

As Introduced

**131st General Assembly
Regular Session
2015-2016**

H. B. No. 521

Representative Manning

A BILL

To amend sections 2929.02, 2929.14, 2967.13, 1
2971.03, and 5149.101 and to enact section 2
2967.132 of the Revised Code to provide special 3
parole eligibility dates for persons with an 4
indefinite or life sentence imposed for an 5
offense committed when the person was less than 6
18 years of age, to require the Parole Board to 7
consider specified mitigating factors in those 8
cases, and to require notice to the Ohio Public 9
Defender and prosecuting attorney prior to the 10
parole consideration hearing. 11

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

Section 1. That sections 2929.02, 2929.14, 2967.13, 12
2971.03, and 5149.101 be amended and section 2967.132 of the 13
Revised Code be enacted to read as follows: 14

Sec. 2929.02. (A) Whoever is convicted of or pleads guilty 15
to aggravated murder in violation of section 2903.01 of the 16
Revised Code shall suffer death or be imprisoned for life, as 17
determined pursuant to sections 2929.022, 2929.03, and 2929.04 18
of the Revised Code, except that no person who raises the matter 19

of age pursuant to section 2929.023 of the Revised Code and who 20
is not found to have been eighteen years of age or older at the 21
time of the commission of the offense shall suffer death. In 22
addition, the offender may be fined an amount fixed by the 23
court, but not more than twenty-five thousand dollars. 24

(B) (1) Except as otherwise provided in division (B) (2) or 25
(3) of this section, whoever is convicted of or pleads guilty to 26
murder in violation of section 2903.02 of the Revised Code shall 27
be imprisoned for an indefinite term of fifteen years to life. 28

(2) Except as otherwise provided in division (B) (3) of 29
this section, if a person is convicted of or pleads guilty to 30
murder in violation of section 2903.02 of the Revised Code, the 31
victim of the offense was less than thirteen years of age, and 32
the offender also is convicted of or pleads guilty to a sexual 33
motivation specification that was included in the indictment, 34
count in the indictment, or information charging the offense, 35
the court shall impose an indefinite prison term of thirty years 36
to life pursuant to division (B) (3) of section 2971.03 of the 37
Revised Code. 38

(3) If a person is convicted of or pleads guilty to murder 39
in violation of section 2903.02 of the Revised Code and also is 40
convicted of or pleads guilty to a sexual motivation 41
specification and a sexually violent predator specification that 42
were included in the indictment, count in the indictment, or 43
information that charged the murder, the court shall impose upon 44
the offender a term of life imprisonment without parole that 45
shall be served pursuant to section 2971.03 of the Revised Code. 46

(4) In addition, the offender may be fined an amount fixed 47
by the court, but not more than fifteen thousand dollars. 48

(C) If an offender receives or received a sentence of life imprisonment without parole, a sentence of life imprisonment, or a sentence to an indefinite prison term under this chapter for an offense committed when the offender was less than eighteen years of age, the offender's parole eligibility shall be determined under section 2967.132 of the Revised Code. 49
50
51
52
53
54

(D) The court shall not impose a fine or fines for aggravated murder or murder which, in the aggregate and to the extent not suspended by the court, exceeds the amount which the offender is or will be able to pay by the method and within the time allowed without undue hardship to the offender or to the dependents of the offender, or will prevent the offender from making reparation for the victim's wrongful death. 55
56
57
58
59
60
61

~~(D)~~ (E) (1) In addition to any other sanctions imposed for a violation of section 2903.01 or 2903.02 of the Revised Code, if the offender used a motor vehicle as the means to commit the violation, the court shall impose upon the offender a class two suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege as specified in division (A) (2) of section 4510.02 of the Revised Code. 62
63
64
65
66
67
68
69

(2) As used in division ~~(D)~~ (E) of this section, "motor vehicle" has the same meaning as in section 4501.01 of the Revised Code. 70
71
72

Sec. 2929.14. (A) Except as provided in division (B) (1), (B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), (G), (H), or (J) of this section or in division (D) (6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender 73
74
75
76
77
78

for a felony elects or is required to impose a prison term on 79
the offender pursuant to this chapter, the court shall impose a 80
definite prison term that shall be one of the following: 81

(1) For a felony of the first degree, the prison term 82
shall be three, four, five, six, seven, eight, nine, ten, or 83
eleven years. 84

(2) For a felony of the second degree, the prison term 85
shall be two, three, four, five, six, seven, or eight years. 86

(3) (a) For a felony of the third degree that is a 87
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 88
2907.05 of the Revised Code or that is a violation of section 89
2911.02 or 2911.12 of the Revised Code if the offender 90
previously has been convicted of or pleaded guilty in two or 91
more separate proceedings to two or more violations of section 92
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 93
prison term shall be twelve, eighteen, twenty-four, thirty, 94
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 95

(b) For a felony of the third degree that is not an 96
offense for which division (A) (3) (a) of this section applies, 97
the prison term shall be nine, twelve, eighteen, twenty-four, 98
thirty, or thirty-six months. 99

(4) For a felony of the fourth degree, the prison term 100
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 101
fourteen, fifteen, sixteen, seventeen, or eighteen months. 102

(5) For a felony of the fifth degree, the prison term 103
shall be six, seven, eight, nine, ten, eleven, or twelve months. 104

(B) (1) (a) Except as provided in division (B) (1) (e) of this 105
section, if an offender who is convicted of or pleads guilty to 106
a felony also is convicted of or pleads guilty to a 107

specification of the type described in section 2941.141, 108
2941.144, or 2941.145 of the Revised Code, the court shall 109
impose on the offender one of the following prison terms: 110

(i) A prison term of six years if the specification is of 111
the type described in section 2941.144 of the Revised Code that 112
charges the offender with having a firearm that is an automatic 113
firearm or that was equipped with a firearm muffler or 114
suppressor on or about the offender's person or under the 115
offender's control while committing the felony; 116

(ii) A prison term of three years if the specification is 117
of the type described in section 2941.145 of the Revised Code 118
that charges the offender with having a firearm on or about the 119
offender's person or under the offender's control while 120
committing the offense and displaying the firearm, brandishing 121
the firearm, indicating that the offender possessed the firearm, 122
or using it to facilitate the offense; 123

(iii) A prison term of one year if the specification is of 124
the type described in section 2941.141 of the Revised Code that 125
charges the offender with having a firearm on or about the 126
offender's person or under the offender's control while 127
committing the felony. 128

(b) If a court imposes a prison term on an offender under 129
division (B) (1) (a) of this section, the prison term shall not be 130
reduced pursuant to section 2967.19, section 2929.20, section 131
2967.193, or any other provision of Chapter 2967. or Chapter 132
5120. of the Revised Code. Except as provided in division (B) (1) 133
(g) of this section, a court shall not impose more than one 134
prison term on an offender under division (B) (1) (a) of this 135
section for felonies committed as part of the same act or 136
transaction. 137

(c) Except as provided in division (B) (1) (e) of this 138
section, if an offender who is convicted of or pleads guilty to 139
a violation of section 2923.161 of the Revised Code or to a 140
felony that includes, as an essential element, purposely or 141
knowingly causing or attempting to cause the death of or 142
physical harm to another, also is convicted of or pleads guilty 143
to a specification of the type described in section 2941.146 of 144
the Revised Code that charges the offender with committing the 145
offense by discharging a firearm from a motor vehicle other than 146
a manufactured home, the court, after imposing a prison term on 147
the offender for the violation of section 2923.161 of the 148
Revised Code or for the other felony offense under division (A), 149
(B) (2), or (B) (3) of this section, shall impose an additional 150
prison term of five years upon the offender that shall not be 151
reduced pursuant to section 2929.20, section 2967.19, section 152
2967.193, or any other provision of Chapter 2967. or Chapter 153
5120. of the Revised Code. A court shall not impose more than 154
one additional prison term on an offender under division (B) (1) 155
(c) of this section for felonies committed as part of the same 156
act or transaction. If a court imposes an additional prison term 157
on an offender under division (B) (1) (c) of this section relative 158
to an offense, the court also shall impose a prison term under 159
division (B) (1) (a) of this section relative to the same offense, 160
provided the criteria specified in that division for imposing an 161
additional prison term are satisfied relative to the offender 162
and the offense. 163

