

As Reported by the Senate Criminal Justice Committee

131st General Assembly

Regular Session

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Sub. S. B. No. 97

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

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 108
determines that the child, if the child was an adult, would be 109
guilty of a specification of the type set forth in section 110

2941.1411 of the Revised Code in relation to the act for which 111
the child was adjudicated a delinquent child, the court may 112
commit the child to the custody of the department of youth 113
services for institutionalization in a secure facility for up to 114
two years, subject to division (D)(2) of this section. 115

(2) A court that imposes a period of commitment under 116
division (A) of this section is not precluded from imposing an 117
additional period of commitment under division (C) or (D)(1) of 118
this section, a court that imposes a period of commitment under 119
division (C) of this section is not precluded from imposing an 120
additional period of commitment under division (A) or (D)(1) of 121
this section, and a court that imposes a period of commitment 122
under division (D)(1) of this section is not precluded from 123
imposing an additional period of commitment under division (A) 124
or (C) of this section. 125

(E) The court shall not commit a child to the legal 126
custody of the department of youth services for a specification 127
pursuant to this section for a period that exceeds five years 128
for any one delinquent act. Any commitment imposed pursuant to 129
division (A), (B), (C), or (D)(1) of this section shall be in 130
addition to, and shall be served consecutively with and prior 131
to, a period of commitment ordered under this chapter for the 132
underlying delinquent act, and each commitment imposed pursuant 133
to division (A), (B), (C), or (D)(1) of this section shall be in 134
addition to, and shall be served consecutively with, any other 135
period of commitment imposed under those divisions. If a 136
commitment is imposed under division (A) or (B) of this section 137
and a commitment also is imposed under division (C) of this 138
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 169
section, the adjudication as a delinquent child or as a juvenile 170
traffic offender is a conviction for a violation of the law or 171

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 division (A) (1) (b) of this section, has been convicted of or pleaded guilty to two or more violent felony offenses that are

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) Except as provided in division (A)(1)(c) of this 204
section, the eight-year period described in division (A)(1)(a) 205
of this section shall be extended by a period of time equal to 206
any period of time during which the person, within that eight- 207
year period, was confined as a result of having been accused of 208
an offense, having been convicted of or pleaded guilty to an 209
offense, or having been accused of violating or found to have 210
violated any community control sanction, post-release control 211
sanction, or term or condition of supervised release. 212

(c) Division (A)(1)(b) of this section shall not apply to 213
extend the eight-year period described in division (A)(1)(a) of 214
this section by any period of time during which a person is 215
confined if the person is acquitted of the charges or the 216
charges are dismissed in final disposition of the case or during 217
which a person is confined as a result of having been accused of 218
violating any sanction, term, or condition described in division 219
(A)(1)(b) of this section if the person subsequently is not 220
found to have violated that sanction, term, or condition. 221

(2) "Violent felony offense" means any of the following: 222

(a) A violation of section 2903.01, 2903.02, 2903.03, 223
2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2909.02, 2909.23, 224
2911.01, 2911.02, or 2911.11 of the Revised Code; 225

(b) A violation of division (A)(1) or (2) of section 226
2911.12 of the Revised Code; 227

(c) A felony violation of section 2907.02, 2907.03, 228
2907.04, or 2907.05 of the Revised Code; 229

(d) A felony violation of section 2909.24 of the Revised Code or a violation of section 2919.25 of the Revised Code that is a felony of the third degree; 230
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(e) A felony violation of any existing or former ordinance or law of this state, another state, or the United States that is or was substantially equivalent to any offense listed or described in divisions (A) (2) (a) to (e) of this section; 233
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(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. 237
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(3) "Dangerous ordnance" and "firearm" have the same meanings as in section 2923.11 of the Revised Code. 241
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(4) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 243
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(5) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 245
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(6) "Supervised release" has the same meaning as in section 2950.01 of the Revised Code. 247
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(B) No violent career criminal shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance. 249
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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. 251
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Sec. 2923.14. (A) ~~Any~~ (1) Except as otherwise provided in 257

division (A) (2) of this section, any person who is prohibited 258
from acquiring, having, carrying, or using firearms may apply to 259
the court of common pleas in the county in which the person 260
resides for relief from such prohibition. 261

(2) Division (A) (1) of this section does not apply to a 262
person who has been convicted of or pleaded guilty to a 263
violation of section 2923.132 of the Revised Code or to a person 264
who, two or more times, has been convicted of or pleaded guilty 265
to a felony and a specification of the type described in section 266
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 267
of the Revised Code. 268

(B) The application shall recite the following: 269

(1) All indictments, convictions, or adjudications upon 270
which the applicant's disability is based, the sentence imposed 271
and served, and any release granted under a community control 272
sanction, post-release control sanction, or parole, any partial 273
or conditional pardon granted, or other disposition of each 274
case, or, if the disability is based upon a factor other than an 275
indictment, a conviction, or an adjudication, the factor upon 276
which the disability is based and all details related to that 277
factor; 278

(2) Facts showing the applicant to be a fit subject for 279
relief under this section. 280

(C) A copy of the application shall be served on the 281
county prosecutor. The county prosecutor shall cause the matter 282
to be investigated and shall raise before the court any 283
objections to granting relief that the investigation reveals. 284

(D) Upon hearing, the court may grant the applicant relief 285
pursuant to this section, if all of the following apply: 286

(1) One of the following applies:	287
(a) If the disability is based upon an indictment, a conviction, or an adjudication, the applicant has been fully discharged from imprisonment, community control, post-release control, and parole, or, if the applicant is under indictment, has been released on bail or recognizance.	288 289 290 291 292
(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.	293 294 295
(2) The applicant has led a law-abiding life since discharge or release, and appears likely to continue to do so.	296 297
(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.	298 299
(E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant.	300 301
(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:	302 303 304 305
(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;	306 307 308
(2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;	309 310
(3) May be revoked by the court at any time for good cause shown and upon notice to the applicant;	311 312
(4) Is automatically void upon commission by the applicant	313

of any offense set forth in division (A) (2) or (3) of section 314
2923.13 of the Revised Code, or upon the applicant's becoming 315
one of the class of persons named in division (A) (1), (4), or 316
(5) of that section. 317

(G) As used in this section: 318

(1) "Community control sanction" has the same meaning as 319
in section 2929.01 of the Revised Code. 320

(2) "Post-release control" and "post-release control 321
sanction" have the same meanings as in section 2967.01 of the 322
Revised Code. 323

Sec. 2929.13. (A) Except as provided in division (E), (F), 324
or (G) of this section and unless a specific sanction is 325
required to be imposed or is precluded from being imposed 326
pursuant to law, a court that imposes a sentence upon an 327
offender for a felony may impose any sanction or combination of 328
sanctions on the offender that are provided in sections 2929.14 329
to 2929.18 of the Revised Code. 330

If the offender is eligible to be sentenced to community 331
control sanctions, the court shall consider the appropriateness 332
of imposing a financial sanction pursuant to section 2929.18 of 333
the Revised Code or a sanction of community service pursuant to 334
section 2929.17 of the Revised Code as the sole sanction for the 335
offense. Except as otherwise provided in this division, if the 336
court is required to impose a mandatory prison term for the 337
offense for which sentence is being imposed, the court also 338
shall impose any financial sanction pursuant to section 2929.18 339
of the Revised Code that is required for the offense and may 340
impose any other financial sanction pursuant to that section but 341
may not impose any additional sanction or combination of 342

sanctions under section 2929.16 or 2929.17 of the Revised Code. 343

If the offender is being sentenced for a fourth degree 344
felony OVI offense or for a third degree felony OVI offense, in 345
addition to the mandatory term of local incarceration or the 346
mandatory prison term required for the offense by division (G) 347
(1) or (2) of this section, the court shall impose upon the 348
offender a mandatory fine in accordance with division (B) (3) of 349
section 2929.18 of the Revised Code and may impose whichever of 350
the following is applicable: 351

(1) For a fourth degree felony OVI offense for which 352
sentence is imposed under division (G) (1) of this section, an 353
additional community control sanction or combination of 354
community control sanctions under section 2929.16 or 2929.17 of 355
the Revised Code. If the court imposes upon the offender a 356
community control sanction and the offender violates any 357
condition of the community control sanction, the court may take 358
any action prescribed in division (B) of section 2929.15 of the 359
Revised Code relative to the offender, including imposing a 360
prison term on the offender pursuant to that division. 361

(2) For a third or fourth degree felony OVI offense for 362
which sentence is imposed under division (G) (2) of this section, 363
an additional prison term as described in division (B) (4) of 364
section 2929.14 of the Revised Code or a community control 365
sanction as described in division (G) (2) of this section. 366

(B) (1) (a) Except as provided in division (B) (1) (b) of this 367
section, if an offender is convicted of or pleads guilty to a 368
felony of the fourth or fifth degree that is not an offense of 369
violence or that is a qualifying assault offense, the court 370
shall sentence the offender to a community control sanction of 371
at least one year's duration if all of the following apply: 372

- (i) The offender previously has not been convicted of or
pleaded guilty to a felony offense. 373
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- (ii) The most serious charge against the offender at the
time of sentencing is a felony of the fourth or fifth degree. 375
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- (iii) If the court made a request of the department of
rehabilitation and correction pursuant to division (B) (1) (c) of 377
this section, the department, within the forty-five-day period 378
specified in that division, provided the court with the names 379
of, contact information for, and program details of one or more 380
community control sanctions of at least one year's duration that 381
are available for persons sentenced by the court. 382
383
- (iv) The offender previously has not been convicted of or
pleaded guilty to a misdemeanor offense of violence that the 384
offender committed within two years prior to the offense for 385
which sentence is being imposed. 386
387
- (b) The court has discretion to impose a prison term upon 388
an offender who is convicted of or pleads guilty to a felony of 389
the fourth or fifth degree that is not an offense of violence or 390
that is a qualifying assault offense if any of the following 391
apply: 392
- (i) The offender committed the offense while having a 393
firearm on or about the offender's person or under the 394
offender's control. 395
- (ii) If the offense is a qualifying assault offense, the 396
offender caused serious physical harm to another person while 397
committing the offense, and, if the offense is not a qualifying 398
assault offense, the offender caused physical harm to another 399
person while committing the offense. 400
- (iii) The offender violated a term of the conditions of 401

bond as set by the court. 402

(iv) The court made a request of the department of 403
rehabilitation and correction pursuant to division (B)(1)(c) of 404
this section, and the department, within the forty-five-day 405
period specified in that division, did not provide the court 406
with the name of, contact information for, and program details 407
of any community control sanction of at least one year's 408
duration that is available for persons sentenced by the court. 409

(v) The offense is a sex offense that is a fourth or fifth 410
degree felony violation of any provision of Chapter 2907. of the 411
Revised Code. 412

(vi) In committing the offense, the offender attempted to 413
cause or made an actual threat of physical harm to a person with 414
a deadly weapon. 415

(vii) In committing the offense, the offender attempted to 416
cause or made an actual threat of physical harm to a person, and 417
the offender previously was convicted of an offense that caused 418
physical harm to a person. 419

(viii) The offender held a public office or position of 420
trust, and the offense related to that office or position; the 421
offender's position obliged the offender to prevent the offense 422
or to bring those committing it to justice; or the offender's 423
professional reputation or position facilitated the offense or 424
was likely to influence the future conduct of others. 425

(ix) The offender committed the offense for hire or as 426
part of an organized criminal activity. 427

(x) The offender at the time of the offense was serving, 428
or the offender previously had served, a prison term. 429

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

(c) If a court that is sentencing an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense believes that no community control sanctions are available for its use that, if imposed on the offender, will adequately fulfill the overriding principles and purposes of sentencing, the court shall contact the department of rehabilitation and correction and ask the department to provide the 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. Not later than forty-five days after receipt of a request from a court under this division, the department shall provide the 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, if any. Upon making a request under this division that relates to a particular offender, a court shall defer sentencing of that offender until it receives from the department 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 or for forty-five days, whichever is the earlier.

