

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 57**

**Representative Maag**

**Cosponsors: Representatives Becker, Zeltwanger, Henne**

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**A BILL**

To amend sections 2929.03, 2929.04, 2929.14, 1  
2941.148, 2971.03, 2971.07, and 5120.61 of the 2  
Revised Code to change the sentence for 3  
aggravated murder. 4

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

**Section 1.** That sections 2929.03, 2929.04, 2929.14, 5  
2941.148, 2971.03, 2971.07, and 5120.61 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 2929.03.** (A) If the indictment or count in the 8  
indictment charging aggravated murder does not contain one or 9  
more specifications of aggravating circumstances listed in 10  
division (A) of section 2929.04 of the Revised Code, then, 11  
following a verdict of guilty of the charge of aggravated 12  
murder, the trial court shall impose sentence on the offender as 13  
follows: 14

(1) Except as provided in division (A) (2) of this section, 15  
the trial court shall impose one of the following sentences on 16  
the offender: 17

(a) Life imprisonment without parole; 18

(b) Subject to division (A) (1) ~~(e)~~ (g) of this section, 19  
life imprisonment with parole eligibility after serving ~~twenty-~~ 20  
twenty-five years of imprisonment; 21

(c) Subject to division (A) (1) ~~(e)~~ (g) of this section, 22  
life imprisonment with parole eligibility after serving ~~twenty-~~ 23  
~~five~~ thirty full years of imprisonment; 24

(d) Subject to division (A) (1) ~~(e)~~ (g) of this section, 25  
life imprisonment with parole eligibility after serving ~~thirty-~~ 26  
thirty-five full years of imprisonment; 27

~~(e) If~~ Subject to division (A) (1) (g) of this section, life 28  
imprisonment with parole eligibility after serving forty-five 29  
full years of imprisonment; 30

(f) Subject to division (A) (1) (g) of this section, life 31  
imprisonment with parole eligibility after serving fifty-five 32  
full years of imprisonment; 33

(g) If the victim of the aggravated murder was less than 34  
thirteen years of age, the offender also is convicted of or 35  
pleads guilty to a sexual motivation specification that was 36  
included in the indictment, count in the indictment, or 37  
information charging the offense, and the trial court does not 38  
impose a sentence of life imprisonment without parole on the 39  
offender pursuant to division (A) (1) (a) of this section, the 40  
trial court shall sentence the offender pursuant to division (B) 41  
(3) of section 2971.03 of the Revised Code to an indefinite term 42  
consisting of a minimum term of thirty years and a maximum term 43  
of life imprisonment that shall be served pursuant to that 44  
section. 45

(2) If the offender also is convicted of or pleads guilty 46  
to a sexual motivation specification and a sexually violent 47

predator specification that are included in the indictment, 48  
count in the indictment, or information that charged the 49  
aggravated murder, the trial court shall impose upon the 50  
offender a sentence of life imprisonment without parole that 51  
shall be served pursuant to section 2971.03 of the Revised Code 52  
unless the offender raised the matter of age pursuant to section 53  
2929.023 of the Revised Code and was found at trial not to have 54  
been eighteen years of age or older at the time of the 55  
commission of the offense. 56

(B) If the indictment or count in the indictment charging 57  
aggravated murder contains one or more specifications of 58  
aggravating circumstances listed in division (A) of section 59  
2929.04 of the Revised Code, the verdict shall separately state 60  
whether the accused is found guilty or not guilty of the 61  
principal charge and, if guilty of the principal charge, whether 62  
the offender was eighteen years of age or older at the time of 63  
the commission of the offense, if the matter of age was raised 64  
by the offender pursuant to section 2929.023 of the Revised 65  
Code, and whether the offender is guilty or not guilty of each 66  
specification. The jury shall be instructed on its duties in 67  
this regard. The instruction to the jury shall include an 68  
instruction that a specification shall be proved beyond a 69  
reasonable doubt in order to support a guilty verdict on the 70  
specification, but the instruction shall not mention the penalty 71  
that may be the consequence of a guilty or not guilty verdict on 72  
any charge or specification. 73

(C) (1) If the indictment or count in the indictment 74  
charging aggravated murder contains one or more specifications 75  
of aggravating circumstances listed in division (A) of section 76  
2929.04 of the Revised Code, then, following a verdict of guilty 77  
of the charge but not guilty of each of the specifications, ~~and~~ 78

~~regardless of whether the offender raised the matter of age~~ 79  
~~pursuant to section 2929.023 of the Revised Code, the trial~~ 80  
court shall impose sentence on the offender as follows: 81

(a) Except as provided in division (C)(1)(b) of this 82  
section, the trial court shall impose one of the following 83  
sentences on the offender: 84

(i) Life imprisonment without parole; 85

(ii) Subject to division (C)(1)(a)~~(v)~~(vii) of this 86  
section, life imprisonment with parole eligibility after serving 87  
~~twenty~~twenty-five years of imprisonment; 88

(iii) Subject to division (C)(1)(a)~~(v)~~(vii) of this 89  
section, life imprisonment with parole eligibility after serving 90  
~~twenty-five~~thirty full years of imprisonment; 91

(iv) Subject to division (C)(1)(a)~~(v)~~(vii) of this 92  
section, life imprisonment with parole eligibility after serving 93  
~~thirty~~thirty-five full years of imprisonment; 94

(v) ~~If~~Subject to division (C)(1)(a)(vii) of this section, 95  
life imprisonment with parole eligibility after serving forty- 96  
five full years of imprisonment; 97

(vi) Subject to division (C)(1)(a)(vii) of this section, 98  
life imprisonment with parole eligibility after serving fifty- 99  
five full years of imprisonment; 100

(vii) If the victim of the aggravated murder was less than 101  
thirteen years of age, the offender also is convicted of or 102  
pleads guilty to a sexual motivation specification that was 103  
included in the indictment, count in the indictment, or 104  
information charging the offense, and the trial court does not 105  
impose a sentence of life imprisonment without parole on the 106

offender pursuant to division (C) (1) (a) (i) of this section, the 107  
trial court shall sentence the offender pursuant to division (B) 108  
(3) of section 2971.03 of the Revised Code to an indefinite term 109  
consisting of a minimum term of thirty years and a maximum term 110  
of life imprisonment. 111

(b) If the offender also is convicted of or pleads guilty 112  
to a sexual motivation specification and a sexually violent 113  
predator specification that are included in the indictment, 114  
count in the indictment, or information that charged the 115  
aggravated murder, the trial court shall impose upon the 116  
offender a sentence of life imprisonment without parole that 117  
shall be served pursuant to section 2971.03 of the Revised Code 118  
unless the offender raised the matter of age pursuant to section 119  
2929.023 of the Revised Code and was found at trial not to have 120  
been eighteen years of age or older at the time of the 121  
commission of the offense. 122

(2) (a) If the indictment or count in the indictment 123  
contains one or more specifications of aggravating circumstances 124  
listed in division (A) of section 2929.04 of the Revised Code 125  
and if the offender is found guilty of both the charge and one 126  
or more of the specifications, the penalty to be imposed on the 127  
offender shall be one of the following: 128

(i) Except as provided in division (C) (2) (a) (ii) or (iii) 129  
of this section, the penalty to be imposed on the offender shall 130  
be death, life imprisonment without parole, life imprisonment 131  
with parole eligibility after serving ~~twenty-five~~ thirty full 132  
years of imprisonment, ~~or~~ life imprisonment with parole 133  
eligibility after serving ~~thirty~~ thirty-five full years of 134  
imprisonment, life imprisonment with parole eligibility after 135  
serving forty-five full years of imprisonment, or life 136

imprisonment with parole eligibility after serving fifty-five 137  
full years of imprisonment. 138

(ii) Except as provided in division (C) (2) (a) (iii) of this 139  
section, if the victim of the aggravated murder was less than 140  
thirteen years of age, the offender also is convicted of or 141  
pleads guilty to a sexual motivation specification that was 142  
included in the indictment, count in the indictment, or 143  
information charging the offense, and the trial court does not 144  
impose a sentence of death or life imprisonment without parole 145  
on the offender pursuant to division (C) (2) (a) (i) of this 146  
section, the penalty to be imposed on the offender shall be an 147  
indefinite term consisting of a minimum term of thirty years and 148  
a maximum term of life imprisonment that shall be imposed 149  
pursuant to division (B) (3) of section 2971.03 of the Revised 150  
Code and served pursuant to that section. 151

(iii) If the offender also is convicted of or pleads 152  
guilty to a sexual motivation specification and a sexually 153  
violent predator specification that are included in the 154  
indictment, count in the indictment, or information that charged 155  
the aggravated murder, the penalty to be imposed on the offender 156  
shall be death or life imprisonment without parole that shall be 157  
served pursuant to section 2971.03 of the Revised Code unless 158  
the offender raised the matter of age pursuant to section 159  
2929.023 of the Revised Code and was found at trial not to have 160  
been eighteen years of age or older at the time of the 161  
commission of the offense. 162

(b) A penalty imposed pursuant to division (C) (2) (a) (i), 163  
(ii), or (iii) of this section shall be determined pursuant to 164  
divisions (D) and (E) of this section and shall be determined by 165  
one of the following: 166

(i) By the panel of three judges that tried the offender 167  
upon the offender's waiver of the right to trial by jury; 168

(ii) By the trial jury and the trial judge, if the 169  
offender was tried by jury. 170

(D) (1) Death may not be imposed as a penalty for 171  
aggravated murder if the offender raised the matter of age at 172  
trial pursuant to section 2929.023 of the Revised Code and was 173  
not found at trial to have been eighteen years of age or older 174  
at the time of the commission of the offense. When death may be 175  
imposed as a penalty for aggravated murder, the court shall 176  
proceed under this division. When death may be imposed as a 177  
penalty, the court, upon the request of the defendant, shall 178  
require a pre-sentence investigation to be made and, upon the 179  
request of the defendant, shall require a mental examination to 180  
be made, and shall require reports of the investigation and of 181  
any mental examination submitted to the court, pursuant to 182  
section 2947.06 of the Revised Code. No statement made or 183  
information provided by a defendant in a mental examination or 184  
proceeding conducted pursuant to this division shall be 185  
disclosed to any person, except as provided in this division, or 186  
be used in evidence against the defendant on the issue of guilt 187  
in any retrial. A pre-sentence investigation or mental 188  
examination shall not be made except upon request of the 189  
defendant. Copies of any reports prepared under this division 190  
shall be furnished to the court, to the trial jury if the 191  
offender was tried by a jury, to the prosecutor, and to the 192  
offender or the offender's counsel for use under this division. 193  
The court, and the trial jury if the offender was tried by a 194  
jury, shall consider any report prepared pursuant to this 195  
division and furnished to it and any evidence raised at trial 196  
that is relevant to the aggravating circumstances the offender 197

was found guilty of committing or to any factors in mitigation 198  
of the imposition of the sentence of death, shall hear testimony 199  
and other evidence that is relevant to the nature and 200  
circumstances of the aggravating circumstances the offender was 201  
found guilty of committing, the mitigating factors set forth in 202  
division (B) of section 2929.04 of the Revised Code, and any 203  
other factors in mitigation of the imposition of the sentence of 204  
death, and shall hear the statement, if any, of the offender, 205  
and the arguments, if any, of counsel for the defense and 206  
prosecution, that are relevant to the penalty that should be 207  
imposed on the offender. The defendant shall be given great 208  
latitude in the presentation of evidence of the mitigating 209  
factors set forth in division (B) of section 2929.04 of the 210  
Revised Code and of any other factors in mitigation of the 211  
imposition of the sentence of death. If the offender chooses to 212  
make a statement, the offender is subject to cross-examination 213  
only if the offender consents to make the statement under oath 214  
or affirmation. 215

