release control after the offender's release from imprisonment, 1800
in accordance with that division, if the parole board determines 1801
that a period of post-release control is necessary. Section 1802
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1803
a court imposed a sentence including a prison term of a type 1804

described in this division and failed to include in the sentence 1805
pursuant to this division a statement regarding post-release 1806
control. 1807

(E) The court shall impose sentence upon the offender in 1808
accordance with section 2971.03 of the Revised Code, and Chapter 1809
2971. of the Revised Code applies regarding the prison term or 1810
term of life imprisonment without parole imposed upon the 1811
offender and the service of that term of imprisonment if any of 1812
the following apply: 1813

(1) A person is convicted of or pleads guilty to a violent 1814
sex offense or a designated homicide, assault, or kidnapping 1815
offense, and, in relation to that offense, the offender is 1816
adjudicated a sexually violent predator. 1817

(2) A person is convicted of or pleads guilty to a 1818
violation of division (A) (1) (b) of section 2907.02 of the 1819
Revised Code committed on or after January 2, 2007, and either 1820
the court does not impose a sentence of life without parole when 1821
authorized pursuant to division (B) of section 2907.02 of the 1822
Revised Code, or division (B) of section 2907.02 of the Revised 1823
Code provides that the court shall not sentence the offender 1824
pursuant to section 2971.03 of the Revised Code. 1825

(3) A person is convicted of or pleads guilty to attempted 1826
rape committed on or after January 2, 2007, and a specification 1827
of the type described in section 2941.1418, 2941.1419, or 1828
2941.1420 of the Revised Code. 1829

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

Code. 1834

(5) A person is convicted of or pleads guilty to 1835
aggravated murder committed on or after January 1, 2008, and 1836
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1837
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1838
(d) of section 2929.03, or division (A) or (B) of section 1839
2929.06 of the Revised Code requires the court to sentence the 1840
offender pursuant to division (B) (3) of section 2971.03 of the 1841
Revised Code. 1842

(6) A person is convicted of or pleads guilty to murder 1843
committed on or after January 1, 2008, and division (B) (2) of 1844
section 2929.02 of the Revised Code requires the court to 1845
sentence the offender pursuant to section 2971.03 of the Revised 1846
Code. 1847

(F) If a person who has been convicted of or pleaded 1848
guilty to a felony is sentenced to a prison term or term of 1849
imprisonment under this section, sections 2929.02 to 2929.06 of 1850
the Revised Code, section 2929.142 of the Revised Code, section 1851
2971.03 of the Revised Code, or any other provision of law, 1852
section 5120.163 of the Revised Code applies regarding the 1853
person while the person is confined in a state correctional 1854
institution. 1855

(G) If an offender who is convicted of or pleads guilty to 1856
a felony that is an offense of violence also is convicted of or 1857
pleads guilty to a specification of the type described in 1858
section 2941.142 of the Revised Code that charges the offender 1859
with having committed the felony while participating in a 1860
criminal gang, the court shall impose upon the offender an 1861
additional prison term of one, two, or three years. 1862

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

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

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

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

(b) In lieu of imposing an additional prison term under division (H) (2) (a) of this section, the court may directly

impose on the offender a sanction that requires the offender to 1893
wear a real-time processing, continual tracking electronic 1894
monitoring device during the period of time specified by the 1895
court. The period of time specified by the court shall equal the 1896
duration of an additional prison term that the court could have 1897
imposed upon the offender under division (H) (2) (a) of this 1898
section. A sanction imposed under this division shall commence 1899
on the date specified by the court, provided that the sanction 1900
shall not commence until after the offender has served the 1901
prison term imposed for the felony violation of section 2907.22, 1902
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1903
residential sanction imposed for the violation under section 1904
2929.16 of the Revised Code. A sanction imposed under this 1905
division shall be considered to be a community control sanction 1906
for purposes of section 2929.15 of the Revised Code, and all 1907
provisions of the Revised Code that pertain to community control 1908
sanctions shall apply to a sanction imposed under this division, 1909
except to the extent that they would by their nature be clearly 1910
inapplicable. The offender shall pay all costs associated with a 1911
sanction imposed under this division, including the cost of the 1912
use of the monitoring device. 1913

(I) At the time of sentencing, the court may recommend the 1914
offender for placement in a program of shock incarceration under 1915
section 5120.031 of the Revised Code or for placement in an 1916
intensive program prison under section 5120.032 of the Revised 1917
Code, disapprove placement of the offender in a program of shock 1918
incarceration or an intensive program prison of that nature, or 1919
make no recommendation on placement of the offender. In no case 1920
shall the department of rehabilitation and correction place the 1921
offender in a program or prison of that nature unless the 1922
department determines as specified in section 5120.031 or 1923

