

**As Introduced**

**CORRECTED VERSION**

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

**S. B. No. 97**

**Senators Hughes, LaRose  
Cosponsors: Senators Eklund, Patton**

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**A BILL**

To amend sections 2152.17, 2901.08, 2923.14, 1  
2929.13, 2929.14, 2929.20, 2929.201, 2941.141, 2  
2941.144, 2941.145, 2941.146, and 2941.1412 and 3  
to enact sections 2923.132 and 2941.1424 of the 4  
Revised Code to increase by 50% the mandatory 5  
prison term for an offender who is convicted of 6  
a firearm specification and previously has been 7  
convicted of a firearm specification; to 8  
prohibit violent career criminals from knowingly 9  
acquiring, having, carrying, or using any 10  
firearm or dangerous ordnance; to require a 11  
mandatory prison term for a violent career 12  
criminal convicted of committing a violent 13  
felony offense while armed with a firearm; to 14  
correct a provision regarding delinquent child 15  
dispositions for specifications; to provide 16  
certain prisoners credit for time spent in jail 17  
in determining eligibility to apply for judicial 18  
release; and to specify that no presentence 19  
investigation report is required for shock 20

probation to be granted to an offender convicted 21  
of an offense before July 1, 1996. 22

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

**Section 1.** That sections 2152.17, 2901.08, 2923.14, 23  
2929.13, 2929.14, 2929.20, 2929.201, 2941.141, 2941.144, 24  
2941.145, 2941.146, and 2941.1412 be amended and sections 25  
2923.132 and 2941.1424 of the Revised Code be enacted to read as 26  
follows: 27

**Sec. 2152.17.** (A) Subject to division (D) of this section, 28  
if a child is adjudicated a delinquent child for committing an 29  
act, other than a violation of section 2923.12 of the Revised 30  
Code, that would be a felony if committed by an adult and if the 31  
court determines that, if the child was an adult, the child 32  
would be guilty of a specification of the type set forth in 33  
section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 34  
2941.1414, or 2941.1415 of the Revised Code, in addition to any 35  
commitment or other disposition the court imposes for the 36  
underlying delinquent act, all of the following apply: 37

(1) If the court determines that the child would be guilty 38  
of a specification of the type set forth in section 2941.141 of 39  
the Revised Code, the court may commit the child to the 40  
department of youth services for the specification for a 41  
definite period of up to one year. 42

(2) If the court determines that the child would be guilty 43  
of a specification of the type set forth in section 2941.145 of 44  
the Revised Code or if the delinquent act is a violation of 45  
division (A) (1) or (2) of section 2903.06 of the Revised Code 46

and the court determines that the child would be guilty of a 47  
specification of the type set forth in section 2941.1415 of the 48  
Revised Code, the court shall commit the child to the department 49  
of youth services for the specification for a definite period of 50  
not less than one and not more than three years, and the court 51  
also shall commit the child to the department for the underlying 52  
delinquent act under sections 2152.11 to 2152.16 of the Revised 53  
Code. 54

(3) If the court determines that the child would be guilty 55  
of a specification of the type set forth in section 2941.144, 56  
2941.146, or 2941.1412 of the Revised Code or if the delinquent 57  
act is a violation of division (A) (1) or (2) of section 2903.06 58  
of the Revised Code and the court determines that the child 59  
would be guilty of a specification of the type set forth in 60  
section 2941.1414 of the Revised Code, the court shall commit 61  
the child to the department of youth services for the 62  
specification for a definite period of not less than one and not 63  
more than five years, and the court also shall commit the child 64  
to the department for the underlying delinquent act under 65  
sections 2152.11 to 2152.16 of the Revised Code. 66

(B) (1) If a child is adjudicated a delinquent child for 67  
committing an act, other than a violation of section 2923.12 of 68  
the Revised Code, that would be a felony if committed by an 69  
adult, if the court determines that the child is complicit in 70  
another person's conduct that is of such a nature that the other 71  
person would be guilty of a specification of the type set forth 72  
in section 2941.141, 2941.144, 2941.145, or 2941.146 of the 73  
Revised Code if the other person was an adult, if the other 74  
person's conduct relates to the child's underlying delinquent 75  
act, and if the child did not furnish, use, or dispose of any 76  
firearm that was involved with the underlying delinquent act or 77

with the other person's specification-related conduct, in 78  
addition to any other disposition the court imposes for the 79  
underlying delinquent act, the court may commit the child to the 80  
department of youth services for the specification for a 81  
definite period of not more than one year, subject to division 82  
(D) (2) of this section. 83

(2) Except as provided in division (B) (1) of this section, 84  
division (A) of this section also applies to a child who is an 85  
accomplice regarding a ~~firearm~~-specification of the type set 86  
forth in section 2941.1412, 2941.1414, or 2941.1415 of the 87  
Revised Code to the same extent the ~~firearm~~-specifications would 88  
apply to an adult accomplice in a criminal proceeding. 89

(C) If a child is adjudicated a delinquent child for 90  
committing an act that would be aggravated murder, murder, or a 91  
first, second, or third degree felony offense of violence if 92  
committed by an adult and if the court determines that, if the 93  
child was an adult, the child would be guilty of a specification 94  
of the type set forth in section 2941.142 of the Revised Code in 95  
relation to the act for which the child was adjudicated a 96  
delinquent child, the court shall commit the child for the 97  
specification to the legal custody of the department of youth 98  
services for institutionalization in a secure facility for a 99  
definite period of not less than one and not more than three 100  
years, subject to division (D) (2) of this section, and the court 101  
also shall commit the child to the department for the underlying 102  
delinquent act. 103

(D) (1) If the child is adjudicated a delinquent child for 104  
committing an act that would be an offense of violence that is a 105  
felony if committed by an adult and is committed to the legal 106  
custody of the department of youth services pursuant to division 107

(A) (1) of section 2152.16 of the Revised Code and if the court determines that the child, if the child was an adult, would be guilty of a specification of the type set forth in section 2941.1411 of the Revised Code in relation to the act for which the child was adjudicated a delinquent child, the court may commit the child to the custody of the department of youth services for institutionalization in a secure facility for up to two years, subject to division (D) (2) of this section.

(2) A court that imposes a period of commitment under division (A) of this section is not precluded from imposing an additional period of commitment under division (C) or (D) (1) of this section, a court that imposes a period of commitment under division (C) of this section is not precluded from imposing an additional period of commitment under division (A) or (D) (1) of this section, and a court that imposes a period of commitment under division (D) (1) of this section is not precluded from imposing an additional period of commitment under division (A) or (C) of this section.

(E) The court shall not commit a child to the legal custody of the department of youth services for a specification pursuant to this section for a period that exceeds five years for any one delinquent act. Any commitment imposed pursuant to division (A), (B), (C), or (D) (1) of this section shall be in addition to, and shall be served consecutively with and prior to, a period of commitment ordered under this chapter for the underlying delinquent act, and each commitment imposed pursuant to division (A), (B), (C), or (D) (1) of this section shall be in addition to, and shall be served consecutively with, any other period of commitment imposed under those divisions. If a commitment is imposed under division (A) or (B) of this section and a commitment also is imposed under division (C) of this

section, the period imposed under division (A) or (B) of this 139  
section shall be served prior to the period imposed under 140  
division (C) of this section. 141

In each case in which a court makes a disposition under 142  
this section, the court retains control over the commitment for 143  
the entire period of the commitment. 144

The total of all the periods of commitment imposed for any 145  
specification under this section and for the underlying offense 146  
shall not exceed the child's attainment of twenty-one years of 147  
age. 148

(F) If a child is adjudicated a delinquent child for 149  
committing two or more acts that would be felonies if committed 150  
by an adult and if the court entering the delinquent child 151  
adjudication orders the commitment of the child for two or more 152  
of those acts to the legal custody of the department of youth 153  
services for institutionalization in a secure facility pursuant 154  
to section 2152.13 or 2152.16 of the Revised Code, the court may 155  
order that all of the periods of commitment imposed under those 156  
sections for those acts be served consecutively in the legal 157  
custody of the department of youth services, provided that those 158  
periods of commitment shall be in addition to and commence 159  
immediately following the expiration of a period of commitment 160  
that the court imposes pursuant to division (A), (B), (C), or 161  
(D)(1) of this section. A court shall not commit a delinquent 162  
child to the legal custody of the department of youth services 163  
under this division for a period that exceeds the child's 164  
attainment of twenty-one years of age. 165

**Sec. 2901.08.** (A) If a person is alleged to have committed 166  
an offense and if the person previously has been adjudicated a 167  
delinquent child or juvenile traffic offender for a violation of 168

a law or ordinance, except as provided in division (B) of this section, the adjudication as a delinquent child or as a juvenile traffic offender is a conviction for a violation of the law or ordinance for purposes of determining the offense with which the person should be charged and, if the person is convicted of or pleads guilty to an offense, the sentence to be imposed upon the person relative to the conviction or guilty plea.

(B) A previous adjudication of a person as a delinquent child or juvenile traffic offender for a violation of a law or ordinance is not a conviction for a violation of the law or ordinance for purposes of determining ~~whether any of the~~ following:

(1) Whether the person is a repeat violent offender, as defined in section 2929.01 of the Revised Code, or whether the person should be sentenced as a repeat violent offender under division (B) (2) of section 2929.14 and section 2941.149 of the Revised Code;

(2) Whether the person is a violent career criminal as defined in section 2923.132 of the Revised Code, whether the person has committed unlawful possession or use of a weapon by a violent career criminal in violation of section 2923.132 of the Revised Code or should be sentenced for that offense under that section, or whether the person should be sentenced under division (K) of section 2929.14 of the Revised Code as a violent career criminal who had a firearm on or about the person's person or under the person's control while committing a violent felony offense.

**Sec. 2923.132.** (A) As used in this section:

(1) (a) "Violent career criminal" means a person who within

the preceding eight years, subject to extension as provided in 198  
division (A) (1) (b) of this section, has been convicted of or 199  
pleaded guilty to two or more violent felony offenses that are 200  
separated by intervening sentences and are not so closely 201  
related to each other and connected in time and place that they 202  
constitute a course of criminal conduct. 203

(b) The eight-year period described in division (A) (1) (a) 204  
of this section shall be extended by a period of time equal to 205  
any period of time during which the person, within that eight- 206  
year period, was confined as a result of having been accused of 207  
an offense, having been convicted of or pleaded guilty to an 208  
offense, or having been accused of violating or found to have 209  
violated any community control sanction, post-release control 210  
sanction, or term or condition of supervised release. 211

(2) "Violent felony offense" means any of the following: 212

(a) A violation of section 2903.01, 2903.02, 2903.03, 213  
2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2909.02, 2909.23, 214  
2911.01, 2911.02, or 2911.11 of the Revised Code; 215

(b) A violation of division (A) (1) or (2) of section 216  
2911.12 of the Revised Code; 217

(c) A felony violation of section 2907.02, 2907.03, 218  
2907.04, or 2907.05 of the Revised Code; 219

(d) A felony violation of section 2909.24 of the Revised 220  
Code or a violation of section 2919.25 of the Revised Code that 221  
is a felony of the third degree; 222

(e) A felony violation of any existing or former ordinance 223  
or law of this state, another state, or the United States that 224  
is or was substantially equivalent to any offense listed or 225  
described in divisions (A) (2) (a) to (e) of this section; 226

(f) A conspiracy or attempt to commit, or complicity in committing, any of the offenses listed or described in divisions (A) (2) (a) to (e) of this section, if the conspiracy, attempt, or complicity is a felony of the first or second degree. 227  
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(3) "Dangerous ordnance" and "firearm" have the same meanings as in section 2923.11 of the Revised Code. 231  
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(4) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 233  
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(5) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 235  
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(6) "Supervised release" has the same meaning as in section 2950.01 of the Revised Code. 237  
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(B) No violent career criminal shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance. 239  
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(C) Whoever violates this section is guilty of unlawful possession or use of a weapon by a violent career criminal, a felony of the first degree, and, notwithstanding division (A) (1) of section 2929.14 of the Revised Code, the court shall impose upon the offender a mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years. 241  
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**Sec. 2923.14.** (A) ~~Any~~ (1) Except as otherwise provided in division (A) (2) of this section, any person who is prohibited from acquiring, having, carrying, or using firearms may apply to the court of common pleas in the county in which the person resides for relief from such prohibition. 247  
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(2) Division (A) (1) of this section does not apply to a person who has been convicted of or pleaded guilty to a violation of section 2923.132 of the Revised Code or to a person 252  
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who, two or more times, has been convicted of or pleaded guilty 255  
to a felony and a specification of the type described in section 256  
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 257  
of the Revised Code. 258

(B) The application shall recite the following: 259

(1) All indictments, convictions, or adjudications upon 260  
which the applicant's disability is based, the sentence imposed 261  
and served, and any release granted under a community control 262  
sanction, post-release control sanction, or parole, any partial 263  
or conditional pardon granted, or other disposition of each 264  
case, or, if the disability is based upon a factor other than an 265  
indictment, a conviction, or an adjudication, the factor upon 266  
which the disability is based and all details related to that 267  
factor; 268

(2) Facts showing the applicant to be a fit subject for 269  
relief under this section. 270

(C) A copy of the application shall be served on the 271  
county prosecutor. The county prosecutor shall cause the matter 272  
to be investigated and shall raise before the court any 273  
objections to granting relief that the investigation reveals. 274

(D) Upon hearing, the court may grant the applicant relief 275  
pursuant to this section, if all of the following apply: 276

(1) One of the following applies: 277

(a) If the disability is based upon an indictment, a 278  
conviction, or an adjudication, the applicant has been fully 279  
discharged from imprisonment, community control, post-release 280  
control, and parole, or, if the applicant is under indictment, 281  
has been released on bail or recognizance. 282

(b) If the disability is based upon a factor other than an indictment, a conviction, or an adjudication, that factor no longer is applicable to the applicant.