(d) If an offender who is convicted of or pleads guilty to 164
an offense of violence that is a felony also is convicted of or 165
pleads guilty to a specification of the type described in 166
section 2941.1411 of the Revised Code that charges the offender 167
with wearing or carrying body armor while committing the felony 168

offense of violence, the court shall impose on the offender a 169
prison term of two years. The prison term so imposed, subject to 170
divisions (C) to (I) of section 2967.19 of the Revised Code, 171
shall not be reduced pursuant to section 2929.20, section 172
2967.19, section 2967.193, or any other provision of Chapter 173
2967. or Chapter 5120. of the Revised Code. A court shall not 174
impose more than one prison term on an offender under division 175
(B) (1) (d) of this section for felonies committed as part of the 176
same act or transaction. If a court imposes an additional prison 177
term under division (B) (1) (a) or (c) of this section, the court 178
is not precluded from imposing an additional prison term under 179
division (B) (1) (d) of this section. 180

(e) The court shall not impose any of the prison terms 181
described in division (B) (1) (a) of this section or any of the 182
additional prison terms described in division (B) (1) (c) of this 183
section upon an offender for a violation of section 2923.12 or 184
2923.123 of the Revised Code. The court shall not impose any of 185
the prison terms described in division (B) (1) (a) or (b) of this 186
section upon an offender for a violation of section 2923.122 187
that involves a deadly weapon that is a firearm other than a 188
dangerous ordnance, section 2923.16, or section 2923.121 of the 189
Revised Code. The court shall not impose any of the prison terms 190
described in division (B) (1) (a) of this section or any of the 191
additional prison terms described in division (B) (1) (c) of this 192
section upon an offender for a violation of section 2923.13 of 193
the Revised Code unless all of the following apply: 194

(i) The offender previously has been convicted of 195
aggravated murder, murder, or any felony of the first or second 196
degree. 197

(ii) Less than five years have passed since the offender 198

was released from prison or post-release control, whichever is later, for the prior offense.

(f) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B) (2), or (B) (3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If an offender is convicted of or pleads guilty to two or more felonies that include, as an essential element, causing or attempting to cause the death or physical harm to another and also is convicted of or pleads guilty to a specification of the type described under division (B) (1) (f) of this section in connection with two or more of the felonies of which the offender is convicted or to which the offender pleads guilty, the sentencing court shall impose on the offender the prison term specified under division (B) (1) (f) of this section for each of two of the specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications. If a court imposes an additional prison term on an offender under division (B) (1) (f)

of this section relative to an offense, the court shall not 230
impose a prison term under division (B) (1) (a) or (c) of this 231
section relative to the same offense. 232

(g) If an offender is convicted of or pleads guilty to two 233
or more felonies, if one or more of those felonies are 234
aggravated murder, murder, attempted aggravated murder, 235
attempted murder, aggravated robbery, felonious assault, or 236
rape, and if the offender is convicted of or pleads guilty to a 237
specification of the type described under division (B) (1) (a) of 238
this section in connection with two or more of the felonies, the 239
sentencing court shall impose on the offender the prison term 240
specified under division (B) (1) (a) of this section for each of 241
the two most serious specifications of which the offender is 242
convicted or to which the offender pleads guilty and, in its 243
discretion, also may impose on the offender the prison term 244
specified under that division for any or all of the remaining 245
specifications. 246

(2) (a) If division (B) (2) (b) of this section does not 247
apply, the court may impose on an offender, in addition to the 248
longest prison term authorized or required for the offense, an 249
additional definite prison term of one, two, three, four, five, 250
six, seven, eight, nine, or ten years if all of the following 251
criteria are met: 252

(i) The offender is convicted of or pleads guilty to a 253
specification of the type described in section 2941.149 of the 254
Revised Code that the offender is a repeat violent offender. 255

(ii) The offense of which the offender currently is 256
convicted or to which the offender currently pleads guilty is 257
aggravated murder and the court does not impose a sentence of 258
death or life imprisonment without parole, murder, terrorism and 259

the court does not impose a sentence of life imprisonment 260
without parole, any felony of the first degree that is an 261
offense of violence and the court does not impose a sentence of 262
life imprisonment without parole, or any felony of the second 263
degree that is an offense of violence and the trier of fact 264
finds that the offense involved an attempt to cause or a threat 265
to cause serious physical harm to a person or resulted in 266
serious physical harm to a person. 267

(iii) The court imposes the longest prison term for the 268
offense that is not life imprisonment without parole. 269

(iv) The court finds that the prison terms imposed 270
pursuant to division (B) (2) (a) (iii) of this section and, if 271
applicable, division (B) (1) or (3) of this section are 272
inadequate to punish the offender and protect the public from 273
future crime, because the applicable factors under section 274
2929.12 of the Revised Code indicating a greater likelihood of 275
recidivism outweigh the applicable factors under that section 276
indicating a lesser likelihood of recidivism. 277

(v) The court finds that the prison terms imposed pursuant 278
to division (B) (2) (a) (iii) of this section and, if applicable, 279
division (B) (1) or (3) of this section are demeaning to the 280
seriousness of the offense, because one or more of the factors 281
under section 2929.12 of the Revised Code indicating that the 282
offender's conduct is more serious than conduct normally 283
constituting the offense are present, and they outweigh the 284
applicable factors under that section indicating that the 285
offender's conduct is less serious than conduct normally 286
constituting the offense. 287

(b) The court shall impose on an offender the longest 288
prison term authorized or required for the offense and shall 289

impose on the offender an additional definite prison term of 290
one, two, three, four, five, six, seven, eight, nine, or ten 291
years if all of the following criteria are met: 292

(i) The offender is convicted of or pleads guilty to a 293
specification of the type described in section 2941.149 of the 294
Revised Code that the offender is a repeat violent offender. 295

(ii) The offender within the preceding twenty years has 296
been convicted of or pleaded guilty to three or more offenses 297
described in division (CC)(1) of section 2929.01 of the Revised 298
Code, including all offenses described in that division of which 299
the offender is convicted or to which the offender pleads guilty 300
in the current prosecution and all offenses described in that 301
division of which the offender previously has been convicted or 302
to which the offender previously pleaded guilty, whether 303
prosecuted together or separately. 304

(iii) The offense or offenses of which the offender 305
currently is convicted or to which the offender currently pleads 306
guilty is aggravated murder and the court does not impose a 307
sentence of death or life imprisonment without parole, murder, 308
terrorism and the court does not impose a sentence of life 309
imprisonment without parole, any felony of the first degree that 310
is an offense of violence and the court does not impose a 311
sentence of life imprisonment without parole, or any felony of 312
the second degree that is an offense of violence and the trier 313
of fact finds that the offense involved an attempt to cause or a 314
threat to cause serious physical harm to a person or resulted in 315
serious physical harm to a person. 316

(c) For purposes of division (B)(2)(b) of this section, 317
two or more offenses committed at the same time or as part of 318
the same act or event shall be considered one offense, and that 319

one offense shall be the offense with the greatest penalty. 320

(d) A sentence imposed under division (B) (2) (a) or (b) of 321
this section shall not be reduced pursuant to section 2929.20, 322
section 2967.19, or section 2967.193, or any other provision of 323
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 324
shall serve an additional prison term imposed under this section 325
consecutively to and prior to the prison term imposed for the 326
underlying offense. 327

(e) When imposing a sentence pursuant to division (B) (2) 328
(a) or (b) of this section, the court shall state its findings 329
explaining the imposed sentence. 330