5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

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

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

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

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code

and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

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

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

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

Sec. 4510.17. (A) The registrar of motor vehicles shall 1984
impose a class D suspension of the person's driver's license, 1985
commercial driver's license, temporary instruction permit, 1986
probationary license, or nonresident operating privilege for the 1987
period of time specified in division (B) (4) of section 4510.02 1988
of the Revised Code on any person who is a resident of this 1989
state and is convicted of or pleads guilty to a violation of a 1990
statute of any other state or any federal statute that is 1991
substantially similar to section 2925.02, 2925.03, 2925.04, 1992
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 1993
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 1994
2925.37 of the Revised Code. Upon receipt of a report from a 1995
court, court clerk, or other official of any other state or from 1996
any federal authority that a resident of this state was 1997
convicted of or pleaded guilty to an offense described in this 1998
division, the registrar shall send a notice by regular first 1999
class mail to the person, at the person's last known address as 2000
shown in the records of the bureau of motor vehicles, informing 2001
the person of the suspension, that the suspension will take 2002
effect twenty-one days from the date of the notice, and that, if 2003
the person wishes to appeal the suspension or denial, the person 2004
must file a notice of appeal within twenty-one days of the date 2005
of the notice requesting a hearing on the matter. If the person 2006
requests a hearing, the registrar shall hold the hearing not 2007
more than forty days after receipt by the registrar of the 2008
notice of appeal. The filing of a notice of appeal does not stay 2009
the operation of the suspension that must be imposed pursuant to 2010
this division. The scope of the hearing shall be limited to 2011
whether the person actually was convicted of or pleaded guilty 2012
to the offense for which the suspension is to be imposed. 2013

The suspension the registrar is required to impose under 2014

this division shall end either on the last day of the class D suspension period or of the suspension of the person's nonresident operating privilege imposed by the state or federal court, whichever is earlier.

The registrar shall subscribe to or otherwise participate in any information system or register, or enter into reciprocal and mutual agreements with other states and federal authorities, in order to facilitate the exchange of information with other states and the United States government regarding persons who plead guilty to or are convicted of offenses described in this division and therefore are subject to the suspension or denial described in this division.

(B) The registrar shall impose a class D suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B) (4) of section 4510.02 of the Revised Code on any person who is a resident of this state and is convicted of or pleads guilty to a violation of a statute of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to section 4511.19 of the Revised Code. Upon receipt of a report from another state made pursuant to section 4510.61 of the Revised Code indicating that a resident of this state was convicted of or pleaded guilty to an offense described in this division, the registrar shall send a notice by regular first class mail to the person, at the person's last known address as shown in the records of the bureau of motor vehicles, informing the person of the suspension, that the suspension or denial will take effect twenty-one days from the date of the notice, and that, if the person wishes to appeal the suspension, the person must file a

notice of appeal within twenty-one days of the date of the 2046
notice requesting a hearing on the matter. If the person 2047
requests a hearing, the registrar shall hold the hearing not 2048
more than forty days after receipt by the registrar of the 2049
notice of appeal. The filing of a notice of appeal does not stay 2050
the operation of the suspension that must be imposed pursuant to 2051
this division. The scope of the hearing shall be limited to 2052
whether the person actually was convicted of or pleaded guilty 2053
to the offense for which the suspension is to be imposed. 2054

The suspension the registrar is required to impose under 2055
this division shall end either on the last day of the class D 2056
suspension period or of the suspension of the person's 2057
nonresident operating privilege imposed by the state or federal 2058
court, whichever is earlier. 2059

(C) The registrar shall impose a class D suspension of the 2060
child's driver's license, commercial driver's license, temporary 2061
instruction permit, or nonresident operating privilege for the 2062
period of time specified in division (B)(4) of section 4510.02 2063
of the Revised Code on any child who is a resident of this state 2064
and is convicted of or pleads guilty to a violation of a statute 2065
of any other state or any federal statute that is substantially 2066
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2067
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2068
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 2069
Code. Upon receipt of a report from a court, court clerk, or 2070
other official of any other state or from any federal authority 2071
that a child who is a resident of this state was convicted of or 2072
pleaded guilty to an offense described in this division, the 2073
registrar shall send a notice by regular first class mail to the 2074
child, at the child's last known address as shown in the records 2075
of the bureau of motor vehicles, informing the child of the 2076

suspension, that the suspension or denial will take effect 2077
twenty-one days from the date of the notice, and that, if the 2078
child wishes to appeal the suspension, the child must file a 2079
notice of appeal within twenty-one days of the date of the 2080
notice requesting a hearing on the matter. If the child requests 2081
a hearing, the registrar shall hold the hearing not more than 2082
forty days after receipt by the registrar of the notice of 2083
appeal. The filing of a notice of appeal does not stay the 2084
operation of the suspension that must be imposed pursuant to 2085
this division. The scope of the hearing shall be limited to 2086
whether the child actually was convicted of or pleaded guilty to 2087
the offense for which the suspension is to be imposed. 2088

The suspension the registrar is required to impose under 2089
this division shall end either on the last day of the class D 2090
suspension period or of the suspension of the child's 2091
nonresident operating privilege imposed by the state or federal 2092
court, whichever is earlier. If the child is a resident of this 2093
state who is sixteen years of age or older and does not have a 2094
current, valid Ohio driver's or commercial driver's license or 2095
permit, the notice shall inform the child that the child will be 2096
denied issuance of a driver's or commercial driver's license or 2097
permit for six months beginning on the date of the notice. If 2098
the child has not attained the age of sixteen years on the date 2099
of the notice, the notice shall inform the child that the period 2100
of denial of six months shall commence on the date the child 2101
attains the age of sixteen years. 2102