(2) The applicant has led a law-abiding life since discharge or release, and appears likely to continue to do so.

(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.

(E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant.

(F) Relief from disability granted pursuant to this section restores the applicant to all civil firearm rights to the full extent enjoyed by any citizen, and is subject to the following conditions:

(1) Applies only with respect to indictments, convictions, or adjudications, or to the other factor, recited in the application as the basis for the applicant's disability;

(2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;

(3) May be revoked by the court at any time for good cause shown and upon notice to the applicant;

(4) Is automatically void upon commission by the applicant of any offense set forth in division (A) (2) or (3) of section 2923.13 of the Revised Code, or upon the applicant's becoming one of the class of persons named in division (A) (1), (4), or (5) of that section.

(G) As used in this section:

(1) "Community control sanction" has the same meaning as

in section 2929.01 of the Revised Code. 310

(2) "Post-release control" and "post-release control 311  
sanction" have the same meanings as in section 2967.01 of the 312  
Revised Code. 313

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 314  
or (G) of this section and unless a specific sanction is 315  
required to be imposed or is precluded from being imposed 316  
pursuant to law, a court that imposes a sentence upon an 317  
offender for a felony may impose any sanction or combination of 318  
sanctions on the offender that are provided in sections 2929.14 319  
to 2929.18 of the Revised Code. 320

If the offender is eligible to be sentenced to community 321  
control sanctions, the court shall consider the appropriateness 322  
of imposing a financial sanction pursuant to section 2929.18 of 323  
the Revised Code or a sanction of community service pursuant to 324  
section 2929.17 of the Revised Code as the sole sanction for the 325  
offense. Except as otherwise provided in this division, if the 326  
court is required to impose a mandatory prison term for the 327  
offense for which sentence is being imposed, the court also 328  
shall impose any financial sanction pursuant to section 2929.18 329  
of the Revised Code that is required for the offense and may 330  
impose any other financial sanction pursuant to that section but 331  
may not impose any additional sanction or combination of 332  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 333

If the offender is being sentenced for a fourth degree 334  
felony OVI offense or for a third degree felony OVI offense, in 335  
addition to the mandatory term of local incarceration or the 336  
mandatory prison term required for the offense by division (G) 337  
(1) or (2) of this section, the court shall impose upon the 338  
offender a mandatory fine in accordance with division (B) (3) of 339

section 2929.18 of the Revised Code and may impose whichever of 340  
the following is applicable: 341

(1) For a fourth degree felony OVI offense for which 342  
sentence is imposed under division (G) (1) of this section, an 343  
additional community control sanction or combination of 344  
community control sanctions under section 2929.16 or 2929.17 of 345  
the Revised Code. If the court imposes upon the offender a 346  
community control sanction and the offender violates any 347  
condition of the community control sanction, the court may take 348  
any action prescribed in division (B) of section 2929.15 of the 349  
Revised Code relative to the offender, including imposing a 350  
prison term on the offender pursuant to that division. 351

(2) For a third or fourth degree felony OVI offense for 352  
which sentence is imposed under division (G) (2) of this section, 353  
an additional prison term as described in division (B) (4) of 354  
section 2929.14 of the Revised Code or a community control 355  
sanction as described in division (G) (2) of this section. 356

(B) (1) (a) Except as provided in division (B) (1) (b) of this 357  
section, if an offender is convicted of or pleads guilty to a 358  
felony of the fourth or fifth degree that is not an offense of 359  
violence or that is a qualifying assault offense, the court 360  
shall sentence the offender to a community control sanction of 361  
at least one year's duration if all of the following apply: 362

(i) The offender previously has not been convicted of or 363  
pleaded guilty to a felony offense. 364

(ii) The most serious charge against the offender at the 365  
time of sentencing is a felony of the fourth or fifth degree. 366

(iii) If the court made a request of the department of 367  
rehabilitation and correction pursuant to division (B) (1) (c) of 368

this section, the department, within the forty-five-day period 369  
specified in that division, provided the court with the names 370  
of, contact information for, and program details of one or more 371  
community control sanctions of at least one year's duration that 372  
are available for persons sentenced by the court. 373

(iv) The offender previously has not been convicted of or 374  
pleaded guilty to a misdemeanor offense of violence that the 375  
offender committed within two years prior to the offense for 376  
which sentence is being imposed. 377

(b) The court has discretion to impose a prison term upon 378  
an offender who is convicted of or pleads guilty to a felony of 379  
the fourth or fifth degree that is not an offense of violence or 380  
that is a qualifying assault offense if any of the following 381  
apply: 382

(i) The offender committed the offense while having a 383  
firearm on or about the offender's person or under the 384  
offender's control. 385

(ii) If the offense is a qualifying assault offense, the 386  
offender caused serious physical harm to another person while 387  
committing the offense, and, if the offense is not a qualifying 388  
assault offense, the offender caused physical harm to another 389  
person while committing the offense. 390

(iii) The offender violated a term of the conditions of 391  
bond as set by the court. 392

(iv) The court made a request of the department of 393  
rehabilitation and correction pursuant to division (B)(1)(c) of 394  
this section, and the department, within the forty-five-day 395  
period specified in that division, did not provide the court 396  
with the name of, contact information for, and program details 397

of any community control sanction of at least one year's 398  
duration that is available for persons sentenced by the court. 399

(v) The offense is a sex offense that is a fourth or fifth 400  
degree felony violation of any provision of Chapter 2907. of the 401  
Revised Code. 402

(vi) In committing the offense, the offender attempted to 403  
cause or made an actual threat of physical harm to a person with 404  
a deadly weapon. 405

(vii) In committing the offense, the offender attempted to 406  
cause or made an actual threat of physical harm to a person, and 407  
the offender previously was convicted of an offense that caused 408  
physical harm to a person. 409

(viii) The offender held a public office or position of 410  
trust, and the offense related to that office or position; the 411  
offender's position obliged the offender to prevent the offense 412  
or to bring those committing it to justice; or the offender's 413  
professional reputation or position facilitated the offense or 414  
was likely to influence the future conduct of others. 415

(ix) The offender committed the offense for hire or as 416  
part of an organized criminal activity. 417

(x) The offender at the time of the offense was serving, 418  
or the offender previously had served, a prison term. 419

(xi) The offender committed the offense while under a 420  
community control sanction, while on probation, or while 421  
released from custody on a bond or personal recognizance. 422

(c) If a court that is sentencing an offender who is 423  
convicted of or pleads guilty to a felony of the fourth or fifth 424  
degree that is not an offense of violence or that is a 425

qualifying assault offense believes that no community control 426  
sanctions are available for its use that, if imposed on the 427  
offender, will adequately fulfill the overriding principles and 428  
purposes of sentencing, the court shall contact the department 429  
of rehabilitation and correction and ask the department to 430  
provide the court with the names of, contact information for, 431  
and program details of one or more community control sanctions 432  
of at least one year's duration that are available for persons 433  
sentenced by the court. Not later than forty-five days after 434  
receipt of a request from a court under this division, the 435  
department shall provide the court with the names of, contact 436  
information for, and program details of one or more community 437  
control sanctions of at least one year's duration that are 438  
available for persons sentenced by the court, if any. Upon 439  
making a request under this division that relates to a 440  
particular offender, a court shall defer sentencing of that 441  
offender until it receives from the department the names of, 442  
contact information for, and program details of one or more 443  
community control sanctions of at least one year's duration that 444  
are available for persons sentenced by the court or for forty- 445  
five days, whichever is the earlier. 446

If the department provides the court with the names of, 447  
contact information for, and program details of one or more 448  
community control sanctions of at least one year's duration that 449  
are available for persons sentenced by the court within the 450  
forty-five-day period specified in this division, the court 451  
shall impose upon the offender a community control sanction 452  
under division (B) (1) (a) of this section, except that the court 453  
may impose a prison term under division (B) (1) (b) of this 454  
section if a factor described in division (B) (1) (b) (i) or (ii) 455  
of this section applies. If the department does not provide the 456

court with the names of, contact information for, and program  
details of one or more community control sanctions of at least  
one year's duration that are available for persons sentenced by  
the court within the forty-five-day period specified in this  
division, the court may impose upon the offender a prison term  
under division (B) (1) (b) (iv) of this section.

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

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

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

(D) (1) Except as provided in division (E) or (F) of this

section, for a felony of the first or second degree, for a 487  
felony drug offense that is a violation of any provision of 488  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 489  
presumption in favor of a prison term is specified as being 490  
applicable, and for a violation of division (A) (4) or (B) of 491  
section 2907.05 of the Revised Code for which a presumption in 492  
favor of a prison term is specified as being applicable, it is 493  
presumed that a prison term is necessary in order to comply with 494  
the purposes and principles of sentencing under section 2929.11 495  
of the Revised Code. Division (D) (2) of this section does not 496  
apply to a presumption established under this division for a 497  
violation of division (A) (4) of section 2907.05 of the Revised 498  
Code. 499

(2) Notwithstanding the presumption established under 500  
division (D) (1) of this section for the offenses listed in that 501  
division other than a violation of division (A) (4) or (B) of 502  
section 2907.05 of the Revised Code, the sentencing court may 503  
impose a community control sanction or a combination of 504  
community control sanctions instead of a prison term on an 505  
offender for a felony of the first or second degree or for a 506  
felony drug offense that is a violation of any provision of 507  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 508  
presumption in favor of a prison term is specified as being 509  
applicable if it makes both of the following findings: 510

(a) A community control sanction or a combination of 511  
community control sanctions would adequately punish the offender 512  
and protect the public from future crime, because the applicable 513  
factors under section 2929.12 of the Revised Code indicating a 514  
lesser likelihood of recidivism outweigh the applicable factors 515  
under that section indicating a greater likelihood of 516  
recidivism. 517

(b) A community control sanction or a combination of 518  
community control sanctions would not demean the seriousness of 519  
the offense, because one or more factors under section 2929.12 520  
of the Revised Code that indicate that the offender's conduct 521  
was less serious than conduct normally constituting the offense 522  
are applicable, and they outweigh the applicable factors under 523  
that section that indicate that the offender's conduct was more 524  
serious than conduct normally constituting the offense. 525

(E) (1) Except as provided in division (F) of this section, 526  
for any drug offense that is a violation of any provision of 527  
Chapter 2925. of the Revised Code and that is a felony of the 528  
third, fourth, or fifth degree, the applicability of a 529  
presumption under division (D) of this section in favor of a 530  
prison term or of division (B) or (C) of this section in 531  
determining whether to impose a prison term for the offense 532  
shall be determined as specified in section 2925.02, 2925.03, 533  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 534  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 535  
regarding the violation. 536

(2) If an offender who was convicted of or pleaded guilty 537  
to a felony violates the conditions of a community control 538  
sanction imposed for the offense solely by reason of producing 539  
positive results on a drug test, the court, as punishment for 540  
the violation of the sanction, shall not order that the offender 541  
be imprisoned unless the court determines on the record either 542  
of the following: 543

(a) The offender had been ordered as a sanction for the 544  
felony to participate in a drug treatment program, in a drug 545  
education program, or in narcotics anonymous or a similar 546  
program, and the offender continued to use illegal drugs after a 547

reasonable period of participation in the program. 548

(b) The imprisonment of the offender for the violation is 549  
consistent with the purposes and principles of sentencing set 550  
forth in section 2929.11 of the Revised Code. 551

(3) A court that sentences an offender for a drug abuse 552  
offense that is a felony of the third, fourth, or fifth degree 553  
may require that the offender be assessed by a properly 554  
credentialed professional within a specified period of time. The 555  
court shall require the professional to file a written 556  
assessment of the offender with the court. If the offender is 557  
eligible for a community control sanction and after considering 558  
the written assessment, the court may impose a community control 559  
sanction that includes treatment and recovery support services 560  
authorized by section 3793.02 of the Revised Code. If the court 561  
imposes treatment and recovery support services as a community 562  
control sanction, the court shall direct the level and type of 563  
treatment and recovery support services after considering the 564  
assessment and recommendation of treatment and recovery support 565  
services providers. 566