The defendant shall have the burden of going forward with 216  
the evidence of any factors in mitigation of the imposition of 217  
the sentence of death. The prosecution shall have the burden of 218  
proving, by proof beyond a reasonable doubt, that the 219  
aggravating circumstances the defendant was found guilty of 220  
committing are sufficient to outweigh the factors in mitigation 221  
of the imposition of the sentence of death. 222

(2) Upon consideration of the relevant evidence raised at 223  
trial, the testimony, other evidence, statement of the offender, 224  
arguments of counsel, and, if applicable, the reports submitted 225  
pursuant to division (D)(1) of this section, the trial jury, if 226  
the offender was tried by a jury, shall determine whether the 227  
aggravating circumstances the offender was found guilty of 228

committing are sufficient to outweigh the mitigating factors 229  
present in the case. If the trial jury unanimously finds, by 230  
proof beyond a reasonable doubt, that the aggravating 231  
circumstances the offender was found guilty of committing 232  
outweigh the mitigating factors, the trial jury shall recommend 233  
to the court that the sentence of death be imposed on the 234  
offender. Absent such a finding, the jury shall recommend that 235  
the offender be sentenced to one of the following: 236

(a) Except as provided in division (D) (2) (b) or (c) of 237  
this section, to life imprisonment without parole, life 238  
imprisonment with parole eligibility after serving ~~twenty-five~~ 239  
thirty full years of imprisonment, ~~or~~ life imprisonment with 240  
parole eligibility after serving ~~thirty-thirty-five~~ full years 241  
of imprisonment, life imprisonment with parole eligibility after 242  
serving forty-five full years of imprisonment, or life 243  
imprisonment with parole eligibility after serving fifty-five 244  
full years of imprisonment; 245

(b) Except as provided in division (D) (2) (c) of this 246  
section, if the victim of the aggravated murder was less than 247  
thirteen years of age, the offender also is convicted of or 248  
pleads guilty to a sexual motivation specification that was 249  
included in the indictment, count in the indictment, or 250  
information charging the offense, and the jury does not 251  
recommend a sentence of life imprisonment without parole 252  
pursuant to division (D) (2) (a) of this section, to an indefinite 253  
term consisting of a minimum term of thirty years and a maximum 254  
term of life imprisonment to be imposed pursuant to division (B) 255  
(3) of section 2971.03 of the Revised Code and served pursuant 256  
to that section. 257

(c) If the offender also is convicted of or pleads guilty 258

to a sexual motivation specification and a sexually violent 259  
predator specification that are included in the indictment, 260  
count in the indictment, or information that charged the 261  
aggravated murder, to life imprisonment without parole. 262

If the trial jury recommends that the offender be 263  
sentenced to life imprisonment without parole, life imprisonment 264  
with parole eligibility after serving ~~twenty-five~~ thirty full 265  
years of imprisonment, life imprisonment with parole eligibility 266  
after serving ~~thirty~~ thirty-five full years of imprisonment, 267  
life imprisonment with parole eligibility after serving forty- 268  
five full years of imprisonment, life imprisonment with parole 269  
eligibility after serving fifty-five full years of imprisonment, 270  
or an indefinite term consisting of a minimum term of thirty 271  
years and a maximum term of life imprisonment to be imposed 272  
pursuant to division (B) (3) of section 2971.03 of the Revised 273  
Code, the court shall impose the sentence recommended by the 274  
jury upon the offender. If the sentence is an indefinite term 275  
consisting of a minimum term of thirty years and a maximum term 276  
of life imprisonment imposed as described in division (D) (2) (b) 277  
of this section or a sentence of life imprisonment without 278  
parole imposed under division (D) (2) (c) of this section, the 279  
sentence shall be served pursuant to section 2971.03 of the 280  
Revised Code. If the trial jury recommends that the sentence of 281  
death be imposed upon the offender, the court shall proceed to 282  
impose sentence pursuant to division (D) (3) of this section. 283

(3) Upon consideration of the relevant evidence raised at 284  
trial, the testimony, other evidence, statement of the offender, 285  
arguments of counsel, and, if applicable, the reports submitted 286  
to the court pursuant to division (D) (1) of this section, if, 287  
after receiving pursuant to division (D) (2) of this section the 288  
trial jury's recommendation that the sentence of death be 289

imposed, the court finds, by proof beyond a reasonable doubt, or 290  
if the panel of three judges unanimously finds, by proof beyond 291  
a reasonable doubt, that the aggravating circumstances the 292  
offender was found guilty of committing outweigh the mitigating 293  
factors, it shall impose sentence of death on the offender. 294  
Absent such a finding by the court or panel, the court or the 295  
panel shall impose one of the following sentences on the 296  
offender: 297

(a) Except as provided in division (D) (3) (b) of this 298  
section, one of the following: 299

(i) Life imprisonment without parole; 300

(ii) Subject to division (D) (3) (a) ~~(iv)~~ (vi) of this 301  
section, life imprisonment with parole eligibility after serving 302  
~~twenty-five~~ thirty full years of imprisonment; 303

(iii) Subject to division (D) (3) (a) ~~(iv)~~ (vi) of this 304  
section, life imprisonment with parole eligibility after serving 305  
~~thirty~~ thirty-five full years of imprisonment; 306

(iv) ~~If~~ Subject to division (D) (3) (a) (vi) of this section, 307  
life imprisonment with parole eligibility after serving forty- 308  
five full years of imprisonment; 309

(v) Subject to division (D) (3) (a) (vi) of this section, 310  
life imprisonment with parole eligibility after serving fifty- 311  
five full years of imprisonment; 312

(vi) If the victim of the aggravated murder was less than 313  
thirteen years of age, the offender also is convicted of or 314  
pleads guilty to a sexual motivation specification that was 315  
included in the indictment, count in the indictment, or 316  
information charging the offense, and the trial court does not 317  
impose a sentence of life imprisonment without parole on the 318

offender pursuant to division (D) (3) (a) (i) of this section, the 319  
court or panel shall sentence the offender pursuant to division 320  
(B) (3) of section 2971.03 of the Revised Code to an indefinite 321  
term consisting of a minimum term of thirty years and a maximum 322  
term of life imprisonment. 323

(b) If the offender also is convicted of or pleads guilty 324  
to a sexual motivation specification and a sexually violent 325  
predator specification that are included in the indictment, 326  
count in the indictment, or information that charged the 327  
aggravated murder, life imprisonment without parole that shall 328  
be served pursuant to section 2971.03 of the Revised Code. 329

(E) If the offender raised the matter of age at trial 330  
pursuant to section 2929.023 of the Revised Code, was convicted 331  
of aggravated murder and one or more specifications of an 332  
aggravating circumstance listed in division (A) of section 333  
2929.04 of the Revised Code, and was not found at trial to have 334  
been eighteen years of age or older at the time of the 335  
commission of the offense, the court or the panel of three 336  
judges shall not impose a sentence of death on the offender. 337  
Instead, the court or panel shall impose one of the following 338  
sentences on the offender: 339

~~(1) Except as provided in division (E) (2) of this section,~~ 340  
~~one of the following:~~ 341

~~(a) (1) Life imprisonment without parole;~~ 342

~~(b) (2) Subject to division (E) (2) (d) (6) of this section,~~ 343  
life imprisonment with parole eligibility after serving ~~twenty-~~ 344  
~~five~~ thirty full years of imprisonment; 345

~~(c) (3) Subject to division (E) (2) (d) (6) of this section,~~ 346  
life imprisonment with parole eligibility after serving ~~thirty-~~ 347

thirty-five full years of imprisonment; 348

~~(d) If (4) Subject to division (E) (6) of this section,~~ 349  
life imprisonment with parole eligibility after serving forty- 350  
five full years of imprisonment; 351

(5) Subject to division (E) (6) of this section, life 352  
imprisonment with parole eligibility after serving fifty-five 353  
full years of imprisonment; 354

(6) If the victim of the aggravated murder was less than 355  
thirteen years of age, the offender also is convicted of or 356  
pleads guilty to a sexual motivation specification that was 357  
included in the indictment, count in the indictment, or 358  
information charging the offense, and the trial court does not 359  
impose a sentence of life imprisonment without parole on the 360  
offender pursuant to division (E) ~~(2) (a)~~ (1) of this section, the 361  
court or panel shall sentence the offender pursuant to division 362  
(B) (3) of section 2971.03 of the Revised Code to an indefinite 363  
term consisting of a minimum term of thirty years and a maximum 364  
term of life imprisonment. 365

~~(2) If the offender also is convicted of or pleads guilty~~ 366  
~~to a sexual motivation specification and a sexually violent~~ 367  
~~predator specification that are included in the indictment,~~ 368  
~~count in the indictment, or information that charged the~~ 369  
~~aggravated murder, life imprisonment without parole that shall~~ 370  
~~be served pursuant to section 2971.03 of the Revised Code.~~ 371

(F) The court or the panel of three judges, when it 372  
imposes sentence of death, shall state in a separate opinion its 373  
specific findings as to the existence of any of the mitigating 374  
factors set forth in division (B) of section 2929.04 of the 375  
Revised Code, the existence of any other mitigating factors, the 376

aggravating circumstances the offender was found guilty of 377  
committing, and the reasons why the aggravating circumstances 378  
the offender was found guilty of committing were sufficient to 379  
outweigh the mitigating factors. The court or panel, when it 380  
imposes life imprisonment or an indefinite term consisting of a 381  
minimum term of thirty years and a maximum term of life 382  
imprisonment under division (D) of this section, shall state in 383  
a separate opinion its specific findings of which of the 384  
mitigating factors set forth in division (B) of section 2929.04 385  
of the Revised Code it found to exist, what other mitigating 386  
factors it found to exist, what aggravating circumstances the 387  
offender was found guilty of committing, and why it could not 388  
find that these aggravating circumstances were sufficient to 389  
outweigh the mitigating factors. For cases in which a sentence 390  
of death is imposed for an offense committed before January 1, 391  
1995, the court or panel shall file the opinion required to be 392  
prepared by this division with the clerk of the appropriate 393  
court of appeals and with the clerk of the supreme court within 394  
fifteen days after the court or panel imposes sentence. For 395  
cases in which a sentence of death is imposed for an offense 396  
committed on or after January 1, 1995, the court or panel shall 397  
file the opinion required to be prepared by this division with 398  
the clerk of the supreme court within fifteen days after the 399  
court or panel imposes sentence. The judgment in a case in which 400  
a sentencing hearing is held pursuant to this section is not 401  
final until the opinion is filed. 402

(G) (1) Whenever the court or a panel of three judges 403  
imposes a sentence of death for an offense committed before 404  
January 1, 1995, the clerk of the court in which the judgment is 405  
rendered shall deliver the entire record in the case to the 406  
appellate court. 407