(3) Except when an offender commits a violation of section 331
2903.01 or 2907.02 of the Revised Code and the penalty imposed 332
for the violation is life imprisonment or commits a violation of 333
section 2903.02 of the Revised Code, if the offender commits a 334
violation of section 2925.03 or 2925.11 of the Revised Code and 335
that section classifies the offender as a major drug offender, 336
if the offender commits a felony violation of section 2925.02, 337
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 338
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 339
division (C) of section 4729.51, or division (J) of section 340
4729.54 of the Revised Code that includes the sale, offer to 341
sell, or possession of a schedule I or II controlled substance, 342
with the exception of marihuana, and the court imposing sentence 343
upon the offender finds that the offender is guilty of a 344
specification of the type described in section 2941.1410 of the 345
Revised Code charging that the offender is a major drug 346
offender, if the court imposing sentence upon an offender for a 347
felony finds that the offender is guilty of corrupt activity 348
with the most serious offense in the pattern of corrupt activity 349

being a felony of the first degree, or if the offender is guilty 350
of an attempted violation of section 2907.02 of the Revised Code 351
and, had the offender completed the violation of section 2907.02 352
of the Revised Code that was attempted, the offender would have 353
been subject to a sentence of life imprisonment or life 354
imprisonment without parole for the violation of section 2907.02 355
of the Revised Code, the court shall impose upon the offender 356
for the felony violation a mandatory prison term of the maximum 357
prison term prescribed for a felony of the first degree that, 358
subject to divisions (C) to (I) of section 2967.19 of the 359
Revised Code, cannot be reduced pursuant to section 2929.20, 360
section 2967.19, or any other provision of Chapter 2967. or 361
5120. of the Revised Code. 362

(4) If the offender is being sentenced for a third or 363
fourth degree felony OVI offense under division (G) (2) of 364
section 2929.13 of the Revised Code, the sentencing court shall 365
impose upon the offender a mandatory prison term in accordance 366
with that division. In addition to the mandatory prison term, if 367
the offender is being sentenced for a fourth degree felony OVI 368
offense, the court, notwithstanding division (A) (4) of this 369
section, may sentence the offender to a definite prison term of 370
not less than six months and not more than thirty months, and if 371
the offender is being sentenced for a third degree felony OVI 372
offense, the sentencing court may sentence the offender to an 373
additional prison term of any duration specified in division (A) 374
(3) of this section. In either case, the additional prison term 375
imposed shall be reduced by the sixty or one hundred twenty days 376
imposed upon the offender as the mandatory prison term. The 377
total of the additional prison term imposed under division (B) 378
(4) of this section plus the sixty or one hundred twenty days 379
imposed as the mandatory prison term shall equal a definite term 380

in the range of six months to thirty months for a fourth degree 381
felony OVI offense and shall equal one of the authorized prison 382
terms specified in division (A) (3) of this section for a third 383
degree felony OVI offense. If the court imposes an additional 384
prison term under division (B) (4) of this section, the offender 385
shall serve the additional prison term after the offender has 386
served the mandatory prison term required for the offense. In 387
addition to the mandatory prison term or mandatory and 388
additional prison term imposed as described in division (B) (4) 389
of this section, the court also may sentence the offender to a 390
community control sanction under section 2929.16 or 2929.17 of 391
the Revised Code, but the offender shall serve all of the prison 392
terms so imposed prior to serving the community control 393
sanction. 394

If the offender is being sentenced for a fourth degree 395
felony OVI offense under division (G) (1) of section 2929.13 of 396
the Revised Code and the court imposes a mandatory term of local 397
incarceration, the court may impose a prison term as described 398
in division (A) (1) of that section. 399

(5) If an offender is convicted of or pleads guilty to a 400
violation of division (A) (1) or (2) of section 2903.06 of the 401
Revised Code and also is convicted of or pleads guilty to a 402
specification of the type described in section 2941.1414 of the 403
Revised Code that charges that the victim of the offense is a 404
peace officer, as defined in section 2935.01 of the Revised 405
Code, or an investigator of the bureau of criminal 406
identification and investigation, as defined in section 2903.11 407
of the Revised Code, the court shall impose on the offender a 408
prison term of five years. If a court imposes a prison term on 409
an offender under division (B) (5) of this section, the prison 410
term, subject to divisions (C) to (I) of section 2967.19 of the 411

Revised Code, shall not be reduced pursuant to section 2929.20, 412
section 2967.19, section 2967.193, or any other provision of 413
Chapter 2967. or Chapter 5120. of the Revised Code. A court 414
shall not impose more than one prison term on an offender under 415
division (B) (5) of this section for felonies committed as part 416
of the same act. 417

(6) If an offender is convicted of or pleads guilty to a 418
violation of division (A) (1) or (2) of section 2903.06 of the 419
Revised Code and also is convicted of or pleads guilty to a 420
specification of the type described in section 2941.1415 of the 421
Revised Code that charges that the offender previously has been 422
convicted of or pleaded guilty to three or more violations of 423
division (A) or (B) of section 4511.19 of the Revised Code or an 424
equivalent offense, as defined in section 2941.1415 of the 425
Revised Code, or three or more violations of any combination of 426
those divisions and offenses, the court shall impose on the 427
offender a prison term of three years. If a court imposes a 428
prison term on an offender under division (B) (6) of this 429
section, the prison term, subject to divisions (C) to (I) of 430
section 2967.19 of the Revised Code, shall not be reduced 431
pursuant to section 2929.20, section 2967.19, section 2967.193, 432
or any other provision of Chapter 2967. or Chapter 5120. of the 433
Revised Code. A court shall not impose more than one prison term 434
on an offender under division (B) (6) of this section for 435
felonies committed as part of the same act. 436

(7) (a) If an offender is convicted of or pleads guilty to 437
a felony violation of section 2905.01, 2905.02, 2907.21, 438
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 439
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 440
the Revised Code and also is convicted of or pleads guilty to a 441
specification of the type described in section 2941.1422 of the 442

Revised Code that charges that the offender knowingly committed 443
the offense in furtherance of human trafficking, the court shall 444
impose on the offender a mandatory prison term that is one of 445
the following: 446

(i) If the offense is a felony of the first degree, a 447
definite prison term of not less than five years and not greater 448
than ten years; 449

(ii) If the offense is a felony of the second or third 450
degree, a definite prison term of not less than three years and 451
not greater than the maximum prison term allowed for the offense 452
by division (A) of section 2929.14 of the Revised Code; 453

(iii) If the offense is a felony of the fourth or fifth 454
degree, a definite prison term that is the maximum prison term 455
allowed for the offense by division (A) of section 2929.14 of 456
the Revised Code. 457

(b) Subject to divisions (C) to (I) of section 2967.19 of 458
the Revised Code, the prison term imposed under division (B) (7) 459
(a) of this section shall not be reduced pursuant to section 460
2929.20, section 2967.19, section 2967.193, or any other 461
provision of Chapter 2967. of the Revised Code. A court shall 462
not impose more than one prison term on an offender under 463
division (B) (7) (a) of this section for felonies committed as 464
part of the same act, scheme, or plan. 465

(8) If an offender is convicted of or pleads guilty to a 466
felony violation of section 2903.11, 2903.12, or 2903.13 of the 467
Revised Code and also is convicted of or pleads guilty to a 468
specification of the type described in section 2941.1423 of the 469
Revised Code that charges that the victim of the violation was a 470
woman whom the offender knew was pregnant at the time of the 471

violation, notwithstanding the range of prison terms prescribed 472
in division (A) of this section for felonies of the same degree 473
as the violation, the court shall impose on the offender a 474
mandatory prison term that is either a definite prison term of 475
six months or one of the prison terms prescribed in section 476
2929.14 of the Revised Code for felonies of the same degree as 477
the violation. 478

(C) (1) (a) Subject to division (C) (1) (b) of this section, 479
if a mandatory prison term is imposed upon an offender pursuant 480
to division (B) (1) (a) of this section for having a firearm on or 481
about the offender's person or under the offender's control 482
while committing a felony, if a mandatory prison term is imposed 483
upon an offender pursuant to division (B) (1) (c) of this section 484
for committing a felony specified in that division by 485
discharging a firearm from a motor vehicle, or if both types of 486
mandatory prison terms are imposed, the offender shall serve any 487
mandatory prison term imposed under either division 488
consecutively to any other mandatory prison term imposed under 489
either division or under division (B) (1) (d) of this section, 490
consecutively to and prior to any prison term imposed for the 491
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 492
this section or any other section of the Revised Code, and 493
consecutively to any other prison term or mandatory prison term 494
previously or subsequently imposed upon the offender. 495