(F) Notwithstanding divisions (A) to (E) of this section, 567  
the court shall impose a prison term or terms under sections 568  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 569  
section 2971.03 of the Revised Code and except as specifically 570  
provided in section 2929.20, divisions (C) to (I) of section 571  
2967.19, or section 2967.191 of the Revised Code or when parole 572  
is authorized for the offense under section 2967.13 of the 573  
Revised Code shall not reduce the term or terms pursuant to 574  
section 2929.20, section 2967.19, section 2967.193, or any other 575  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 576  
for any of the following offenses: 577

(1) Aggravated murder when death is not imposed or murder;	578
(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division (A) (1) (b) of section 2907.02 of the Revised Code and would be sentenced under section 2971.03 of the Revised Code;	579 580 581 582 583 584
(3) Gross sexual imposition or sexual battery, if the victim is less than thirteen years of age and if any of the following applies:	585 586 587
(a) Regarding gross sexual imposition, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and the victim of the previous offense was less than thirteen years of age;	588 589 590 591 592
(b) Regarding gross sexual imposition, the offense was committed on or after August 3, 2006, and evidence other than the testimony of the victim was admitted in the case corroborating the violation.	593 594 595 596
(c) Regarding sexual battery, either of the following applies:	597 598
(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.	599 600 601 602 603
(ii) The offense was committed on or after August 3, 2006.	604
(4) A felony violation of section 2903.04, 2903.06,	605

2903.08, 2903.11, 2903.12, 2903.13, 2905.32, ~~or~~2907.07, or 606  
2923.132 of the Revised Code if the section requires the 607  
imposition of a prison term; 608

(5) A first, second, or third degree felony drug offense 609  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 610  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 611  
or 4729.99 of the Revised Code, whichever is applicable 612  
regarding the violation, requires the imposition of a mandatory 613  
prison term; 614

(6) Any offense that is a first or second degree felony 615  
and that is not set forth in division (F)(1), (2), (3), or (4) 616  
of this section, if the offender previously was convicted of or 617  
pleaded guilty to aggravated murder, murder, any first or second 618  
degree felony, or an offense under an existing or former law of 619  
this state, another state, or the United States that is or was 620  
substantially equivalent to one of those offenses; 621

(7) Any offense that is a third degree felony and either 622  
is a violation of section 2903.04 of the Revised Code or an 623  
attempt to commit a felony of the second degree that is an 624  
offense of violence and involved an attempt to cause serious 625  
physical harm to a person or that resulted in serious physical 626  
harm to a person if the offender previously was convicted of or 627  
pleaded guilty to any of the following offenses: 628

(a) Aggravated murder, murder, involuntary manslaughter, 629  
rape, felonious sexual penetration as it existed under section 630  
2907.12 of the Revised Code prior to September 3, 1996, a felony 631  
of the first or second degree that resulted in the death of a 632  
person or in physical harm to a person, or complicity in or an 633  
attempt to commit any of those offenses; 634

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

(8) Any offense, other than a violation of section 2923.12 of the Revised Code, that is a felony, if the offender had a firearm on or about the offender's person or under the offender's control while committing the felony, with respect to a portion of the sentence imposed pursuant to division (B) (1) (a) of section 2929.14 of the Revised Code for having the firearm;

(9) Any offense of violence that is a felony, if the offender wore or carried body armor while committing the felony offense of violence, with respect to the portion of the sentence imposed pursuant to division (B) (1) (d) of section 2929.14 of the Revised Code for wearing or carrying the body armor;

(10) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree;

(11) Any violent sex offense or designated homicide, assault, or kidnapping offense if, in relation to that offense, the offender is adjudicated a sexually violent predator;

(12) A violation of division (A) (1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A) (1) or (2) of that section, if the offender is an officer or employee of the department of rehabilitation and correction;

(13) A violation of division (A) (1) or (2) of section

2903.06 of the Revised Code if 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, with respect to the portion of the sentence imposed pursuant to division (B) (5) of section 2929.14 of the Revised Code;

(14) A violation of division (A) (1) or (2) of section 2903.06 of the Revised Code if the offender 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, with respect to the portion of the sentence imposed pursuant to division (B) (6) of section 2929.14 of the Revised Code;

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

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

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

(18) A felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B) (8) of section 2929.14 of the Revised Code;

(19) (a) Any violent felony offense if the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control during the commission of the violent felony offense, with respect to the portion of the sentence imposed under division (K) of section 2929.14 of the Revised Code.

(b) As used in division (F) (19) (a) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following:

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court

may impose upon the offender a mandatory term of local 723  
incarceration of sixty days or one hundred twenty days as 724  
specified in division (G) (1) (d) of section 4511.19 of the 725  
Revised Code. The court shall not reduce the term pursuant to 726  
section 2929.20, 2967.193, or any other provision of the Revised 727  
Code. The court that imposes a mandatory term of local 728  
incarceration under this division shall specify whether the term 729  
is to be served in a jail, a community-based correctional 730  
facility, a halfway house, or an alternative residential 731  
facility, and the offender shall serve the term in the type of 732  
facility specified by the court. A mandatory term of local 733  
incarceration imposed under division (G) (1) of this section is 734  
not subject to any other Revised Code provision that pertains to 735  
a prison term except as provided in division (A) (1) of this 736  
section. 737

(2) If the offender is being sentenced for a third degree 738  
felony OVI offense, or if the offender is being sentenced for a 739  
fourth degree felony OVI offense and the court does not impose a 740  
mandatory term of local incarceration under division (G) (1) of 741  
this section, the court shall impose upon the offender a 742  
mandatory prison term of one, two, three, four, or five years if 743  
the offender also is convicted of or also pleads guilty to a 744  
specification of the type described in section 2941.1413 of the 745  
Revised Code or shall impose upon the offender a mandatory 746  
prison term of sixty days or one hundred twenty days as 747  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 748  
Revised Code if the offender has not been convicted of and has 749  
not pleaded guilty to a specification of that type. Subject to 750  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 751  
court shall not reduce the term pursuant to section 2929.20, 752  
2967.19, 2967.193, or any other provision of the Revised Code. 753

The offender shall serve the one-, two-, three-, four-, or five- 754  
year mandatory prison term consecutively to and prior to the 755  
prison term imposed for the underlying offense and consecutively 756  
to any other mandatory prison term imposed in relation to the 757  
offense. In no case shall an offender who once has been 758  
sentenced to a mandatory term of local incarceration pursuant to 759  
division (G) (1) of this section for a fourth degree felony OVI 760  
offense be sentenced to another mandatory term of local 761  
incarceration under that division for any violation of division 762  
(A) of section 4511.19 of the Revised Code. In addition to the 763  
mandatory prison term described in division (G) (2) of this 764  
section, the court may sentence the offender to a community 765  
control sanction under section 2929.16 or 2929.17 of the Revised 766  
Code, but the offender shall serve the prison term prior to 767  
serving the community control sanction. The department of 768  
rehabilitation and correction may place an offender sentenced to 769  
a mandatory prison term under this division in an intensive 770  
program prison established pursuant to section 5120.033 of the 771  
Revised Code if the department gave the sentencing judge prior 772  
notice of its intent to place the offender in an intensive 773  
program prison established under that section and if the judge 774  
did not notify the department that the judge disapproved the 775  
placement. Upon the establishment of the initial intensive 776  
program prison pursuant to section 5120.033 of the Revised Code 777  
that is privately operated and managed by a contractor pursuant 778  
to a contract entered into under section 9.06 of the Revised 779  
Code, both of the following apply: 780

(a) The department of rehabilitation and correction shall 781  
make a reasonable effort to ensure that a sufficient number of 782  
offenders sentenced to a mandatory prison term under this 783  
division are placed in the privately operated and managed prison 784

so that the privately operated and managed prison has full 785  
occupancy. 786

(b) Unless the privately operated and managed prison has 787  
full occupancy, the department of rehabilitation and correction 788  
shall not place any offender sentenced to a mandatory prison 789  
term under this division in any intensive program prison 790  
established pursuant to section 5120.033 of the Revised Code 791  
other than the privately operated and managed prison. 792

(H) If an offender is being sentenced for a sexually 793  
oriented offense or child-victim oriented offense that is a 794  
felony committed on or after January 1, 1997, the judge shall 795  
require the offender to submit to a DNA specimen collection 796  
procedure pursuant to section 2901.07 of the Revised Code. 797

(I) If an offender is being sentenced for a sexually 798  
oriented offense or a child-victim oriented offense committed on 799  
or after January 1, 1997, the judge shall include in the 800  
sentence a summary of the offender's duties imposed under 801  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 802  
Code and the duration of the duties. The judge shall inform the 803  
offender, at the time of sentencing, of those duties and of 804  
their duration. If required under division (A) (2) of section 805  
2950.03 of the Revised Code, the judge shall perform the duties 806  
specified in that section, or, if required under division (A) (6) 807  
of section 2950.03 of the Revised Code, the judge shall perform 808  
the duties specified in that division. 809

(J) (1) Except as provided in division (J) (2) of this 810  
section, when considering sentencing factors under this section 811  
in relation to an offender who is convicted of or pleads guilty 812  
to an attempt to commit an offense in violation of section 813  
2923.02 of the Revised Code, the sentencing court shall consider 814

the factors applicable to the felony category of the violation 815  
of section 2923.02 of the Revised Code instead of the factors 816  
applicable to the felony category of the offense attempted. 817

(2) When considering sentencing factors under this section 818  
in relation to an offender who is convicted of or pleads guilty 819  
to an attempt to commit a drug abuse offense for which the 820  
penalty is determined by the amount or number of unit doses of 821  
the controlled substance involved in the drug abuse offense, the 822  
sentencing court shall consider the factors applicable to the 823  
felony category that the drug abuse offense attempted would be 824  
if that drug abuse offense had been committed and had involved 825  
an amount or number of unit doses of the controlled substance 826  
that is within the next lower range of controlled substance 827  
amounts than was involved in the attempt. 828

(K) As used in this section: 829

(1) "Drug abuse offense" has the same meaning as in 830  
section 2925.01 of the Revised Code. 831

(2) "Qualifying assault offense" means a violation of 832  
section 2903.13 of the Revised Code for which the penalty 833  
provision in division (C) (8) (b) or (C) (9) (b) of that section 834  
applies. 835

(L) At the time of sentencing an offender for any sexually 836  
oriented offense, if the offender is a tier III sex 837  
offender/child-victim offender relative to that offense and the 838  
offender does not serve a prison term or jail term, the court 839  
may require that the offender be monitored by means of a global 840  
positioning device. If the court requires such monitoring, the 841  
cost of monitoring shall be borne by the offender. If the 842  
offender is indigent, the cost of compliance shall be paid by 843

the crime victims reparations fund. 844

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 845  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 846  
(G), (H), ~~or~~ (J), or (K) of this section or in division (D) (6) 847  
of section 2919.25 of the Revised Code and except in relation to 848  
an offense for which a sentence of death or life imprisonment is 849  
to be imposed, if the court imposing a sentence upon an offender 850  
for a felony elects or is required to impose a prison term on 851  
the offender pursuant to this chapter, the court shall impose a 852  
definite prison term that shall be one of the following: 853

(1) For a felony of the first degree, the prison term 854  
shall be three, four, five, six, seven, eight, nine, ten, or 855  
eleven years. 856

(2) For a felony of the second degree, the prison term 857  
shall be two, three, four, five, six, seven, or eight years. 858

(3) (a) For a felony of the third degree that is a 859  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 860  
2907.05 of the Revised Code or that is a violation of section 861  
2911.02 or 2911.12 of the Revised Code if the offender 862  
previously has been convicted of or pleaded guilty in two or 863  
more separate proceedings to two or more violations of section 864  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 865  
prison term shall be twelve, eighteen, twenty-four, thirty, 866  
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 867

(b) For a felony of the third degree that is not an 868  
offense for which division (A) (3) (a) of this section applies, 869  
the prison term shall be nine, twelve, eighteen, twenty-four, 870  
thirty, or thirty-six months. 871

(4) For a felony of the fourth degree, the prison term 872

shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 873  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 874

(5) For a felony of the fifth degree, the prison term 875  
shall be six, seven, eight, nine, ten, eleven, or twelve months. 876

(B) (1) (a) Except as provided in division (B) (1) (e) of this 877  
section, if an offender who is convicted of or pleads guilty to 878  
a felony also is convicted of or pleads guilty to a 879  
specification of the type described in section 2941.141, 880  
2941.144, or 2941.145 of the Revised Code, the court shall 881  
impose on the offender one of the following prison terms: 882

(i) A prison term of six years if the specification is of 883  
the type described in division (A) of section 2941.144 of the 884  
Revised Code that charges the offender with having a firearm 885  
that is an automatic firearm or that was equipped with a firearm 886  
muffler or ~~silencer-suppressor~~ on or about the offender's person 887  
or under the offender's control while committing the 888  
~~felonyoffense~~; 889

(ii) A prison term of three years if the specification is 890  
of the type described in division (A) of section 2941.145 of the 891  
Revised Code that charges the offender with having a firearm on 892  
or about the offender's person or under the offender's control 893  
while committing the offense and displaying the firearm, 894  
brandishing the firearm, indicating that the offender possessed 895  
the firearm, or using it to facilitate the offense; 896