(2) Whenever the court or a panel of three judges imposes 408  
a sentence of death for an offense committed on or after January 409  
1, 1995, the clerk of the court in which the judgment is 410  
rendered shall deliver the entire record in the case to the 411  
supreme court. 412

**Sec. 2929.04.** (A) Imposition of the death penalty for 413  
aggravated murder is precluded unless one or more of the 414  
following is specified in the indictment or count in the 415  
indictment pursuant to section 2941.14 of the Revised Code and 416  
proved beyond a reasonable doubt: 417

(1) The offense was the assassination of the president of 418  
the United States or a person in line of succession to the 419  
presidency, the governor or lieutenant governor of this state, 420  
the president-elect or vice president-elect of the United 421  
States, the governor-elect or lieutenant governor-elect of this 422  
state, or a candidate for any of the offices described in this 423  
division. For purposes of this division, a person is a candidate 424  
if the person has been nominated for election according to law, 425  
if the person has filed a petition or petitions according to law 426  
to have the person's name placed on the ballot in a primary or 427  
general election, or if the person campaigns as a write-in 428  
candidate in a primary or general election. 429

(2) The offense was committed for hire. 430

(3) The offense was committed for the purpose of escaping 431  
detection, apprehension, trial, or punishment for another 432  
offense committed by the offender. 433

(4) The offense was committed while the offender was under 434  
detention or while the offender was at large after having broken 435  
detention. As used in division (A)(4) of this section, 436

"detention" has the same meaning as in section 2921.01 of the Revised Code, except that detention does not include hospitalization, institutionalization, or confinement in a mental health facility or mental retardation and developmentally disabled facility unless at the time of the commission of the offense either of the following circumstances apply:

(a) The offender was in the facility as a result of being charged with a violation of a section of the Revised Code.

(b) The offender was under detention as a result of being convicted of or pleading guilty to a violation of a section of the Revised Code.

(5) Prior to the offense at bar, the offender was convicted of an offense an essential element of which was the purposeful killing of or attempt to kill another, or the offense at bar was part of a course of conduct involving the purposeful killing of or attempt to kill two or more persons by the offender.

(6) The victim of the offense was a law enforcement officer, as defined in section 2911.01 of the Revised Code, whom the offender had reasonable cause to know or knew to be a law enforcement officer as so defined, and either the victim, at the time of the commission of the offense, was engaged in the victim's duties, or it was the offender's specific purpose to kill a law enforcement officer as so defined.

(7) The offense was committed while the offender was committing, attempting to commit, or fleeing immediately after committing or attempting to commit kidnapping, rape, aggravated arson, aggravated robbery, or aggravated burglary, and either the offender was the principal offender in the commission of the

aggravated murder or, if not the principal offender, committed 466  
the aggravated murder with prior calculation and design. 467

(8) The victim of the aggravated murder was a witness to 468  
an offense who was purposely killed to prevent the victim's 469  
testimony in any criminal proceeding and the aggravated murder 470  
was not committed during the commission, attempted commission, 471  
or flight immediately after the commission or attempted 472  
commission of the offense to which the victim was a witness, or 473  
the victim of the aggravated murder was a witness to an offense 474  
and was purposely killed in retaliation for the victim's 475  
testimony in any criminal proceeding. 476

(9) The offender, in the commission of the offense, 477  
purposefully caused the death of another who was under thirteen 478  
years of age at the time of the commission of the offense, and 479  
either the offender was the principal offender in the commission 480  
of the offense or, if not the principal offender, committed the 481  
offense with prior calculation and design. 482

(10) The offense was committed while the offender was 483  
committing, attempting to commit, or fleeing immediately after 484  
committing or attempting to commit terrorism. 485

(11) The offense was a violation of division (A) of 486  
section 2903.01 of the Revised Code. 487

(B) If one or more of the aggravating circumstances listed 488  
in division (A) of this section is specified in the indictment 489  
or count in the indictment and proved beyond a reasonable doubt, 490  
and if the offender did not raise the matter of age pursuant to 491  
section 2929.023 of the Revised Code or if the offender, after 492  
raising the matter of age, was found at trial to have been 493  
eighteen years of age or older at the time of the commission of 494

the offense, the court, trial jury, or panel of three judges 495  
shall consider, and weigh against the aggravating circumstances 496  
proved beyond a reasonable doubt, the nature and circumstances 497  
of the offense, the history, character, and background of the 498  
offender, and all of the following factors: 499

(1) Whether the victim of the offense induced or 500  
facilitated it; 501

(2) Whether it is unlikely that the offense would have 502  
been committed, but for the fact that the offender was under 503  
duress, coercion, or strong provocation; 504

(3) Whether, at the time of committing the offense, the 505  
offender, because of a mental disease or defect, lacked 506  
substantial capacity to appreciate the criminality of the 507  
offender's conduct or to conform the offender's conduct to the 508  
requirements of the law; 509

(4) The youth of the offender; 510

(5) The offender's lack of a significant history of prior 511  
criminal convictions and delinquency adjudications; 512

(6) If the offender was a participant in the offense but 513  
not the principal offender, the degree of the offender's 514  
participation in the offense and the degree of the offender's 515  
participation in the acts that led to the death of the victim; 516

(7) Any other factors that are relevant to the issue of 517  
whether the offender should be sentenced to death. 518

(C) The defendant shall be given great latitude in the 519  
presentation of evidence of the factors listed in division (B) 520  
of this section and of any other factors in mitigation of the 521  
imposition of the sentence of death. 522

The existence of any of the mitigating factors listed in 523  
division (B) of this section does not preclude the imposition of 524  
a sentence of death on the offender but shall be weighed 525  
pursuant to divisions (D) (2) and (3) of section 2929.03 of the 526  
Revised Code by the trial court, trial jury, or the panel of 527  
three judges against the aggravating circumstances the offender 528  
was found guilty of committing. 529

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 530  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 531  
(G), (H), or (J) of this section or in division (D) (6) of 532  
section 2919.25 of the Revised Code and except in relation to an 533  
offense for which a sentence of death or life imprisonment is to 534  
be imposed, if the court imposing a sentence upon an offender 535  
for a felony elects or is required to impose a prison term on 536  
the offender pursuant to this chapter, the court shall impose a 537  
definite prison term that shall be one of the following: 538

(1) For a felony of the first degree, the prison term 539  
shall be three, four, five, six, seven, eight, nine, ten, or 540  
eleven years. 541

(2) For a felony of the second degree, the prison term 542  
shall be two, three, four, five, six, seven, or eight years. 543

(3) (a) For a felony of the third degree that is a 544  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 545  
2907.05 of the Revised Code or that is a violation of section 546  
2911.02 or 2911.12 of the Revised Code if the offender 547  
previously has been convicted of or pleaded guilty in two or 548  
more separate proceedings to two or more violations of section 549  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 550  
prison term shall be twelve, eighteen, twenty-four, thirty, 551  
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 552

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

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

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

(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 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 silencer on or about the offender's person or under the offender's control while committing the felony;

(ii) A prison term of three years if the specification is of the type described in 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 section 2941.141 of the Revised Code that 582  
charges the offender with having a firearm on or about the 583  
offender's person or under the offender's control while 584  
committing the felony. 585

(b) If a court imposes a prison term on an offender under 586  
division (B) (1) (a) of this section, the prison term shall not be 587  
reduced pursuant to section 2967.19, section 2929.20, section 588  
2967.193, or any other provision of Chapter 2967. or Chapter 589  
5120. of the Revised Code. Except as provided in division (B) (1) 590  
(g) of this section, a court shall not impose more than one 591  
prison term on an offender under division (B) (1) (a) of this 592  
section for felonies committed as part of the same act or 593  
transaction. 594

(c) Except as provided in division (B) (1) (e) of this 595  
section, if an offender who is convicted of or pleads guilty to 596  
a violation of section 2923.161 of the Revised Code or to a 597  
felony that includes, as an essential element, purposely or 598  
knowingly causing or attempting to cause the death of or 599  
physical harm to another, also is convicted of or pleads guilty 600  
to a specification of the type described in section 2941.146 of 601  
the Revised Code that charges the offender with committing the 602  
offense by discharging a firearm from a motor vehicle other than 603  
a manufactured home, the court, after imposing a prison term on 604  
the offender for the violation of section 2923.161 of the 605  
Revised Code or for the other felony offense under division (A), 606  
(B) (2), or (B) (3) of this section, shall impose an additional 607  
prison term of five years upon the offender that shall not be 608  
reduced pursuant to section 2929.20, section 2967.19, section 609  
2967.193, or any other provision of Chapter 2967. or Chapter 610  
5120. of the Revised Code. A court shall not impose more than 611  
one additional prison term on an offender under division (B) (1) 612

(c) of this section for felonies committed as part of the same 613  
act or transaction. If a court imposes an additional prison term 614  
on an offender under division (B) (1) (c) of this section relative 615  
to an offense, the court also shall impose a prison term under 616  
division (B) (1) (a) of this section relative to the same offense, 617  
provided the criteria specified in that division for imposing an 618  
additional prison term are satisfied relative to the offender 619  
and the offense. 620

(d) If an offender who is convicted of or pleads guilty to 621  
an offense of violence that is a felony also is convicted of or 622  
pleads guilty to a specification of the type described in 623  
section 2941.1411 of the Revised Code that charges the offender 624  
with wearing or carrying body armor while committing the felony 625  
offense of violence, the court shall impose on the offender a 626  
prison term of two years. The prison term so imposed, subject to 627  
divisions (C) to (I) of section 2967.19 of the Revised Code, 628  
shall not be reduced pursuant to section 2929.20, section 629  
2967.19, section 2967.193, or any other provision of Chapter 630  
2967. or Chapter 5120. of the Revised Code. A court shall not 631  
impose more than one prison term on an offender under division 632  
(B) (1) (d) of this section for felonies committed as part of the 633  
same act or transaction. If a court imposes an additional prison 634  
term under division (B) (1) (a) or (c) of this section, the court 635  
is not precluded from imposing an additional prison term under 636  
division (B) (1) (d) of this section. 637

(e) The court shall not impose any of the prison terms 638  
described in division (B) (1) (a) of this section or any of the 639  
additional prison terms described in division (B) (1) (c) of this 640  
section upon an offender for a violation of section 2923.12 or 641  
2923.123 of the Revised Code. The court shall not impose any of 642  
the prison terms described in division (B) (1) (a) or (b) of this 643

section upon an offender for a violation of section 2923.122 644  
that involves a deadly weapon that is a firearm other than a 645  
dangerous ordnance, section 2923.16, or section 2923.121 of the 646  
Revised Code. The court shall not impose any of the prison terms 647  
described in division (B)(1)(a) of this section or any of the 648  
additional prison terms described in division (B)(1)(c) of this 649  
section upon an offender for a violation of section 2923.13 of 650  
the Revised Code unless all of the following apply: 651

(i) The offender previously has been convicted of 652  
aggravated murder, murder, or any felony of the first or second 653  
degree. 654

(ii) Less than five years have passed since the offender 655  
was released from prison or post-release control, whichever is 656  
later, for the prior offense. 657