(b) If a mandatory prison term is imposed upon an offender 496
pursuant to division (B) (1) (d) of this section for wearing or 497
carrying body armor while committing an offense of violence that 498
is a felony, the offender shall serve the mandatory term so 499
imposed consecutively to any other mandatory prison term imposed 500
under that division or under division (B) (1) (a) or (c) of this 501
section, consecutively to and prior to any prison term imposed 502

for the underlying felony under division (A), (B) (2), or (B) (3) 503
of this section or any other section of the Revised Code, and 504
consecutively to any other prison term or mandatory prison term 505
previously or subsequently imposed upon the offender. 506

(c) If a mandatory prison term is imposed upon an offender 507
pursuant to division (B) (1) (f) of this section, the offender 508
shall serve the mandatory prison term so imposed consecutively 509
to and prior to any prison term imposed for the underlying 510
felony under division (A), (B) (2), or (B) (3) of this section or 511
any other section of the Revised Code, and consecutively to any 512
other prison term or mandatory prison term previously or 513
subsequently imposed upon the offender. 514

(d) If a mandatory prison term is imposed upon an offender 515
pursuant to division (B) (7) or (8) of this section, the offender 516
shall serve the mandatory prison term so imposed consecutively 517
to any other mandatory prison term imposed under that division 518
or under any other provision of law and consecutively to any 519
other prison term or mandatory prison term previously or 520
subsequently imposed upon the offender. 521

(2) If an offender who is an inmate in a jail, prison, or 522
other residential detention facility violates section 2917.02, 523
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 524
(2) of section 2921.34 of the Revised Code, if an offender who 525
is under detention at a detention facility commits a felony 526
violation of section 2923.131 of the Revised Code, or if an 527
offender who is an inmate in a jail, prison, or other 528
residential detention facility or is under detention at a 529
detention facility commits another felony while the offender is 530
an escapee in violation of division (A) (1) or (2) of section 531
2921.34 of the Revised Code, any prison term imposed upon the 532

offender for one of those violations shall be served by the 533
offender consecutively to the prison term or term of 534
imprisonment the offender was serving when the offender 535
committed that offense and to any other prison term previously 536
or subsequently imposed upon the offender. 537

(3) If a prison term is imposed for a violation of 538
division (B) of section 2911.01 of the Revised Code, a violation 539
of division (A) of section 2913.02 of the Revised Code in which 540
the stolen property is a firearm or dangerous ordnance, or a 541
felony violation of division (B) of section 2921.331 of the 542
Revised Code, the offender shall serve that prison term 543
consecutively to any other prison term or mandatory prison term 544
previously or subsequently imposed upon the offender. 545

(4) If multiple prison terms are imposed on an offender 546
for convictions of multiple offenses, the court may require the 547
offender to serve the prison terms consecutively if the court 548
finds that the consecutive service is necessary to protect the 549
public from future crime or to punish the offender and that 550
consecutive sentences are not disproportionate to the 551
seriousness of the offender's conduct and to the danger the 552
offender poses to the public, and if the court also finds any of 553
the following: 554

(a) The offender committed one or more of the multiple 555
offenses while the offender was awaiting trial or sentencing, 556
was under a sanction imposed pursuant to section 2929.16, 557
2929.17, or 2929.18 of the Revised Code, or was under post- 558
release control for a prior offense. 559

(b) At least two of the multiple offenses were committed 560
as part of one or more courses of conduct, and the harm caused 561
by two or more of the multiple offenses so committed was so 562

great or unusual that no single prison term for any of the 563
offenses committed as part of any of the courses of conduct 564
adequately reflects the seriousness of the offender's conduct. 565

(c) The offender's history of criminal conduct 566
demonstrates that consecutive sentences are necessary to protect 567
the public from future crime by the offender. 568

(5) If a mandatory prison term is imposed upon an offender 569
pursuant to division (B) (5) or (6) of this section, the offender 570
shall serve the mandatory prison term consecutively to and prior 571
to any prison term imposed for the underlying violation of 572
division (A) (1) or (2) of section 2903.06 of the Revised Code 573
pursuant to division (A) of this section or section 2929.142 of 574
the Revised Code. If a mandatory prison term is imposed upon an 575
offender pursuant to division (B) (5) of this section, and if a 576
mandatory prison term also is imposed upon the offender pursuant 577
to division (B) (6) of this section in relation to the same 578
violation, the offender shall serve the mandatory prison term 579
imposed pursuant to division (B) (5) of this section 580
consecutively to and prior to the mandatory prison term imposed 581
pursuant to division (B) (6) of this section and consecutively to 582
and prior to any prison term imposed for the underlying 583
violation of division (A) (1) or (2) of section 2903.06 of the 584
Revised Code pursuant to division (A) of this section or section 585
2929.142 of the Revised Code. 586

(6) When consecutive prison terms are imposed pursuant to 587
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 588
of this section, the term to be served is the aggregate of all 589
of the terms so imposed. 590

(D) (1) If a court imposes a prison term for a felony of 591
the first degree, for a felony of the second degree, for a 592

felony sex offense, or for a felony of the third degree that is 593
not a felony sex offense and in the commission of which the 594
offender caused or threatened to cause physical harm to a 595
person, it shall include in the sentence a requirement that the 596
offender be subject to a period of post-release control after 597
the offender's release from imprisonment, in accordance with 598
that division. If a court imposes a sentence including a prison 599
term of a type described in this division on or after July 11, 600
2006, the failure of a court to include a post-release control 601
requirement in the sentence pursuant to this division does not 602
negate, limit, or otherwise affect the mandatory period of post- 603
release control that is required for the offender under division 604
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 605
the Revised Code applies if, prior to July 11, 2006, a court 606
imposed a sentence including a prison term of a type described 607
in this division and failed to include in the sentence pursuant 608
to this division a statement regarding post-release control. 609

(2) If a court imposes a prison term for a felony of the 610
third, fourth, or fifth degree that is not subject to division 611
(D)(1) of this section, it shall include in the sentence a 612
requirement that the offender be subject to a period of post- 613
release control after the offender's release from imprisonment, 614
in accordance with that division, if the parole board determines 615
that a period of post-release control is necessary. Section 616
2929.191 of the Revised Code applies if, prior to July 11, 2006, 617
a court imposed a sentence including a prison term of a type 618
described in this division and failed to include in the sentence 619
pursuant to this division a statement regarding post-release 620
control. 621

(E) The court shall impose sentence upon the offender in 622
accordance with section 2971.03 of the Revised Code, and Chapter 623

2971. of the Revised Code applies regarding the prison term or 624
term of life imprisonment without parole imposed upon the 625
offender and the service of that term of imprisonment if any of 626
the following apply: 627

(1) A person is convicted of or pleads guilty to a violent 628
sex offense or a designated homicide, assault, or kidnapping 629
offense, and, in relation to that offense, the offender is 630
adjudicated a sexually violent predator. 631

(2) A person is convicted of or pleads guilty to a 632
violation of division (A) (1) (b) of section 2907.02 of the 633
Revised Code committed on or after January 2, 2007, and either 634
the court does not impose a sentence of life without parole when 635
authorized pursuant to division (B) of section 2907.02 of the 636
Revised Code, or division (B) of section 2907.02 of the Revised 637
Code provides that the court shall not sentence the offender 638
pursuant to section 2971.03 of the Revised Code. 639

(3) A person is convicted of or pleads guilty to attempted 640
rape committed on or after January 2, 2007, and a specification 641
of the type described in section 2941.1418, 2941.1419, or 642
2941.1420 of the Revised Code. 643

(4) A person is convicted of or pleads guilty to a 644
violation of section 2905.01 of the Revised Code committed on or 645
after January 1, 2008, and that section requires the court to 646
sentence the offender pursuant to section 2971.03 of the Revised 647
Code. 648

(5) A person is convicted of or pleads guilty to 649
aggravated murder committed on or after January 1, 2008, and 650
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 651
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 652

(d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.