The registrar shall subscribe to or otherwise participate 2103
in any information system or register, or enter into reciprocal 2104
and mutual agreements with other states and federal authorities, 2105
in order to facilitate the exchange of information with other 2106
states and the United States government regarding children who 2107

are residents of this state and plead guilty to or are convicted 2108
of offenses described in this division and therefore are subject 2109
to the suspension or denial described in this division. 2110

(D) The registrar shall impose a class D suspension of the 2111
child's driver's license, commercial driver's license, temporary 2112
instruction permit, probationary license, or nonresident 2113
operating privilege for the period of time specified in division 2114
(B) (4) of section 4510.02 of the Revised Code on any child who 2115
is a resident of this state and is convicted of or pleads guilty 2116
to a violation of a statute of any other state or a municipal 2117
ordinance of a municipal corporation located in any other state 2118
that is substantially similar to section 4511.19 of the Revised 2119
Code. Upon receipt of a report from another state made pursuant 2120
to section 4510.61 of the Revised Code indicating that a child 2121
who is a resident of this state was convicted of or pleaded 2122
guilty to an offense described in this division, the registrar 2123
shall send a notice by regular first class mail to the child, at 2124
the child's last known address as shown in the records of the 2125
bureau of motor vehicles, informing the child of the suspension, 2126
that the suspension will take effect twenty-one days from the 2127
date of the notice, and that, if the child wishes to appeal the 2128
suspension, the child must file a notice of appeal within 2129
twenty-one days of the date of the notice requesting a hearing 2130
on the matter. If the child requests a hearing, the registrar 2131
shall hold the hearing not more than forty days after receipt by 2132
the registrar of the notice of appeal. The filing of a notice of 2133
appeal does not stay the operation of the suspension that must 2134
be imposed pursuant to this division. The scope of the hearing 2135
shall be limited to whether the child actually was convicted of 2136
or pleaded guilty to the offense for which the suspension is to 2137
be imposed. 2138

The suspension the registrar is required to impose under 2139
this division shall end either on the last day of the class D 2140
suspension period or of the suspension of the child's 2141
nonresident operating privilege imposed by the state or federal 2142
court, whichever is earlier. If the child is a resident of this 2143
state who is sixteen years of age or older and does not have a 2144
current, valid Ohio driver's or commercial driver's license or 2145
permit, the notice shall inform the child that the child will be 2146
denied issuance of a driver's or commercial driver's license or 2147
permit for six months beginning on the date of the notice. If 2148
the child has not attained the age of sixteen years on the date 2149
of the notice, the notice shall inform the child that the period 2150
of denial of six months shall commence on the date the child 2151
attains the age of sixteen years. 2152

(E) (1) Any person whose license or permit has been 2153
suspended pursuant to this section may file a petition in the 2154
municipal or county court, or in case the person is under 2155
eighteen years of age, the juvenile court, in whose jurisdiction 2156
the person resides, requesting limited driving privileges and 2157
agreeing to pay the cost of the proceedings. Except as provided 2158
in division (E) (2) or (3) of this section, the judge may grant 2159
the person limited driving privileges during the period during 2160
which the suspension otherwise would be imposed for any of the 2161
purposes set forth in division (A) of section 4510.021 of the 2162
Revised Code. 2163

(2) No judge shall grant limited driving privileges for 2164
employment as a driver of a commercial motor vehicle to any 2165
person who would be disqualified from operating a commercial 2166
motor vehicle under section 4506.16 of the Revised Code if the 2167
violation had occurred in this state. Further, no judge shall 2168
grant limited driving privileges during any of the following 2169

periods of time: 2170

(a) The first fifteen days of a suspension under division 2171
(B) or (D) of this section, if the person has not been convicted 2172
within ten years of the date of the offense giving rise to the 2173
suspension under this section of a violation of any of the 2174
following: 2175

(i) Section 4511.19 of the Revised Code, or a municipal 2176
ordinance relating to operating a vehicle while under the 2177
influence of alcohol, a drug of abuse, or alcohol and a drug of 2178
abuse; 2179

(ii) A municipal ordinance relating to operating a motor 2180
vehicle with a prohibited concentration of alcohol, a controlled 2181
substance, or a metabolite of a controlled substance in the 2182
whole blood, blood serum or plasma, breath, or urine; 2183

(iii) Section 2903.04 of the Revised Code in a case in 2184
which the person was subject to the sanctions described in 2185
division (D) of that section; 2186

(iv) Division (A) (1) of section 2903.06 or division (A) (1) 2187
of section 2903.08 of the Revised Code or a municipal ordinance 2188
that is substantially similar to either of those divisions; 2189

(v) Division (A) (2), (3), ~~or~~, (4), or (5) of section 2190
2903.06, division (A) (2) or (4) of section 2903.08, or as it 2191
existed prior to March 23, 2000, section 2903.07 of the Revised 2192
Code, or a municipal ordinance that is substantially similar to 2193
any of those divisions or that former section, in a case in 2194
which the jury or judge found that the person was under the 2195
influence of alcohol, a drug of abuse, or alcohol and a drug of 2196
abuse. 2197

(b) The first thirty days of a suspension under division 2198

(B) or (D) of this section, if the person has been convicted one 2199
time within ten years of the date of the offense giving rise to 2200
the suspension under this section of any violation identified in 2201
division (E) (1) (a) of this section. 2202