(f) If an offender is convicted of or pleads guilty to a 658  
felony that includes, as an essential element, causing or 659  
attempting to cause the death of or physical harm to another and 660  
also is convicted of or pleads guilty to a specification of the 661  
type described in section 2941.1412 of the Revised Code that 662  
charges the offender with committing the offense by discharging 663  
a firearm at a peace officer as defined in section 2935.01 of 664  
the Revised Code or a corrections officer, as defined in section 665  
2941.1412 of the Revised Code, the court, after imposing a 666  
prison term on the offender for the felony offense under 667  
division (A), (B)(2), or (B)(3) of this section, shall impose an 668  
additional prison term of seven years upon the offender that 669  
shall not be reduced pursuant to section 2929.20, section 670  
2967.19, section 2967.193, or any other provision of Chapter 671  
2967. or Chapter 5120. of the Revised Code. If an offender is 672  
convicted of or pleads guilty to two or more felonies that 673

include, as an essential element, causing or attempting to cause 674  
the death or physical harm to another and also is convicted of 675  
or pleads guilty to a specification of the type described under 676  
division (B) (1) (f) of this section in connection with two or 677  
more of the felonies of which the offender is convicted or to 678  
which the offender pleads guilty, the sentencing court shall 679  
impose on the offender the prison term specified under division 680  
(B) (1) (f) of this section for each of two of the specifications 681  
of which the offender is convicted or to which the offender 682  
pleads guilty and, in its discretion, also may impose on the 683  
offender the prison term specified under that division for any 684  
or all of the remaining specifications. If a court imposes an 685  
additional prison term on an offender under division (B) (1) (f) 686  
of this section relative to an offense, the court shall not 687  
impose a prison term under division (B) (1) (a) or (c) of this 688  
section relative to the same offense. 689

(g) If an offender is convicted of or pleads guilty to two 690  
or more felonies, if one or more of those felonies are 691  
aggravated murder, murder, attempted aggravated murder, 692  
attempted murder, aggravated robbery, felonious assault, or 693  
rape, and if the offender is convicted of or pleads guilty to a 694  
specification of the type described under division (B) (1) (a) of 695  
this section in connection with two or more of the felonies, the 696  
sentencing court shall impose on the offender the prison term 697  
specified under division (B) (1) (a) of this section for each of 698  
the two most serious specifications of which the offender is 699  
convicted or to which the offender pleads guilty and, in its 700  
discretion, also may impose on the offender the prison term 701  
specified under that division for any or all of the remaining 702  
specifications. 703

(2) (a) If division (B) (2) (b) of this section does not 704

apply, the court may impose on an offender, in addition to the longest prison term authorized or required for the offense, an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met:

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

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

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

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

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

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

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

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

(iii) The offense or offenses of which the offender currently is convicted or to which the offender currently pleads guilty is aggravated murder and the court does not impose a

sentence of death or life imprisonment without parole, murder, 765  
terrorism and the court does not impose a sentence of life 766  
imprisonment without parole, any felony of the first degree that 767  
is an offense of violence and the court does not impose a 768  
sentence of life imprisonment without parole, or any felony of 769  
the second degree that is an offense of violence and the trier 770  
of fact finds that the offense involved an attempt to cause or a 771  
threat to cause serious physical harm to a person or resulted in 772  
serious physical harm to a person. 773

(c) For purposes of division (B) (2) (b) of this section, 774  
two or more offenses committed at the same time or as part of 775  
the same act or event shall be considered one offense, and that 776  
one offense shall be the offense with the greatest penalty. 777

(d) A sentence imposed under division (B) (2) (a) or (b) of 778  
this section shall not be reduced pursuant to section 2929.20, 779  
section 2967.19, or section 2967.193, or any other provision of 780  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 781  
shall serve an additional prison term imposed under this section 782  
consecutively to and prior to the prison term imposed for the 783  
underlying offense. 784

(e) When imposing a sentence pursuant to division (B) (2) 785  
(a) or (b) of this section, the court shall state its findings 786  
explaining the imposed sentence. 787

(3) Except when an offender commits a violation of section 788  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 789  
for the violation is life imprisonment or commits a violation of 790  
section 2903.02 of the Revised Code, if the offender commits a 791  
violation of section 2925.03 or 2925.11 of the Revised Code and 792  
that section classifies the offender as a major drug offender, 793  
if the offender commits a felony violation of section 2925.02, 794

2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 795  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 796  
division (C) of section 4729.51, or division (J) of section 797  
4729.54 of the Revised Code that includes the sale, offer to 798  
sell, or possession of a schedule I or II controlled substance, 799  
with the exception of marihuana, and the court imposing sentence 800  
upon the offender finds that the offender is guilty of a 801  
specification of the type described in section 2941.1410 of the 802  
Revised Code charging that the offender is a major drug 803  
offender, if the court imposing sentence upon an offender for a 804  
felony finds that the offender is guilty of corrupt activity 805  
with the most serious offense in the pattern of corrupt activity 806  
being a felony of the first degree, or if the offender is guilty 807  
of an attempted violation of section 2907.02 of the Revised Code 808  
and, had the offender completed the violation of section 2907.02 809  
of the Revised Code that was attempted, the offender would have 810  
been subject to a sentence of life imprisonment or life 811  
imprisonment without parole for the violation of section 2907.02 812  
of the Revised Code, the court shall impose upon the offender 813  
for the felony violation a mandatory prison term of the maximum 814  
prison term prescribed for a felony of the first degree that, 815  
subject to divisions (C) to (I) of section 2967.19 of the 816  
Revised Code, cannot be reduced pursuant to section 2929.20, 817  
section 2967.19, or any other provision of Chapter 2967. or 818  
5120. of the Revised Code. 819

(4) If the offender is being sentenced for a third or 820  
fourth degree felony OVI offense under division (G) (2) of 821  
section 2929.13 of the Revised Code, the sentencing court shall 822  
impose upon the offender a mandatory prison term in accordance 823  
with that division. In addition to the mandatory prison term, if 824  
the offender is being sentenced for a fourth degree felony OVI 825

offense, the court, notwithstanding division (A) (4) of this 826  
section, may sentence the offender to a definite prison term of 827  
not less than six months and not more than thirty months, and if 828  
the offender is being sentenced for a third degree felony OVI 829  
offense, the sentencing court may sentence the offender to an 830  
additional prison term of any duration specified in division (A) 831  
(3) of this section. In either case, the additional prison term 832  
imposed shall be reduced by the sixty or one hundred twenty days 833  
imposed upon the offender as the mandatory prison term. The 834  
total of the additional prison term imposed under division (B) 835  
(4) of this section plus the sixty or one hundred twenty days 836  
imposed as the mandatory prison term shall equal a definite term 837  
in the range of six months to thirty months for a fourth degree 838  
felony OVI offense and shall equal one of the authorized prison 839  
terms specified in division (A) (3) of this section for a third 840  
degree felony OVI offense. If the court imposes an additional 841  
prison term under division (B) (4) of this section, the offender 842  
shall serve the additional prison term after the offender has 843  
served the mandatory prison term required for the offense. In 844  
addition to the mandatory prison term or mandatory and 845  
additional prison term imposed as described in division (B) (4) 846  
of this section, the court also may sentence the offender to a 847  
community control sanction under section 2929.16 or 2929.17 of 848  
the Revised Code, but the offender shall serve all of the prison 849  
terms so imposed prior to serving the community control 850  
sanction. 851

If the offender is being sentenced for a fourth degree 852  
felony OVI offense under division (G) (1) of section 2929.13 of 853  
the Revised Code and the court imposes a mandatory term of local 854  
incarceration, the court may impose a prison term as described 855  
in division (A) (1) of that section. 856

(5) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1414 of the Revised Code that charges that the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, or an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (B) (5) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, 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. A court shall not impose more than one prison term on an offender under division (B) (5) of this section for felonies committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term, subject to divisions (C) to (I) of

section 2967.19 of the Revised Code, shall not be reduced 888  
pursuant to section 2929.20, section 2967.19, section 2967.193, 889  
or any other provision of Chapter 2967. or Chapter 5120. of the 890  
Revised Code. A court shall not impose more than one prison term 891  
on an offender under division (B) (6) of this section for 892  
felonies committed as part of the same act. 893

(7) (a) If an offender is convicted of or pleads guilty to 894  
a felony violation of section 2905.01, 2905.02, 2907.21, 895  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 896  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 897  
the Revised Code and also is convicted of or pleads guilty to a 898  
specification of the type described in section 2941.1422 of the 899  
Revised Code that charges that the offender knowingly committed 900  
the offense in furtherance of human trafficking, the court shall 901  
impose on the offender a mandatory prison term that is one of 902  
the following: 903

(i) If the offense is a felony of the first degree, a 904  
definite prison term of not less than five years and not greater 905  
than ten years; 906

(ii) If the offense is a felony of the second or third 907  
degree, a definite prison term of not less than three years and 908  
not greater than the maximum prison term allowed for the offense 909  
by division (A) of section 2929.14 of the Revised Code; 910

(iii) If the offense is a felony of the fourth or fifth 911  
degree, a definite prison term that is the maximum prison term 912  
allowed for the offense by division (A) of section 2929.14 of 913  
the Revised Code. 914

(b) Subject to divisions (C) to (I) of section 2967.19 of 915  
the Revised Code, the prison term imposed under division (B) (7) 916

(a) of this section shall not be reduced pursuant to section 917  
2929.20, section 2967.19, section 2967.193, or any other 918  
provision of Chapter 2967. of the Revised Code. A court shall 919  
not impose more than one prison term on an offender under 920  
division (B) (7) (a) of this section for felonies committed as 921  
part of the same act, scheme, or plan. 922

(8) If an offender is convicted of or pleads guilty to a 923  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 924  
Revised Code and also is convicted of or pleads guilty to a 925  
specification of the type described in section 2941.1423 of the 926  
Revised Code that charges that the victim of the violation was a 927  
woman whom the offender knew was pregnant at the time of the 928  
violation, notwithstanding the range of prison terms prescribed 929  
in division (A) of this section for felonies of the same degree 930  
as the violation, the court shall impose on the offender a 931  
mandatory prison term that is either a definite prison term of 932  
six months or one of the prison terms prescribed in section 933  
2929.14 of the Revised Code for felonies of the same degree as 934  
the violation. 935

(C) (1) (a) Subject to division (C) (1) (b) of this section, 936  
if a mandatory prison term is imposed upon an offender pursuant 937  
to division (B) (1) (a) of this section for having a firearm on or 938  
about the offender's person or under the offender's control 939  
while committing a felony, if a mandatory prison term is imposed 940  
upon an offender pursuant to division (B) (1) (c) of this section 941  
for committing a felony specified in that division by 942  
discharging a firearm from a motor vehicle, or if both types of 943  
mandatory prison terms are imposed, the offender shall serve any 944  
mandatory prison term imposed under either division 945  
consecutively to any other mandatory prison term imposed under 946  
either division or under division (B) (1) (d) of this section, 947

consecutively to and prior to any prison term imposed for the 948  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 949  
this section or any other section of the Revised Code, and 950  
consecutively to any other prison term or mandatory prison term 951  
previously or subsequently imposed upon the offender. 952