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

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

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

(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 683
upon the offender an additional prison term of two years. The 684
offender shall serve the additional two years consecutively to 685
and prior to the prison term imposed for the underlying offense. 686

(2) (a) If an offender is convicted of or pleads guilty to 687
a felony violation of section 2907.22, 2907.24, 2907.241, or 688
2907.25 of the Revised Code and to a specification of the type 689
described in section 2941.1421 of the Revised Code and if the 690
court imposes a prison term on the offender for the felony 691
violation, the court may impose upon the offender an additional 692
prison term as follows: 693

(i) Subject to division (H) (2) (a) (ii) of this section, an 694
additional prison term of one, two, three, four, five, or six 695
months; 696

(ii) If the offender previously has been convicted of or 697
pleaded guilty to one or more felony or misdemeanor violations 698
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 699
the Revised Code and also was convicted of or pleaded guilty to 700
a specification of the type described in section 2941.1421 of 701
the Revised Code regarding one or more of those violations, an 702
additional prison term of one, two, three, four, five, six, 703
seven, eight, nine, ten, eleven, or twelve months. 704

(b) In lieu of imposing an additional prison term under 705
division (H) (2) (a) of this section, the court may directly 706
impose on the offender a sanction that requires the offender to 707
wear a real-time processing, continual tracking electronic 708
monitoring device during the period of time specified by the 709
court. The period of time specified by the court shall equal the 710
duration of an additional prison term that the court could have 711
imposed upon the offender under division (H) (2) (a) of this 712

section. A sanction imposed under this division shall commence 713
on the date specified by the court, provided that the sanction 714
shall not commence until after the offender has served the 715
prison term imposed for the felony violation of section 2907.22, 716
2907.24, 2907.241, or 2907.25 of the Revised Code and any 717
residential sanction imposed for the violation under section 718
2929.16 of the Revised Code. A sanction imposed under this 719
division shall be considered to be a community control sanction 720
for purposes of section 2929.15 of the Revised Code, and all 721
provisions of the Revised Code that pertain to community control 722
sanctions shall apply to a sanction imposed under this division, 723
except to the extent that they would by their nature be clearly 724
inapplicable. The offender shall pay all costs associated with a 725
sanction imposed under this division, including the cost of the 726
use of the monitoring device. 727

(I) At the time of sentencing, the court may recommend the 728
offender for placement in a program of shock incarceration under 729
section 5120.031 of the Revised Code or for placement in an 730
intensive program prison under section 5120.032 of the Revised 731
Code, disapprove placement of the offender in a program of shock 732
incarceration or an intensive program prison of that nature, or 733
make no recommendation on placement of the offender. In no case 734
shall the department of rehabilitation and correction place the 735
offender in a program or prison of that nature unless the 736
department determines as specified in section 5120.031 or 737
5120.032 of the Revised Code, whichever is applicable, that the 738
offender is eligible for the placement. 739

If the court disapproves placement of the offender in a 740
program or prison of that nature, the department of 741
rehabilitation and correction shall not place the offender in 742
any program of shock incarceration or intensive program prison. 743

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 774
section 2929.142 of the Revised Code. 775

(K) If an offender receives or received a sentence of life 776
imprisonment without parole, a sentence of life imprisonment, or 777
a sentence to an indefinite prison term under this chapter for 778
an offense committed when the offender was less than eighteen 779
years of age, the offender's parole eligibility shall be 780
determined under section 2967.132 of the Revised Code. 781

Sec. 2967.13. (A) Except as provided in division (G) of 782
this section and section 2967.132 of the Revised Code, a 783
prisoner serving a sentence of imprisonment for life for an 784
offense committed on or after July 1, 1996, is not entitled to 785
any earned credit under section 2967.193 of the Revised Code and 786
becomes eligible for parole as follows: 787

(1) If a sentence of imprisonment for life was imposed for 788
the offense of murder, at the expiration of the prisoner's 789
minimum term; 790

(2) If a sentence of imprisonment for life with parole 791
eligibility after serving twenty years of imprisonment was 792
imposed pursuant to section 2929.022 or 2929.03 of the Revised 793
Code, after serving a term of twenty years; 794

(3) If a sentence of imprisonment for life with parole 795
eligibility after serving twenty-five full years of imprisonment 796
was imposed pursuant to section 2929.022 or 2929.03 of the 797
Revised Code, after serving a term of twenty-five full years; 798

(4) If a sentence of imprisonment for life with parole 799
eligibility after serving thirty full years of imprisonment was 800
imposed pursuant to section 2929.022 or 2929.03 of the Revised 801
Code, after serving a term of thirty full years; 802

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

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

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

(C) Except as provided in division (G) of this section and section 2967.132 of the Revised Code, a prisoner serving consecutively two or more sentences in which an indefinite term of imprisonment is imposed becomes eligible for parole upon the expiration of the aggregate of the minimum terms of the sentences.

(D) Except as provided in division (G) of this section and

section 2967.132 of the Revised Code, a prisoner serving a term 833
of imprisonment who is described in division (A) of section 834
2967.021 of the Revised Code becomes eligible for parole as 835
described in that division or, if the prisoner is serving a 836
definite term of imprisonment, shall be released as described in 837
that division. 838

(E) ~~A~~ Except as provided in section 2967.132 of the 839
Revised Code, a prisoner serving a sentence of life imprisonment 840
without parole imposed pursuant to section 2907.02 or section 841
2929.03 or 2929.06 of the Revised Code is not eligible for 842
parole and shall be imprisoned until death. 843

(F) A prisoner serving a stated prison term shall be 844
released in accordance with section 2967.28 of the Revised Code. 845

(G) ~~A~~ Except as provided in section 2967.132 of the 846
Revised Code, a prisoner serving a prison term or term of life 847
imprisonment without parole imposed pursuant to section 2971.03 848
of the Revised Code never becomes eligible for parole during 849
that term of imprisonment. 850

Sec. 2967.132. (A) This section applies to any prisoner 851
serving a prison sentence for an offense or offenses that 852
occurred when the prisoner was less than eighteen years of age. 853
Regardless of whether the prisoner's stated prison term includes 854
mandatory time, this section shall apply automatically and 855
cannot be limited by the sentencing court. 856

(B) Notwithstanding any provision of the Revised Code to 857
the contrary, and regardless of when the offense or offenses 858
were committed and when the sentence was imposed, a prisoner who 859
was under eighteen years of age at the time of the offense for 860
which the prisoner is serving a prison sentence is eligible for 861

parole as follows: 862

(1) If the prisoner's stated prison term totals at least 863
fifteen years, the prisoner is eligible for parole after serving 864
fifteen years in prison. 865

(2) If the prisoner is serving a sentence that permits 866
parole only after fifteen years or more, the prisoner is 867
eligible for parole after serving fifteen years. 868

(3) If the prisoner is serving a sentence of life without 869
parole, the prisoner is eligible for parole upon attaining forty 870
years of age. 871

(4) If the prisoner is serving a sentence described in 872
division (B) (1), (2), or (3) of this section consecutively to 873
another term of imprisonment, the prisoner is eligible for 874
parole on the later date applicable to those sentences, but not 875
later than when the prisoner attains forty years of age. 876

(5) If the prisoner is serving a sentence described in 877
division (B) (1), (2), (3), or (4) of this section and, upon the 878
effective date of this section, the parole eligibility date 879
specified in the applicable division has been reached, the 880
prisoner is eligible for parole immediately upon the effective 881
date of this section. 882

(C) Once a prisoner is eligible for parole pursuant to 883
division (B) of this section, the parole board shall, within a 884
reasonable time after the prisoner becomes eligible, conduct a 885
hearing to consider the prisoner's release onto parole 886
supervision. The board shall conduct the hearing in accordance 887
with Chapters 2930., 2967., and 5149. of the Revised Code and in 888
accordance with the board's policies and procedures. Those 889
policies and procedures must permit the prisoner's privately 890

retained counsel or the Ohio public defender to appear at the 891
prisoner's hearing to make a statement in support of the 892
prisoner's release. 893