If the department provides the 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 461
shall impose upon the offender a community control sanction 462
under division (B) (1) (a) of this section, except that the court 463
may impose a prison term under division (B) (1) (b) of this 464
section if a factor described in division (B) (1) (b) (i) or (ii) 465
of this section applies. If the department does not provide the 466
court with the names of, contact information for, and program 467
details of one or more community control sanctions of at least 468
one year's duration that are available for persons sentenced by 469
the court within the forty-five-day period specified in this 470
division, the court may impose upon the offender a prison term 471
under division (B) (1) (b) (iv) of this section. 472

(d) A sentencing court may impose an additional penalty 473
under division (B) of section 2929.15 of the Revised Code upon 474
an offender sentenced to a community control sanction under 475
division (B) (1) (a) of this section if the offender violates the 476
conditions of the community control sanction, violates a law, or 477
leaves the state without the permission of the court or the 478
offender's probation officer. 479

(2) If division (B) (1) of this section does not apply, 480
except as provided in division (E), (F), or (G) of this section, 481
in determining whether to impose a prison term as a sanction for 482
a felony of the fourth or fifth degree, the sentencing court 483
shall comply with the purposes and principles of sentencing 484
under section 2929.11 of the Revised Code and with section 485
2929.12 of the Revised Code. 486

(C) Except as provided in division (D), (E), (F), or (G) 487
of this section, in determining whether to impose a prison term 488
as a sanction for a felony of the third degree or a felony drug 489
offense that is a violation of a provision of Chapter 2925. of 490

the Revised Code and that is specified as being subject to this 491
division for purposes of sentencing, the sentencing court shall 492
comply with the purposes and principles of sentencing under 493
section 2929.11 of the Revised Code and with section 2929.12 of 494
the Revised Code. 495

(D) (1) Except as provided in division (E) or (F) of this 496
section, for a felony of the first or second degree, for a 497
felony drug offense that is a violation of any provision of 498
Chapter 2925., 3719., or 4729. of the Revised Code for which a 499
presumption in favor of a prison term is specified as being 500
applicable, and for a violation of division (A) (4) or (B) of 501
section 2907.05 of the Revised Code for which a presumption in 502
favor of a prison term is specified as being applicable, it is 503
presumed that a prison term is necessary in order to comply with 504
the purposes and principles of sentencing under section 2929.11 505
of the Revised Code. Division (D) (2) of this section does not 506
apply to a presumption established under this division for a 507
violation of division (A) (4) of section 2907.05 of the Revised 508
Code. 509

(2) Notwithstanding the presumption established under 510
division (D) (1) of this section for the offenses listed in that 511
division other than a violation of division (A) (4) or (B) of 512
section 2907.05 of the Revised Code, the sentencing court may 513
impose a community control sanction or a combination of 514
community control sanctions instead of a prison term on an 515
offender for a felony of the first or second degree or for a 516
felony drug offense that is a violation of any provision of 517
Chapter 2925., 3719., or 4729. of the Revised Code for which a 518
presumption in favor of a prison term is specified as being 519
applicable if it makes both of the following findings: 520

(a) A community control sanction or a combination of 521
community control sanctions would adequately punish the offender 522
and protect the public from future crime, because the applicable 523
factors under section 2929.12 of the Revised Code indicating a 524
lesser likelihood of recidivism outweigh the applicable factors 525
under that section indicating a greater likelihood of 526
recidivism. 527

(b) A community control sanction or a combination of 528
community control sanctions would not demean the seriousness of 529
the offense, because one or more factors under section 2929.12 530
of the Revised Code that indicate that the offender's conduct 531
was less serious than conduct normally constituting the offense 532
are applicable, and they outweigh the applicable factors under 533
that section that indicate that the offender's conduct was more 534
serious than conduct normally constituting the offense. 535

(E) (1) Except as provided in division (F) of this section, 536
for any drug offense that is a violation of any provision of 537
Chapter 2925. of the Revised Code and that is a felony of the 538
third, fourth, or fifth degree, the applicability of a 539
presumption under division (D) of this section in favor of a 540
prison term or of division (B) or (C) of this section in 541
determining whether to impose a prison term for the offense 542
shall be determined as specified in section 2925.02, 2925.03, 543
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 544
2925.36, or 2925.37 of the Revised Code, whichever is applicable 545
regarding the violation. 546

(2) If an offender who was convicted of or pleaded guilty 547
to a felony violates the conditions of a community control 548
sanction imposed for the offense solely by reason of producing 549
positive results on a drug test, the court, as punishment for 550

the violation of the sanction, shall not order that the offender 551
be imprisoned unless the court determines on the record either 552
of the following: 553

(a) The offender had been ordered as a sanction for the 554
felony to participate in a drug treatment program, in a drug 555
education program, or in narcotics anonymous or a similar 556
program, and the offender continued to use illegal drugs after a 557
reasonable period of participation in the program. 558

(b) The imprisonment of the offender for the violation is 559
consistent with the purposes and principles of sentencing set 560
forth in section 2929.11 of the Revised Code. 561

(3) A court that sentences an offender for a drug abuse 562
offense that is a felony of the third, fourth, or fifth degree 563
may require that the offender be assessed by a properly 564
credentialed professional within a specified period of time. The 565
court shall require the professional to file a written 566
assessment of the offender with the court. If the offender is 567
eligible for a community control sanction and after considering 568
the written assessment, the court may impose a community control 569
sanction that includes treatment and recovery support services 570
authorized by section 3793.02 of the Revised Code. If the court 571
imposes treatment and recovery support services as a community 572
control sanction, the court shall direct the level and type of 573
treatment and recovery support services after considering the 574
assessment and recommendation of treatment and recovery support 575
services providers. 576

(F) Notwithstanding divisions (A) to (E) of this section, 577
the court shall impose a prison term or terms under sections 578
2929.02 to 2929.06, section 2929.14, section 2929.142, or 579
section 2971.03 of the Revised Code and except as specifically 580

provided in section 2929.20, divisions (C) to (I) of section 581
2967.19, or section 2967.191 of the Revised Code or when parole 582
is authorized for the offense under section 2967.13 of the 583
Revised Code shall not reduce the term or terms pursuant to 584
section 2929.20, section 2967.19, section 2967.193, or any other 585
provision of Chapter 2967. or Chapter 5120. of the Revised Code 586
for any of the following offenses: 587

(1) Aggravated murder when death is not imposed or murder; 588

(2) Any rape, regardless of whether force was involved and 589
regardless of the age of the victim, or an attempt to commit 590
rape if, had the offender completed the rape that was attempted, 591
the offender would have been guilty of a violation of division 592
(A) (1) (b) of section 2907.02 of the Revised Code and would be 593
sentenced under section 2971.03 of the Revised Code; 594

(3) Gross sexual imposition or sexual battery, if the 595
victim is less than thirteen years of age and if any of the 596
following applies: 597

(a) Regarding gross sexual imposition, the offender 598
previously was convicted of or pleaded guilty to rape, the 599
former offense of felonious sexual penetration, gross sexual 600
imposition, or sexual battery, and the victim of the previous 601
offense was less than thirteen years of age; 602

(b) Regarding gross sexual imposition, the offense was 603
committed on or after August 3, 2006, and evidence other than 604
the testimony of the victim was admitted in the case 605
corroborating the violation. 606

(c) Regarding sexual battery, either of the following 607
applies: 608

(i) The offense was committed prior to August 3, 2006, the 609

offender previously was convicted of or pleaded guilty to rape, 610
the former offense of felonious sexual penetration, or sexual 611
battery, and the victim of the previous offense was less than 612
thirteen years of age. 613

(ii) The offense was committed on or after August 3, 2006. 614

(4) A felony violation of section 2903.04, 2903.06, 615
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, ~~or~~ 2907.07, or 616
2923.132 of the Revised Code if the section requires the 617
imposition of a prison term; 618

(5) A first, second, or third degree felony drug offense 619
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 620
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 621
or 4729.99 of the Revised Code, whichever is applicable 622
regarding the violation, requires the imposition of a mandatory 623
prison term; 624

(6) Any offense that is a first or second degree felony 625
and that is not set forth in division (F) (1), (2), (3), or (4) 626
of this section, if the offender previously was convicted of or 627
pleaded guilty to aggravated murder, murder, any first or second 628
degree felony, or an offense under an existing or former law of 629
this state, another state, or the United States that is or was 630
substantially equivalent to one of those offenses; 631

(7) Any offense that is a third degree felony and either 632
is a violation of section 2903.04 of the Revised Code or an 633
attempt to commit a felony of the second degree that is an 634
offense of violence and involved an attempt to cause serious 635
physical harm to a person or that resulted in serious physical 636
harm to a person if the offender previously was convicted of or 637
pleaded guilty to any of the following offenses: 638

(a) Aggravated murder, murder, involuntary manslaughter, 639
rape, felonious sexual penetration as it existed under section 640
2907.12 of the Revised Code prior to September 3, 1996, a felony 641
of the first or second degree that resulted in the death of a 642
person or in physical harm to a person, or complicity in or an 643
attempt to commit any of those offenses; 644

(b) An offense under an existing or former law of this 645
state, another state, or the United States that is or was 646
substantially equivalent to an offense listed in division (F) (7) 647
(a) of this section that resulted in the death of a person or in 648
physical harm to a person. 649

(8) Any offense, other than a violation of section 2923.12 650
of the Revised Code, that is a felony, if the offender had a 651
firearm on or about the offender's person or under the 652
offender's control while committing the felony, with respect to 653
a portion of the sentence imposed pursuant to division (B) (1) (a) 654
of section 2929.14 of the Revised Code for having the firearm; 655

(9) Any offense of violence that is a felony, if the 656
offender wore or carried body armor while committing the felony 657
offense of violence, with respect to the portion of the sentence 658
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 659
Revised Code for wearing or carrying the body armor; 660