(b) If a mandatory prison term is imposed upon an offender 953  
pursuant to division (B) (1) (d) of this section for wearing or 954  
carrying body armor while committing an offense of violence that 955  
is a felony, the offender shall serve the mandatory term so 956  
imposed consecutively to any other mandatory prison term imposed 957  
under that division or under division (B) (1) (a) or (c) of this 958  
section, consecutively to and prior to any prison term imposed 959  
for the underlying felony under division (A), (B) (2), or (B) (3) 960  
of this section or any other section of the Revised Code, and 961  
consecutively to any other prison term or mandatory prison term 962  
previously or subsequently imposed upon the offender. 963

(c) If a mandatory prison term is imposed upon an offender 964  
pursuant to division (B) (1) (f) of this section, the offender 965  
shall serve the mandatory prison term so imposed consecutively 966  
to and prior to any prison term imposed for the underlying 967  
felony under division (A), (B) (2), or (B) (3) of this section or 968  
any other section of the Revised Code, and consecutively to any 969  
other prison term or mandatory prison term previously or 970  
subsequently imposed upon the offender. 971

(d) If a mandatory prison term is imposed upon an offender 972  
pursuant to division (B) (7) or (8) of this section, the offender 973  
shall serve the mandatory prison term so imposed consecutively 974  
to any other mandatory prison term imposed under that division 975  
or under any other provision of law and consecutively to any 976  
other prison term or mandatory prison term previously or 977

subsequently imposed upon the offender. 978

(2) If an offender who is an inmate in a jail, prison, or 979  
other residential detention facility violates section 2917.02, 980  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 981  
(2) of section 2921.34 of the Revised Code, if an offender who 982  
is under detention at a detention facility commits a felony 983  
violation of section 2923.131 of the Revised Code, or if an 984  
offender who is an inmate in a jail, prison, or other 985  
residential detention facility or is under detention at a 986  
detention facility commits another felony while the offender is 987  
an escapee in violation of division (A) (1) or (2) of section 988  
2921.34 of the Revised Code, any prison term imposed upon the 989  
offender for one of those violations shall be served by the 990  
offender consecutively to the prison term or term of 991  
imprisonment the offender was serving when the offender 992  
committed that offense and to any other prison term previously 993  
or subsequently imposed upon the offender. 994

(3) If a prison term is imposed for a violation of 995  
division (B) of section 2911.01 of the Revised Code, a violation 996  
of division (A) of section 2913.02 of the Revised Code in which 997  
the stolen property is a firearm or dangerous ordnance, or a 998  
felony violation of division (B) of section 2921.331 of the 999  
Revised Code, the offender shall serve that prison term 1000  
consecutively to any other prison term or mandatory prison term 1001  
previously or subsequently imposed upon the offender. 1002

(4) If multiple prison terms are imposed on an offender 1003  
for convictions of multiple offenses, the court may require the 1004  
offender to serve the prison terms consecutively if the court 1005  
finds that the consecutive service is necessary to protect the 1006  
public from future crime or to punish the offender and that 1007

consecutive sentences are not disproportionate to the 1008  
seriousness of the offender's conduct and to the danger the 1009  
offender poses to the public, and if the court also finds any of 1010  
the following: 1011

(a) The offender committed one or more of the multiple 1012  
offenses while the offender was awaiting trial or sentencing, 1013  
was under a sanction imposed pursuant to section 2929.16, 1014  
2929.17, or 2929.18 of the Revised Code, or was under post- 1015  
release control for a prior offense. 1016

(b) At least two of the multiple offenses were committed 1017  
as part of one or more courses of conduct, and the harm caused 1018  
by two or more of the multiple offenses so committed was so 1019  
great or unusual that no single prison term for any of the 1020  
offenses committed as part of any of the courses of conduct 1021  
adequately reflects the seriousness of the offender's conduct. 1022

(c) The offender's history of criminal conduct 1023  
demonstrates that consecutive sentences are necessary to protect 1024  
the public from future crime by the offender. 1025

(5) If a mandatory prison term is imposed upon an offender 1026  
pursuant to division (B) (5) or (6) of this section, the offender 1027  
shall serve the mandatory prison term consecutively to and prior 1028  
to any prison term imposed for the underlying violation of 1029  
division (A) (1) or (2) of section 2903.06 of the Revised Code 1030  
pursuant to division (A) of this section or section 2929.142 of 1031  
the Revised Code. If a mandatory prison term is imposed upon an 1032  
offender pursuant to division (B) (5) of this section, and if a 1033  
mandatory prison term also is imposed upon the offender pursuant 1034  
to division (B) (6) of this section in relation to the same 1035  
violation, the offender shall serve the mandatory prison term 1036  
imposed pursuant to division (B) (5) of this section 1037

consecutively to and prior to the mandatory prison term imposed 1038  
pursuant to division (B) (6) of this section and consecutively to 1039  
and prior to any prison term imposed for the underlying 1040  
violation of division (A) (1) or (2) of section 2903.06 of the 1041  
Revised Code pursuant to division (A) of this section or section 1042  
2929.142 of the Revised Code. 1043

(6) When consecutive prison terms are imposed pursuant to 1044  
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 1045  
of this section, the term to be served is the aggregate of all 1046  
of the terms so imposed. 1047

(D) (1) If a court imposes a prison term for a felony of 1048  
the first degree, for a felony of the second degree, for a 1049  
felony sex offense, or for a felony of the third degree that is 1050  
not a felony sex offense and in the commission of which the 1051  
offender caused or threatened to cause physical harm to a 1052  
person, it shall include in the sentence a requirement that the 1053  
offender be subject to a period of post-release control after 1054  
the offender's release from imprisonment, in accordance with 1055  
that division. If a court imposes a sentence including a prison 1056  
term of a type described in this division on or after July 11, 1057  
2006, the failure of a court to include a post-release control 1058  
requirement in the sentence pursuant to this division does not 1059  
negate, limit, or otherwise affect the mandatory period of post- 1060  
release control that is required for the offender under division 1061  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1062  
the Revised Code applies if, prior to July 11, 2006, a court 1063  
imposed a sentence including a prison term of a type described 1064  
in this division and failed to include in the sentence pursuant 1065  
to this division a statement regarding post-release control. 1066

(2) If a court imposes a prison term for a felony of the 1067

third, fourth, or fifth degree that is not subject to division 1068  
(D) (1) of this section, it shall include in the sentence a 1069  
requirement that the offender be subject to a period of post- 1070  
release control after the offender's release from imprisonment, 1071  
in accordance with that division, if the parole board determines 1072  
that a period of post-release control is necessary. Section 1073  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1074  
a court imposed a sentence including a prison term of a type 1075  
described in this division and failed to include in the sentence 1076  
pursuant to this division a statement regarding post-release 1077  
control. 1078

(E) The court shall impose sentence upon the offender in 1079  
accordance with section 2971.03 of the Revised Code, and Chapter 1080  
2971. of the Revised Code applies regarding the prison term or 1081  
term of life imprisonment without parole imposed upon the 1082  
offender and the service of that term of imprisonment if any of 1083  
the following apply: 1084

(1) A person is convicted of or pleads guilty to a violent 1085  
sex offense or a designated homicide, assault, or kidnapping 1086  
offense, and, in relation to that offense, the offender is 1087  
adjudicated a sexually violent predator. 1088

(2) A person is convicted of or pleads guilty to a 1089  
violation of division (A) (1) (b) of section 2907.02 of the 1090  
Revised Code committed on or after January 2, 2007, and either 1091  
the court does not impose a sentence of life without parole when 1092  
authorized pursuant to division (B) of section 2907.02 of the 1093  
Revised Code, or division (B) of section 2907.02 of the Revised 1094  
Code provides that the court shall not sentence the offender 1095  
pursuant to section 2971.03 of the Revised Code. 1096

(3) A person is convicted of or pleads guilty to attempted 1097

rape committed on or after January 2, 2007, and a specification 1098  
of the type described in section 2941.1418, 2941.1419, or 1099  
2941.1420 of the Revised Code. 1100

(4) A person is convicted of or pleads guilty to a 1101  
violation of section 2905.01 of the Revised Code committed on or 1102  
after January 1, 2008, and that section requires the court to 1103  
sentence the offender pursuant to section 2971.03 of the Revised 1104  
Code. 1105

(5) A person is convicted of or pleads guilty to 1106  
aggravated murder committed on or after January 1, 2008, and 1107  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) ~~(e)~~ 1108  
(g), (C) (1) (a) ~~(v)~~ (vii), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) ~~(iv)~~ 1109  
(vi), or (E) ~~(1) (d)~~ (6) of section 2929.03, or division (A) or 1110  
(B) of section 2929.06 of the Revised Code requires the court to 1111  
sentence the offender pursuant to division (B) (3) of section 1112  
2971.03 of the Revised Code. 1113

(6) A person is convicted of or pleads guilty to murder 1114  
committed on or after January 1, 2008, and division (B) (2) of 1115  
section 2929.02 of the Revised Code requires the court to 1116  
sentence the offender pursuant to section 2971.03 of the Revised 1117  
Code. 1118

(F) If a person who has been convicted of or pleaded 1119  
guilty to a felony is sentenced to a prison term or term of 1120  
imprisonment under this section, sections 2929.02 to 2929.06 of 1121  
the Revised Code, section 2929.142 of the Revised Code, section 1122  
2971.03 of the Revised Code, or any other provision of law, 1123  
section 5120.163 of the Revised Code applies regarding the 1124  
person while the person is confined in a state correctional 1125  
institution. 1126

(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 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 1157  
a specification of the type described in section 2941.1421 of 1158  
the Revised Code regarding one or more of those violations, an 1159  
additional prison term of one, two, three, four, five, six, 1160  
seven, eight, nine, ten, eleven, or twelve months. 1161

(b) In lieu of imposing an additional prison term under 1162  
division (H)(2)(a) of this section, the court may directly 1163  
impose on the offender a sanction that requires the offender to 1164  
wear a real-time processing, continual tracking electronic 1165  
monitoring device during the period of time specified by the 1166  
court. The period of time specified by the court shall equal the 1167  
duration of an additional prison term that the court could have 1168  
imposed upon the offender under division (H)(2)(a) of this 1169  
section. A sanction imposed under this division shall commence 1170  
on the date specified by the court, provided that the sanction 1171  
shall not commence until after the offender has served the 1172  
prison term imposed for the felony violation of section 2907.22, 1173  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1174  
residential sanction imposed for the violation under section 1175  
2929.16 of the Revised Code. A sanction imposed under this 1176  
division shall be considered to be a community control sanction 1177  
for purposes of section 2929.15 of the Revised Code, and all 1178  
provisions of the Revised Code that pertain to community control 1179  
sanctions shall apply to a sanction imposed under this division, 1180  
except to the extent that they would by their nature be clearly 1181  
inapplicable. The offender shall pay all costs associated with a 1182  
sanction imposed under this division, including the cost of the 1183  
use of the monitoring device. 1184