The parole board shall ensure that the review process 894
provides the prisoner a meaningful opportunity to obtain 895
release. In addition to any other factors the board is required 896
or authorized to consider by rule or statute, the board shall 897
consider the following factors as mitigation: 898

(1) The age of the offender at the time of the offense; 899

(2) The diminished culpability of youth; 900

(3) Common characteristics of youth, including immaturity 901
and failure to appreciate risks and consequences; 902

(4) The family and home environment of the offender at the 903
time of the offense; 904

(5) Any subsequent growth or increase in the prisoner's 905
maturity during imprisonment. 906

(D) In accordance with section 2967.131 of the Revised 907
Code, the parole board shall impose appropriate terms and 908
conditions of release upon each prisoner granted a parole under 909
this section. 910

(E) If the parole board denies release pursuant to this 911
section, the board shall conduct a subsequent release review not 912
later than ten years after release was denied. 913

(F) In addition to any notice required by rule or statute, 914
the parole board shall notify the Ohio public defender and the 915
appropriate prosecuting attorney of a prisoner's eligibility for 916
review under this section at least sixty days before the board 917
begins any review or proceedings involving that prisoner under 918

this section. 919

(G) This section shall apply to determine the parole 920
eligibility of all prisoners described in this section who 921
committed an offense prior to, on, or after the effective date 922
of this section, regardless of when the prisoner was sentenced 923
for the offense. 924

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of 925
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 926
another section of the Revised Code, other than divisions (B) 927
and (C) of section 2929.14 of the Revised Code, that authorizes 928
or requires a specified prison term or a mandatory prison term 929
for a person who is convicted of or pleads guilty to a felony or 930
that specifies the manner and place of service of a prison term 931
or term of imprisonment, the court shall impose a sentence upon 932
a person who is convicted of or pleads guilty to a violent sex 933
offense and who also is convicted of or pleads guilty to a 934
sexually violent predator specification that was included in the 935
indictment, count in the indictment, or information charging 936
that offense, and upon a person who is convicted of or pleads 937
guilty to a designated homicide, assault, or kidnapping offense 938
and also is convicted of or pleads guilty to both a sexual 939
motivation specification and a sexually violent predator 940
specification that were included in the indictment, count in the 941
indictment, or information charging that offense, as follows: 942

(1) If the offense for which the sentence is being imposed 943
is aggravated murder and if the court does not impose upon the 944
offender a sentence of death, it shall impose upon the offender 945
a term of life imprisonment without parole. If the court 946
sentences the offender to death and the sentence of death is 947
vacated, overturned, or otherwise set aside, the court shall 948

impose upon the offender a term of life imprisonment without 949
parole. 950

(2) If the offense for which the sentence is being imposed 951
is murder; or if the offense is rape committed in violation of 952
division (A) (1) (b) of section 2907.02 of the Revised Code when 953
the offender purposely compelled the victim to submit by force 954
or threat of force, when the victim was less than ten years of 955
age, when the offender previously has been convicted of or 956
pleaded guilty to either rape committed in violation of that 957
division or a violation of an existing or former law of this 958
state, another state, or the United States that is substantially 959
similar to division (A) (1) (b) of section 2907.02 of the Revised 960
Code, or when the offender during or immediately after the 961
commission of the rape caused serious physical harm to the 962
victim; or if the offense is an offense other than aggravated 963
murder or murder for which a term of life imprisonment may be 964
imposed, it shall impose upon the offender a term of life 965
imprisonment without parole. 966

(3) (a) Except as otherwise provided in division (A) (3) (b), 967
(c), (d), or (e) or (A) (4) of this section, if the offense for 968
which the sentence is being imposed is an offense other than 969
aggravated murder, murder, or rape and other than an offense for 970
which a term of life imprisonment may be imposed, it shall 971
impose an indefinite prison term consisting of a minimum term 972
fixed by the court from among the range of terms available as a 973
definite term for the offense, but not less than two years, and 974
a maximum term of life imprisonment. 975

(b) Except as otherwise provided in division (A) (4) of 976
this section, if the offense for which the sentence is being 977
imposed is kidnapping that is a felony of the first degree, it 978

shall impose an indefinite prison term as follows: 979

(i) If the kidnapping is committed on or after January 1, 980
2008, and the victim of the offense is less than thirteen years 981
of age, except as otherwise provided in this division, it shall 982
impose an indefinite prison term consisting of a minimum term of 983
fifteen years and a maximum term of life imprisonment. If the 984
kidnapping is committed on or after January 1, 2008, the victim 985
of the offense is less than thirteen years of age, and the 986
offender released the victim in a safe place unharmed, it shall 987
impose an indefinite prison term consisting of a minimum term of 988
ten years and a maximum term of life imprisonment. 989

(ii) If the kidnapping is committed prior to January 1, 990
2008, or division (A) (3) (b) (i) of this section does not apply, 991
it shall impose an indefinite term consisting of a minimum term 992
fixed by the court that is not less than ten years and a maximum 993
term of life imprisonment. 994

(c) Except as otherwise provided in division (A) (4) of 995
this section, if the offense for which the sentence is being 996
imposed is kidnapping that is a felony of the second degree, it 997
shall impose an indefinite prison term consisting of a minimum 998
term fixed by the court that is not less than eight years, and a 999
maximum term of life imprisonment. 1000

(d) Except as otherwise provided in division (A) (4) of 1001
this section, if the offense for which the sentence is being 1002
imposed is rape for which a term of life imprisonment is not 1003
imposed under division (A) (2) of this section or division (B) of 1004
section 2907.02 of the Revised Code, it shall impose an 1005
indefinite prison term as follows: 1006

(i) If the rape is committed on or after January 2, 2007, 1007

in violation of division (A) (1) (b) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of twenty-five years and a maximum term of life imprisonment.

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

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

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

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

(iii) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1419 of the

Revised Code, it shall impose an indefinite prison term 1037
consisting of a minimum term of ten years and a maximum of life 1038
imprisonment. 1039

(iv) If the attempted rape for which sentence is being 1040
imposed was committed on or after January 2, 2007, and if the 1041
offender also is convicted of or pleads guilty to a 1042
specification of the type described in section 2941.1420 of the 1043
Revised Code, it shall impose an indefinite prison term 1044
consisting of a minimum term of fifteen years and a maximum of 1045
life imprisonment. 1046

(4) For any offense for which the sentence is being 1047
imposed, if the offender previously has been convicted of or 1048
pleaded guilty to a violent sex offense and also to a sexually 1049
violent predator specification that was included in the 1050
indictment, count in the indictment, or information charging 1051
that offense, or previously has been convicted of or pleaded 1052
guilty to a designated homicide, assault, or kidnapping offense 1053
and also to both a sexual motivation specification and a 1054
sexually violent predator specification that were included in 1055
the indictment, count in the indictment, or information charging 1056
that offense, it shall impose upon the offender a term of life 1057
imprisonment without parole. 1058

(B) (1) Notwithstanding section 2929.13, division (A) or 1059
(D) of section 2929.14, or another section of the Revised Code 1060
other than division (B) of section 2907.02 or divisions (B) and 1061
(C) of section 2929.14 of the Revised Code that authorizes or 1062
requires a specified prison term or a mandatory prison term for 1063
a person who is convicted of or pleads guilty to a felony or 1064
that specifies the manner and place of service of a prison term 1065
or term of imprisonment, if a person is convicted of or pleads 1066

guilty to a violation of division (A) (1) (b) of section 2907.02 1067
of the Revised Code committed on or after January 2, 2007, if 1068
division (A) of this section does not apply regarding the 1069
person, and if the court does not impose a sentence of life 1070
without parole when authorized pursuant to division (B) of 1071
section 2907.02 of the Revised Code, the court shall impose upon 1072
the person an indefinite prison term consisting of one of the 1073
following: 1074

(a) Except as otherwise required in division (B) (1) (b) or 1075
(c) of this section, a minimum term of ten years and a maximum 1076
term of life imprisonment. 1077

(b) If the victim was less than ten years of age, a 1078
minimum term of fifteen years and a maximum of life 1079
imprisonment. 1080