(iii) A prison term of one year if the specification is of 897  
the type described in division (A) of section 2941.141 of the 898  
Revised Code that charges the offender with having a firearm on 899  
or about the offender's person or under the offender's control 900  
while committing the ~~felonyoffense~~; 901

(iv) A prison term of nine years if the specification is 902  
of the type described in division (D) of section 2941.144 of the 903  
Revised Code that charges the offender with having a firearm 904  
that is an automatic firearm or that was equipped with a firearm 905  
muffler or suppressor on or about the offender's person or under 906  
the offender's control while committing the offense and 907  
specifies that the offender previously has been convicted of or 908  
pleaded guilty to a specification of the type described in 909  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 910  
the Revised Code; 911

(v) A prison term of fifty-four months if the 912  
specification is of the type described in division (D) of 913  
section 2941.145 of the Revised Code that charges the offender 914  
with having a firearm on or about the offender's person or under 915  
the offender's control while committing the offense and 916  
displaying the firearm, brandishing the firearm, indicating that 917  
the offender possessed the firearm, or using the firearm to 918  
facilitate the offense and that the offender previously has been 919  
convicted of or pleaded guilty to a specification of the type 920  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 921  
2941.1412 of the Revised Code; 922

(vi) A prison term of eighteen months if the specification 923  
is of the type described in division (D) of section 2941.141 of 924  
the Revised Code that charges the offender with having a firearm 925  
on or about the offender's person or under the offender's 926  
control while committing the offense and that the offender 927  
previously has been convicted of or pleaded guilty to a 928  
specification of the type described in section 2941.141, 929  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 930

(b) If a court imposes a prison term on an offender under 931

division (B) (1) (a) of this section, the prison term shall not be 932  
reduced pursuant to section 2967.19, section 2929.20, section 933  
2967.193, or any other provision of Chapter 2967. or Chapter 934  
5120. of the Revised Code. Except as provided in division (B) (1) 935  
(g) of this section, a court shall not impose more than one 936  
prison term on an offender under division (B) (1) (a) of this 937  
section for felonies committed as part of the same act or 938  
transaction. 939

(c) (i) Except as provided in division (B) (1) (e) of this 940  
section, if an offender who is convicted of or pleads guilty to 941  
a violation of section 2923.161 of the Revised Code or to a 942  
felony that includes, as an essential element, purposely or 943  
knowingly causing or attempting to cause the death of or 944  
physical harm to another, also is convicted of or pleads guilty 945  
to a specification of the type described in division (A) of 946  
section 2941.146 of the Revised Code that charges the offender 947  
with committing the offense by discharging a firearm from a 948  
motor vehicle other than a manufactured home, the court, after 949  
imposing a prison term on the offender for the violation of 950  
section 2923.161 of the Revised Code or for the other felony 951  
offense under division (A), (B) (2), or (B) (3) of this section, 952  
shall impose an additional prison term of five years upon the 953  
offender that shall not be reduced pursuant to section 2929.20, 954  
section 2967.19, section 2967.193, or any other provision of 955  
Chapter 2967. or Chapter 5120. of the Revised Code. ~~A~~ 956

(ii) Except as provided in division (B) (1) (e) of this 957  
section, if an offender who is convicted of or pleads guilty to 958  
a violation of section 2923.161 of the Revised Code or to a 959  
felony that includes, as an essential element, purposely or 960  
knowingly causing or attempting to cause the death of or 961  
physical harm to another, also is convicted of or pleads guilty 962

to a specification of the type described in division (C) of 963  
section 2941.146 of the Revised Code that charges the offender 964  
with committing the offense by discharging a firearm from a 965  
motor vehicle other than a manufactured home and that the 966  
offender previously has been convicted of or pleaded guilty to a 967  
specification of the type described in section 2941.141, 968  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 969  
the court, after imposing a prison term on the offender for the 970  
violation of section 2923.161 of the Revised Code or for the 971  
other felony offense under division (A), (B) (2), or (3) of this 972  
section, shall impose an additional prison term of ninety months 973  
upon the offender that shall not be reduced pursuant to section 974  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 975  
2967. or Chapter 5120. of the Revised Code. 976

(iii) A court shall not impose more than one additional 977  
prison term on an offender under division (B) (1) (c) of this 978  
section for felonies committed as part of the same act or 979  
transaction. If a court imposes an additional prison term on an 980  
offender under division (B) (1) (c) of this section relative to an 981  
offense, the court also shall impose a prison term under 982  
division (B) (1) (a) of this section relative to the same offense, 983  
provided the criteria specified in that division for imposing an 984  
additional prison term are satisfied relative to the offender 985  
and the offense. 986

(d) If an offender who is convicted of or pleads guilty to 987  
an offense of violence that is a felony also is convicted of or 988  
pleads guilty to a specification of the type described in 989  
section 2941.1411 of the Revised Code that charges the offender 990  
with wearing or carrying body armor while committing the felony 991  
offense of violence, the court shall impose on the offender a 992  
prison term of two years. The prison term so imposed, subject to 993

divisions (C) to (I) of section 2967.19 of the Revised Code, 994  
shall not be reduced pursuant to section 2929.20, section 995  
2967.19, section 2967.193, or any other provision of Chapter 996  
2967. or Chapter 5120. of the Revised Code. A court shall not 997  
impose more than one prison term on an offender under division 998  
(B)(1)(d) of this section for felonies committed as part of the 999  
same act or transaction. If a court imposes an additional prison 1000  
term under division (B)(1)(a) or (c) of this section, the court 1001  
is not precluded from imposing an additional prison term under 1002  
division (B)(1)(d) of this section. 1003

(e) The court shall not impose any of the prison terms 1004  
described in division (B)(1)(a) of this section or any of the 1005  
additional prison terms described in division (B)(1)(c) of this 1006  
section upon an offender for a violation of section 2923.12 or 1007  
2923.123 of the Revised Code. The court shall not impose any of 1008  
the prison terms described in division (B)(1)(a) or (b) of this 1009  
section upon an offender for a violation of section 2923.122 1010  
that involves a deadly weapon that is a firearm other than a 1011  
dangerous ordnance, section 2923.16, or section 2923.121 of the 1012  
Revised Code. The court shall not impose any of the prison terms 1013  
described in division (B)(1)(a) of this section or any of the 1014  
additional prison terms described in division (B)(1)(c) of this 1015  
section upon an offender for a violation of section 2923.13 of 1016  
the Revised Code unless all of the following apply: 1017

(i) The offender previously has been convicted of 1018  
aggravated murder, murder, or any felony of the first or second 1019  
degree. 1020

(ii) Less than five years have passed since the offender 1021  
was released from prison or post-release control, whichever is 1022  
later, for the prior offense. 1023

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

(ii) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer, as defined in section 2935.01 of the Revised Code, or a corrections officer, as defined in section 2941.1412 of the Revised Code, and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B) (2), or (3) of this section, shall impose an additional prison term of one hundred twenty-six months upon the offender that shall not

be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1055  
any other provision of Chapter 2967. or 5120. of the Revised 1056  
Code. 1057

(iii) If an offender is convicted of or pleads guilty to 1058  
two or more felonies that include, as an essential element, 1059  
causing or attempting to cause the death or physical harm to 1060  
another and also is convicted of or pleads guilty to a 1061  
specification of the type described under division (B) (1) (f) of 1062  
this section in connection with two or more of the felonies of 1063  
which the offender is convicted or to which the offender pleads 1064  
guilty, the sentencing court shall impose on the offender the 1065  
prison term specified under division (B) (1) (f) of this section 1066  
for each of two of the specifications of which the offender is 1067  
convicted or to which the offender pleads guilty and, in its 1068  
discretion, also may impose on the offender the prison term 1069  
specified under that division for any or all of the remaining 1070  
specifications. If a court imposes an additional prison term on 1071  
an offender under division (B) (1) (f) of this section relative to 1072  
an offense, the court shall not impose a prison term under 1073  
division (B) (1) (a) or (c) of this section relative to the same 1074  
offense. 1075

(g) If an offender is convicted of or pleads guilty to two 1076  
or more felonies, if one or more of those felonies are 1077  
aggravated murder, murder, attempted aggravated murder, 1078  
attempted murder, aggravated robbery, felonious assault, or 1079  
rape, and if the offender is convicted of or pleads guilty to a 1080  
specification of the type described under division (B) (1) (a) of 1081  
this section in connection with two or more of the felonies, the 1082  
sentencing court shall impose on the offender the prison term 1083  
specified under division (B) (1) (a) of this section for each of 1084  
the two most serious specifications of which the offender is 1085

convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications.

(2) (a) If division (B) (2) (b) of this section does not 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 1115  
inadequate to punish the offender and protect the public from 1116  
future crime, because the applicable factors under section 1117  
2929.12 of the Revised Code indicating a greater likelihood of 1118  
recidivism outweigh the applicable factors under that section 1119  
indicating a lesser likelihood of recidivism. 1120

(v) The court finds that the prison terms imposed pursuant 1121  
to division (B) (2) (a) (iii) of this section and, if applicable, 1122  
division (B) (1) or (3) of this section are demeaning to the 1123  
seriousness of the offense, because one or more of the factors 1124  
under section 2929.12 of the Revised Code indicating that the 1125  
offender's conduct is more serious than conduct normally 1126  
constituting the offense are present, and they outweigh the 1127  
applicable factors under that section indicating that the 1128  
offender's conduct is less serious than conduct normally 1129  
constituting the offense. 1130

(b) The court shall impose on an offender the longest 1131  
prison term authorized or required for the offense and shall 1132  
impose on the offender an additional definite prison term of 1133  
one, two, three, four, five, six, seven, eight, nine, or ten 1134  
years if all of the following criteria are met: 1135

(i) The offender is convicted of or pleads guilty to a 1136  
specification of the type described in section 2941.149 of the 1137  
Revised Code that the offender is a repeat violent offender. 1138

(ii) The offender within the preceding twenty years has 1139  
been convicted of or pleaded guilty to three or more offenses 1140  
described in division (CC) (1) of section 2929.01 of the Revised 1141  
Code, including all offenses described in that division of which 1142  
the offender is convicted or to which the offender pleads guilty 1143  
in the current prosecution and all offenses described in that 1144

division of which the offender previously has been convicted or 1145  
to which the offender previously pleaded guilty, whether 1146  
prosecuted together or separately. 1147

(iii) The offense or offenses of which the offender 1148  
currently is convicted or to which the offender currently pleads 1149  
guilty is aggravated murder and the court does not impose a 1150  
sentence of death or life imprisonment without parole, murder, 1151  
terrorism and the court does not impose a sentence of life 1152  
imprisonment without parole, any felony of the first degree that 1153  
is an offense of violence and the court does not impose a 1154  
sentence of life imprisonment without parole, or any felony of 1155  
the second degree that is an offense of violence and the trier 1156  
of fact finds that the offense involved an attempt to cause or a 1157  
threat to cause serious physical harm to a person or resulted in 1158  
serious physical harm to a person. 1159

(c) For purposes of division (B) (2) (b) of this section, 1160  
two or more offenses committed at the same time or as part of 1161  
the same act or event shall be considered one offense, and that 1162  
one offense shall be the offense with the greatest penalty. 1163

(d) A sentence imposed under division (B) (2) (a) or (b) of 1164  
this section shall not be reduced pursuant to section 2929.20, 1165  
section 2967.19, or section 2967.193, or any other provision of 1166  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1167  
shall serve an additional prison term imposed under this section 1168  
consecutively to and prior to the prison term imposed for the 1169  
underlying offense. 1170

(e) When imposing a sentence pursuant to division (B) (2) 1171  
(a) or (b) of this section, the court shall state its findings 1172  
explaining the imposed sentence. 1173

(3) Except when an offender commits a violation of section 1174  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1175  
for the violation is life imprisonment or commits a violation of 1176  
section 2903.02 of the Revised Code, if the offender commits a 1177  
violation of section 2925.03 or 2925.11 of the Revised Code and 1178  
that section classifies the offender as a major drug offender, 1179  
if the offender commits a felony violation of section 2925.02, 1180  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1181  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1182  
division (C) of section 4729.51, or division (J) of section 1183  
4729.54 of the Revised Code that includes the sale, offer to 1184  
sell, or possession of a schedule I or II controlled substance, 1185  
with the exception of marihuana, and the court imposing sentence 1186  
upon the offender finds that the offender is guilty of a 1187  
specification of the type described in section 2941.1410 of the 1188  
Revised Code charging that the offender is a major drug 1189  
offender, if the court imposing sentence upon an offender for a 1190  
felony finds that the offender is guilty of corrupt activity 1191  
with the most serious offense in the pattern of corrupt activity 1192  
being a felony of the first degree, or if the offender is guilty 1193  
of an attempted violation of section 2907.02 of the Revised Code 1194  
and, had the offender completed the violation of section 2907.02 1195  
of the Revised Code that was attempted, the offender would have 1196  
been subject to a sentence of life imprisonment or life 1197  
imprisonment without parole for the violation of section 2907.02 1198  
of the Revised Code, the court shall impose upon the offender 1199  
for the felony violation a mandatory prison term of the maximum 1200  
prison term prescribed for a felony of the first degree that, 1201  
subject to divisions (C) to (I) of section 2967.19 of the 1202  
Revised Code, cannot be reduced pursuant to section 2929.20, 1203  
section 2967.19, or any other provision of Chapter 2967. or 1204  
5120. of the Revised Code. 1205