(c) The first one hundred eighty days of a suspension 2203
under division (B) or (D) of this section, if the person has 2204
been convicted two times within ten years of the date of the 2205
offense giving rise to the suspension under this section of any 2206
violation identified in division (E) (1) (a) of this section. 2207

(3) No limited driving privileges may be granted if the 2208
person has been convicted three or more times within five years 2209
of the date of the offense giving rise to a suspension under 2210
division (B) or (D) of this section of any violation identified 2211
in division (E) (1) (a) of this section. 2212

(4) In accordance with section 4510.022 of the Revised 2213
Code, a person may petition for, and a judge may grant, 2214
unlimited driving privileges with a certified ignition interlock 2215
device during the period of suspension imposed under division 2216
(B) or (D) of this section to a person described in division (E) 2217
(2) (a) of this section. 2218

(5) If a person petitions for limited driving privileges 2219
under division (E) (1) of this section or unlimited driving 2220
privileges with a certified ignition interlock device as 2221
provided in division (E) (4) of this section, the registrar shall 2222
be represented by the county prosecutor of the county in which 2223
the person resides if the petition is filed in a juvenile court 2224
or county court, except that if the person resides within a city 2225
or village that is located within the jurisdiction of the county 2226
in which the petition is filed, the city director of law or 2227
village solicitor of that city or village shall represent the 2228

registrar. If the petition is filed in a municipal court, the 2229
registrar shall be represented as provided in section 1901.34 of 2230
the Revised Code. 2231

(6) (a) In issuing an order granting limited driving 2232
privileges under division (E) (1) of this section, the court may 2233
impose any condition it considers reasonable and necessary to 2234
limit the use of a vehicle by the person. The court shall 2235
deliver to the person a copy of the order setting forth the 2236
time, place, and other conditions limiting the person's use of a 2237
motor vehicle. Unless division (E) (6) (b) of this section 2238
applies, the grant of limited driving privileges shall be 2239
conditioned upon the person's having the order in the person's 2240
possession at all times during which the person is operating a 2241
vehicle. 2242

(b) If, under the order, the court requires the use of an 2243
immobilizing or disabling device as a condition of the grant of 2244
limited or unlimited driving privileges, the person shall 2245
present to the registrar or to a deputy registrar the copy of 2246
the order granting limited driving privileges and a certificate 2247
affirming the installation of an immobilizing or disabling 2248
device that is in a form established by the director of public 2249
safety and is signed by the person who installed the device. 2250
Upon presentation of the order and the certificate to the 2251
registrar or a deputy registrar, the registrar or deputy 2252
registrar shall issue to the offender a restricted license, 2253
unless the offender's driver's or commercial driver's license or 2254
permit is suspended under any other provision of law and limited 2255
driving privileges have not been granted with regard to that 2256
suspension. A restricted license issued under this division 2257
shall be identical to an Ohio driver's license, except that it 2258
shall have printed on its face a statement that the offender is 2259

prohibited from operating any motor vehicle that is not equipped 2260
with an immobilizing or disabling device in violation of the 2261
order. 2262

(7) (a) Unless division (E) (7) (b) applies, a person granted 2263
limited driving privileges who operates a vehicle for other than 2264
limited purposes, in violation of any condition imposed by the 2265
court or without having the order in the person's possession, is 2266
guilty of a violation of section 4510.11 of the Revised Code. 2267

(b) No person who has been granted limited or unlimited 2268
driving privileges under division (E) of this section subject to 2269
an immobilizing or disabling device order shall operate a motor 2270
vehicle prior to obtaining a restricted license. Any person who 2271
violates this prohibition is subject to the penalties prescribed 2272
in section 4510.14 of the Revised Code. 2273

(c) The offenses established under division (E) (7) of this 2274
section are strict liability offenses and section 2901.20 of the 2275
Revised Code does not apply. 2276

(F) The provisions of division (A) (8) of section 4510.13 2277
of the Revised Code apply to a person who has been granted 2278
limited or unlimited driving privileges with a certified 2279
ignition interlock device under this section and who either 2280
commits an ignition interlock device violation as defined under 2281
section 4510.46 of the Revised Code or operates a motor vehicle 2282
that is not equipped with a certified ignition interlock device. 2283

(G) Any person whose license or permit has been suspended 2284
under division (A) or (C) of this section may file a petition in 2285
the municipal or county court, or in case the person is under 2286
eighteen years of age, the juvenile court, in whose jurisdiction 2287
the person resides, requesting the termination of the suspension 2288

and agreeing to pay the cost of the proceedings. If the court, 2289
in its discretion, determines that a termination of the 2290
suspension is appropriate, the court shall issue an order to the 2291
registrar to terminate the suspension. Upon receiving such an 2292
order, the registrar shall reinstate the license. 2293

(H) As used in divisions (C) and (D) of this section: 2294

(1) "Child" means a person who is under the age of 2295
eighteen years, except that any person who violates a statute or 2296
ordinance described in division (C) or (D) of this section prior 2297
to attaining eighteen years of age shall be deemed a "child" 2298
irrespective of the person's age at the time the complaint or 2299
other equivalent document is filed in the other state or a 2300
hearing, trial, or other proceeding is held in the other state 2301
on the complaint or other equivalent document, and irrespective 2302
of the person's age when the period of license suspension or 2303
denial prescribed in division (C) or (D) of this section is 2304
imposed. 2305