(I) At the time of sentencing, the court may recommend the 1185  
offender for placement in a program of shock incarceration under 1186  
section 5120.031 of the Revised Code or for placement in an 1187

intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program of shock incarceration or an intensive program prison of that nature, or make no recommendation on placement of the offender. In no case shall the department of rehabilitation and correction place the offender in a program or prison of that nature unless 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 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 1218  
is an available program of shock incarceration or an intensive 1219  
program prison for which the offender is suited. If there is an 1220  
available program of shock incarceration or an intensive program 1221  
prison for which the offender is suited, the department shall 1222  
notify the court of the proposed placement of the offender as 1223  
specified in section 5120.031 or 5120.032 of the Revised Code 1224  
and shall include with the notice a brief description of the 1225  
placement. The court shall have ten days from receipt of the 1226  
notice to disapprove the placement. 1227

(J) If a person is convicted of or pleads guilty to 1228  
aggravated vehicular homicide in violation of division (A) (1) of 1229  
section 2903.06 of the Revised Code and division (B) (2) (c) of 1230  
that section applies, the person shall be sentenced pursuant to 1231  
section 2929.142 of the Revised Code. 1232

**Sec. 2941.148.** (A) (1) The application of Chapter 2971. of 1233  
the Revised Code to an offender is precluded unless one of the 1234  
following applies: 1235

(a) The offender is charged with a violent sex offense, 1236  
and the indictment, count in the indictment, or information 1237  
charging the violent sex offense also includes a specification 1238  
that the offender is a sexually violent predator, or the 1239  
offender is charged with a designated homicide, assault, or 1240  
kidnapping offense, and the indictment, count in the indictment, 1241  
or information charging the designated homicide, assault, or 1242  
kidnapping offense also includes both a specification of the 1243  
type described in section 2941.147 of the Revised Code and a 1244  
specification that the offender is a sexually violent predator. 1245

(b) The offender is convicted of or pleads guilty to a 1246  
violation of division (A) (1) (b) of section 2907.02 of the 1247

Revised Code committed on or after January 2, 2007, and division 1248  
(B) of section 2907.02 of the Revised Code does not prohibit the 1249  
court from sentencing the offender pursuant to section 2971.03 1250  
of the Revised Code. 1251

(c) The offender is convicted of or pleads guilty to 1252  
attempted rape committed on or after January 2, 2007, and to a 1253  
specification of the type described in section 2941.1418, 1254  
2941.1419, or 2941.1420 of the Revised Code. 1255

(d) The offender is convicted of or pleads guilty to a 1256  
violation of section 2905.01 of the Revised Code and to a 1257  
specification of the type described in section 2941.147 of the 1258  
Revised Code, and section 2905.01 of the Revised Code requires a 1259  
court to sentence the offender pursuant to section 2971.03 of 1260  
the Revised Code. 1261

(e) The offender is convicted of or pleads guilty to 1262  
aggravated murder and to a specification of the type described 1263  
in section 2941.147 of the Revised Code, and division (A) (2) (b) 1264  
(ii) of section 2929.022, division (A) (1) ~~(e)~~ (g), (C) (1) (a) ~~(v)~~ 1265  
(vii), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) ~~(iv)~~ (vi), or (E) ~~(1)~~ (d) 1266  
(6) of section 2929.03, or division (A) or (B) of section 1267  
2929.06 of the Revised Code requires a court to sentence the 1268  
offender pursuant to division (B) (3) of section 2971.03 of the 1269  
Revised Code. 1270

(f) The offender is convicted of or pleads guilty to 1271  
murder and to a specification of the type described in section 1272  
2941.147 of the Revised Code, and division (B) (2) of section 1273  
2929.02 of the Revised Code requires a court to sentence the 1274  
offender pursuant to section 2971.03 of the Revised Code. 1275

(2) A specification required under division (A) (1) (a) of 1276

this section that an offender is a sexually violent predator 1277  
shall be stated at the end of the body of the indictment, count, 1278  
or information and shall be stated in substantially the 1279  
following form: 1280

"Specification (or, specification to the first count). The 1281  
grand jury (or insert the person's or prosecuting attorney's 1282  
name when appropriate) further find and specify that the 1283  
offender is a sexually violent predator." 1284

(B) In determining for purposes of this section whether a 1285  
person is a sexually violent predator, all of the factors set 1286  
forth in divisions (H) (1) to (6) of section 2971.01 of the 1287  
Revised Code that apply regarding the person may be considered 1288  
as evidence tending to indicate that it is likely that the 1289  
person will engage in the future in one or more sexually violent 1290  
offenses. 1291

(C) As used in this section, "designated homicide, 1292  
assault, or kidnapping offense," "violent sex offense," and 1293  
"sexually violent predator" have the same meanings as in section 1294  
2971.01 of the Revised Code. 1295

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 1296  
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 1297  
another section of the Revised Code, other than divisions (B) 1298  
and (C) of section 2929.14 of the Revised Code, that authorizes 1299  
or requires a specified prison term or a mandatory prison term 1300  
for a person who is convicted of or pleads guilty to a felony or 1301  
that specifies the manner and place of service of a prison term 1302  
or term of imprisonment, the court shall impose a sentence upon 1303  
a person who is convicted of or pleads guilty to a violent sex 1304  
offense and who also is convicted of or pleads guilty to a 1305  
sexually violent predator specification that was included in the 1306

indictment, count in the indictment, or information charging 1307  
that offense, and upon a person who is convicted of or pleads 1308  
guilty to a designated homicide, assault, or kidnapping offense 1309  
and also is convicted of or pleads guilty to both a sexual 1310  
motivation specification and a sexually violent predator 1311  
specification that were included in the indictment, count in the 1312  
indictment, or information charging that offense, as follows: 1313

(1) If the offense for which the sentence is being imposed 1314  
is aggravated murder and if the court does not impose upon the 1315  
offender a sentence of death, it shall impose upon the offender 1316  
a term of life imprisonment without parole. If the court 1317  
sentences the offender to death and the sentence of death is 1318  
vacated, overturned, or otherwise set aside, the court shall 1319  
impose upon the offender a term of life imprisonment without 1320  
parole. 1321

(2) If the offense for which the sentence is being imposed 1322  
is murder; or if the offense is rape committed in violation of 1323  
division (A) (1) (b) of section 2907.02 of the Revised Code when 1324  
the offender purposely compelled the victim to submit by force 1325  
or threat of force, when the victim was less than ten years of 1326  
age, when the offender previously has been convicted of or 1327  
pleaded guilty to either rape committed in violation of that 1328  
division or a violation of an existing or former law of this 1329  
state, another state, or the United States that is substantially 1330  
similar to division (A) (1) (b) of section 2907.02 of the Revised 1331  
Code, or when the offender during or immediately after the 1332  
commission of the rape caused serious physical harm to the 1333  
victim; or if the offense is an offense other than aggravated 1334  
murder or murder for which a term of life imprisonment may be 1335  
imposed, it shall impose upon the offender a term of life 1336  
imprisonment without parole. 1337

(3) (a) Except as otherwise provided in division (A) (3) (b), 1338  
(c), (d), or (e) or (A) (4) of this section, if the offense for 1339  
which the sentence is being imposed is an offense other than 1340  
aggravated murder, murder, or rape and other than an offense for 1341  
which a term of life imprisonment may be imposed, it shall 1342  
impose an indefinite prison term consisting of a minimum term 1343  
fixed by the court from among the range of terms available as a 1344  
definite term for the offense, but not less than two years, and 1345  
a maximum term of life imprisonment. 1346

(b) Except as otherwise provided in division (A) (4) of 1347  
this section, if the offense for which the sentence is being 1348  
imposed is kidnapping that is a felony of the first degree, it 1349  
shall impose an indefinite prison term as follows: 1350

(i) If the kidnapping is committed on or after January 1, 1351  
2008, and the victim of the offense is less than thirteen years 1352  
of age, except as otherwise provided in this division, it shall 1353  
impose an indefinite prison term consisting of a minimum term of 1354  
fifteen years and a maximum term of life imprisonment. If the 1355  
kidnapping is committed on or after January 1, 2008, the victim 1356  
of the offense is less than thirteen years of age, and the 1357  
offender released the victim in a safe place unharmed, it shall 1358  
impose an indefinite prison term consisting of a minimum term of 1359  
ten years and a maximum term of life imprisonment. 1360

(ii) If the kidnapping is committed prior to January 1, 1361  
2008, or division (A) (3) (b) (i) of this section does not apply, 1362  
it shall impose an indefinite term consisting of a minimum term 1363  
fixed by the court that is not less than ten years and a maximum 1364  
term of life imprisonment. 1365

(c) Except as otherwise provided in division (A) (4) of 1366  
this section, if the offense for which the sentence is being 1367

imposed is kidnapping that is a felony of the second degree, it 1368  
shall impose an indefinite prison term consisting of a minimum 1369  
term fixed by the court that is not less than eight years, and a 1370  
maximum term of life imprisonment. 1371

(d) Except as otherwise provided in division (A)(4) of 1372  
this section, if the offense for which the sentence is being 1373  
imposed is rape for which a term of life imprisonment is not 1374  
imposed under division (A)(2) of this section or division (B) of 1375  
section 2907.02 of the Revised Code, it shall impose an 1376  
indefinite prison term as follows: 1377

(i) If the rape is committed on or after January 2, 2007, 1378  
in violation of division (A)(1)(b) of section 2907.02 of the 1379  
Revised Code, it shall impose an indefinite prison term 1380  
consisting of a minimum term of twenty-five years and a maximum 1381  
term of life imprisonment. 1382

(ii) If the rape is committed prior to January 2, 2007, or 1383  
the rape is committed on or after January 2, 2007, other than in 1384  
violation of division (A)(1)(b) of section 2907.02 of the 1385  
Revised Code, it shall impose an indefinite prison term 1386  
consisting of a minimum term fixed by the court that is not less 1387  
than ten years, and a maximum term of life imprisonment. 1388

(e) Except as otherwise provided in division (A)(4) of 1389  
this section, if the offense for which sentence is being imposed 1390  
is attempted rape, it shall impose an indefinite prison term as 1391  
follows: 1392

(i) Except as otherwise provided in division (A)(3)(e) 1393  
(ii), (iii), or (iv) of this section, it shall impose an 1394  
indefinite prison term pursuant to division (A)(3)(a) of this 1395  
section. 1396

(ii) If the attempted rape for which sentence is being 1397  
imposed was committed on or after January 2, 2007, and if the 1398  
offender also is convicted of or pleads guilty to a 1399  
specification of the type described in section 2941.1418 of the 1400  
Revised Code, it shall impose an indefinite prison term 1401  
consisting of a minimum term of five years and a maximum term of 1402  
twenty-five years. 1403

(iii) If the attempted rape for which sentence is being 1404  
imposed was committed on or after January 2, 2007, and if the 1405  
offender also is convicted of or pleads guilty to a 1406  
specification of the type described in section 2941.1419 of the 1407  
Revised Code, it shall impose an indefinite prison term 1408  
consisting of a minimum term of ten years and a maximum of life 1409  
imprisonment. 1410

(iv) If the attempted rape for which sentence is being 1411  
imposed was committed on or after January 2, 2007, and if the 1412  
offender also is convicted of or pleads guilty to a 1413  
specification of the type described in section 2941.1420 of the 1414  
Revised Code, it shall impose an indefinite prison term 1415  
consisting of a minimum term of fifteen years and a maximum of 1416  
life imprisonment. 1417