(4) If the offender is being sentenced for a third or 1206  
fourth degree felony OVI offense under division (G) (2) of 1207  
section 2929.13 of the Revised Code, the sentencing court shall 1208  
impose upon the offender a mandatory prison term in accordance 1209  
with that division. In addition to the mandatory prison term, if 1210  
the offender is being sentenced for a fourth degree felony OVI 1211  
offense, the court, notwithstanding division (A) (4) of this 1212  
section, may sentence the offender to a definite prison term of 1213  
not less than six months and not more than thirty months, and if 1214  
the offender is being sentenced for a third degree felony OVI 1215  
offense, the sentencing court may sentence the offender to an 1216  
additional prison term of any duration specified in division (A) 1217  
(3) of this section. In either case, the additional prison term 1218  
imposed shall be reduced by the sixty or one hundred twenty days 1219  
imposed upon the offender as the mandatory prison term. The 1220  
total of the additional prison term imposed under division (B) 1221  
(4) of this section plus the sixty or one hundred twenty days 1222  
imposed as the mandatory prison term shall equal a definite term 1223  
in the range of six months to thirty months for a fourth degree 1224  
felony OVI offense and shall equal one of the authorized prison 1225  
terms specified in division (A) (3) of this section for a third 1226  
degree felony OVI offense. If the court imposes an additional 1227  
prison term under division (B) (4) of this section, the offender 1228  
shall serve the additional prison term after the offender has 1229  
served the mandatory prison term required for the offense. In 1230  
addition to the mandatory prison term or mandatory and 1231  
additional prison term imposed as described in division (B) (4) 1232  
of this section, the court also may sentence the offender to a 1233  
community control sanction under section 2929.16 or 2929.17 of 1234  
the Revised Code, but the offender shall serve all of the prison 1235  
terms so imposed prior to serving the community control 1236  
sanction. 1237

If the offender is being sentenced for a fourth degree 1238  
felony OVI offense under division (G) (1) of section 2929.13 of 1239  
the Revised Code and the court imposes a mandatory term of local 1240  
incarceration, the court may impose a prison term as described 1241  
in division (A) (1) of that section. 1242

(5) If an offender is convicted of or pleads guilty to a 1243  
violation of division (A) (1) or (2) of section 2903.06 of the 1244  
Revised Code and also is convicted of or pleads guilty to a 1245  
specification of the type described in section 2941.1414 of the 1246  
Revised Code that charges that the victim of the offense is a 1247  
peace officer, as defined in section 2935.01 of the Revised 1248  
Code, or an investigator of the bureau of criminal 1249  
identification and investigation, as defined in section 2903.11 1250  
of the Revised Code, the court shall impose on the offender a 1251  
prison term of five years. If a court imposes a prison term on 1252  
an offender under division (B) (5) of this section, the prison 1253  
term, subject to divisions (C) to (I) of section 2967.19 of the 1254  
Revised Code, shall not be reduced pursuant to section 2929.20, 1255  
section 2967.19, section 2967.193, or any other provision of 1256  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1257  
shall not impose more than one prison term on an offender under 1258  
division (B) (5) of this section for felonies committed as part 1259  
of the same act. 1260

(6) If an offender is convicted of or pleads guilty to a 1261  
violation of division (A) (1) or (2) of section 2903.06 of the 1262  
Revised Code and also is convicted of or pleads guilty to a 1263  
specification of the type described in section 2941.1415 of the 1264  
Revised Code that charges that the offender previously has been 1265  
convicted of or pleaded guilty to three or more violations of 1266  
division (A) or (B) of section 4511.19 of the Revised Code or an 1267  
equivalent offense, as defined in section 2941.1415 of the 1268

Revised Code, or three or more violations of any combination of 1269  
those divisions and offenses, the court shall impose on the 1270  
offender a prison term of three years. If a court imposes a 1271  
prison term on an offender under division (B) (6) of this 1272  
section, the prison term, subject to divisions (C) to (I) of 1273  
section 2967.19 of the Revised Code, shall not be reduced 1274  
pursuant to section 2929.20, section 2967.19, section 2967.193, 1275  
or any other provision of Chapter 2967. or Chapter 5120. of the 1276  
Revised Code. A court shall not impose more than one prison term 1277  
on an offender under division (B) (6) of this section for 1278  
felonies committed as part of the same act. 1279

(7) (a) If an offender is convicted of or pleads guilty to 1280  
a felony violation of section 2905.01, 2905.02, 2907.21, 1281  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 1282  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 1283  
the Revised Code and also is convicted of or pleads guilty to a 1284  
specification of the type described in section 2941.1422 of the 1285  
Revised Code that charges that the offender knowingly committed 1286  
the offense in furtherance of human trafficking, the court shall 1287  
impose on the offender a mandatory prison term that is one of 1288  
the following: 1289

(i) If the offense is a felony of the first degree, a 1290  
definite prison term of not less than five years and not greater 1291  
than ten years; 1292

(ii) If the offense is a felony of the second or third 1293  
degree, a definite prison term of not less than three years and 1294  
not greater than the maximum prison term allowed for the offense 1295  
by division (A) of section 2929.14 of the Revised Code; 1296

(iii) If the offense is a felony of the fourth or fifth 1297  
degree, a definite prison term that is the maximum prison term 1298

allowed for the offense by division (A) of section 2929.14 of the Revised Code. 1299  
1300

(b) Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the prison term imposed under division (B) (7) (a) of this section shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (7) (a) of this section for felonies committed as part of the same act, scheme, or plan. 1301  
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(8) If an offender is convicted of or pleads guilty to a felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range of prison terms prescribed in division (A) of this section for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison terms prescribed in section 2929.14 of the Revised Code for felonies of the same degree as the violation. 1309  
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(C) (1) (a) Subject to division (C) (1) (b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (c) of this section for committing a felony specified in that division by 1322  
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discharging a firearm from a motor vehicle, or if both types of 1329  
mandatory prison terms are imposed, the offender shall serve any 1330  
mandatory prison term imposed under either division 1331  
consecutively to any other mandatory prison term imposed under 1332  
either division or under division (B) (1) (d) of this section, 1333  
consecutively to and prior to any prison term imposed for the 1334  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1335  
this section or any other section of the Revised Code, and 1336  
consecutively to any other prison term or mandatory prison term 1337  
previously or subsequently imposed upon the offender. 1338

(b) If a mandatory prison term is imposed upon an offender 1339  
pursuant to division (B) (1) (d) of this section for wearing or 1340  
carrying body armor while committing an offense of violence that 1341  
is a felony, the offender shall serve the mandatory term so 1342  
imposed consecutively to any other mandatory prison term imposed 1343  
under that division or under division (B) (1) (a) or (c) of this 1344  
section, consecutively to and prior to any prison term imposed 1345  
for the underlying felony under division (A), (B) (2), or (B) (3) 1346  
of this section or any other section of the Revised Code, and 1347  
consecutively to any other prison term or mandatory prison term 1348  
previously or subsequently imposed upon the offender. 1349

(c) If a mandatory prison term is imposed upon an offender 1350  
pursuant to division (B) (1) (f) of this section, the offender 1351  
shall serve the mandatory prison term so imposed consecutively 1352  
to and prior to any prison term imposed for the underlying 1353  
felony under division (A), (B) (2), or (B) (3) of this section or 1354  
any other section of the Revised Code, and consecutively to any 1355  
other prison term or mandatory prison term previously or 1356  
subsequently imposed upon the offender. 1357

(d) If a mandatory prison term is imposed upon an offender 1358

pursuant to division (B) (7) or (8) of this section, the offender 1359  
shall serve the mandatory prison term so imposed consecutively 1360  
to any other mandatory prison term imposed under that division 1361  
or under any other provision of law and consecutively to any 1362  
other prison term or mandatory prison term previously or 1363  
subsequently imposed upon the offender. 1364

(2) If an offender who is an inmate in a jail, prison, or 1365  
other residential detention facility violates section 2917.02, 1366  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1367  
(2) of section 2921.34 of the Revised Code, if an offender who 1368  
is under detention at a detention facility commits a felony 1369  
violation of section 2923.131 of the Revised Code, or if an 1370  
offender who is an inmate in a jail, prison, or other 1371  
residential detention facility or is under detention at a 1372  
detention facility commits another felony while the offender is 1373  
an escapee in violation of division (A) (1) or (2) of section 1374  
2921.34 of the Revised Code, any prison term imposed upon the 1375  
offender for one of those violations shall be served by the 1376  
offender consecutively to the prison term or term of 1377  
imprisonment the offender was serving when the offender 1378  
committed that offense and to any other prison term previously 1379  
or subsequently imposed upon the offender. 1380

(3) If a prison term is imposed for a violation of 1381  
division (B) of section 2911.01 of the Revised Code, a violation 1382  
of division (A) of section 2913.02 of the Revised Code in which 1383  
the stolen property is a firearm or dangerous ordnance, or a 1384  
felony violation of division (B) of section 2921.331 of the 1385  
Revised Code, the offender shall serve that prison term 1386  
consecutively to any other prison term or mandatory prison term 1387  
previously or subsequently imposed upon the offender. 1388

(4) If multiple prison terms are imposed on an offender 1389  
for convictions of multiple offenses, the court may require the 1390  
offender to serve the prison terms consecutively if the court 1391  
finds that the consecutive service is necessary to protect the 1392  
public from future crime or to punish the offender and that 1393  
consecutive sentences are not disproportionate to the 1394  
seriousness of the offender's conduct and to the danger the 1395  
offender poses to the public, and if the court also finds any of 1396  
the following: 1397

(a) The offender committed one or more of the multiple 1398  
offenses while the offender was awaiting trial or sentencing, 1399  
was under a sanction imposed pursuant to section 2929.16, 1400  
2929.17, or 2929.18 of the Revised Code, or was under post- 1401  
release control for a prior offense. 1402

(b) At least two of the multiple offenses were committed 1403  
as part of one or more courses of conduct, and the harm caused 1404  
by two or more of the multiple offenses so committed was so 1405  
great or unusual that no single prison term for any of the 1406  
offenses committed as part of any of the courses of conduct 1407  
adequately reflects the seriousness of the offender's conduct. 1408

(c) The offender's history of criminal conduct 1409  
demonstrates that consecutive sentences are necessary to protect 1410  
the public from future crime by the offender. 1411

(5) If a mandatory prison term is imposed upon an offender 1412  
pursuant to division (B) (5) or (6) of this section, the offender 1413  
shall serve the mandatory prison term consecutively to and prior 1414  
to any prison term imposed for the underlying violation of 1415  
division (A) (1) or (2) of section 2903.06 of the Revised Code 1416  
pursuant to division (A) of this section or section 2929.142 of 1417  
the Revised Code. If a mandatory prison term is imposed upon an 1418

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

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

(D)(1) If a court imposes a prison term for a felony of  
the first degree, for a felony of the second degree, for a  
felony sex offense, or for a felony of the third degree that is  
not a felony sex offense and in the commission of which the  
offender caused or threatened to cause physical harm to a  
person, it shall include in the sentence a requirement that the  
offender be subject to a period of post-release control after  
the offender's release from imprisonment, in accordance with  
that division. If a court imposes a sentence including a prison  
term of a type described in this division on or after July 11,  
2006, the failure of a court to include a post-release control  
requirement in the sentence pursuant to this division does not  
negate, limit, or otherwise affect the mandatory period of post-  
release control that is required for the offender under division  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of  
the Revised Code applies if, prior to July 11, 2006, a court

imposed a sentence including a prison term of a type described 1450  
in this division and failed to include in the sentence pursuant 1451  
to this division a statement regarding post-release control. 1452

(2) If a court imposes a prison term for a felony of the 1453  
third, fourth, or fifth degree that is not subject to division 1454  
(D) (1) of this section, it shall include in the sentence a 1455  
requirement that the offender be subject to a period of post- 1456  
release control after the offender's release from imprisonment, 1457  
in accordance with that division, if the parole board determines 1458  
that a period of post-release control is necessary. Section 1459  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1460  
a court imposed a sentence including a prison term of a type 1461  
described in this division and failed to include in the sentence 1462  
pursuant to this division a statement regarding post-release 1463  
control. 1464

(E) The court shall impose sentence upon the offender in 1465  
accordance with section 2971.03 of the Revised Code, and Chapter 1466  
2971. of the Revised Code applies regarding the prison term or 1467  
term of life imprisonment without parole imposed upon the 1468  
offender and the service of that term of imprisonment if any of 1469  
the following apply: 1470

(1) A person is convicted of or pleads guilty to a violent 1471  
sex offense or a designated homicide, assault, or kidnapping 1472  
offense, and, in relation to that offense, the offender is 1473  
adjudicated a sexually violent predator. 1474

(2) A person is convicted of or pleads guilty to a 1475  
violation of division (A) (1) (b) of section 2907.02 of the 1476  
Revised Code committed on or after January 2, 2007, and either 1477  
the court does not impose a sentence of life without parole when 1478  
authorized pursuant to division (B) of section 2907.02 of the 1479

Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.