(2) "Is convicted of or pleads guilty to" means, as it 2306
relates to a child who is a resident of this state, that in a 2307
proceeding conducted in a state or federal court located in 2308
another state for a violation of a statute or ordinance 2309
described in division (C) or (D) of this section, the result of 2310
the proceeding is any of the following: 2311

(a) Under the laws that govern the proceedings of the 2312
court, the child is adjudicated to be or admits to being a 2313
delinquent child or a juvenile traffic offender for a violation 2314
described in division (C) or (D) of this section that would be a 2315
crime if committed by an adult; 2316

(b) Under the laws that govern the proceedings of the 2317

court, the child is convicted of or pleads guilty to a violation 2318
described in division (C) or (D) of this section; 2319

(c) Under the laws that govern the proceedings of the 2320
court, irrespective of the terminology utilized in those laws, 2321
the result of the court's proceedings is the functional 2322
equivalent of division (H) (2) (a) or (b) of this section. 2323

Sec. 4511.181. As used in sections 4511.181 to 4511.198 of 2324
the Revised Code: 2325

(A) "Equivalent offense" means any of the following: 2326

(1) A violation of division (A) or (B) of section 4511.19 2327
of the Revised Code; 2328

(2) A violation of a municipal OVI ordinance; 2329

(3) A violation of section 2903.04 of the Revised Code in 2330
a case in which the offender was subject to the sanctions 2331
described in division (D) of that section; 2332

(4) A violation of division (A) (1) of section 2903.06 or 2333
2903.08 of the Revised Code or a municipal ordinance that is 2334
substantially equivalent to either of those divisions; 2335

(5) A violation of division (A) (2), (3), ~~or (4)~~, or (5) of 2336
section 2903.06, division (A) (2) or (4) of section 2903.08, or 2337
former section 2903.07 of the Revised Code, or a municipal 2338
ordinance that is substantially equivalent to any of those 2339
divisions or that former section, in a case in which a judge or 2340
jury as the trier of fact found that the offender was under the 2341
influence of alcohol, a drug of abuse, or a combination of them; 2342

(6) A violation of division (A) or (B) of section 1547.11 2343
of the Revised Code; 2344

(7) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(8) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of section 4511.19 or division (A) or (B) of section 1547.11 of the Revised Code;

(9) A violation of a former law of this state that was substantially equivalent to division (A) or (B) of section 4511.19 or division (A) or (B) of section 1547.11 of the Revised Code.

(B) "Mandatory jail term" means the mandatory term in jail of three, six, ten, twenty, thirty, or sixty days that must be imposed under division (G)(1)(a), (b), or (c) of section 4511.19 of the Revised Code upon an offender convicted of a violation of division (A) of that section and in relation to which all of the following apply:

(1) Except as specifically authorized under section 4511.19 of the Revised Code, the term must be served in a jail.

(2) Except as specifically authorized under section

4511.19 of the Revised Code, the term cannot be suspended, 2374
reduced, or otherwise modified pursuant to sections 2929.21 to 2375
2929.28 or any other provision of the Revised Code. 2376

(C) "Municipal OVI ordinance" and "municipal OVI offense" 2377
mean any municipal ordinance prohibiting a person from operating 2378
a vehicle while under the influence of alcohol, a drug of abuse, 2379
or a combination of them or prohibiting a person from operating 2380
a vehicle with a prohibited concentration of alcohol, a 2381
controlled substance, or a metabolite of a controlled substance 2382
in the whole blood, blood serum or plasma, breath, or urine. 2383

(D) "Community residential sanction," "continuous alcohol 2384
monitoring," "jail," "mandatory prison term," "mandatory term of 2385
local incarceration," "sanction," and "prison term" have the 2386
same meanings as in section 2929.01 of the Revised Code. 2387

(E) "Drug of abuse" has the same meaning as in section 2388
4506.01 of the Revised Code. 2389

(F) "Equivalent offense that is vehicle-related" means an 2390
equivalent offense that is any of the following: 2391

(1) A violation described in division (A)(1), (2), (3), 2392
(4), or (5) of this section; 2393

(2) A violation of an existing or former municipal 2394
ordinance, law of another state, or law of the United States 2395
that is substantially equivalent to division (A) or (B) of 2396
section 4511.19 of the Revised Code; 2397

(3) A violation of a former law of this state that was 2398
substantially equivalent to division (A) or (B) of section 2399
4511.19 of the Revised Code. 2400

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or 2401

trackless trolley upon meeting or overtaking from either 2402
direction any school bus stopped for the purpose of receiving or 2403
discharging any school child, person attending programs offered 2404
by community boards of mental health and county boards of 2405
developmental disabilities, or child attending a program offered 2406
by a head start agency, shall stop at least ten feet from the 2407
front or rear of the school bus and shall not proceed until such 2408
school bus resumes motion, or until signaled by the school bus 2409
driver to proceed. 2410

It is no defense to a charge under this division that the 2411
school bus involved failed to display or be equipped with an 2412
automatically extended stop warning sign as required by division 2413
(B) of this section. 2414