(10) Corrupt activity in violation of section 2923.32 of 661
the Revised Code when the most serious offense in the pattern of 662
corrupt activity that is the basis of the offense is a felony of 663
the first degree; 664

(11) Any violent sex offense or designated homicide, 665
assault, or kidnapping offense if, in relation to that offense, 666
the offender is adjudicated a sexually violent predator; 667

(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 698
2919.22 of the Revised Code, if the offender is convicted of or 699
pleads guilty to a specification as described in section 700
2941.1422 of the Revised Code that was included in the 701
indictment, count in the indictment, or information charging the 702
offense; 703

(17) A felony violation of division (A) or (B) of section 704
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 705
that section, and division (D) (6) of that section, require the 706
imposition of a prison term; 707

(18) A felony violation of section 2903.11, 2903.12, or 708
2903.13 of the Revised Code, if the victim of the offense was a 709
woman that the offender knew was pregnant at the time of the 710
violation, with respect to a portion of the sentence imposed 711
pursuant to division (B) (8) of section 2929.14 of the Revised 712
Code; 713

(19) (a) Any violent felony offense if the offender is a 714
violent career criminal and had a firearm on or about the 715
offender's person or under the offender's control during the 716
commission of the violent felony offense, with respect to the 717
portion of the sentence imposed under division (K) of section 718
2929.14 of the Revised Code. 719

(b) As used in division (F) (19) (a) of this section, 720
"violent career criminal" and "violent felony offense" have the 721
same meanings as in section 2923.132 of the Revised Code. 722

(G) Notwithstanding divisions (A) to (E) of this section, 723
if an offender is being sentenced for a fourth degree felony OVI 724
offense or for a third degree felony OVI offense, the court 725
shall impose upon the offender a mandatory term of local 726

incarceration or a mandatory prison term in accordance with the 727
following: 728

(1) If the offender is being sentenced for a fourth degree 729
felony OVI offense and if the offender has not been convicted of 730
and has not pleaded guilty to a specification of the type 731
described in section 2941.1413 of the Revised Code, the court 732
may impose upon the offender a mandatory term of local 733
incarceration of sixty days or one hundred twenty days as 734
specified in division (G)(1)(d) of section 4511.19 of the 735
Revised Code. The court shall not reduce the term pursuant to 736
section 2929.20, 2967.193, or any other provision of the Revised 737
Code. The court that imposes a mandatory term of local 738
incarceration under this division shall specify whether the term 739
is to be served in a jail, a community-based correctional 740
facility, a halfway house, or an alternative residential 741
facility, and the offender shall serve the term in the type of 742
facility specified by the court. A mandatory term of local 743
incarceration imposed under division (G)(1) of this section is 744
not subject to any other Revised Code provision that pertains to 745
a prison term except as provided in division (A)(1) of this 746
section. 747

(2) If the offender is being sentenced for a third degree 748
felony OVI offense, or if the offender is being sentenced for a 749
fourth degree felony OVI offense and the court does not impose a 750
mandatory term of local incarceration under division (G)(1) of 751
this section, the court shall impose upon the offender a 752
mandatory prison term of one, two, three, four, or five years if 753
the offender also is convicted of or also pleads guilty to a 754
specification of the type described in section 2941.1413 of the 755
Revised Code or shall impose upon the offender a mandatory 756
prison term of sixty days or one hundred twenty days as 757

specified in division (G)(1)(d) or (e) of section 4511.19 of the Revised Code if the offender has not been convicted of and has not pleaded guilty to a specification of that type. Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the court shall not reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or any other provision of the Revised Code. The offender shall serve the one-, two-, three-, four-, or five-year mandatory prison term consecutively to and prior to the prison term imposed for the underlying offense and consecutively to any other mandatory prison term imposed in relation to the offense. In no case shall an offender who once has been sentenced to a mandatory term of local incarceration pursuant to division (G)(1) of this section for a fourth degree felony OVI offense be sentenced to another mandatory term of local incarceration under that division for any violation of division (A) of section 4511.19 of the Revised Code. In addition to the mandatory prison term described in division (G)(2) of this section, the court may sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve the prison term prior to serving the community control sanction. The department of rehabilitation and correction may place an offender sentenced to a mandatory prison term under this division in an intensive program prison established pursuant to section 5120.033 of the Revised Code if the department gave the sentencing judge prior notice of its intent to place the offender in an intensive program prison established under that section and if the judge did not notify the department that the judge disapproved the placement. Upon the establishment of the initial intensive program prison pursuant to section 5120.033 of the Revised Code that is privately operated and managed by a contractor pursuant to a contract entered into under section 9.06 of the Revised

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Code, both of the following apply: 790

(a) The department of rehabilitation and correction shall 791
make a reasonable effort to ensure that a sufficient number of 792
offenders sentenced to a mandatory prison term under this 793
division are placed in the privately operated and managed prison 794
so that the privately operated and managed prison has full 795
occupancy. 796

(b) Unless the privately operated and managed prison has 797
full occupancy, the department of rehabilitation and correction 798
shall not place any offender sentenced to a mandatory prison 799
term under this division in any intensive program prison 800
established pursuant to section 5120.033 of the Revised Code 801
other than the privately operated and managed prison. 802

(H) If an offender is being sentenced for a sexually 803
oriented offense or child-victim oriented offense that is a 804
felony committed on or after January 1, 1997, the judge shall 805
require the offender to submit to a DNA specimen collection 806
procedure pursuant to section 2901.07 of the Revised Code. 807

(I) If an offender is being sentenced for a sexually 808
oriented offense or a child-victim oriented offense committed on 809
or after January 1, 1997, the judge shall include in the 810
sentence a summary of the offender's duties imposed under 811
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 812
Code and the duration of the duties. The judge shall inform the 813
offender, at the time of sentencing, of those duties and of 814
their duration. If required under division (A) (2) of section 815
2950.03 of the Revised Code, the judge shall perform the duties 816
specified in that section, or, if required under division (A) (6) 817
of section 2950.03 of the Revised Code, the judge shall perform 818
the duties specified in that division. 819

(J) (1) Except as provided in division (J) (2) of this section, when considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit an offense in violation of section 2923.02 of the Revised Code, the sentencing court shall consider the factors applicable to the felony category of the violation of section 2923.02 of the Revised Code instead of the factors applicable to the felony category of the offense attempted.

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

(K) As used in this section:

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

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

(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the

offender does not serve a prison term or jail term, the court 849
may require that the offender be monitored by means of a global 850
positioning device. If the court requires such monitoring, the 851
cost of monitoring shall be borne by the offender. If the 852
offender is indigent, the cost of compliance shall be paid by 853
the crime victims reparations fund. 854

Sec. 2929.14. (A) Except as provided in division (B) (1), 855
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 856
(G), (H), ~~or~~ (J), or (K) of this section or in division (D) (6) 857
of section 2919.25 of the Revised Code and except in relation to 858
an offense for which a sentence of death or life imprisonment is 859
to be imposed, if the court imposing a sentence upon an offender 860
for a felony elects or is required to impose a prison term on 861
the offender pursuant to this chapter, the court shall impose a 862
definite prison term that shall be one of the following: 863

(1) For a felony of the first degree, the prison term 864
shall be three, four, five, six, seven, eight, nine, ten, or 865
eleven years. 866

(2) For a felony of the second degree, the prison term 867
shall be two, three, four, five, six, seven, or eight years. 868

(3) (a) For a felony of the third degree that is a 869
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 870
2907.05 of the Revised Code or that is a violation of section 871
2911.02 or 2911.12 of the Revised Code if the offender 872
previously has been convicted of or pleaded guilty in two or 873
more separate proceedings to two or more violations of section 874
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 875
prison term shall be twelve, eighteen, twenty-four, thirty, 876
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 877

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

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

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

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

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

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

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

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

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

(vi) A prison term of eighteen months if the specification is of the type described in division (D) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's

control while committing the offense and that the offender 937
previously has been convicted of or pleaded guilty to a 938
specification of the type described in section 2941.141, 939
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 940

(b) If a court imposes a prison term on an offender under 941
division (B) (1) (a) of this section, the prison term shall not be 942
reduced pursuant to section 2967.19, section 2929.20, section 943
2967.193, or any other provision of Chapter 2967. or Chapter 944
5120. of the Revised Code. Except as provided in division (B) (1) 945
(g) of this section, a court shall not impose more than one 946
prison term on an offender under division (B) (1) (a) of this 947
section for felonies committed as part of the same act or 948
transaction. 949

(c) (i) Except as provided in division (B) (1) (e) of this 950
section, if an offender who is convicted of or pleads guilty to 951
a violation of section 2923.161 of the Revised Code or to a 952
felony that includes, as an essential element, purposely or 953
knowingly causing or attempting to cause the death of or 954
physical harm to another, also is convicted of or pleads guilty 955
to a specification of the type described in division (A) of 956
section 2941.146 of the Revised Code that charges the offender 957
with committing the offense by discharging a firearm from a 958
motor vehicle other than a manufactured home, the court, after 959
imposing a prison term on the offender for the violation of 960
section 2923.161 of the Revised Code or for the other felony 961
offense under division (A), (B) (2), or (B) (3) of this section, 962
shall impose an additional prison term of five years upon the 963
offender that shall not be reduced pursuant to section 2929.20, 964
section 2967.19, section 2967.193, or any other provision of 965
Chapter 2967. or Chapter 5120. of the Revised Code. ~~A~~ 966

(ii) Except as provided in division (B) (1) (e) of this 967
section, if an offender who is convicted of or pleads guilty to 968
a violation of section 2923.161 of the Revised Code or to a 969
felony that includes, as an essential element, purposely or 970
knowingly causing or attempting to cause the death of or 971
physical harm to another, also is convicted of or pleads guilty 972
to a specification of the type described in division (C) of 973
section 2941.146 of the Revised Code that charges the offender 974
with committing the offense by discharging a firearm from a 975
motor vehicle other than a manufactured home and that the 976
offender previously has been convicted of or pleaded guilty to a 977
specification of the type described in section 2941.141, 978
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 979
the court, after imposing a prison term on the offender for the 980
violation of section 2923.161 of the Revised Code or for the 981
other felony offense under division (A), (B) (2), or (3) of this 982
section, shall impose an additional prison term of ninety months 983
upon the offender that shall not be reduced pursuant to section 984
2929.20, 2967.19, 2967.193, or any other provision of Chapter 985
2967. or Chapter 5120. of the Revised Code. 986

(iii) A court shall not impose more than one additional 987
prison term on an offender under division (B) (1) (c) of this 988
section for felonies committed as part of the same act or 989
transaction. If a court imposes an additional prison term on an 990
offender under division (B) (1) (c) of this section relative to an 991
offense, the court also shall impose a prison term under 992
division (B) (1) (a) of this section relative to the same offense, 993
provided the criteria specified in that division for imposing an 994
additional prison term are satisfied relative to the offender 995
and the offense. 996