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

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

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

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

(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section

2971.03 of the Revised Code, or any other provision of law, 1509  
section 5120.163 of the Revised Code applies regarding the 1510  
person while the person is confined in a state correctional 1511  
institution. 1512

(G) If an offender who is convicted of or pleads guilty to 1513  
a felony that is an offense of violence also is convicted of or 1514  
pleads guilty to a specification of the type described in 1515  
section 2941.142 of the Revised Code that charges the offender 1516  
with having committed the felony while participating in a 1517  
criminal gang, the court shall impose upon the offender an 1518  
additional prison term of one, two, or three years. 1519

(H) (1) If an offender who is convicted of or pleads guilty 1520  
to aggravated murder, murder, or a felony of the first, second, 1521  
or third degree that is an offense of violence also is convicted 1522  
of or pleads guilty to a specification of the type described in 1523  
section 2941.143 of the Revised Code that charges the offender 1524  
with having committed the offense in a school safety zone or 1525  
towards a person in a school safety zone, the court shall impose 1526  
upon the offender an additional prison term of two years. The 1527  
offender shall serve the additional two years consecutively to 1528  
and prior to the prison term imposed for the underlying offense. 1529

(2) (a) If an offender is convicted of or pleads guilty to 1530  
a felony violation of section 2907.22, 2907.24, 2907.241, or 1531  
2907.25 of the Revised Code and to a specification of the type 1532  
described in section 2941.1421 of the Revised Code and if the 1533  
court imposes a prison term on the offender for the felony 1534  
violation, the court may impose upon the offender an additional 1535  
prison term as follows: 1536

(i) Subject to division (H) (2) (a) (ii) of this section, an 1537  
additional prison term of one, two, three, four, five, or six 1538

months; 1539

(ii) If the offender previously has been convicted of or 1540  
pleaded guilty to one or more felony or misdemeanor violations 1541  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1542  
the Revised Code and also was convicted of or pleaded guilty to 1543  
a specification of the type described in section 2941.1421 of 1544  
the Revised Code regarding one or more of those violations, an 1545  
additional prison term of one, two, three, four, five, six, 1546  
seven, eight, nine, ten, eleven, or twelve months. 1547

(b) In lieu of imposing an additional prison term under 1548  
division (H)(2)(a) of this section, the court may directly 1549  
impose on the offender a sanction that requires the offender to 1550  
wear a real-time processing, continual tracking electronic 1551  
monitoring device during the period of time specified by the 1552  
court. The period of time specified by the court shall equal the 1553  
duration of an additional prison term that the court could have 1554  
imposed upon the offender under division (H)(2)(a) of this 1555  
section. A sanction imposed under this division shall commence 1556  
on the date specified by the court, provided that the sanction 1557  
shall not commence until after the offender has served the 1558  
prison term imposed for the felony violation of section 2907.22, 1559  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1560  
residential sanction imposed for the violation under section 1561  
2929.16 of the Revised Code. A sanction imposed under this 1562  
division shall be considered to be a community control sanction 1563  
for purposes of section 2929.15 of the Revised Code, and all 1564  
provisions of the Revised Code that pertain to community control 1565  
sanctions shall apply to a sanction imposed under this division, 1566  
except to the extent that they would by their nature be clearly 1567  
inapplicable. The offender shall pay all costs associated with a 1568  
sanction imposed under this division, including the cost of the 1569

use of the monitoring device. 1570

(I) At the time of sentencing, the court may recommend the 1571  
offender for placement in a program of shock incarceration under 1572  
section 5120.031 of the Revised Code or for placement in an 1573  
intensive program prison under section 5120.032 of the Revised 1574  
Code, disapprove placement of the offender in a program of shock 1575  
incarceration or an intensive program prison of that nature, or 1576  
make no recommendation on placement of the offender. In no case 1577  
shall the department of rehabilitation and correction place the 1578  
offender in a program or prison of that nature unless the 1579  
department determines as specified in section 5120.031 or 1580  
5120.032 of the Revised Code, whichever is applicable, that the 1581  
offender is eligible for the placement. 1582

If the court disapproves placement of the offender in a 1583  
program or prison of that nature, the department of 1584  
rehabilitation and correction shall not place the offender in 1585  
any program of shock incarceration or intensive program prison. 1586

If the court recommends placement of the offender in a 1587  
program of shock incarceration or in an intensive program 1588  
prison, and if the offender is subsequently placed in the 1589  
recommended program or prison, the department shall notify the 1590  
court of the placement and shall include with the notice a brief 1591  
description of the placement. 1592

If the court recommends placement of the offender in a 1593  
program of shock incarceration or in an intensive program prison 1594  
and the department does not subsequently place the offender in 1595  
the recommended program or prison, the department shall send a 1596  
notice to the court indicating why the offender was not placed 1597  
in the recommended program or prison. 1598

If the court does not make a recommendation under this 1599  
division with respect to an offender and if the department 1600  
determines as specified in section 5120.031 or 5120.032 of the 1601  
Revised Code, whichever is applicable, that the offender is 1602  
eligible for placement in a program or prison of that nature, 1603  
the department shall screen the offender and determine if there 1604  
is an available program of shock incarceration or an intensive 1605  
program prison for which the offender is suited. If there is an 1606  
available program of shock incarceration or an intensive program 1607  
prison for which the offender is suited, the department shall 1608  
notify the court of the proposed placement of the offender as 1609  
specified in section 5120.031 or 5120.032 of the Revised Code 1610  
and shall include with the notice a brief description of the 1611  
placement. The court shall have ten days from receipt of the 1612  
notice to disapprove the placement. 1613

(J) If a person is convicted of or pleads guilty to 1614  
aggravated vehicular homicide in violation of division (A) (1) of 1615  
section 2903.06 of the Revised Code and division (B) (2) (c) of 1616  
that section applies, the person shall be sentenced pursuant to 1617  
section 2929.142 of the Revised Code. 1618

(K) (1) The court shall impose an additional mandatory 1619  
prison term of two, three, four, five, six, seven, eight, nine, 1620  
ten, or eleven years on an offender who is convicted of or 1621  
pleads guilty to a violent felony offense if the offender also 1622  
is convicted of or pleads guilty to a specification of the type 1623  
described in section 2941.1424 of the Revised Code that charges 1624  
that the offender is a violent career criminal and had a firearm 1625  
on or about the offender's person or under the offender's 1626  
control while committing the presently charged violent felony 1627  
offense. The offender shall serve the prison term imposed under 1628  
this division consecutively to and prior to the prison term 1629

imposed for the underlying offense. The prison term shall not be 1630  
reduced pursuant to section 2929.20 or 2967.19 or any other 1631  
provision of Chapter 2967. or 5120. of the Revised Code. A court 1632  
may not impose more than one sentence under division (B) (2) (a) 1633  
of this section and this division for acts committed as part of 1634  
the same act or transaction. 1635

(2) As used in division (K) (1) of this section, "violent 1636  
career criminal" and "violent felony offense" have the same 1637  
meanings as in section 2923.132 of the Revised Code. 1638

**Sec. 2929.20.** (A) As used in this section: 1639

(1) (a) Except as provided in division (A) (1) (b) of this 1640  
section, "eligible offender" means any person who, on or after 1641  
April 7, 2009, is serving a stated prison term that includes one 1642  
or more nonmandatory prison terms. 1643

(b) "Eligible offender" does not include any person who, 1644  
on or after April 7, 2009, is serving a stated prison term for 1645  
any of the following criminal offenses that was a felony and was 1646  
committed while the person held a public office in this state: 1647

(i) A violation of section 2921.02, 2921.03, 2921.05, 1648  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 1649  
Code; 1650

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 1651  
2921.12 of the Revised Code, when the conduct constituting the 1652  
violation was related to the duties of the offender's public 1653  
office or to the offender's actions as a public official holding 1654  
that public office; 1655

(iii) A violation of an existing or former municipal 1656  
ordinance or law of this or any other state or the United States 1657  
that is substantially equivalent to any violation listed in 1658

division (A) (1) (b) (i) of this section; 1659

(iv) A violation of an existing or former municipal 1660  
ordinance or law of this or any other state or the United States 1661  
that is substantially equivalent to any violation listed in 1662  
division (A) (1) (b) (ii) of this section, when the conduct 1663  
constituting the violation was related to the duties of the 1664  
offender's public office or to the offender's actions as a 1665  
public official holding that public office; 1666

(v) A conspiracy to commit, attempt to commit, or 1667  
complicity in committing any offense listed in division (A) (1) 1668  
(b) (i) or described in division (A) (1) (b) (iii) of this section; 1669

(vi) A conspiracy to commit, attempt to commit, or 1670  
complicity in committing any offense listed in division (A) (1) 1671  
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 1672  
if the conduct constituting the offense that was the subject of 1673  
the conspiracy, that would have constituted the offense 1674  
attempted, or constituting the offense in which the offender was 1675  
complicit was or would have been related to the duties of the 1676  
offender's public office or to the offender's actions as a 1677  
public official holding that public office. 1678

(2) "Nonmandatory prison term" means a prison term that is 1679  
not a mandatory prison term. 1680

(3) "Public office" means any elected federal, state, or 1681  
local government office in this state. 1682

(4) "Victim's representative" has the same meaning as in 1683  
section 2930.01 of the Revised Code. 1684

(B) On the motion of an eligible offender or upon its own 1685  
motion, the sentencing court may reduce the eligible offender's 1686  
aggregated nonmandatory prison term or terms through a judicial 1687

release under this section. 1688

(C) An eligible offender may file a motion for judicial 1689  
release with the sentencing court within the following 1690  
applicable periods: 1691

(1) If the aggregated nonmandatory prison term or terms is 1692  
less than two years, the eligible offender may file the motion 1693  
not earlier than thirty days after the offender is delivered to 1694  
a state correctional institution or, if the prison term includes 1695  
a mandatory prison term or terms, not earlier than thirty days 1696  
after the expiration of all mandatory prison terms. 1697

(2) If the aggregated nonmandatory prison term or terms is 1698  
at least two years but less than five years, the eligible 1699  
offender may file the motion not earlier than one hundred eighty 1700  
days after the offender is delivered to a state correctional 1701  
institution or, if the prison term includes a mandatory prison 1702  
term or terms, not earlier than one hundred eighty days after 1703  
the expiration of all mandatory prison terms. 1704

(3) If the aggregated nonmandatory prison term or terms is 1705  
five years, the eligible offender may file the motion not 1706  
earlier than the date on which the eligible offender has served 1707  
~~four years after the eligible offender is delivered to a state~~ 1708  
~~correctional institution of the offender's stated prison term~~ 1709  
or, if the prison term includes a mandatory prison term or 1710  
terms, not earlier than four years after the expiration of all 1711  
mandatory prison terms. 1712

(4) If the aggregated nonmandatory prison term or terms is 1713  
more than five years but not more than ten years, the eligible 1714  
offender may file the motion not earlier than the date on which 1715  
the eligible offender has served five years ~~after the eligible~~ 1716

~~offender is delivered to a state correctional institution of the~~ 1717  
~~offender's stated prison term or, if the prison term includes a~~ 1718  
mandatory prison term or terms, not earlier than five years 1719  
after the expiration of all mandatory prison terms. 1720

(5) If the aggregated nonmandatory prison term or terms is 1721  
more than ten years, the eligible offender may file the motion 1722  
not earlier than the later of the date on which the offender has 1723  
served one-half of the offender's stated prison term or the date 1724  
specified in division (C) (4) of this section. 1725

(D) Upon receipt of a timely motion for judicial release 1726  
filed by an eligible offender under division (C) of this section 1727  
or upon the sentencing court's own motion made within the 1728  
appropriate time specified in that division, the court may deny 1729  
the motion without a hearing or schedule a hearing on the 1730  
motion. The court shall not grant the motion without a hearing. 1731  
If a court denies a motion without a hearing, the court later 1732  
may consider judicial release for that eligible offender on a 1733  
subsequent motion filed by that eligible offender unless the 1734  
court denies the motion with prejudice. If a court denies a 1735  
motion with prejudice, the court may later consider judicial 1736  
release on its own motion. If a court denies a motion after a 1737  
hearing, the court shall not consider a subsequent motion for 1738  
that eligible offender. The court shall hold only one hearing 1739  
for any eligible offender. 1740

A hearing under this section shall be conducted in open 1741  
court not less than thirty or more than sixty days after the 1742  
motion is filed, provided that the court may delay the hearing 1743  
for one hundred eighty additional days. If the court holds a 1744  
hearing, the court shall enter a ruling on the motion within ten 1745  
days after the hearing. If the court denies the motion without a 1746

hearing, the court shall enter its ruling on the motion within 1747  
sixty days after the motion is filed. 1748