(B) Every school bus shall be equipped with amber and red 2415
visual signals meeting the requirements of section 4511.771 of 2416
the Revised Code, and an automatically extended stop warning 2417
sign of a type approved by the state board of education, which 2418
shall be actuated by the driver of the bus whenever but only 2419
whenever the bus is stopped or stopping on the roadway for the 2420
purpose of receiving or discharging school children, persons 2421
attending programs offered by community boards of mental health 2422
and county boards of developmental disabilities, or children 2423
attending programs offered by head start agencies. A school bus 2424
driver shall not actuate the visual signals or the stop warning 2425
sign in designated school bus loading areas where the bus is 2426
entirely off the roadway or at school buildings when children or 2427
persons attending programs offered by community boards of mental 2428
health and county boards of developmental disabilities are 2429
loading or unloading at curbside or at buildings when children 2430
attending programs offered by head start agencies are loading or 2431
unloading at curbside. The visual signals and stop warning sign 2432

shall be synchronized or otherwise operated as required by rule 2433
of the board. 2434

(C) Where a highway has been divided into four or more 2435
traffic lanes, a driver of a vehicle, streetcar, or trackless 2436
trolley need not stop for a school bus approaching from the 2437
opposite direction which has stopped for the purpose of 2438
receiving or discharging any school child, persons attending 2439
programs offered by community boards of mental health and county 2440
boards of developmental disabilities, or children attending 2441
programs offered by head start agencies. The driver of any 2442
vehicle, streetcar, or trackless trolley overtaking the school 2443
bus shall comply with division (A) of this section. 2444

(D) School buses operating on divided highways or on 2445
highways with four or more traffic lanes shall receive and 2446
discharge all school children, persons attending programs 2447
offered by community boards of mental health and county boards 2448
of developmental disabilities, and children attending programs 2449
offered by head start agencies on their residence side of the 2450
highway. 2451

(E) No school bus driver shall start the driver's bus 2452
until after any child, person attending programs offered by 2453
community boards of mental health and county boards of 2454
developmental disabilities, or child attending a program offered 2455
by a head start agency who may have alighted therefrom has 2456
reached a place of safety on the child's or person's residence 2457
side of the road. 2458

(F) (1) ~~Whoever—Except as provided in division (F) (2), (3),~~ 2459
~~or (4) of this section, the court, including a mayor's court,~~ 2460
~~may impose the following on a person who violates division (A)~~ 2461
~~of this section—may be fined an amount not to exceed five—~~ 2462

~~hundred dollars. A:~~ 2463

(a) A fine of up to one thousand dollars; 2464

(b) A class seven suspension of the offender's driver's 2465
license, commercial driver's license, temporary instruction 2466
permit, probationary license, or nonresident operating privilege 2467
from the range specified in division (A) (6) of section 4510.02 2468
of the Revised Code. 2469

(2) If, within ten years of the offense, the offender has 2470
been convicted of or pleaded guilty to one violation of division 2471
(A) of this section, the court, including a mayor's court, shall 2472
impose either or both of the following on a person who violates 2473
division (A) of this section: 2474

(a) A fine of up to one thousand two hundred fifty 2475
dollars; 2476

(b) A class six suspension of the offender's driver's 2477
license, commercial driver's license, temporary instruction 2478
permit, probationary license, or nonresident operating privilege 2479
from the range specified in division (A) (6) of section 4510.02 2480
of the Revised Code. 2481

(3) If, within ten years of the offense, the offender has 2482
been convicted of or pleaded guilty to two violations of 2483
division (A) of this section, the court, including a mayor's 2484
court, shall impose either or both of the following on a person 2485
who violates division (A) of this section: 2486

(a) A fine of up to one thousand five hundred dollars; 2487

(b) A class five suspension of the offender's driver's 2488
license, commercial driver's license, temporary instruction 2489
permit, probationary license, or nonresident operating privilege 2490

from the range specified in division (A) (5) of section 4510.02 2491
of the Revised Code. 2492

(4) If, within ten years of the offense, the offender has 2493
been convicted of or pleaded guilty to three or more violations 2494
of division (A) of this section, the court, including a mayor's 2495
court, shall impose either or both of the following on a person 2496
who violates division (A) of this section: 2497

(a) A fine of up to one thousand seven hundred fifty 2498
dollars; 2499

(b) A class four suspension of the offender's driver's 2500
license, commercial driver's license, temporary instruction 2501
permit, probationary license, or nonresident operating privilege 2502
from the range specified in division (A) (4) of section 4510.02 2503
of the Revised Code. 2504

(G) A person who is issued a citation for a violation of 2505
division (A) of this section is not permitted to enter a written 2506
plea of guilty and waive the person's right to contest the 2507
citation in a trial but instead must appear in person in the 2508
proper court to answer the charge. 2509

~~(2) In addition to and independent of any other penalty~~ 2510
~~provided by law, the court or mayor may impose upon an offender~~ 2511
~~who violates this section a class seven suspension of the~~ 2512
~~offender's driver's license, commercial driver's license,~~ 2513
~~temporary instruction permit, probationary license, or~~ 2514
~~nonresident operating privilege from the range specified in~~ 2515
~~division (A) (7) of section 4510.02 of the Revised Code. When a~~ 2516
license is suspended under this section, the court or mayor 2517
shall cause the offender to deliver the license to the court, 2518
and the court or clerk of the court immediately shall forward 2519

the license to the registrar of motor vehicles, together with 2520
notice of the court's action. 2521