(c) If the offender purposely compels the victim to submit 1081
by force or threat of force, or if the offender previously has 1082
been convicted of or pleaded guilty to violating division (A) (1) 1083
(b) of section 2907.02 of the Revised Code or to violating an 1084
existing or former law of this state, another state, or the 1085
United States that is substantially similar to division (A) (1) 1086
(b) of that section, or if the offender during or immediately 1087
after the commission of the offense caused serious physical harm 1088
to the victim, a minimum term of twenty-five years and a maximum 1089
of life imprisonment. 1090

(2) Notwithstanding section 2929.13, division (A) or (D) 1091
of section 2929.14, or another section of the Revised Code other 1092
than divisions (B) and (C) of section 2929.14 of the Revised 1093
Code that authorizes or requires a specified prison term or a 1094
mandatory prison term for a person who is convicted of or pleads 1095
guilty to a felony or that specifies the manner and place of 1096

service of a prison term or term of imprisonment and except as 1097
otherwise provided in division (B) of section 2907.02 of the 1098
Revised Code, if a person is convicted of or pleads guilty to 1099
attempted rape committed on or after January 2, 2007, and if 1100
division (A) of this section does not apply regarding the 1101
person, the court shall impose upon the person an indefinite 1102
prison term consisting of one of the following: 1103

(a) If the person also is convicted of or pleads guilty to 1104
a specification of the type described in section 2941.1418 of 1105
the Revised Code, the court shall impose upon the person an 1106
indefinite prison term consisting of a minimum term of five 1107
years and a maximum term of twenty-five years. 1108

(b) If the person also is convicted of or pleads guilty to 1109
a specification of the type described in section 2941.1419 of 1110
the Revised Code, the court shall impose upon the person an 1111
indefinite prison term consisting of a minimum term of ten years 1112
and a maximum term of life imprisonment. 1113

(c) If the person also is convicted of or pleads guilty to 1114
a specification of the type described in section 2941.1420 of 1115
the Revised Code, the court shall impose upon the person an 1116
indefinite prison term consisting of a minimum term of fifteen 1117
years and a maximum term of life imprisonment. 1118

(3) Notwithstanding section 2929.13, division (A) or (D) 1119
of section 2929.14, or another section of the Revised Code other 1120
than divisions (B) and (C) of section 2929.14 of the Revised 1121
Code that authorizes or requires a specified prison term or a 1122
mandatory prison term for a person who is convicted of or pleads 1123
guilty to a felony or that specifies the manner and place of 1124
service of a prison term or term of imprisonment, if a person is 1125
convicted of or pleads guilty to an offense described in 1126

division (B) (3) (a), (b), (c), or (d) of this section committed 1127
on or after January 1, 2008, if the person also is convicted of 1128
or pleads guilty to a sexual motivation specification that was 1129
included in the indictment, count in the indictment, or 1130
information charging that offense, and if division (A) of this 1131
section does not apply regarding the person, the court shall 1132
impose upon the person an indefinite prison term consisting of 1133
one of the following: 1134

(a) An indefinite prison term consisting of a minimum of 1135
ten years and a maximum term of life imprisonment if the offense 1136
for which the sentence is being imposed is kidnapping, the 1137
victim of the offense is less than thirteen years of age, and 1138
the offender released the victim in a safe place unharmed; 1139

(b) An indefinite prison term consisting of a minimum of 1140
fifteen years and a maximum term of life imprisonment if the 1141
offense for which the sentence is being imposed is kidnapping 1142
when the victim of the offense is less than thirteen years of 1143
age and division (B) (3) (a) of this section does not apply; 1144

(c) An indefinite term consisting of a minimum of thirty 1145
years and a maximum term of life imprisonment if the offense for 1146
which the sentence is being imposed is aggravated murder, when 1147
the victim of the offense is less than thirteen years of age, a 1148
sentence of death or life imprisonment without parole is not 1149
imposed for the offense, and division (A) (2) (b) (ii) of section 1150
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 1151
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 1152
division (A) or (B) of section 2929.06 of the Revised Code 1153
requires that the sentence for the offense be imposed pursuant 1154
to this division; 1155

(d) An indefinite prison term consisting of a minimum of 1156

thirty years and a maximum term of life imprisonment if the 1157
offense for which the sentence is being imposed is murder when 1158
the victim of the offense is less than thirteen years of age. 1159

(C) (1) If the offender is sentenced to a prison term 1160
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 1161
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 1162
parole board shall have control over the offender's service of 1163
the term during the entire term unless the parole board 1164
terminates its control in accordance with section 2971.04 of the 1165
Revised Code. 1166

(2) Except as provided in division (C) (3) of this section, 1167
an offender sentenced to a prison term or term of life 1168
imprisonment without parole pursuant to division (A) of this 1169
section shall serve the entire prison term or term of life 1170
imprisonment in a state correctional institution. The offender 1171
is not eligible for judicial release under section 2929.20 of 1172
the Revised Code. 1173

(3) For a prison term imposed pursuant to division (A) (3), 1174
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 1175
(b), (c), or (d) of this section, the court, in accordance with 1176
section 2971.05 of the Revised Code, may terminate the prison 1177
term or modify the requirement that the offender serve the 1178
entire term in a state correctional institution if all of the 1179
following apply: 1180

(a) The offender has served at least the minimum term 1181
imposed as part of that prison term. 1182

(b) The parole board, pursuant to section 2971.04 of the 1183
Revised Code, has terminated its control over the offender's 1184
service of that prison term. 1185

(c) The court has held a hearing and found, by clear and 1186
convincing evidence, one of the following: 1187

(i) In the case of termination of the prison term, that 1188
the offender is unlikely to commit a sexually violent offense in 1189
the future; 1190

(ii) In the case of modification of the requirement, that 1191
the offender does not represent a substantial risk of physical 1192
harm to others. 1193

(4) An offender who has been sentenced to a term of life 1194
imprisonment without parole pursuant to division (A) (1), (2), or 1195
(4) of this section shall not be released from the term of life 1196
imprisonment or be permitted to serve a portion of it in a place 1197
other than a state correctional institution. 1198

(D) If a court sentences an offender to a prison term or 1199
term of life imprisonment without parole pursuant to division 1200
(A) of this section and the court also imposes on the offender 1201
one or more additional prison terms pursuant to division (B) of 1202
section 2929.14 of the Revised Code, all of the additional 1203
prison terms shall be served consecutively with, and prior to, 1204
the prison term or term of life imprisonment without parole 1205
imposed upon the offender pursuant to division (A) of this 1206
section. 1207

(E) If the offender is convicted of or pleads guilty to 1208
two or more offenses for which a prison term or term of life 1209
imprisonment without parole is required to be imposed pursuant 1210
to division (A) of this section, divisions (A) to (D) of this 1211
section shall be applied for each offense. All minimum terms 1212
imposed upon the offender pursuant to division (A) (3) or (B) of 1213
this section for those offenses shall be aggregated and served 1214

consecutively, as if they were a single minimum term imposed 1215
under that division. 1216

(F) (1) If an offender is convicted of or pleads guilty to 1217
a violent sex offense and also is convicted of or pleads guilty 1218
to a sexually violent predator specification that was included 1219
in the indictment, count in the indictment, or information 1220
charging that offense, or is convicted of or pleads guilty to a 1221
designated homicide, assault, or kidnapping offense and also is 1222
convicted of or pleads guilty to both a sexual motivation 1223
specification and a sexually violent predator specification that 1224
were included in the indictment, count in the indictment, or 1225
information charging that offense, the conviction of or plea of 1226
guilty to the offense and the sexually violent predator 1227
specification automatically classifies the offender as a tier 1228
III sex offender/child-victim offender for purposes of Chapter 1229
2950. of the Revised Code. 1230

(2) If an offender is convicted of or pleads guilty to 1231
committing on or after January 2, 2007, a violation of division 1232
(A) (1) (b) of section 2907.02 of the Revised Code and either the 1233
offender is sentenced under section 2971.03 of the Revised Code 1234
or a sentence of life without parole is imposed under division 1235
(B) of section 2907.02 of the Revised Code, the conviction of or 1236
plea of guilty to the offense automatically classifies the 1237
offender as a tier III sex offender/child-victim offender for 1238
purposes of Chapter 2950. of the Revised Code. 1239