(E) If a court schedules a hearing under division (D) of 1749  
this section, the court shall notify the eligible offender and 1750  
the head of the state correctional institution in which the 1751  
eligible offender is confined prior to the hearing. The head of 1752  
the state correctional institution immediately shall notify the 1753  
appropriate person at the department of rehabilitation and 1754  
correction of the hearing, and the department within twenty-four 1755  
hours after receipt of the notice, shall post on the database it 1756  
maintains pursuant to section 5120.66 of the Revised Code the 1757  
offender's name and all of the information specified in division 1758  
(A) (1) (c) (i) of that section. If the court schedules a hearing 1759  
for judicial release, the court promptly shall give notice of 1760  
the hearing to the prosecuting attorney of the county in which 1761  
the eligible offender was indicted. Upon receipt of the notice 1762  
from the court, the prosecuting attorney shall do whichever of 1763  
the following is applicable: 1764

(1) Subject to division (E) (2) of this section, notify the 1765  
victim of the offense or the victim's representative pursuant to 1766  
division (B) of section 2930.16 of the Revised Code; 1767

(2) If the offense was an offense of violence that is a 1768  
felony of the first, second, or third degree, except as 1769  
otherwise provided in this division, notify the victim or the 1770  
victim's representative of the hearing regardless of whether the 1771  
victim or victim's representative has requested the 1772  
notification. The notice of the hearing shall not be given under 1773  
this division to a victim or victim's representative if the 1774  
victim or victim's representative has requested pursuant to 1775  
division (B) (2) of section 2930.03 of the Revised Code that the 1776

victim or the victim's representative not be provided the 1777  
notice. If notice is to be provided to a victim or victim's 1778  
representative under this division, the prosecuting attorney may 1779  
give the notice by any reasonable means, including regular mail, 1780  
telephone, and electronic mail, in accordance with division (D) 1781  
(1) of section 2930.16 of the Revised Code. If the notice is 1782  
based on an offense committed prior to March 22, 2013, the 1783  
notice also shall include the opt-out information described in 1784  
division (D) (1) of section 2930.16 of the Revised Code. The 1785  
prosecuting attorney, in accordance with division (D) (2) of 1786  
section 2930.16 of the Revised Code, shall keep a record of all 1787  
attempts to provide the notice, and of all notices provided, 1788  
under this division. Division (E) (2) of this section, and the 1789  
notice-related provisions of division (K) of this section, 1790  
division (D) (1) of section 2930.16, division (H) of section 1791  
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 1792  
(b) of section 2967.26, division (D) (1) of section 2967.28, and 1793  
division (A) (2) of section 5149.101 of the Revised Code enacted 1794  
in the act in which division (E) (2) of this section was enacted, 1795  
shall be known as "Roberta's Law." 1796

(F) Upon an offender's successful completion of 1797  
rehabilitative activities, the head of the state correctional 1798  
institution may notify the sentencing court of the successful 1799  
completion of the activities. 1800

(G) Prior to the date of the hearing on a motion for 1801  
judicial release under this section, the head of the state 1802  
correctional institution in which the eligible offender is 1803  
confined shall send to the court an institutional summary report 1804  
on the eligible offender's conduct in the institution and in any 1805  
institution from which the eligible offender may have been 1806  
transferred. Upon the request of the prosecuting attorney of the 1807

county in which the eligible offender was indicted or of any law 1808  
enforcement agency, the head of the state correctional 1809  
institution, at the same time the person sends the institutional 1810  
summary report to the court, also shall send a copy of the 1811  
report to the requesting prosecuting attorney and law 1812  
enforcement agencies. The institutional summary report shall 1813  
cover the eligible offender's participation in school, 1814  
vocational training, work, treatment, and other rehabilitative 1815  
activities and any disciplinary action taken against the 1816  
eligible offender. The report shall be made part of the record 1817  
of the hearing. A presentence investigation report is not 1818  
required for judicial release. 1819

(H) If the court grants a hearing on a motion for judicial 1820  
release under this section, the eligible offender shall attend 1821  
the hearing if ordered to do so by the court. Upon receipt of a 1822  
copy of the journal entry containing the order, the head of the 1823  
state correctional institution in which the eligible offender is 1824  
incarcerated shall deliver the eligible offender to the sheriff 1825  
of the county in which the hearing is to be held. The sheriff 1826  
shall convey the eligible offender to and from the hearing. 1827

(I) At the hearing on a motion for judicial release under 1828  
this section, the court shall afford the eligible offender and 1829  
the eligible offender's attorney an opportunity to present 1830  
written and, if present, oral information relevant to the 1831  
motion. The court shall afford a similar opportunity to the 1832  
prosecuting attorney, the victim or the victim's representative, 1833  
and any other person the court determines is likely to present 1834  
additional relevant information. The court shall consider any 1835  
statement of a victim made pursuant to section 2930.14 or 1836  
2930.17 of the Revised Code, any victim impact statement 1837  
prepared pursuant to section 2947.051 of the Revised Code, and 1838

any report made under division (G) of this section. The court 1839  
may consider any written statement of any person submitted to 1840  
the court pursuant to division (L) of this section. After ruling 1841  
on the motion, the court shall notify the victim of the ruling 1842  
in accordance with sections 2930.03 and 2930.16 of the Revised 1843  
Code. 1844

(J) (1) A court shall not grant a judicial release under 1845  
this section to an eligible offender who is imprisoned for a 1846  
felony of the first or second degree, or to an eligible offender 1847  
who committed an offense under Chapter 2925. or 3719. of the 1848  
Revised Code and for whom there was a presumption under section 1849  
2929.13 of the Revised Code in favor of a prison term, unless 1850  
the court, with reference to factors under section 2929.12 of 1851  
the Revised Code, finds both of the following: 1852

(a) That a sanction other than a prison term would 1853  
adequately punish the offender and protect the public from 1854  
future criminal violations by the eligible offender because the 1855  
applicable factors indicating a lesser likelihood of recidivism 1856  
outweigh the applicable factors indicating a greater likelihood 1857  
of recidivism; 1858

(b) That a sanction other than a prison term would not 1859  
demean the seriousness of the offense because factors indicating 1860  
that the eligible offender's conduct in committing the offense 1861  
was less serious than conduct normally constituting the offense 1862  
outweigh factors indicating that the eligible offender's conduct 1863  
was more serious than conduct normally constituting the offense. 1864

(2) A court that grants a judicial release to an eligible 1865  
offender under division (J) (1) of this section shall specify on 1866  
the record both findings required in that division and also 1867  
shall list all the factors described in that division that were 1868

presented at the hearing. 1869

(K) If the court grants a motion for judicial release 1870  
under this section, the court shall order the release of the 1871  
eligible offender, shall place the eligible offender under an 1872  
appropriate community control sanction, under appropriate 1873  
conditions, and under the supervision of the department of 1874  
probation serving the court and shall reserve the right to 1875  
reimpose the sentence that it reduced if the offender violates 1876  
the sanction. If the court reimposes the reduced sentence, it 1877  
may do so either concurrently with, or consecutive to, any new 1878  
sentence imposed upon the eligible offender as a result of the 1879  
violation that is a new offense. The period of community control 1880  
shall be no longer than five years. The court, in its 1881  
discretion, may reduce the period of community control by the 1882  
amount of time the eligible offender spent in jail or prison for 1883  
the offense and in prison. If the court made any findings 1884  
pursuant to division (J) (1) of this section, the court shall 1885  
serve a copy of the findings upon counsel for the parties within 1886  
fifteen days after the date on which the court grants the motion 1887  
for judicial release. 1888

If the court grants a motion for judicial release, the 1889  
court shall notify the appropriate person at the department of 1890  
rehabilitation and correction, and the department shall post 1891  
notice of the release on the database it maintains pursuant to 1892  
section 5120.66 of the Revised Code. The court also shall notify 1893  
the prosecuting attorney of the county in which the eligible 1894  
offender was indicted that the motion has been granted. Unless 1895  
the victim or the victim's representative has requested pursuant 1896  
to division (B) (2) of section 2930.03 of the Revised Code that 1897  
the victim or victim's representative not be provided the 1898  
notice, the prosecuting attorney shall notify the victim or the 1899

victim's representative of the judicial release in any manner, 1900  
and in accordance with the same procedures, pursuant to which 1901  
the prosecuting attorney is authorized to provide notice of the 1902  
hearing pursuant to division (E) (2) of this section. If the 1903  
notice is based on an offense committed prior to March 22, 2013, 1904  
the notice to the victim or victim's representative also shall 1905  
include the opt-out information described in division (D) (1) of 1906  
section 2930.16 of the Revised Code. 1907

(L) In addition to and independent of the right of a 1908  
victim to make a statement pursuant to section 2930.14, 2930.17, 1909  
or 2946.051 of the Revised Code and any right of a person to 1910  
present written information or make a statement pursuant to 1911  
division (I) of this section, any person may submit to the 1912  
court, at any time prior to the hearing on the offender's motion 1913  
for judicial release, a written statement concerning the effects 1914  
of the offender's crime or crimes, the circumstances surrounding 1915  
the crime or crimes, the manner in which the crime or crimes 1916  
were perpetrated, and the person's opinion as to whether the 1917  
offender should be released. 1918

(M) The changes to this section that are made on September 1919  
30, 2011, apply to any judicial release decision made on or 1920  
after September 30, 2011, for any eligible offender. 1921

**Sec. 2929.201.** Notwithstanding the time limitation for 1922  
filing a motion under former section 2947.061 of the Revised 1923  
Code, an offender whose offense was committed before July 1, 1924  
1996, and who otherwise satisfies the eligibility criteria for 1925  
shock probation under that section as it existed immediately 1926  
prior to July 1, 1996, may apply to the offender's sentencing 1927  
court for shock probation under that section on or after ~~the~~ 1928  
~~effective date of this section~~ September 15, 2014. Not more than 1929

one motion may be filed by an offender under this section. 1930  
Division (C) of former section 2947.061 of the Revised Code does 1931  
not apply to a motion filed under this section. A presentence 1932  
investigation report is not required for shock probation to be 1933  
granted by reason of this section. 1934

**Sec. 2941.144.** (A) Imposition of a six-year mandatory 1935  
prison term upon an offender under division (B) (1) (a) (i) of 1936  
section 2929.14 of the Revised Code is precluded unless the 1937  
indictment, count in the indictment, or information charging the 1938  
offense specifies that the offender had a firearm that is an 1939  
automatic firearm or that was equipped with a firearm muffler or 1940  
~~silencer~~ suppressor on or about the offender's person or under 1941  
the offender's control while committing the offense. The 1942  
specification shall be stated at the end of the body of the 1943  
indictment, count, or information and shall be stated in 1944  
substantially the following form: 1945

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1946  
Grand Jurors (or insert the person's or the prosecuting 1947  
attorney's name when appropriate) further find and specify that 1948  
(set forth that the offender had a firearm that is an automatic 1949  
firearm or that was equipped with a firearm muffler or ~~silencer~~ 1950  
suppressor on or about the offender's person or under the 1951  
offender's control while committing the offense)." 1952

(B) Imposition of a six-year mandatory prison term upon an 1953  
offender under division (B) (1) (a) (i) of section 2929.14 of the 1954  
Revised Code is precluded if a court imposes a ~~three-year or~~ 1955  
~~one-year, eighteen-month, three-year, fifty-four-month, or nine-~~ 1956  
year mandatory prison term on the offender under ~~that~~ division 1957  
(B) (1) (a) (ii), (iii), (iv), (v), or (vi) of that section 1958  
relative to the same felony. 1959

(C) The specification described in division (A) of this section may be used in a delinquent child proceeding in the manner and for the purpose described in section 2152.17 of the Revised Code.

(D) Imposition of a nine-year mandatory prison term upon an offender under division (B) (1) (a) (iv) of section 2929.14 of the Revised Code is precluded unless the indictment, count in the indictment, or information charging the offense specifies that the offender had a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and that the offender previously has been convicted of or pleaded guilty to a firearm specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. The specification shall be stated at the end of the body of the indictment, count, or information, and shall be in substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender had a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and that the offender previously has been convicted of or pleaded guilty to a firearm specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code.)"