~~(G)~~ (H) As used in this section: 2522

(1) "Head start agency" has the same meaning as in section 2523
3301.32 of the Revised Code. 2524

(2) "School bus," as used in relation to children who 2525
attend a program offered by a head start agency, means a bus 2526
that is owned and operated by a head start agency, is equipped 2527
with an automatically extended stop warning sign of a type 2528
approved by the state board of education, is painted the color 2529
and displays the markings described in section 4511.77 of the 2530
Revised Code, and is equipped with amber and red visual signals 2531
meeting the requirements of section 4511.771 of the Revised 2532
Code, irrespective of whether or not the bus has fifteen or more 2533
children aboard at any time. "School bus" does not include a van 2534
owned and operated by a head start agency, irrespective of its 2535
color, lights, or markings. 2536

Sec. 4511.751. As used in this section, "license plate" 2537
includes, but is not limited to, any temporary license placard 2538
issued under section 4503.182 of the Revised Code or similar law 2539
of another jurisdiction. 2540

When the operator of a school bus believes that a motorist 2541
has violated division (A) of section 4511.75 of the Revised 2542
Code, the operator shall report the license plate number and a 2543
general description of the vehicle and of the operator of the 2544
vehicle to the law enforcement agency exercising jurisdiction 2545
over the area where the alleged violation occurred. The 2546
information contained in the report relating to the license 2547
plate number and to the general description of the vehicle and 2548

the operator of the vehicle at the time of the alleged violation 2549
may be supplied by any person with first-hand knowledge of the 2550
information. Information of which the operator of the school bus 2551
has first-hand knowledge also may be corroborated by any other 2552
person, or an image, images, or video provided by a camera 2553
installed pursuant to section 4511.76 of the Revised Code. 2554

Upon receipt of the report of the alleged violation of 2555
division (A) of section 4511.75 of the Revised Code, the law 2556
enforcement agency shall conduct an investigation to attempt to 2557
determine or confirm the identity of the operator of the vehicle 2558
at the time of the alleged violation. The law enforcement agency 2559
may use a sufficiently clear image, images, or video provided by 2560
a camera installed pursuant to section 4511.76 of the Revised 2561
Code to determine the identity of the operator of the vehicle at 2562
the time of the alleged violation of this section. Such images 2563
or video may be used as evidence in the prosecution of any other 2564
criminal offense, including a violation of sections 2903.06 and 2565
2903.08 of the Revised Code. If the identity of the operator at 2566
the time of the alleged violation is established, the reporting 2567
of the license plate number of the vehicle shall establish 2568
probable cause for the law enforcement agency to issue a 2569
citation for the violation of division (A) of section 4511.75 of 2570
the Revised Code. However, if the identity of the operator of 2571
the vehicle at the time of the alleged violation cannot be 2572
established, the law enforcement agency shall issue a warning to 2573
the owner of the vehicle at the time of the alleged violation, 2574
except in the case of a leased or rented vehicle when the 2575
warning shall be issued to the lessee at the time of the alleged 2576
violation. 2577

The registrar of motor vehicles and deputy registrars 2578
shall, at the time of issuing license plates to any person, 2579

include with the license plate a summary of the requirements of 2580
division (A) of section 4511.75 of the Revised Code and the 2581
procedures of, and penalty in, division (F) of section 4511.75 2582
of the Revised Code. 2583

Sec. 4511.76. (A) The department of public safety, by and 2584
with the advice of the superintendent of public instruction, 2585
shall adopt and enforce rules relating to the construction, 2586
design, and equipment of all school buses both publicly and 2587
privately owned and operated in this state, including ~~lighting~~ 2588
rules governing the following: 2589

(1) Lighting equipment required by section 4511.771 of the 2590
Revised Code, ~~of all school buses both publicly and privately~~ 2591
~~owned and operated in this state;~~ 2592

(2) Camera equipment that provides an image, images, or 2593
video solely for purposes of capturing a violation of section 2594
4511.75 of the Revised Code. 2595

(B) The department of education, by and with the advice of 2596
the director of public safety, shall adopt and enforce rules 2597
relating to the operation of all vehicles used for pupil 2598
transportation. 2599

(C) No person shall operate a vehicle used for pupil 2600
transportation within this state in violation of the rules of 2601
the department of education or the department of public safety. 2602
No person, being the owner thereof or having the supervisory 2603
responsibility therefor, shall permit the operation of a vehicle 2604
used for pupil transportation within this state in violation of 2605
the rules of the department of education or the department of 2606
public safety. 2607

(D) The department of public safety shall adopt and 2608

enforce rules relating to the issuance of a license under 2609
section 4511.763 of the Revised Code. The rules may relate to 2610
the moral character of the applicant; the condition of the 2611
equipment to be operated; the liability and property damage 2612
insurance carried by the applicant; the posting of satisfactory 2613
and sufficient bond; and such other rules as the director of 2614
public safety determines reasonably necessary for the safety of 2615
the pupils to be transported. 2616