(d) If an offender who is convicted of or pleads guilty to 997

an offense of violence that is a felony also is convicted of or 998
pleads guilty to a specification of the type described in 999
section 2941.1411 of the Revised Code that charges the offender 1000
with wearing or carrying body armor while committing the felony 1001
offense of violence, the court shall impose on the offender a 1002
prison term of two years. The prison term so imposed, subject to 1003
divisions (C) to (I) of section 2967.19 of the Revised Code, 1004
shall not be reduced pursuant to section 2929.20, section 1005
2967.19, section 2967.193, or any other provision of Chapter 1006
2967. or Chapter 5120. of the Revised Code. A court shall not 1007
impose more than one prison term on an offender under division 1008
(B) (1) (d) of this section for felonies committed as part of the 1009
same act or transaction. If a court imposes an additional prison 1010
term under division (B) (1) (a) or (c) of this section, the court 1011
is not precluded from imposing an additional prison term under 1012
division (B) (1) (d) of this section. 1013

(e) The court shall not impose any of the prison terms 1014
described in division (B) (1) (a) of this section or any of the 1015
additional prison terms described in division (B) (1) (c) of this 1016
section upon an offender for a violation of section 2923.12 or 1017
2923.123 of the Revised Code. The court shall not impose any of 1018
the prison terms described in division (B) (1) (a) or (b) of this 1019
section upon an offender for a violation of section 2923.122 1020
that involves a deadly weapon that is a firearm other than a 1021
dangerous ordnance, section 2923.16, or section 2923.121 of the 1022
Revised Code. The court shall not impose any of the prison terms 1023
described in division (B) (1) (a) of this section or any of the 1024
additional prison terms described in division (B) (1) (c) of this 1025
section upon an offender for a violation of section 2923.13 of 1026
the Revised Code unless all of the following apply: 1027

(i) The offender previously has been convicted of 1028

aggravated murder, murder, or any felony of the first or second degree. 1029
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(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense. 1031
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(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. ~~If~~ 1034
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(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 1049
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pleaded guilty to a specification of the type described in 1059
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1060
the Revised Code, the court, after imposing a prison term on the 1061
offender for the felony offense under division (A), (B) (2), or 1062
(3) of this section, shall impose an additional prison term of 1063
one hundred twenty-six months upon the offender that shall not 1064
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1065
any other provision of Chapter 2967. or 5120. of the Revised 1066
Code. 1067

(iii) If an offender is convicted of or pleads guilty to 1068
two or more felonies that include, as an essential element, 1069
causing or attempting to cause the death or physical harm to 1070
another and also is convicted of or pleads guilty to a 1071
specification of the type described under division (B) (1) (f) of 1072
this section in connection with two or more of the felonies of 1073
which the offender is convicted or to which the offender pleads 1074
guilty, the sentencing court shall impose on the offender the 1075
prison term specified under division (B) (1) (f) of this section 1076
for each of two of the specifications of which the offender is 1077
convicted or to which the offender pleads guilty and, in its 1078
discretion, also may impose on the offender the prison term 1079
specified under that division for any or all of the remaining 1080
specifications. If a court imposes an additional prison term on 1081
an offender under division (B) (1) (f) of this section relative to 1082
an offense, the court shall not impose a prison term under 1083
division (B) (1) (a) or (c) of this section relative to the same 1084
offense. 1085

(g) If an offender is convicted of or pleads guilty to two 1086
or more felonies, if one or more of those felonies are 1087
aggravated murder, murder, attempted aggravated murder, 1088
attempted murder, aggravated robbery, felonious assault, or 1089

rape, and if the offender is convicted of or pleads guilty to a 1090
specification of the type described under division (B)(1)(a) of 1091
this section in connection with two or more of the felonies, the 1092
sentencing court shall impose on the offender the prison term 1093
specified under division (B)(1)(a) of this section for each of 1094
the two most serious specifications of which the offender is 1095
convicted or to which the offender pleads guilty and, in its 1096
discretion, also may impose on the offender the prison term 1097
specified under that division for any or all of the remaining 1098
specifications. 1099

(2)(a) If division (B)(2)(b) of this section does not 1100
apply, the court may impose on an offender, in addition to the 1101
longest prison term authorized or required for the offense, an 1102
additional definite prison term of one, two, three, four, five, 1103
six, seven, eight, nine, or ten years if all of the following 1104
criteria are met: 1105

(i) The offender is convicted of or pleads guilty to a 1106
specification of the type described in section 2941.149 of the 1107
Revised Code that the offender is a repeat violent offender. 1108

(ii) The offense of which the offender currently is 1109
convicted or to which the offender currently pleads guilty is 1110
aggravated murder and the court does not impose a sentence of 1111
death or life imprisonment without parole, murder, terrorism and 1112
the court does not impose a sentence of life imprisonment 1113
without parole, any felony of the first degree that is an 1114
offense of violence and the court does not impose a sentence of 1115
life imprisonment without parole, or any felony of the second 1116
degree that is an offense of violence and the trier of fact 1117
finds that the offense involved an attempt to cause or a threat 1118
to cause serious physical harm to a person or resulted in 1119

serious physical harm to a person. 1120

(iii) The court imposes the longest prison term for the 1121
offense that is not life imprisonment without parole. 1122

(iv) The court finds that the prison terms imposed 1123
pursuant to division (B) (2) (a) (iii) of this section and, if 1124
applicable, division (B) (1) or (3) of this section are 1125
inadequate to punish the offender and protect the public from 1126
future crime, because the applicable factors under section 1127
2929.12 of the Revised Code indicating a greater likelihood of 1128
recidivism outweigh the applicable factors under that section 1129
indicating a lesser likelihood of recidivism. 1130

(v) The court finds that the prison terms imposed pursuant 1131
to division (B) (2) (a) (iii) of this section and, if applicable, 1132
division (B) (1) or (3) of this section are demeaning to the 1133
seriousness of the offense, because one or more of the factors 1134
under section 2929.12 of the Revised Code indicating that the 1135
offender's conduct is more serious than conduct normally 1136
constituting the offense are present, and they outweigh the 1137
applicable factors under that section indicating that the 1138
offender's conduct is less serious than conduct normally 1139
constituting the offense. 1140

(b) The court shall impose on an offender the longest 1141
prison term authorized or required for the offense and shall 1142
impose on the offender an additional definite prison term of 1143
one, two, three, four, five, six, seven, eight, nine, or ten 1144
years if all of the following criteria are met: 1145

(i) The offender is convicted of or pleads guilty to a 1146
specification of the type described in section 2941.149 of the 1147
Revised Code that the offender is a repeat violent offender. 1148

(ii) The offender within the preceding twenty years has 1149
been convicted of or pleaded guilty to three or more offenses 1150
described in division (CC) (1) of section 2929.01 of the Revised 1151
Code, including all offenses described in that division of which 1152
the offender is convicted or to which the offender pleads guilty 1153
in the current prosecution and all offenses described in that 1154
division of which the offender previously has been convicted or 1155
to which the offender previously pleaded guilty, whether 1156
prosecuted together or separately. 1157

(iii) The offense or offenses of which the offender 1158
currently is convicted or to which the offender currently pleads 1159
guilty is aggravated murder and the court does not impose a 1160
sentence of death or life imprisonment without parole, murder, 1161
terrorism and the court does not impose a sentence of life 1162
imprisonment without parole, any felony of the first degree that 1163
is an offense of violence and the court does not impose a 1164
sentence of life imprisonment without parole, or any felony of 1165
the second degree that is an offense of violence and the trier 1166
of fact finds that the offense involved an attempt to cause or a 1167
threat to cause serious physical harm to a person or resulted in 1168
serious physical harm to a person. 1169

(c) For purposes of division (B) (2) (b) of this section, 1170
two or more offenses committed at the same time or as part of 1171
the same act or event shall be considered one offense, and that 1172
one offense shall be the offense with the greatest penalty. 1173

(d) A sentence imposed under division (B) (2) (a) or (b) of 1174
this section shall not be reduced pursuant to section 2929.20, 1175
section 2967.19, or section 2967.193, or any other provision of 1176
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1177
shall serve an additional prison term imposed under this section 1178

consecutively to and prior to the prison term imposed for the 1179
underlying offense. 1180

(e) When imposing a sentence pursuant to division (B)(2) 1181
(a) or (b) of this section, the court shall state its findings 1182
explaining the imposed sentence. 1183

(3) Except when an offender commits a violation of section 1184
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1185
for the violation is life imprisonment or commits a violation of 1186
section 2903.02 of the Revised Code, if the offender commits a 1187
violation of section 2925.03 or 2925.11 of the Revised Code and 1188
that section classifies the offender as a major drug offender, 1189
if the offender commits a felony violation of section 2925.02, 1190
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1191
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1192
division (C) of section 4729.51, or division (J) of section 1193
4729.54 of the Revised Code that includes the sale, offer to 1194
sell, or possession of a schedule I or II controlled substance, 1195
with the exception of marihuana, and the court imposing sentence 1196
upon the offender finds that the offender is guilty of a 1197
specification of the type described in section 2941.1410 of the 1198
Revised Code charging that the offender is a major drug 1199
offender, if the court imposing sentence upon an offender for a 1200
felony finds that the offender is guilty of corrupt activity 1201
with the most serious offense in the pattern of corrupt activity 1202
being a felony of the first degree, or if the offender is guilty 1203
of an attempted violation of section 2907.02 of the Revised Code 1204
and, had the offender completed the violation of section 2907.02 1205
of the Revised Code that was attempted, the offender would have 1206
been subject to a sentence of life imprisonment or life 1207
imprisonment without parole for the violation of section 2907.02 1208
of the Revised Code, the court shall impose upon the offender 1209

for the felony violation a mandatory prison term of the maximum 1210
prison term prescribed for a felony of the first degree that, 1211
subject to divisions (C) to (I) of section 2967.19 of the 1212
Revised Code, cannot be reduced pursuant to section 2929.20, 1213
section 2967.19, or any other provision of Chapter 2967. or 1214
5120. of the Revised Code. 1215