(4) For any offense for which the sentence is being 1418  
imposed, if the offender previously has been convicted of or 1419  
pleaded guilty to a violent sex offense and also to a sexually 1420  
violent predator specification that was included in the 1421  
indictment, count in the indictment, or information charging 1422  
that offense, or previously has been convicted of or pleaded 1423  
guilty to a designated homicide, assault, or kidnapping offense 1424  
and also to both a sexual motivation specification and a 1425  
sexually violent predator specification that were included in 1426

the indictment, count in the indictment, or information charging 1427  
that offense, it shall impose upon the offender a term of life 1428  
imprisonment without parole. 1429

(B) (1) Notwithstanding section 2929.13, division (A) or 1430  
(D) of section 2929.14, or another section of the Revised Code 1431  
other than division (B) of section 2907.02 or divisions (B) and 1432  
(C) of section 2929.14 of the Revised Code that authorizes or 1433  
requires a specified prison term or a mandatory prison term for 1434  
a person who is convicted of or pleads guilty to a felony or 1435  
that specifies the manner and place of service of a prison term 1436  
or term of imprisonment, if a person is convicted of or pleads 1437  
guilty to a violation of division (A) (1) (b) of section 2907.02 1438  
of the Revised Code committed on or after January 2, 2007, if 1439  
division (A) of this section does not apply regarding the 1440  
person, and if the court does not impose a sentence of life 1441  
without parole when authorized pursuant to division (B) of 1442  
section 2907.02 of the Revised Code, the court shall impose upon 1443  
the person an indefinite prison term consisting of one of the 1444  
following: 1445

(a) Except as otherwise required in division (B) (1) (b) or 1446  
(c) of this section, a minimum term of ten years and a maximum 1447  
term of life imprisonment. 1448

(b) If the victim was less than ten years of age, a 1449  
minimum term of fifteen years and a maximum of life 1450  
imprisonment. 1451

(c) If the offender purposely compels the victim to submit 1452  
by force or threat of force, or if the offender previously has 1453  
been convicted of or pleaded guilty to violating division (A) (1) 1454  
(b) of section 2907.02 of the Revised Code or to violating an 1455  
existing or former law of this state, another state, or the 1456

United States that is substantially similar to division (A) (1) 1457  
(b) of that section, or if the offender during or immediately 1458  
after the commission of the offense caused serious physical harm 1459  
to the victim, a minimum term of twenty-five years and a maximum 1460  
of life imprisonment. 1461

(2) Notwithstanding section 2929.13, division (A) or (D) 1462  
of section 2929.14, or another section of the Revised Code other 1463  
than divisions (B) and (C) of section 2929.14 of the Revised 1464  
Code that authorizes or requires a specified prison term or a 1465  
mandatory prison term for a person who is convicted of or pleads 1466  
guilty to a felony or that specifies the manner and place of 1467  
service of a prison term or term of imprisonment and except as 1468  
otherwise provided in division (B) of section 2907.02 of the 1469  
Revised Code, if a person is convicted of or pleads guilty to 1470  
attempted rape committed on or after January 2, 2007, and if 1471  
division (A) of this section does not apply regarding the 1472  
person, the court shall impose upon the person an indefinite 1473  
prison term consisting of one of the following: 1474

(a) If the person also is convicted of or pleads guilty to 1475  
a specification of the type described in section 2941.1418 of 1476  
the Revised Code, the court shall impose upon the person an 1477  
indefinite prison term consisting of a minimum term of five 1478  
years and a maximum term of twenty-five years. 1479

(b) If the person also is convicted of or pleads guilty to 1480  
a specification of the type described in section 2941.1419 of 1481  
the Revised Code, the court shall impose upon the person an 1482  
indefinite prison term consisting of a minimum term of ten years 1483  
and a maximum term of life imprisonment. 1484

(c) If the person also is convicted of or pleads guilty to 1485  
a specification of the type described in section 2941.1420 of 1486

the Revised Code, the court shall impose upon the person an 1487  
indefinite prison term consisting of a minimum term of fifteen 1488  
years and a maximum term of life imprisonment. 1489

(3) Notwithstanding section 2929.13, division (A) or (D) 1490  
of section 2929.14, or another section of the Revised Code other 1491  
than divisions (B) and (C) of section 2929.14 of the Revised 1492  
Code that authorizes or requires a specified prison term or a 1493  
mandatory prison term for a person who is convicted of or pleads 1494  
guilty to a felony or that specifies the manner and place of 1495  
service of a prison term or term of imprisonment, if a person is 1496  
convicted of or pleads guilty to an offense described in 1497  
division (B) (3) (a), (b), (c), or (d) of this section committed 1498  
on or after January 1, 2008, if the person also is convicted of 1499  
or pleads guilty to a sexual motivation specification that was 1500  
included in the indictment, count in the indictment, or 1501  
information charging that offense, and if division (A) of this 1502  
section does not apply regarding the person, the court shall 1503  
impose upon the person an indefinite prison term consisting of 1504  
one of the following: 1505

(a) An indefinite prison term consisting of a minimum of 1506  
ten years and a maximum term of life imprisonment if the offense 1507  
for which the sentence is being imposed is kidnapping, the 1508  
victim of the offense is less than thirteen years of age, and 1509  
the offender released the victim in a safe place unharmed; 1510

(b) An indefinite prison term consisting of a minimum of 1511  
fifteen years and a maximum term of life imprisonment if the 1512  
offense for which the sentence is being imposed is kidnapping 1513  
when the victim of the offense is less than thirteen years of 1514  
age and division (B) (3) (a) of this section does not apply; 1515

(c) An indefinite term consisting of a minimum of thirty 1516

years and a maximum term of life imprisonment if the offense for 1517  
which the sentence is being imposed is aggravated murder, when 1518  
the victim of the offense is less than thirteen years of age, a 1519  
sentence of death or life imprisonment without parole is not 1520  
imposed for the offense, and division (A) (2) (b) (ii) of section 1521  
2929.022, division (A) (1) ~~(e)~~ (g), (C) (1) (a) ~~(v)~~ (vii), (C) (2) (a) 1522  
(ii), (D) (2) (b), (D) (3) (a) ~~(iv)~~ (vi), or (E) ~~(1)~~ (d) ~~(6)~~ of section 1523  
2929.03, or division (A) or (B) of section 2929.06 of the 1524  
Revised Code requires that the sentence for the offense be 1525  
imposed pursuant to this division; 1526

(d) An indefinite prison term consisting of a minimum of 1527  
thirty years and a maximum term of life imprisonment if the 1528  
offense for which the sentence is being imposed is murder when 1529  
the victim of the offense is less than thirteen years of age. 1530

(C) (1) If the offender is sentenced to a prison term 1531  
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 1532  
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 1533  
parole board shall have control over the offender's service of 1534  
the term during the entire term unless the parole board 1535  
terminates its control in accordance with section 2971.04 of the 1536  
Revised Code. 1537

(2) Except as provided in division (C) (3) of this section, 1538  
an offender sentenced to a prison term or term of life 1539  
imprisonment without parole pursuant to division (A) of this 1540  
section shall serve the entire prison term or term of life 1541  
imprisonment in a state correctional institution. The offender 1542  
is not eligible for judicial release under section 2929.20 of 1543  
the Revised Code. 1544

(3) For a prison term imposed pursuant to division (A) (3), 1545  
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 1546

(b), (c), or (d) of this section, the court, in accordance with 1547  
section 2971.05 of the Revised Code, may terminate the prison 1548  
term or modify the requirement that the offender serve the 1549  
entire term in a state correctional institution if all of the 1550  
following apply: 1551

(a) The offender has served at least the minimum term 1552  
imposed as part of that prison term. 1553

(b) The parole board, pursuant to section 2971.04 of the 1554  
Revised Code, has terminated its control over the offender's 1555  
service of that prison term. 1556

(c) The court has held a hearing and found, by clear and 1557  
convincing evidence, one of the following: 1558

(i) In the case of termination of the prison term, that 1559  
the offender is unlikely to commit a sexually violent offense in 1560  
the future; 1561

(ii) In the case of modification of the requirement, that 1562  
the offender does not represent a substantial risk of physical 1563  
harm to others. 1564

(4) An offender who has been sentenced to a term of life 1565  
imprisonment without parole pursuant to division (A)(1), (2), or 1566  
(4) of this section shall not be released from the term of life 1567  
imprisonment or be permitted to serve a portion of it in a place 1568  
other than a state correctional institution. 1569

(D) If a court sentences an offender to a prison term or 1570  
term of life imprisonment without parole pursuant to division 1571  
(A) of this section and the court also imposes on the offender 1572  
one or more additional prison terms pursuant to division (B) of 1573  
section 2929.14 of the Revised Code, all of the additional 1574  
prison terms shall be served consecutively with, and prior to, 1575

the prison term or term of life imprisonment without parole 1576  
imposed upon the offender pursuant to division (A) of this 1577  
section. 1578

(E) If the offender is convicted of or pleads guilty to 1579  
two or more offenses for which a prison term or term of life 1580  
imprisonment without parole is required to be imposed pursuant 1581  
to division (A) of this section, divisions (A) to (D) of this 1582  
section shall be applied for each offense. All minimum terms 1583  
imposed upon the offender pursuant to division (A) (3) or (B) of 1584  
this section for those offenses shall be aggregated and served 1585  
consecutively, as if they were a single minimum term imposed 1586  
under that division. 1587

(F) (1) If an offender is convicted of or pleads guilty to 1588  
a violent sex offense and also is convicted of or pleads guilty 1589  
to a sexually violent predator specification that was included 1590  
in the indictment, count in the indictment, or information 1591  
charging that offense, or is convicted of or pleads guilty to a 1592  
designated homicide, assault, or kidnapping offense and also is 1593  
convicted of or pleads guilty to both a sexual motivation 1594  
specification and a sexually violent predator specification that 1595  
were included in the indictment, count in the indictment, or 1596  
information charging that offense, the conviction of or plea of 1597  
guilty to the offense and the sexually violent predator 1598  
specification automatically classifies the offender as a tier 1599  
III sex offender/child-victim offender for purposes of Chapter 1600  
2950. of the Revised Code. 1601

(2) If an offender is convicted of or pleads guilty to 1602  
committing on or after January 2, 2007, a violation of division 1603  
(A) (1) (b) of section 2907.02 of the Revised Code and either the 1604  
offender is sentenced under section 2971.03 of the Revised Code 1605

or a sentence of life without parole is imposed under division 1606  
(B) of section 2907.02 of the Revised Code, the conviction of or 1607  
plea of guilty to the offense automatically classifies the 1608  
offender as a tier III sex offender/child-victim offender for 1609  
purposes of Chapter 2950. of the Revised Code. 1610

(3) If a person is convicted of or pleads guilty to 1611  
committing on or after January 2, 2007, attempted rape and also 1612  
is convicted of or pleads guilty to a specification of the type 1613  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1614  
Revised Code, the conviction of or plea of guilty to the offense 1615  
and the specification automatically classify the offender as a 1616  
tier III sex offender/child-victim offender for purposes of 1617  
Chapter 2950. of the Revised Code. 1618