(E) A chartered nonpublic school may own and operate, or 2617
contract with a vendor that supplies, a vehicle originally 2618
designed for not more than nine passengers, not including the 2619
driver, to transport students to and from regularly scheduled 2620
school sessions when one of the following applies: 2621

(1) A student's school district of residence has declared 2622
the transportation of the student impractical pursuant to 2623
section 3327.02 of the Revised Code; or 2624

(2) A student does not live within thirty minutes of the 2625
chartered nonpublic school and the student's school district is 2626
not required to transport the student under section 3327.01 of 2627
the Revised Code. 2628

(F) As used in this section, "vehicle used for pupil 2629
transportation" means any vehicle that is identified as such by 2630
the department of education by rule and that is subject to 2631
Chapter 3301-83 of the Administrative Code. 2632

(G) Except as otherwise provided in this division, whoever 2633
violates this section is guilty of a minor misdemeanor. If the 2634
offender previously has been convicted of or pleaded guilty to 2635
one or more violations of this section or section 4511.63, 2636
4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised 2637

Code or a municipal ordinance that is substantially similar to 2638
any of those sections, whoever violates this section is guilty 2639
of a misdemeanor of the fourth degree. 2640

Section 2. That existing sections 2743.51, 2903.06, 2641
2903.08, 2929.14, 4510.17, 4511.181, 4511.75, 4511.751, and 2642
4511.76 of the Revised Code are hereby repealed. 2643

Section 3. All appropriation items in this section are 2644
hereby appropriated as designated out of any money in the state 2645
treasury to the credit of the designated fund. For all 2646
appropriations made in this act, the amounts in the first column 2647
are for fiscal year 2020 and the amounts in the second column 2648
are for fiscal year 2021. The appropriations made in this act 2649
are in addition to any other appropriations made for the FY 2650
2020-FY 2021 biennium. 2651

DPS DEPARTMENT OF PUBLIC SAFETY 2652

General Revenue Fund 2653

GRF 768433 School Bus Camera Grants \$250,000 \$250,000 2654

TOTAL GRF General Revenue Fund \$250,000 \$250,000 2655

TOTAL ALL BUDGET FUND GROUPS \$250,000 \$250,000 2656

SCHOOL BUS CAMERA GRANTS 2657

(A) The foregoing appropriation item 768433, School Bus 2658
Camera Grants, shall be used to award grants to community 2659
schools established under Chapter 3314. of the Revised Code that 2660
are responsible for providing transportation to students 2661
enrolled in a school pursuant to section 3314.091 of the Revised 2662
Code and city, local, and exempted village school districts to 2663
purchase and install cameras on buses to record images of the 2664
license plates on, and drivers of, motor vehicles that violate 2665

division (A) of section 4511.75 of the Revised Code by driving 2666
by a bus while it is stopped and receiving or discharging any 2667
person. 2668

(B) The Director of Public Safety shall establish 2669
procedures to implement and distribute the grants, including 2670
procedures governing an application process. 2671

(C) Not later than ninety days after the end of each of 2672
fiscal years 2020 and 2021, the Director shall submit a report 2673
to the Governor and the General Assembly in accordance with 2674
division (B) of section 101.68 of the Revised Code. The report 2675
shall include the following: 2676

(1) The number of violations of division (A) of section 2677
4511.75 of the Revised Code that were captured by cameras 2678
purchased and installed with monetary aid from a grant in that 2679
fiscal year. 2680

(2) A comparison of the number of violations identified in 2681
division (C)(1) of this section and the number of those 2682
violations that were detected by other means in fiscal years 2683
2018 and 2019. 2684

(3) An estimate of the amount of money needed to purchase 2685
and install such cameras on all eligible school buses in the 2686
state. 2687

Section 4. Within the limits set forth in this act, the 2688
Director of Budget and Management shall establish accounts 2689
indicating the source and amount of funds for each appropriation 2690
made in this act and shall determine the form and manner in 2691
which appropriation accounts shall be maintained. Expenditures 2692
from appropriations contained in this act shall be accounted for 2693
as though made in the main operating appropriations act of the 2694

133rd General Assembly.	2695
The appropriations made in this act are subject to all	2696
provisions of the main operating appropriations act of the 133rd	2697
General Assembly that are generally applicable to such	2698
appropriations.	2699
Section 5. This act shall be known as the "School Bus	2700
Safety Act."	2701
Section 6. Section 2929.14 of the Revised Code is	2702
presented in this act as a composite of the section as amended	2703
by Sub. H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, and Am. Sub.	2704
S.B. 201, all of the 132nd General Assembly. The General	2705
Assembly, applying the principle stated in division (B) of	2706
section 1.52 of the Revised Code that amendments are to be	2707
harmonized if reasonably capable of simultaneous operation,	2708
finds that the composite is the resulting version of the section	2709
in effect prior to the effective date of the section as	2710
presented in this act.	2711
Section 4510.17 of the Revised Code is presented in this	2712
act as a composite of the section as amended by both Sub. H.B.	2713
388 and Sub. S.B. 204 of the 131st General Assembly. The General	2714
Assembly, applying the principle stated in division (B) of	2715
section 1.52 of the Revised Code that amendments are to be	2716
harmonized if reasonably capable of simultaneous operation,	2717
finds that the composite is the resulting version of the section	2718
in effect prior to the effective date of the section as	2719
presented in this act.	2720