(4) If the offender is being sentenced for a third or 1216
fourth degree felony OVI offense under division (G) (2) of 1217
section 2929.13 of the Revised Code, the sentencing court shall 1218
impose upon the offender a mandatory prison term in accordance 1219
with that division. In addition to the mandatory prison term, if 1220
the offender is being sentenced for a fourth degree felony OVI 1221
offense, the court, notwithstanding division (A) (4) of this 1222
section, may sentence the offender to a definite prison term of 1223
not less than six months and not more than thirty months, and if 1224
the offender is being sentenced for a third degree felony OVI 1225
offense, the sentencing court may sentence the offender to an 1226
additional prison term of any duration specified in division (A) 1227
(3) of this section. In either case, the additional prison term 1228
imposed shall be reduced by the sixty or one hundred twenty days 1229
imposed upon the offender as the mandatory prison term. The 1230
total of the additional prison term imposed under division (B) 1231
(4) of this section plus the sixty or one hundred twenty days 1232
imposed as the mandatory prison term shall equal a definite term 1233
in the range of six months to thirty months for a fourth degree 1234
felony OVI offense and shall equal one of the authorized prison 1235
terms specified in division (A) (3) of this section for a third 1236
degree felony OVI offense. If the court imposes an additional 1237
prison term under division (B) (4) of this section, the offender 1238
shall serve the additional prison term after the offender has 1239
served the mandatory prison term required for the offense. In 1240

addition to the mandatory prison term or mandatory and 1241
additional prison term imposed as described in division (B) (4) 1242
of this section, the court also may sentence the offender to a 1243
community control sanction under section 2929.16 or 2929.17 of 1244
the Revised Code, but the offender shall serve all of the prison 1245
terms so imposed prior to serving the community control 1246
sanction. 1247

If the offender is being sentenced for a fourth degree 1248
felony OVI offense under division (G) (1) of section 2929.13 of 1249
the Revised Code and the court imposes a mandatory term of local 1250
incarceration, the court may impose a prison term as described 1251
in division (A) (1) of that section. 1252

(5) If an offender is convicted of or pleads guilty to a 1253
violation of division (A) (1) or (2) of section 2903.06 of the 1254
Revised Code and also is convicted of or pleads guilty to a 1255
specification of the type described in section 2941.1414 of the 1256
Revised Code that charges that the victim of the offense is a 1257
peace officer, as defined in section 2935.01 of the Revised 1258
Code, or an investigator of the bureau of criminal 1259
identification and investigation, as defined in section 2903.11 1260
of the Revised Code, the court shall impose on the offender a 1261
prison term of five years. If a court imposes a prison term on 1262
an offender under division (B) (5) of this section, the prison 1263
term, subject to divisions (C) to (I) of section 2967.19 of the 1264
Revised Code, shall not be reduced pursuant to section 2929.20, 1265
section 2967.19, section 2967.193, or any other provision of 1266
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1267
shall not impose more than one prison term on an offender under 1268
division (B) (5) of this section for felonies committed as part 1269
of the same act. 1270

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

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

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

than ten years; 1302

(ii) If the offense is a felony of the second or third 1303
degree, a definite prison term of not less than three years and 1304
not greater than the maximum prison term allowed for the offense 1305
by division (A) of section 2929.14 of the Revised Code; 1306

(iii) If the offense is a felony of the fourth or fifth 1307
degree, a definite prison term that is the maximum prison term 1308
allowed for the offense by division (A) of section 2929.14 of 1309
the Revised Code. 1310

(b) Subject to divisions (C) to (I) of section 2967.19 of 1311
the Revised Code, the prison term imposed under division (B) (7) 1312
(a) of this section shall not be reduced pursuant to section 1313
2929.20, section 2967.19, section 2967.193, or any other 1314
provision of Chapter 2967. of the Revised Code. A court shall 1315
not impose more than one prison term on an offender under 1316
division (B) (7) (a) of this section for felonies committed as 1317
part of the same act, scheme, or plan. 1318

(8) If an offender is convicted of or pleads guilty to a 1319
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1320
Revised Code and also is convicted of or pleads guilty to a 1321
specification of the type described in section 2941.1423 of the 1322
Revised Code that charges that the victim of the violation was a 1323
woman whom the offender knew was pregnant at the time of the 1324
violation, notwithstanding the range of prison terms prescribed 1325
in division (A) of this section for felonies of the same degree 1326
as the violation, the court shall impose on the offender a 1327
mandatory prison term that is either a definite prison term of 1328
six months or one of the prison terms prescribed in section 1329
2929.14 of the Revised Code for felonies of the same degree as 1330
the violation. 1331

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1332
if a mandatory prison term is imposed upon an offender pursuant 1333
to division (B) (1) (a) of this section for having a firearm on or 1334
about the offender's person or under the offender's control 1335
while committing a felony, if a mandatory prison term is imposed 1336
upon an offender pursuant to division (B) (1) (c) of this section 1337
for committing a felony specified in that division by 1338
discharging a firearm from a motor vehicle, or if both types of 1339
mandatory prison terms are imposed, the offender shall serve any 1340
mandatory prison term imposed under either division 1341
consecutively to any other mandatory prison term imposed under 1342
either division or under division (B) (1) (d) of this section, 1343
consecutively to and prior to any prison term imposed for the 1344
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1345
this section or any other section of the Revised Code, and 1346
consecutively to any other prison term or mandatory prison term 1347
previously or subsequently imposed upon the offender. 1348

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

(c) If a mandatory prison term is imposed upon an offender 1360
pursuant to division (B) (1) (f) of this section, the offender 1361
shall serve the mandatory prison term so imposed consecutively 1362

to and prior to any prison term imposed for the underlying 1363
felony under division (A), (B) (2), or (B) (3) of this section or 1364
any other section of the Revised Code, and consecutively to any 1365
other prison term or mandatory prison term previously or 1366
subsequently imposed upon the offender. 1367

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

(2) If an offender who is an inmate in a jail, prison, or 1375
other residential detention facility violates section 2917.02, 1376
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1377
(2) of section 2921.34 of the Revised Code, if an offender who 1378
is under detention at a detention facility commits a felony 1379
violation of section 2923.131 of the Revised Code, or if an 1380
offender who is an inmate in a jail, prison, or other 1381
residential detention facility or is under detention at a 1382
detention facility commits another felony while the offender is 1383
an escapee in violation of division (A) (1) or (2) of section 1384
2921.34 of the Revised Code, any prison term imposed upon the 1385
offender for one of those violations shall be served by the 1386
offender consecutively to the prison term or term of 1387
imprisonment the offender was serving when the offender 1388
committed that offense and to any other prison term previously 1389
or subsequently imposed upon the offender. 1390

(3) If a prison term is imposed for a violation of 1391
division (B) of section 2911.01 of the Revised Code, a violation 1392

of division (A) of section 2913.02 of the Revised Code in which 1393
the stolen property is a firearm or dangerous ordnance, or a 1394
felony violation of division (B) of section 2921.331 of the 1395
Revised Code, the offender shall serve that prison term 1396
consecutively to any other prison term or mandatory prison term 1397
previously or subsequently imposed upon the offender. 1398

(4) If multiple prison terms are imposed on an offender 1399
for convictions of multiple offenses, the court may require the 1400
offender to serve the prison terms consecutively if the court 1401
finds that the consecutive service is necessary to protect the 1402
public from future crime or to punish the offender and that 1403
consecutive sentences are not disproportionate to the 1404
seriousness of the offender's conduct and to the danger the 1405
offender poses to the public, and if the court also finds any of 1406
the following: 1407

(a) The offender committed one or more of the multiple 1408
offenses while the offender was awaiting trial or sentencing, 1409
was under a sanction imposed pursuant to section 2929.16, 1410
2929.17, or 2929.18 of the Revised Code, or was under post- 1411
release control for a prior offense. 1412

(b) At least two of the multiple offenses were committed 1413
as part of one or more courses of conduct, and the harm caused 1414
by two or more of the multiple offenses so committed was so 1415
great or unusual that no single prison term for any of the 1416
offenses committed as part of any of the courses of conduct 1417
adequately reflects the seriousness of the offender's conduct. 1418

(c) The offender's history of criminal conduct 1419
demonstrates that consecutive sentences are necessary to protect 1420
the public from future crime by the offender. 1421

(5) If a mandatory prison term is imposed upon an offender 1422
pursuant to division (B) (5) or (6) of this section, the offender 1423
shall serve the mandatory prison term consecutively to and prior 1424
to any prison term imposed for the underlying violation of 1425
division (A) (1) or (2) of section 2903.06 of the Revised Code 1426
pursuant to division (A) of this section or section 2929.142 of 1427
the Revised Code. If a mandatory prison term is imposed upon an 1428
offender pursuant to division (B) (5) of this section, and if a 1429
mandatory prison term also is imposed upon the offender pursuant 1430
to division (B) (6) of this section in relation to the same 1431
violation, the offender shall serve the mandatory prison term 1432
imposed pursuant to division (B) (5) of this section 1433
consecutively to and prior to the mandatory prison term imposed 1434
pursuant to division (B) (6) of this section and consecutively to 1435
and prior to any prison term imposed for the underlying 1436
violation of division (A) (1) or (2) of section 2903.06 of the 1437
Revised Code pursuant to division (A) of this section or section 1438
2929.142 of the Revised Code. 1439

(6) When consecutive prison terms are imposed pursuant to 1440
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 1441
of this section, the term to be served is the aggregate of all 1442
of the terms so imposed. 1443

(D) (1) If a court imposes a prison term for a felony of 1444
the first degree, for a felony of the second degree, for a 1445
felony sex offense, or for a felony of the third degree that is 1446
not a felony sex offense and in the commission of which the 1447
offender caused or threatened to cause physical harm to a 1448
person, it shall include in the sentence a requirement that the 1449
offender be subject to a period of post-release control after 1450
the offender's release from imprisonment, in accordance with 1451
that division. If a court imposes a sentence including a prison 1452

term of a type described in this division on or after July 11, 1453
2006, the failure of a court to include a post-release control 1454
requirement in the sentence pursuant to this division does not 1455
negate, limit, or otherwise affect the mandatory period of post- 1456
release control that is required for the offender under division 1457
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1458
the Revised Code applies if, prior to July 11, 2006, a court 1459
imposed a sentence including a prison term of a type described 1460
in this division and failed to include in the sentence pursuant 1461
to this division a statement regarding post-release control. 1462

(2) If a court imposes a prison term for a felony of the 1463
third, fourth, or fifth degree that is not subject to division 1464
(D)(1) of this section, it shall include in the sentence a 1465
requirement that the offender be subject to a period of post- 1466
release control after the offender's release from imprisonment, 1467
in accordance with that division, if the parole board determines 1468
that a period of post-release control is necessary. Section 1469
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1470
a court imposed a sentence including a prison term of a type 1471
described in this division and failed to include in the sentence 1472
pursuant to this division a statement regarding post-release 1473
control. 1474

(E) The court shall impose sentence upon the offender in 1475
accordance with section 2971.03 of the Revised Code, and Chapter 1476
2971. of the Revised Code applies regarding the prison term or 1477
term of life imprisonment without parole imposed upon the 1478
offender and the service of that term of imprisonment if any of 1479
the following apply: 1480

(1) A person is convicted of or pleads guilty to a violent 1481
sex offense or a designated homicide, assault, or kidnapping 1482

offense, and, in relation to that offense, the offender is 1483
adjudicated a sexually violent predator. 1484

(2) A person is convicted of or pleads guilty to a 1485
violation of division (A) (1) (b) of section 2907.02 of the 1486
Revised Code committed on or after January 2, 2007, and either 1487
the court does not impose a sentence of life without parole when 1488
authorized pursuant to division (B) of section 2907.02 of the 1489
Revised Code, or division (B) of section 2907.02 of the Revised 1490
Code provides that the court shall not sentence the offender 1491
pursuant to section 2971.03 of the Revised Code. 1492