(4) If a person is convicted of or pleads guilty to one of 1619  
the offenses described in division (B) (3) (a), (b), (c), or (d) 1620  
of this section and a sexual motivation specification related to 1621  
the offense and the victim of the offense is less than thirteen 1622  
years of age, the conviction of or plea of guilty to the offense 1623  
automatically classifies the offender as a tier III sex 1624  
offender/child-victim offender for purposes of Chapter 2950. of 1625  
the Revised Code. 1626

**Sec. 2971.07.** (A) This chapter does not apply to any 1627  
offender unless the offender is one of the following: 1628

(1) The offender is convicted of or pleads guilty to a 1629  
violent sex offense and also is convicted of or pleads guilty to 1630  
a sexually violent predator specification that was included in 1631  
the indictment, count in the indictment, or information charging 1632  
that offense. 1633

(2) The offender is convicted of or pleads guilty to a 1634

designated homicide, assault, or kidnapping offense and also is 1635  
convicted of or pleads guilty to both a sexual motivation 1636  
specification and a sexually violent predator specification that 1637  
were included in the indictment, count in the indictment, or 1638  
information charging that offense. 1639

(3) The offender is convicted of or pleads guilty to a 1640  
violation of division (A) (1) (b) of section 2907.02 of the 1641  
Revised Code committed on or after January 2, 2007, and the 1642  
court does not sentence the offender to a term of life without 1643  
parole pursuant to division (B) of section 2907.02 of the 1644  
Revised Code or division (B) of that section prohibits the court 1645  
from sentencing the offender pursuant to section 2971.03 of the 1646  
Revised Code. 1647

(4) The offender is convicted of or pleads guilty to 1648  
attempted rape committed on or after January 2, 2007, and also 1649  
is convicted of or pleads guilty to a specification of the type 1650  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1651  
Revised Code. 1652

(5) The offender is convicted of or pleads guilty to a 1653  
violation of section 2905.01 of the Revised Code and also is 1654  
convicted of or pleads guilty to a sexual motivation 1655  
specification that was included in the indictment, count in the 1656  
indictment, or information charging that offense, and that 1657  
section requires a court to sentence the offender pursuant to 1658  
section 2971.03 of the Revised Code. 1659

(6) The offender is convicted of or pleads guilty to 1660  
aggravated murder and also is convicted of or pleads guilty to a 1661  
sexual motivation specification that was included in the 1662  
indictment, count in the indictment, or information charging 1663  
that offense, and division (A) (2) (b) (ii) of section 2929.022, 1664

division (A) (1) ~~(e)~~ (g), (C) (1) (a) ~~(v)~~ (vii), (C) (2) (a) (ii), (D) (2) 1665  
(b), (D) (3) (a) ~~(iv)~~ (vi), or (E) ~~(1) (d)~~ (6) of section 2929.03, or 1666  
division (A) or (B) of section 2929.06 of the Revised Code 1667  
requires a court to sentence the offender pursuant to division 1668  
(B) (3) of section 2971.03 of the Revised Code. 1669

(7) The offender is convicted of or pleads guilty to 1670  
murder and also is convicted of or pleads guilty to a sexual 1671  
motivation specification that was included in the indictment, 1672  
count in the indictment, or information charging that offense, 1673  
and division (B) (2) of section 2929.02 of the Revised Code 1674  
requires a court to sentence the offender pursuant to section 1675  
2971.03 of the Revised Code. 1676

(B) This chapter does not limit or affect a court in 1677  
imposing upon an offender described in divisions (A) (1) to (9) 1678  
of this section any financial sanction under section 2929.18 or 1679  
any other section of the Revised Code, or, except as 1680  
specifically provided in this chapter, any other sanction that 1681  
is authorized or required for the offense or violation by any 1682  
other provision of law. 1683

(C) If an offender is sentenced to a prison term under 1684  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 1685  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 1686  
Code and if, pursuant to section 2971.05 of the Revised Code, 1687  
the court modifies the requirement that the offender serve the 1688  
entire prison term in a state correctional institution or places 1689  
the offender on conditional release that involves the placement 1690  
of the offender under the supervision of the adult parole 1691  
authority, authorized field officers of the authority who are 1692  
engaged within the scope of their supervisory duties or 1693  
responsibilities may search, with or without a warrant, the 1694

person of the offender, the place of residence of the offender, 1695  
and a motor vehicle, another item of tangible or intangible 1696  
personal property, or any other real property in which the 1697  
offender has the express or implied permission of a person with 1698  
a right, title, or interest to use, occupy, or possess if the 1699  
field officer has reasonable grounds to believe that the 1700  
offender is not abiding by the law or otherwise is not complying 1701  
with the terms and conditions of the offender's modification or 1702  
release. The authority shall provide each offender with a 1703  
written notice that informs the offender that authorized field 1704  
officers of the authority who are engaged within the scope of 1705  
their supervisory duties or responsibilities may conduct those 1706  
types of searches during the period of the modification or 1707  
release if they have reasonable grounds to believe that the 1708  
offender is not abiding by the law or otherwise is not complying 1709  
with the terms and conditions of the offender's modification or 1710  
release. 1711

**Sec. 5120.61.** (A) (1) Not later than ninety days after 1712  
January 1, 1997, the department of rehabilitation and correction 1713  
shall adopt standards that it will use under this section to 1714  
assess the following criminal offenders and may periodically 1715  
revise the standards: 1716

(a) A criminal offender who is convicted of or pleads 1717  
guilty to a violent sex offense or designated homicide, assault, 1718  
or kidnapping offense and is adjudicated a sexually violent 1719  
predator in relation to that offense; 1720

(b) A criminal offender who is convicted of or pleads 1721  
guilty to a violation of division (A) (1) (b) of section 2907.02 1722  
of the Revised Code committed on or after January 2, 2007, and 1723  
either who is sentenced under section 2971.03 of the Revised 1724

Code or upon whom a sentence of life without parole is imposed 1725  
under division (B) of section 2907.02 of the Revised Code; 1726

(c) A criminal offender who is convicted of or pleads 1727  
guilty to attempted rape committed on or after January 2, 2007, 1728  
and a specification of the type described in section 2941.1418, 1729  
2941.1419, or 2941.1420 of the Revised Code; 1730

(d) A criminal offender who is convicted of or pleads 1731  
guilty to a violation of section 2905.01 of the Revised Code and 1732  
also is convicted of or pleads guilty to a sexual motivation 1733  
specification that was included in the indictment, count in the 1734  
indictment, or information charging that offense, and who is 1735  
sentenced pursuant to section 2971.03 of the Revised Code; 1736

(e) A criminal offender who is convicted of or pleads 1737  
guilty to aggravated murder and also is convicted of or pleads 1738  
guilty to a sexual motivation specification that was included in 1739  
the indictment, count in the indictment, or information charging 1740  
that offense, and who pursuant to division (A) (2) (b) (ii) of 1741  
section 2929.022, division (A) (1) ~~(e)~~ (g), (C) (1) (a) ~~(v)~~ (vii), (C) 1742  
(2) (a) (ii), (D) (2) (b), (D) (3) (a) ~~(iv)~~ (vi), or (E) ~~(1) (d)~~ (6) of 1743  
section 2929.03, or division (A) or (B) of section 2929.06 of 1744  
the Revised Code is sentenced pursuant to division (B) (3) of 1745  
section 2971.03 of the Revised Code; 1746

(f) A criminal offender who is convicted of or pleads 1747  
guilty to murder and also is convicted of or pleads guilty to a 1748  
sexual motivation specification that was included in the 1749  
indictment, count in the indictment, or information charging 1750  
that offense, and who pursuant to division (B) (2) of section 1751  
2929.02 of the Revised Code is sentenced pursuant to section 1752  
2971.03 of the Revised Code. 1753

(2) When the department is requested by the parole board 1754  
or the court to provide a risk assessment report of the offender 1755  
under section 2971.04 or 2971.05 of the Revised Code, it shall 1756  
assess the offender and complete the assessment as soon as 1757  
possible after the offender has commenced serving the prison 1758  
term or term of life imprisonment without parole imposed under 1759  
division (A), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or 1760  
(B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 1761  
Code. Thereafter, the department shall update a risk assessment 1762  
report pertaining to an offender as follows: 1763

(a) Periodically, in the discretion of the department, 1764  
provided that each report shall be updated no later than two 1765  
years after its initial preparation or most recent update; 1766

(b) Upon the request of the parole board for use in 1767  
determining pursuant to section 2971.04 of the Revised Code 1768  
whether it should terminate its control over an offender's 1769  
service of a prison term imposed upon the offender under 1770  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 1771  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 1772  
Code; 1773

(c) Upon the request of the court. 1774

(3) After the department of rehabilitation and correction 1775  
assesses an offender pursuant to division (A) (2) of this 1776  
section, it shall prepare a report that contains its risk 1777  
assessment for the offender or, if a risk assessment report 1778  
previously has been prepared, it shall update the risk 1779  
assessment report. 1780

(4) The department of rehabilitation and correction shall 1781  
provide each risk assessment report that it prepares or updates 1782

pursuant to this section regarding an offender to all of the 1783  
following: 1784

(a) The parole board for its use in determining pursuant 1785  
to section 2971.04 of the Revised Code whether it should 1786  
terminate its control over an offender's service of a prison 1787  
term imposed upon the offender under division (A) (3), (B) (1) (a), 1788  
(b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or 1789  
(d) of section 2971.03 of the Revised Code, if the parole board 1790  
has not terminated its control over the offender; 1791

(b) The court for use in determining, pursuant to section 1792  
2971.05 of the Revised Code, whether to modify the requirement 1793  
that the offender serve the entire prison term imposed upon the 1794  
offender under division (A) (3), (B) (1) (a), (b), or (c), (B) (2) 1795  
(a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of section 1796  
2971.03 of the Revised Code in a state correctional institution, 1797  
whether to revise any modification previously made, or whether 1798  
to terminate the prison term; 1799

(c) The prosecuting attorney who prosecuted the case, or 1800  
the successor in office to that prosecuting attorney; 1801

(d) The offender. 1802

(B) When the department of rehabilitation and correction 1803  
provides a risk assessment report regarding an offender to the 1804  
parole board or court pursuant to division (A) (4) (a) or (b) of 1805  
this section, the department, prior to the parole board's or 1806  
court's hearing, also shall provide to the offender or to the 1807  
offender's attorney of record a copy of the report and a copy of 1808  
any other relevant documents the department possesses regarding 1809  
the offender that the department does not consider to be 1810  
confidential. 1811

(C) As used in this section:	1812
(1) "Adjudicated a sexually violent predator" has the same meaning as in section 2929.01 of the Revised Code, and a person is "adjudicated a sexually violent predator" in the same manner and the same circumstances as are described in that section.	1813 1814 1815 1816
(2) "Designated homicide, assault, or kidnapping offense" and "violent sex offense" have the same meanings as in section 2971.01 of the Revised Code.	1817 1818 1819
<b>Section 2.</b> That existing sections 2929.03, 2929.04, 2929.14, 2941.148, 2971.03, 2971.07, and 5120.61 of the Revised Code are hereby repealed.	1820 1821 1822
<b>Section 3.</b> This act shall be known as "Justin's Law."	1823