(3) If a person is convicted of or pleads guilty to 1240
committing on or after January 2, 2007, attempted rape and also 1241
is convicted of or pleads guilty to a specification of the type 1242
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1243
Revised Code, the conviction of or plea of guilty to the offense 1244

and the specification automatically classify the offender as a 1245
tier III sex offender/child-victim offender for purposes of 1246
Chapter 2950. of the Revised Code. 1247

(4) If a person is convicted of or pleads guilty to one of 1248
the offenses described in division (B) (3) (a), (b), (c), or (d) 1249
of this section and a sexual motivation specification related to 1250
the offense and the victim of the offense is less than thirteen 1251
years of age, the conviction of or plea of guilty to the offense 1252
automatically classifies the offender as a tier III sex 1253
offender/child-victim offender for purposes of Chapter 2950. of 1254
the Revised Code. 1255

(G) Notwithstanding divisions (A) to (E) of this section, 1256
if an offender receives or received a sentence of life 1257
imprisonment without parole or a sentence to an indefinite 1258
prison term under this chapter for an offense committed when the 1259
offender was less than eighteen years of age, the offender's 1260
parole eligibility shall be determined under section 2967.132 of 1261
the Revised Code. 1262

Sec. 5149.101. (A) (1) A board hearing officer, a board 1263
member, or the office of victims' services may petition the 1264
board for a full board hearing that relates to the proposed 1265
parole or re-parole of a prisoner, including any prisoner 1266
described in section 2967.132 of the Revised Code. At a meeting 1267
of the board at which a majority of board members are present, 1268
the majority of those present shall determine whether a full 1269
board hearing shall be held. 1270

(2) A victim of a violation of section 2903.01 or 2903.02 1271
of the Revised Code, an offense of violence that is a felony of 1272
the first, second, or third degree, or an offense punished by a 1273
sentence of life imprisonment, the victim's representative, or 1274

any person described in division (B) (5) of this section may 1275
request the board to hold a full board hearing that relates to 1276
the proposed parole or re-parole of the person that committed 1277
the violation. If a victim, victim's representative, or other 1278
person requests a full board hearing pursuant to this division, 1279
the board shall hold a full board hearing. 1280

At least thirty days before the full hearing, except as 1281
otherwise provided in this division, the board shall give notice 1282
of the date, time, and place of the hearing to the victim 1283
regardless of whether the victim has requested the notification. 1284
The notice of the date, time, and place of the hearing shall not 1285
be given under this division to a victim if the victim has 1286
requested pursuant to division (B) (2) of section 2930.03 of the 1287
Revised Code that the notice not be provided to the victim. At 1288
least thirty days before the full board hearing and regardless 1289
of whether the victim has requested that the notice be provided 1290
or not be provided under this division to the victim, the board 1291
shall give similar notice to the prosecuting attorney in the 1292
case, the law enforcement agency that arrested the prisoner if 1293
any officer of that agency was a victim of the offense, and, if 1294
different than the victim, the person who requested the full 1295
hearing. If the prosecuting attorney has not previously been 1296
sent an institutional summary report with respect to the 1297
prisoner, upon the request of the prosecuting attorney, the 1298
board shall include with the notice sent to the prosecuting 1299
attorney an institutional summary report that covers the 1300
offender's participation while confined in a state correctional 1301
institution in training, work, and other rehabilitative 1302
activities and any disciplinary action taken against the 1303
offender while so confined. Upon the request of a law 1304
enforcement agency that has not previously been sent an 1305

institutional summary report with respect to the prisoner, the 1306
board also shall send a copy of the institutional summary report 1307
to the law enforcement agency. If notice is to be provided as 1308
described in this division, the board may give the notice by any 1309
reasonable means, including regular mail, telephone, and 1310
electronic mail, in accordance with division (D) (1) of section 1311
2930.16 of the Revised Code. If the notice is based on an 1312
offense committed prior to ~~the effective date of this amendment~~ 1313
March 22, 2013, the notice also shall include the opt-out 1314
information described in division (D) (1) of section 2930.16 of 1315
the Revised Code. The board, in accordance with division (D) (2) 1316
of section 2930.16 of the Revised Code, shall keep a record of 1317
all attempts to provide the notice, and of all notices provided, 1318
under this division. 1319

The preceding paragraph, and the notice-related provisions 1320
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 1321
of section 2930.16, division (H) of section 2967.12, division 1322
(E) (1) (b) of section 2967.19, division (A) (3) (b) of section 1323
2967.26, and division (D) (1) of section 2967.28 of the Revised 1324
Code enacted in the act in which this paragraph was enacted, 1325
shall be known as "Roberta's Law." 1326

(B) At a full board hearing that relates to the proposed 1327
parole or re-parole of a prisoner and that has been petitioned 1328
for or requested in accordance with division (A) of this 1329
section, the parole board shall permit the following persons to 1330
appear and to give testimony or to submit written statements: 1331

(1) The prosecuting attorney of the county in which the 1332
original indictment against the prisoner was found and members 1333
of any law enforcement agency that assisted in the prosecution 1334
of the original offense; 1335

(2) The judge of the court of common pleas who imposed the original sentence of incarceration upon the prisoner, or the judge's successor;	1336 1337 1338
(3) The victim of the original offense for which the prisoner is serving the sentence or the victim's representative designated pursuant to section 2930.02 of the Revised Code;	1339 1340 1341
(4) The victim of any behavior that resulted in parole being revoked;	1342 1343
(5) With respect to a full board hearing held pursuant to division (A)(2) of this section, all of the following:	1344 1345
(a) The spouse of the victim of the original offense;	1346
(b) The parent or parents of the victim of the original offense;	1347 1348
(c) The sibling of the victim of the original offense;	1349
(d) The child or children of the victim of the original offense.	1350 1351
(6) Counsel or some other person designated by the prisoner as a representative, as described in division (C) of this section.	1352 1353 1354
(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B)(1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization.	1355 1356 1357 1358 1359 1360 1361
At the request of a person described in division (B)(3) of	1362

this section, representatives of the news media described in 1363
this division shall be excluded from the hearing while that 1364
person is giving testimony at the hearing. The prisoner being 1365
considered for parole has no right to be present at the hearing, 1366
but may be represented by counsel or some other person 1367
designated by the prisoner. 1368

If there is an objection at a full board hearing to a 1369
recommendation for the parole of a prisoner, the board may 1370
approve or disapprove the recommendation or defer its decision 1371
until a subsequent full board hearing. The board may permit 1372
interested persons other than those listed in this division and 1373
division (B) of this section to attend full board hearings 1374
pursuant to rules adopted by the adult parole authority. 1375

(D) If the victim of the original offense died as a result 1376
of the offense and the offense was aggravated murder, murder, an 1377
offense of violence that is a felony of the first, second, or 1378
third degree, or an offense punished by a sentence of life 1379
imprisonment, the family of the victim may show at a full board 1380
hearing a video recording not exceeding five minutes in length 1381
memorializing the victim. 1382

(E) The adult parole authority shall adopt rules for the 1383
implementation of this section. The rules shall specify 1384
reasonable restrictions on the number of media representatives 1385
that may attend a hearing, based on considerations of space, and 1386
other procedures designed to accomplish an effective, orderly 1387
process for full board hearings. 1388

Section 2. That existing sections 2929.02, 2929.14, 1389
2967.13, 2971.03, and 5149.101 of the Revised Code are hereby 1390
repealed. 1391

Section 3. Section 2967.132 of the Revised Code, as 1392
enacted in Section 1 of this act, is intended to implement the 1393
decisions of the Supreme Court of the United States in *Miller* 1394
v. Alabama, 132 S.Ct. 2455, 183 L. Ed. 2d 407 (2012) and *Graham* 1395
v. Florida, 560 U.S. 48, 130 S.Ct. 2011, 176 L. Ed. 2d 825 1396
(2010). 1397