(3) A person is convicted of or pleads guilty to attempted 1493
rape committed on or after January 2, 2007, and a specification 1494
of the type described in section 2941.1418, 2941.1419, or 1495
2941.1420 of the Revised Code. 1496

(4) A person is convicted of or pleads guilty to a 1497
violation of section 2905.01 of the Revised Code committed on or 1498
after January 1, 2008, and that section requires the court to 1499
sentence the offender pursuant to section 2971.03 of the Revised 1500
Code. 1501

(5) A person is convicted of or pleads guilty to 1502
aggravated murder committed on or after January 1, 2008, and 1503
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1504
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1505
(d) of section 2929.03, or division (A) or (B) of section 1506
2929.06 of the Revised Code requires the court to sentence the 1507
offender pursuant to division (B) (3) of section 2971.03 of the 1508
Revised Code. 1509

(6) A person is convicted of or pleads guilty to murder 1510
committed on or after January 1, 2008, and division (B) (2) of 1511

section 2929.02 of the Revised Code requires the court to 1512
sentence the offender pursuant to section 2971.03 of the Revised 1513
Code. 1514

(F) If a person who has been convicted of or pleaded 1515
guilty to a felony is sentenced to a prison term or term of 1516
imprisonment under this section, sections 2929.02 to 2929.06 of 1517
the Revised Code, section 2929.142 of the Revised Code, section 1518
2971.03 of the Revised Code, or any other provision of law, 1519
section 5120.163 of the Revised Code applies regarding the 1520
person while the person is confined in a state correctional 1521
institution. 1522

(G) If an offender who is convicted of or pleads guilty to 1523
a felony that is an offense of violence also is convicted of or 1524
pleads guilty to a specification of the type described in 1525
section 2941.142 of the Revised Code that charges the offender 1526
with having committed the felony while participating in a 1527
criminal gang, the court shall impose upon the offender an 1528
additional prison term of one, two, or three years. 1529

(H) (1) If an offender who is convicted of or pleads guilty 1530
to aggravated murder, murder, or a felony of the first, second, 1531
or third degree that is an offense of violence also is convicted 1532
of or pleads guilty to a specification of the type described in 1533
section 2941.143 of the Revised Code that charges the offender 1534
with having committed the offense in a school safety zone or 1535
towards a person in a school safety zone, the court shall impose 1536
upon the offender an additional prison term of two years. The 1537
offender shall serve the additional two years consecutively to 1538
and prior to the prison term imposed for the underlying offense. 1539

(2) (a) If an offender is convicted of or pleads guilty to 1540
a felony violation of section 2907.22, 2907.24, 2907.241, or 1541

2907.25 of the Revised Code and to a specification of the type 1542
described in section 2941.1421 of the Revised Code and if the 1543
court imposes a prison term on the offender for the felony 1544
violation, the court may impose upon the offender an additional 1545
prison term as follows: 1546

(i) Subject to division (H) (2) (a) (ii) of this section, an 1547
additional prison term of one, two, three, four, five, or six 1548
months; 1549

(ii) If the offender previously has been convicted of or 1550
pleaded guilty to one or more felony or misdemeanor violations 1551
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1552
the Revised Code and also was convicted of or pleaded guilty to 1553
a specification of the type described in section 2941.1421 of 1554
the Revised Code regarding one or more of those violations, an 1555
additional prison term of one, two, three, four, five, six, 1556
seven, eight, nine, ten, eleven, or twelve months. 1557

(b) In lieu of imposing an additional prison term under 1558
division (H) (2) (a) of this section, the court may directly 1559
impose on the offender a sanction that requires the offender to 1560
wear a real-time processing, continual tracking electronic 1561
monitoring device during the period of time specified by the 1562
court. The period of time specified by the court shall equal the 1563
duration of an additional prison term that the court could have 1564
imposed upon the offender under division (H) (2) (a) of this 1565
section. A sanction imposed under this division shall commence 1566
on the date specified by the court, provided that the sanction 1567
shall not commence until after the offender has served the 1568
prison term imposed for the felony violation of section 2907.22, 1569
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1570
residential sanction imposed for the violation under section 1571

2929.16 of the Revised Code. A sanction imposed under this 1572
division shall be considered to be a community control sanction 1573
for purposes of section 2929.15 of the Revised Code, and all 1574
provisions of the Revised Code that pertain to community control 1575
sanctions shall apply to a sanction imposed under this division, 1576
except to the extent that they would by their nature be clearly 1577
inapplicable. The offender shall pay all costs associated with a 1578
sanction imposed under this division, including the cost of the 1579
use of the monitoring device. 1580

(I) At the time of sentencing, the court may recommend the 1581
offender for placement in a program of shock incarceration under 1582
section 5120.031 of the Revised Code or for placement in an 1583
intensive program prison under section 5120.032 of the Revised 1584
Code, disapprove placement of the offender in a program of shock 1585
incarceration or an intensive program prison of that nature, or 1586
make no recommendation on placement of the offender. In no case 1587
shall the department of rehabilitation and correction place the 1588
offender in a program or prison of that nature unless the 1589
department determines as specified in section 5120.031 or 1590
5120.032 of the Revised Code, whichever is applicable, that the 1591
offender is eligible for the placement. 1592

If the court disapproves placement of the offender in a 1593
program or prison of that nature, the department of 1594
rehabilitation and correction shall not place the offender in 1595
any program of shock incarceration or intensive program prison. 1596

If the court recommends placement of the offender in a 1597
program of shock incarceration or in an intensive program 1598
prison, and if the offender is subsequently placed in the 1599
recommended program or prison, the department shall notify the 1600
court of the placement and shall include with the notice a brief 1601

description of the placement. 1602

If the court recommends placement of the offender in a 1603
program of shock incarceration or in an intensive program prison 1604
and the department does not subsequently place the offender in 1605
the recommended program or prison, the department shall send a 1606
notice to the court indicating why the offender was not placed 1607
in the recommended program or prison. 1608

If the court does not make a recommendation under this 1609
division with respect to an offender and if the department 1610
determines as specified in section 5120.031 or 5120.032 of the 1611
Revised Code, whichever is applicable, that the offender is 1612
eligible for placement in a program or prison of that nature, 1613
the department shall screen the offender and determine if there 1614
is an available program of shock incarceration or an intensive 1615
program prison for which the offender is suited. If there is an 1616
available program of shock incarceration or an intensive program 1617
prison for which the offender is suited, the department shall 1618
notify the court of the proposed placement of the offender as 1619
specified in section 5120.031 or 5120.032 of the Revised Code 1620
and shall include with the notice a brief description of the 1621
placement. The court shall have ten days from receipt of the 1622
notice to disapprove the placement. 1623

(J) If a person is convicted of or pleads guilty to 1624
aggravated vehicular homicide in violation of division (A) (1) of 1625
section 2903.06 of the Revised Code and division (B) (2) (c) of 1626
that section applies, the person shall be sentenced pursuant to 1627
section 2929.142 of the Revised Code. 1628

(K) (1) The court shall impose an additional mandatory 1629
prison term of two, three, four, five, six, seven, eight, nine, 1630
ten, or eleven years on an offender who is convicted of or 1631

pleads guilty to a violent felony offense if the offender also 1632
is convicted of or pleads guilty to a specification of the type 1633
described in section 2941.1424 of the Revised Code that charges 1634
that the offender is a violent career criminal and had a firearm 1635
on or about the offender's person or under the offender's 1636
control while committing the presently charged violent felony 1637
offense. The offender shall serve the prison term imposed under 1638
this division consecutively to and prior to the prison term 1639
imposed for the underlying offense. The prison term shall not be 1640
reduced pursuant to section 2929.20 or 2967.19 or any other 1641
provision of Chapter 2967. or 5120. of the Revised Code. A court 1642
may not impose more than one sentence under division (B) (2) (a) 1643
of this section and this division for acts committed as part of 1644
the same act or transaction. 1645

(2) As used in division (K) (1) of this section, "violent 1646
career criminal" and "violent felony offense" have the same 1647
meanings as in section 2923.132 of the Revised Code. 1648

Sec. 2929.20. (A) As used in this section: 1649

(1) (a) Except as provided in division (A) (1) (b) of this 1650
section, "eligible offender" means any person who, on or after 1651
April 7, 2009, is serving a stated prison term that includes one 1652
or more nonmandatory prison terms. 1653

(b) "Eligible offender" does not include any person who, 1654
on or after April 7, 2009, is serving a stated prison term for 1655
any of the following criminal offenses that was a felony and was 1656
committed while the person held a public office in this state: 1657

(i) A violation of section 2921.02, 2921.03, 2921.05, 1658
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 1659
Code; 1660

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

(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1)(b)(i) of this section;

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

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

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

(2) "Nonmandatory prison term" means a prison term that is

not a mandatory prison term. 1690

(3) "Public office" means any elected federal, state, or 1691
local government office in this state. 1692

(4) "Victim's representative" has the same meaning as in 1693
section 2930.01 of the Revised Code. 1694

(B) On the motion of an eligible offender or upon its own 1695
motion, the sentencing court may reduce the eligible offender's 1696
aggregated nonmandatory prison term or terms through a judicial 1697
release under this section. 1698

(C) An eligible offender may file a motion for judicial 1699
release with the sentencing court within the following 1700
applicable periods: 1701

(1) If the aggregated nonmandatory prison term or terms is 1702
less than two years, the eligible offender may file the motion 1703
not earlier than thirty days after the offender is delivered to 1704
a state correctional institution or, if the prison term includes 1705
a mandatory prison term or terms, not earlier than thirty days 1706
after the expiration of all mandatory prison terms. 1707

(2) If the aggregated nonmandatory prison term or terms is 1708
at least two years but less than five years, the eligible 1709
offender may file the motion not earlier than one hundred eighty 1710
days after the offender is delivered to a state correctional 1711
institution or, if the prison term includes a mandatory prison 1712
term or terms, not earlier than one hundred eighty days after 1713
the expiration of all mandatory prison terms. 1714

(3) If the aggregated nonmandatory prison term or terms is 1715
five years, the eligible offender may file the motion not 1716
earlier than the date on which the eligible offender has served 1717
~~four years after the eligible offender is delivered to a state~~ 1718

~~correctional institution of the offender's stated prison term~~ 1719
or, if the prison term includes a mandatory prison term or 1720
terms, not earlier than four years after the expiration of all 1721
mandatory prison terms. 1722

(4) If the aggregated nonmandatory prison term or terms is 1723
more than five years but not more than ten years, the eligible 1724
offender may file the motion not earlier than the date on which 1725
the eligible offender has served five years ~~after the eligible-~~ 1726
~~offender is delivered to a state correctional institution of the~~ 1727
offender's stated prison term or, if the prison term includes a 1728
mandatory prison term or terms, not earlier than five years 1729
after the expiration of all mandatory prison terms. 1730