(E) Imposition of a nine-year mandatory prison term upon

an offender under division (B) (1) (a) (iv) of section 2929.14 of 1990  
the Revised Code is precluded if the court imposes a one-year, 1991  
eighteen-month, three-year, fifty-four-month, or six-year 1992  
mandatory prison term on the offender under division (B) (1) (a) 1993  
(i), (ii), (iii), (v), or (vi) of that section relative to the 1994  
same felony. 1995

(F) As used in this section, "firearm" and "automatic 1996  
firearm" have the same meanings as in section 2923.11 of the 1997  
Revised Code. 1998

**Sec. 2941.141.** (A) Imposition of a one-year mandatory 1999  
prison term upon an offender under division (B) (1) (a) (iii) of 2000  
section 2929.14 of the Revised Code is precluded unless the 2001  
indictment, count in the indictment, or information charging the 2002  
offense specifies that the offender had a firearm on or about 2003  
the offender's person or under the offender's control while 2004  
committing the offense. The specification shall be stated at the 2005  
end of the body of the indictment, count, or information, and 2006  
shall be in substantially the following form: 2007

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2008  
Grand Jurors (or insert the person's or the prosecuting 2009  
attorney's name when appropriate) further find and specify that 2010  
(set forth that the offender had a firearm on or about the 2011  
offender's person or under the offender's control while 2012  
committing the offense.)" 2013

(B) Imposition of a one-year mandatory prison term upon an 2014  
offender under division (B) (1) (a) (iii) of section 2929.14 of the 2015  
Revised Code is precluded if a court imposes ~~an eighteen-month,~~ 2016  
~~three-year or,~~ fifty-four-month, six-year, or nine-year 2017  
mandatory prison term on the offender under ~~that~~ division (B) (1) 2018  
(a) (i), (ii), (iv), (v), or (vi) of that section relative to the 2019

same felony.

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(C) The specification described in division (A) of this section may be used in a delinquent child proceeding in the manner and for the purpose described in section 2152.17 of the Revised Code.

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(D) Imposition of an eighteen-month mandatory prison term upon an offender under division (B) (1) (a) (vi) of section 2929.14 of the Revised Code is precluded unless the indictment, count in the indictment, or information charging the offense specifies that the offender had a firearm on or about the offender's person or under the offender's control while committing the offense and that the offender previously had been convicted of or pleaded guilty to a firearm specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. The specification shall be stated at the end of the body of the indictment, count, or information, and shall be in substantially the following form:

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"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender had a firearm on or about the offender's person or under the offender's control while committing the offense and that the offender previously has been convicted of or pleaded guilty to a firearm specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code.)"

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(E) Imposition of an eighteen-month mandatory prison term upon an offender under division (B) (1) (a) (vi) of section 2929.14 of the Revised Code is precluded if the court imposes a one-year, three-year, fifty-four-month, six-year, or nine-year

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mandatory prison term on the offender under division (B) (1) (a) 2050  
(i), (ii), (iii), (iv), or (v) of that section relative to the 2051  
same felony. 2052

(F) As used in this section, "firearm" has the same 2053  
meaning as in section 2923.11 of the Revised Code. 2054

**Sec. 2941.145.** (A) Imposition of a three-year mandatory 2055  
prison term upon an offender under division (B) (1) (a) (ii) of 2056  
section 2929.14 of the Revised Code is precluded unless the 2057  
indictment, count in the indictment, or information charging the 2058  
offense specifies that the offender had a firearm on or about 2059  
the offender's person or under the offender's control while 2060  
committing the offense and displayed the firearm, brandished the 2061  
firearm, indicated that the offender possessed the firearm, or 2062  
used it to facilitate the offense. The specification shall be 2063  
stated at the end of the body of the indictment, count, or 2064  
information, and shall be stated in substantially the following 2065  
form: 2066

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2067  
Grand Jurors (or insert the person's or the prosecuting 2068  
attorney's name when appropriate) further find and specify that 2069  
(set forth that the offender had a firearm on or about the 2070  
offender's person or under the offender's control while 2071  
committing the offense and displayed the firearm, brandished the 2072  
firearm, indicated that the offender possessed the firearm, or 2073  
used it to facilitate the offense)." 2074

(B) Imposition of a three-year mandatory prison term upon 2075  
an offender under division (B) (1) (a) (ii) of section 2929.14 of 2076  
the Revised Code is precluded if a court imposes a one-year-~~or,~~ 2077  
eighteen-month, six-year, fifty-four-month, or nine-year 2078  
mandatory prison term on the offender under ~~that~~ division (B) (1) 2079

(a) (i), (iii), (iv), (v), or (vi) of that section relative to 2080  
the same felony. 2081

(C) The specification described in division (A) of this 2082  
section may be used in a delinquent child proceeding in the 2083  
manner and for the purpose described in section 2152.17 of the 2084  
Revised Code. 2085

(D) Imposition of a mandatory prison term of fifty-four 2086  
months upon an offender under division (B) (1) (a) (v) of section 2087  
2929.14 of the Revised Code is precluded unless the indictment, 2088  
count in the indictment, or information charging the offense 2089  
specifies that the offender had a firearm on or about the 2090  
offender's person or under the offender's control while 2091  
committing the offense and displayed the firearm, brandished the 2092  
firearm, indicated that the offender possessed a firearm, or 2093  
used the firearm to facilitate the offense and that the offender 2094  
previously has been convicted of or pleaded guilty to a firearm 2095  
specification of the type described in section 2941.141, 2096  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 2097  
The specification shall be stated at the end of the body of the 2098  
indictment, count, or information, and shall be in substantially 2099  
the following form: 2100

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2101  
Grand Jurors (or insert the person's or the prosecuting 2102  
attorney's name when appropriate) further find and specify that 2103  
(set forth that the offender had a firearm on or about the 2104  
offender's person or under the offender's control while 2105  
committing the offense and displayed the firearm, brandished the 2106  
firearm, indicated that the offender possessed a firearm, or 2107  
used the firearm to facilitate the offense and that the offender 2108  
previously has been convicted of or pleaded guilty to a firearm 2109

specification of the type described in section 2941.141, 2110  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised 2111  
Code.)" 2112

(E) Imposition of a mandatory prison term of fifty-four 2113  
months upon an offender under division (B) (1) (a) (v) of section 2114  
2929.14 of the Revised Code is precluded if the court imposes a 2115  
one-year, eighteen-month, three-year, or nine-year mandatory 2116  
prison term on the offender under division (B) (1) (a) (i), (ii), 2117  
(iii), (iv), or (vi) of that section relative to the same 2118  
felony. 2119

(F) As used in this section, "firearm" has the same 2120  
meaning as in section 2923.11 of the Revised Code. 2121

**Sec. 2941.146.** (A) Imposition of a mandatory five-year 2122  
prison term upon an offender under division (B) (1) (c) (i) of 2123  
section 2929.14 of the Revised Code for committing a violation 2124  
of section 2923.161 of the Revised Code or for committing a 2125  
felony that includes, as an essential element, purposely or 2126  
knowingly causing or attempting to cause the death of or 2127  
physical harm to another and that was committed by discharging a 2128  
firearm from a motor vehicle other than a manufactured home is 2129  
precluded unless the indictment, count in the indictment, or 2130  
information charging the offender specifies that the offender 2131  
committed the offense by discharging a firearm from a motor 2132  
vehicle other than a manufactured home. The specification shall 2133  
be stated at the end of the body of the indictment, count, or 2134  
information, and shall be stated in substantially the following 2135  
form: 2136

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2137  
Grand Jurors (or insert the person's or prosecuting attorney's 2138  
name when appropriate) further find and specify that (set forth 2139

that the offender committed the violation of section 2923.161 of 2140  
the Revised Code or the felony that includes, as an essential 2141  
element, purposely or knowingly causing or attempting to cause 2142  
the death of or physical harm to another and that was committed 2143  
by discharging a firearm from a motor vehicle other than a 2144  
manufactured home)." 2145

(B) The specification described in division (A) of this 2146  
section may be used in a delinquent child proceeding in the 2147  
manner and for the purpose described in section 2152.17 of the 2148  
Revised Code. 2149

(C) Imposition of a ninety-month mandatory prison term 2150  
under division (B)(1)(c)(ii) of section 2929.14 of the Revised 2151  
Code for committing a violation of section 2923.161 of the 2152  
Revised Code or for committing a felony that includes, as an 2153  
essential element, purposely or knowingly causing or attempting 2154  
to cause the death of or physical harm to another and that was 2155  
committed by discharging a firearm from a motor vehicle other 2156  
than a manufactured home is precluded unless the indictment, 2157  
count in the indictment, or information charging the offender 2158  
specifies that the offender committed the offense by discharging 2159  
a firearm from a motor vehicle other than a manufactured home 2160  
and that the offender previously has been convicted of or 2161  
pleaded guilty to a firearm specification of the type described 2162  
in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 2163  
of the Revised Code. The specification shall be stated at the 2164  
end of the body of the indictment, count, or information, and 2165  
shall be stated in substantially the following form: 2166

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2167  
Grand Jurors (or insert the person's or prosecuting attorney's 2168  
name where appropriate) further find and specify that (set forth 2169

that the offender committed the violation of section 2923.161 of 2170  
the Revised Code or the felony that includes, as an essential 2171  
element, purposely or knowingly causing or attempting to cause 2172  
the death of or physical harm to another and that was committed 2173  
by discharging a firearm from a motor vehicle other than a 2174  
manufactured home and that the offender previously has been 2175  
convicted of or pleaded guilty to a firearm specification of the 2176  
type described in section 2941.141, 2941.144, 2941.145, 2177  
2941.146, or 2941.1412 of the Revised Code)." 2178

(D) As used in this section: 2179

(1) "Firearm" has the same meaning as in section 2923.11 2180  
of the Revised Code; 2181

(2) "Motor vehicle" and "manufactured home" have the same 2182  
meanings as in section 4501.01 of the Revised Code. 2183

**Sec. 2941.1412.** (A) Imposition of a seven-year mandatory 2184  
prison term upon an offender under division (B) (1) (f) (i) of 2185  
section 2929.14 of the Revised Code is precluded unless the 2186  
indictment, count in the indictment, or information charging the 2187  
offense specifies that the offender discharged a firearm at a 2188  
peace officer or a corrections officer while committing the 2189  
offense. The specification shall be stated at the end of the 2190  
body of the indictment, count, or information and shall be in 2191  
substantially the following form: 2192

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). 2193

The Grand Jurors (or insert the person's or the 2194  
prosecuting attorney's name when appropriate) further find and 2195  
specify that (set forth that the offender discharged a firearm 2196  
at a peace officer or a corrections officer while committing the 2197  
offense)." 2198

(B) Imposition of a mandatory prison term of one hundred 2199  
twenty-six months upon an offender under division (B) (1) (f) (ii) 2200  
of section 2929.14 of the Revised Code is precluded unless the 2201  
indictment, count in the indictment, or information charging the 2202  
offense specifies that the offender discharged a firearm at a 2203  
peace officer or a corrections officer while committing the 2204  
offense and that the offender previously has been convicted of 2205  
or pleaded guilty to a firearm specification of the type 2206  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2207  
2941.1412 of the Revised Code. The specification shall be stated 2208  
at the end of the body of the indictment, count, or information, 2209  
and shall be substantially in the following form: 2210

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). 2211

The Grand Jurors (or insert the person's or the 2212  
prosecuting attorney's name when appropriate) further find and 2213  
specify that (set forth that the offender discharged a firearm 2214  
at a peace officer or corrections officer while committing the 2215  
offense and that the offender previously has been convicted of 2216  
or pleaded guilty to a firearm specification of the type 2217  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2218  
2941.1412 of the Revised Code)." 2219

(C) As used in this section: 2220

(1) "Firearm" has the same meaning as in section 2923.11 2221  
of the Revised Code. 2222

(2) "Peace officer" has the same meaning as in section 2223  
2935.01 of the Revised Code. 2224

(3) "Corrections officer" means a person employed by a 2225  
detention facility as a corrections officer. 2226

(4) "Detention facility" has the same meaning as in 2227

section 2921.01 of the Revised Code. 2228

Sec. 2941.1424. (A) The imposition of a mandatory prison 2229  
term of two, three, four, five, six, seven, eight, nine, ten, or 2230  
eleven years upon an offender under division (K) of section 2231  
2929.14 of the Revised Code is precluded unless the offender is 2232  
convicted of or pleads guilty to committing a violent felony 2233  
offense and unless the indictment, count in the indictment, or 2234  
information charging the offense specifies that the offender is 2235  
a violent career criminal and had a firearm on or about the 2236  
offender's person or under the offender's control while 2237  
committing the presently charged violent felony offense. The 2238  
specification shall be stated at the end of the body of the 2239  
indictment, count, or information and shall be stated in 2240  
substantially the following form: 2241

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). 2242

The Grand Jurors (or insert the person's or the 2243  
prosecuting attorney's name when appropriate) further find and 2244  
specify that (set forth that the offender is a violent career 2245  
criminal and did have a firearm on or about the offender's 2246  
person or under the offender's control while committing the 2247  
presently charged violent felony offense.)" 2248

(B) A court may not impose more than one sentence under 2249  
division (C) of section 2923.132 of the Revised Code and 2250  
division (K) of section 2929.14 of the Revised Code for acts 2251  
committed as part of the same act or transaction. 2252

(C) As used in this section: 2253

(1) "Firearm" has the same meaning as in section 2923.11 2254  
of the Revised Code. 2255

(2) "Violent career criminal" and "violent felony offense" 2256

have the same meanings as in section 2923.132 of the Revised 2257  
Code. 2258

**Section 2.** That existing sections 2152.17, 2901.08, 2259  
2923.14, 2929.13, 2929.14, 2929.20, 2929.201, 2941.141, 2260  
2941.144, 2941.145, 2941.146, and 2941.1412 of the Revised Code 2261  
are hereby repealed. 2262