(5) If the aggregated nonmandatory prison term or terms is 1731
more than ten years, the eligible offender may file the motion 1732
not earlier than the later of the date on which the offender has 1733
served one-half of the offender's stated prison term or the date 1734
specified in division (C) (4) of this section. 1735

(D) Upon receipt of a timely motion for judicial release 1736
filed by an eligible offender under division (C) of this section 1737
or upon the sentencing court's own motion made within the 1738
appropriate time specified in that division, the court may deny 1739
the motion without a hearing or schedule a hearing on the 1740
motion. The court shall not grant the motion without a hearing. 1741
If a court denies a motion without a hearing, the court later 1742
may consider judicial release for that eligible offender on a 1743
subsequent motion filed by that eligible offender unless the 1744
court denies the motion with prejudice. If a court denies a 1745
motion with prejudice, the court may later consider judicial 1746
release on its own motion. If a court denies a motion after a 1747
hearing, the court shall not consider a subsequent motion for 1748

that eligible offender. The court shall hold only one hearing 1749
for any eligible offender. 1750

A hearing under this section shall be conducted in open 1751
court not less than thirty or more than sixty days after the 1752
motion is filed, provided that the court may delay the hearing 1753
for one hundred eighty additional days. If the court holds a 1754
hearing, the court shall enter a ruling on the motion within ten 1755
days after the hearing. If the court denies the motion without a 1756
hearing, the court shall enter its ruling on the motion within 1757
sixty days after the motion is filed. 1758

(E) If a court schedules a hearing under division (D) of 1759
this section, the court shall notify the eligible offender and 1760
the head of the state correctional institution in which the 1761
eligible offender is confined prior to the hearing. The head of 1762
the state correctional institution immediately shall notify the 1763
appropriate person at the department of rehabilitation and 1764
correction of the hearing, and the department within twenty-four 1765
hours after receipt of the notice, shall post on the database it 1766
maintains pursuant to section 5120.66 of the Revised Code the 1767
offender's name and all of the information specified in division 1768
(A) (1) (c) (i) of that section. If the court schedules a hearing 1769
for judicial release, the court promptly shall give notice of 1770
the hearing to the prosecuting attorney of the county in which 1771
the eligible offender was indicted. Upon receipt of the notice 1772
from the court, the prosecuting attorney shall do whichever of 1773
the following is applicable: 1774

(1) Subject to division (E) (2) of this section, notify the 1775
victim of the offense or the victim's representative pursuant to 1776
division (B) of section 2930.16 of the Revised Code; 1777

(2) If the offense was an offense of violence that is a 1778

felony of the first, second, or third degree, except as 1779
otherwise provided in this division, notify the victim or the 1780
victim's representative of the hearing regardless of whether the 1781
victim or victim's representative has requested the 1782
notification. The notice of the hearing shall not be given under 1783
this division to a victim or victim's representative if the 1784
victim or victim's representative has requested pursuant to 1785
division (B) (2) of section 2930.03 of the Revised Code that the 1786
victim or the victim's representative not be provided the 1787
notice. If notice is to be provided to a victim or victim's 1788
representative under this division, the prosecuting attorney may 1789
give the notice by any reasonable means, including regular mail, 1790
telephone, and electronic mail, in accordance with division (D) 1791
(1) of section 2930.16 of the Revised Code. If the notice is 1792
based on an offense committed prior to March 22, 2013, the 1793
notice also shall include the opt-out information described in 1794
division (D) (1) of section 2930.16 of the Revised Code. The 1795
prosecuting attorney, in accordance with division (D) (2) of 1796
section 2930.16 of the Revised Code, shall keep a record of all 1797
attempts to provide the notice, and of all notices provided, 1798
under this division. Division (E) (2) of this section, and the 1799
notice-related provisions of division (K) of this section, 1800
division (D) (1) of section 2930.16, division (H) of section 1801
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 1802
(b) of section 2967.26, division (D) (1) of section 2967.28, and 1803
division (A) (2) of section 5149.101 of the Revised Code enacted 1804
in the act in which division (E) (2) of this section was enacted, 1805
shall be known as "Roberta's Law." 1806

(F) Upon an offender's successful completion of 1807
rehabilitative activities, the head of the state correctional 1808
institution may notify the sentencing court of the successful 1809

completion of the activities. 1810

(G) Prior to the date of the hearing on a motion for 1811
judicial release under this section, the head of the state 1812
correctional institution in which the eligible offender is 1813
confined shall send to the court an institutional summary report 1814
on the eligible offender's conduct in the institution and in any 1815
institution from which the eligible offender may have been 1816
transferred. Upon the request of the prosecuting attorney of the 1817
county in which the eligible offender was indicted or of any law 1818
enforcement agency, the head of the state correctional 1819
institution, at the same time the person sends the institutional 1820
summary report to the court, also shall send a copy of the 1821
report to the requesting prosecuting attorney and law 1822
enforcement agencies. The institutional summary report shall 1823
cover the eligible offender's participation in school, 1824
vocational training, work, treatment, and other rehabilitative 1825
activities and any disciplinary action taken against the 1826
eligible offender. The report shall be made part of the record 1827
of the hearing. A presentence investigation report is not 1828
required for judicial release. 1829

(H) If the court grants a hearing on a motion for judicial 1830
release under this section, the eligible offender shall attend 1831
the hearing if ordered to do so by the court. Upon receipt of a 1832
copy of the journal entry containing the order, the head of the 1833
state correctional institution in which the eligible offender is 1834
incarcerated shall deliver the eligible offender to the sheriff 1835
of the county in which the hearing is to be held. The sheriff 1836
shall convey the eligible offender to and from the hearing. 1837

(I) At the hearing on a motion for judicial release under 1838
this section, the court shall afford the eligible offender and 1839

the eligible offender's attorney an opportunity to present 1840
written and, if present, oral information relevant to the 1841
motion. The court shall afford a similar opportunity to the 1842
prosecuting attorney, the victim or the victim's representative, 1843
and any other person the court determines is likely to present 1844
additional relevant information. The court shall consider any 1845
statement of a victim made pursuant to section 2930.14 or 1846
2930.17 of the Revised Code, any victim impact statement 1847
prepared pursuant to section 2947.051 of the Revised Code, and 1848
any report made under division (G) of this section. The court 1849
may consider any written statement of any person submitted to 1850
the court pursuant to division (L) of this section. After ruling 1851
on the motion, the court shall notify the victim of the ruling 1852
in accordance with sections 2930.03 and 2930.16 of the Revised 1853
Code. 1854

(J) (1) A court shall not grant a judicial release under 1855
this section to an eligible offender who is imprisoned for a 1856
felony of the first or second degree, or to an eligible offender 1857
who committed an offense under Chapter 2925. or 3719. of the 1858
Revised Code and for whom there was a presumption under section 1859
2929.13 of the Revised Code in favor of a prison term, unless 1860
the court, with reference to factors under section 2929.12 of 1861
the Revised Code, finds both of the following: 1862

(a) That a sanction other than a prison term would 1863
adequately punish the offender and protect the public from 1864
future criminal violations by the eligible offender because the 1865
applicable factors indicating a lesser likelihood of recidivism 1866
outweigh the applicable factors indicating a greater likelihood 1867
of recidivism; 1868

(b) That a sanction other than a prison term would not 1869

demean the seriousness of the offense because factors indicating 1870
that the eligible offender's conduct in committing the offense 1871
was less serious than conduct normally constituting the offense 1872
outweigh factors indicating that the eligible offender's conduct 1873
was more serious than conduct normally constituting the offense. 1874

(2) A court that grants a judicial release to an eligible 1875
offender under division (J) (1) of this section shall specify on 1876
the record both findings required in that division and also 1877
shall list all the factors described in that division that were 1878
presented at the hearing. 1879

(K) If the court grants a motion for judicial release 1880
under this section, the court shall order the release of the 1881
eligible offender, shall place the eligible offender under an 1882
appropriate community control sanction, under appropriate 1883
conditions, and under the supervision of the department of 1884
probation serving the court and shall reserve the right to 1885
reimpose the sentence that it reduced if the offender violates 1886
the sanction. If the court reimposes the reduced sentence, it 1887
may do so either concurrently with, or consecutive to, any new 1888
sentence imposed upon the eligible offender as a result of the 1889
violation that is a new offense. The period of community control 1890
shall be no longer than five years. The court, in its 1891
discretion, may reduce the period of community control by the 1892
amount of time the eligible offender spent in jail or prison for 1893
the offense and in prison. If the court made any findings 1894
pursuant to division (J) (1) of this section, the court shall 1895
serve a copy of the findings upon counsel for the parties within 1896
fifteen days after the date on which the court grants the motion 1897
for judicial release. 1898

If the court grants a motion for judicial release, the 1899

court shall notify the appropriate person at the department of 1900
rehabilitation and correction, and the department shall post 1901
notice of the release on the database it maintains pursuant to 1902
section 5120.66 of the Revised Code. The court also shall notify 1903
the prosecuting attorney of the county in which the eligible 1904
offender was indicted that the motion has been granted. Unless 1905
the victim or the victim's representative has requested pursuant 1906
to division (B) (2) of section 2930.03 of the Revised Code that 1907
the victim or victim's representative not be provided the 1908
notice, the prosecuting attorney shall notify the victim or the 1909
victim's representative of the judicial release in any manner, 1910
and in accordance with the same procedures, pursuant to which 1911
the prosecuting attorney is authorized to provide notice of the 1912
hearing pursuant to division (E) (2) of this section. If the 1913
notice is based on an offense committed prior to March 22, 2013, 1914
the notice to the victim or victim's representative also shall 1915
include the opt-out information described in division (D) (1) of 1916
section 2930.16 of the Revised Code. 1917

(L) In addition to and independent of the right of a 1918
victim to make a statement pursuant to section 2930.14, 2930.17, 1919
or 2946.051 of the Revised Code and any right of a person to 1920
present written information or make a statement pursuant to 1921
division (I) of this section, any person may submit to the 1922
court, at any time prior to the hearing on the offender's motion 1923
for judicial release, a written statement concerning the effects 1924
of the offender's crime or crimes, the circumstances surrounding 1925
the crime or crimes, the manner in which the crime or crimes 1926
were perpetrated, and the person's opinion as to whether the 1927
offender should be released. 1928

(M) The changes to this section that are made on September 1929
30, 2011, apply to any judicial release decision made on or 1930

after September 30, 2011, for any eligible offender. 1931

Sec. 2929.201. Notwithstanding the time limitation for 1932
filing a motion under former section 2947.061 of the Revised 1933
Code, an offender whose offense was committed before July 1, 1934
1996, and who otherwise satisfies the eligibility criteria for 1935
shock probation under that section as it existed immediately 1936
prior to July 1, 1996, may apply to the offender's sentencing 1937
court for shock probation under that section on or after ~~the~~ 1938
~~effective date of this section~~ September 15, 2014. Not more than 1939
one motion may be filed by an offender under this section. 1940
Division (C) of former section 2947.061 of the Revised Code does 1941
not apply to a motion filed under this section. A presentence 1942
investigation report is not required for shock probation to be 1943
granted by reason of this section. 1944

Sec. 2941.144. (A) Imposition of a six-year mandatory 1945
prison term upon an offender under division (B) (1) (a) (i) of 1946
section 2929.14 of the Revised Code is precluded unless the 1947
indictment, count in the indictment, or information charging the 1948
offense specifies that the offender had a firearm that is an 1949
automatic firearm or that was equipped with a firearm muffler or 1950
~~silencer-suppressor~~ on or about the offender's person or under 1951
the offender's control while committing the offense. The 1952
specification shall be stated at the end of the body of the 1953
indictment, count, or information and shall be stated in 1954
substantially the following form: 1955

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1956
Grand Jurors (or insert the person's or the prosecuting 1957
attorney's name when appropriate) further find and specify that 1958
(set forth that the offender had a firearm that is an automatic 1959
firearm or that was equipped with a firearm muffler or ~~silencer~~ 1960

suppressor on or about the offender's person or under the 1961
offender's control while committing the offense)." 1962

(B) Imposition of a six-year mandatory prison term upon an 1963
offender under division (B) (1) (a) (i) of section 2929.14 of the 1964
Revised Code is precluded if a court imposes a ~~three-year or~~ 1965
one-year, eighteen-month, three-year, fifty-four-month, or nine- 1966
year mandatory prison term on the offender under ~~that~~ division 1967
(B) (1) (a) (ii), (iii), (iv), (v), or (vi) of that section 1968
relative to the same felony. 1969

(C) The specification described in division (A) of this 1970
section may be used in a delinquent child proceeding in the 1971
manner and for the purpose described in section 2152.17 of the 1972
Revised Code. 1973

(D) Imposition of a nine-year mandatory prison term upon 1974
an offender under division (B) (1) (a) (iv) of section 2929.14 of 1975
the Revised Code is precluded unless the indictment, count in 1976
the indictment, or information charging the offense specifies 1977
that the offender had a firearm that is an automatic firearm or 1978
that was equipped with a firearm muffler or suppressor on or 1979
about the offender's person or under the offender's control 1980
while committing the offense and that the offender previously 1981
has been convicted of or pleaded guilty to a firearm 1982
specification of the type described in section 2941.141, 1983
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1984
The specification shall be stated at the end of the body of the 1985
indictment, count, or information, and shall be in substantially 1986
the following form: 1987

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1988
Grand Jurors (or insert the person's or the prosecuting 1989
attorney's name when appropriate) further find and specify that 1990

(set forth that the offender had a firearm that is an automatic 1991
firearm or that was equipped with a firearm muffler or 1992
suppressor on or about the offender's person or under the 1993
offender's control while committing the offense and that the 1994
offender previously has been convicted of or pleaded guilty to a 1995
firearm specification of the type described in section 2941.141, 1996
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised 1997
Code.)" 1998

(E) Imposition of a nine-year mandatory prison term upon 1999
an offender under division (B) (1) (a) (iv) of section 2929.14 of 2000
the Revised Code is precluded if the court imposes a one-year, 2001
eighteen-month, three-year, fifty-four-month, or six-year 2002
mandatory prison term on the offender under division (B) (1) (a) 2003
(i), (ii), (iii), (v), or (vi) of that section relative to the 2004
same felony. 2005

(F) As used in this section, "firearm" and "automatic 2006
firearm" have the same meanings as in section 2923.11 of the 2007
Revised Code. 2008

Sec. 2941.141. (A) Imposition of a one-year mandatory 2009
prison term upon an offender under division (B) (1) (a) (iii) of 2010
section 2929.14 of the Revised Code is precluded unless the 2011
indictment, count in the indictment, or information charging the 2012
offense specifies that the offender had a firearm on or about 2013
the offender's person or under the offender's control while 2014
committing the offense. The specification shall be stated at the 2015
end of the body of the indictment, count, or information, and 2016
shall be in substantially the following form: 2017

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2018
Grand Jurors (or insert the person's or the prosecuting 2019
attorney's name when appropriate) further find and specify that 2020

(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.)"

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

(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 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:

"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 2051
offense and that the offender previously has been convicted of 2052
or pleaded guilty to a firearm specification of the type 2053
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2054
2941.1412 of the Revised Code.)" 2055

(E) Imposition of an eighteen-month mandatory prison term 2056
upon an offender under division (B) (1) (a) (vi) of section 2929.14 2057
of the Revised Code is precluded if the court imposes a one- 2058
year, three-year, fifty-four-month, six-year, or nine-year 2059
mandatory prison term on the offender under division (B) (1) (a) 2060
(i), (ii), (iii), (iv), or (v) of that section relative to the 2061
same felony. 2062

(F) As used in this section, "firearm" has the same 2063
meaning as in section 2923.11 of the Revised Code. 2064

Sec. 2941.145. (A) Imposition of a three-year mandatory 2065
prison term upon an offender under division (B) (1) (a) (ii) of 2066
section 2929.14 of the Revised Code is precluded unless the 2067
indictment, count in the indictment, or information charging the 2068
offense specifies that the offender had a firearm on or about 2069
the offender's person or under the offender's control while 2070
committing the offense and displayed the firearm, brandished the 2071
firearm, indicated that the offender possessed the firearm, or 2072
used it to facilitate the offense. The specification shall be 2073
stated at the end of the body of the indictment, count, or 2074
information, and shall be stated in substantially the following 2075
form: 2076

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2077
Grand Jurors (or insert the person's or the prosecuting 2078
attorney's name when appropriate) further find and specify that 2079
(set forth that the offender had a firearm on or about the 2080

offender's person or under the offender's control while 2081
committing the offense and displayed the firearm, brandished the 2082
firearm, indicated that the offender possessed the firearm, or 2083
used it to facilitate the offense)." 2084

(B) Imposition of a three-year mandatory prison term upon 2085
an offender under division (B) (1) (a) (ii) of section 2929.14 of 2086
the Revised Code is precluded if a court imposes a one-year ~~or,~~ 2087
eighteen-month, six-year, fifty-four-month, or nine-year 2088
mandatory prison term on the offender under ~~that~~ division (B) (1) 2089
(a) (i), (iii), (iv), (v), or (vi) of that section relative to 2090
the same felony. 2091

(C) The specification described in division (A) of this 2092
section may be used in a delinquent child proceeding in the 2093
manner and for the purpose described in section 2152.17 of the 2094
Revised Code. 2095

(D) Imposition of a mandatory prison term of fifty-four 2096
months upon an offender under division (B) (1) (a) (v) of section 2097
2929.14 of the Revised Code is precluded unless the indictment, 2098
count in the indictment, or information charging the offense 2099
specifies that the offender had a firearm on or about the 2100
offender's person or under the offender's control while 2101
committing the offense and displayed the firearm, brandished the 2102
firearm, indicated that the offender possessed a firearm, or 2103
used the firearm to facilitate the offense and that the offender 2104
previously has been convicted of or pleaded guilty to a firearm 2105
specification of the type described in section 2941.141, 2106
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 2107
The specification shall be stated at the end of the body of the 2108
indictment, count, or information, and shall be in substantially 2109
the following form: 2110

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2111
Grand Jurors (or insert the person's or the prosecuting 2112
attorney's name when appropriate) further find and specify that 2113
(set forth that the offender had a firearm on or about the 2114
offender's person or under the offender's control while 2115
committing the offense and displayed the firearm, brandished the 2116
firearm, indicated that the offender possessed a firearm, or 2117
used the firearm to facilitate the offense and that the offender 2118
previously has been convicted of or pleaded guilty to a firearm 2119
specification of the type described in section 2941.141, 2120
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised 2121
Code.)" 2122

(E) Imposition of a mandatory prison term of fifty-four 2123
months upon an offender under division (B) (1) (a) (v) of section 2124
2929.14 of the Revised Code is precluded if the court imposes a 2125
one-year, eighteen-month, three-year, or nine-year mandatory 2126
prison term on the offender under division (B) (1) (a) (i), (ii), 2127
(iii), (iv), or (vi) of that section relative to the same 2128
felony. 2129

(F) As used in this section, "firearm" has the same 2130
meaning as in section 2923.11 of the Revised Code. 2131

Sec. 2941.146. (A) Imposition of a mandatory five-year 2132
prison term upon an offender under division (B) (1) (c) (i) of 2133
section 2929.14 of the Revised Code for committing a violation 2134
of section 2923.161 of the Revised Code or for committing a 2135
felony that includes, as an essential element, purposely or 2136
knowingly causing or attempting to cause the death of or 2137
physical harm to another and that was committed by discharging a 2138
firearm from a motor vehicle other than a manufactured home is 2139
precluded unless the indictment, count in the indictment, or 2140

information charging the offender specifies that the offender 2141
committed the offense by discharging a firearm from a motor 2142
vehicle other than a manufactured home. The specification shall 2143
be stated at the end of the body of the indictment, count, or 2144
information, and shall be stated in substantially the following 2145
form: 2146

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2147
Grand Jurors (or insert the person's or prosecuting attorney's 2148
name when appropriate) further find and specify that (set forth 2149
that the offender committed the violation of section 2923.161 of 2150
the Revised Code or the felony that includes, as an essential 2151
element, purposely or knowingly causing or attempting to cause 2152
the death of or physical harm to another and that was committed 2153
by discharging a firearm from a motor vehicle other than a 2154
manufactured home)." 2155

(B) The specification described in division (A) of this 2156
section may be used in a delinquent child proceeding in the 2157
manner and for the purpose described in section 2152.17 of the 2158
Revised Code. 2159

(C) Imposition of a ninety-month mandatory prison term 2160
under division (B)(1)(c)(ii) of section 2929.14 of the Revised 2161
Code for committing a violation of section 2923.161 of the 2162
Revised Code or for committing a felony that includes, as an 2163
essential element, purposely or knowingly causing or attempting 2164
to cause the death of or physical harm to another and that was 2165
committed by discharging a firearm from a motor vehicle other 2166
than a manufactured home is precluded unless the indictment, 2167
count in the indictment, or information charging the offender 2168
specifies that the offender committed the offense by discharging 2169
a firearm from a motor vehicle other than a manufactured home 2170

and that the offender previously has been convicted of or 2171
pleaded guilty to a firearm specification of the type described 2172
in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 2173
of the Revised Code. The specification shall be stated at the 2174
end of the body of the indictment, count, or information, and 2175
shall be stated in substantially the following form: 2176

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2177
Grand Jurors (or insert the person's or prosecuting attorney's 2178
name where appropriate) further find and specify that (set forth 2179
that the offender committed the violation of section 2923.161 of 2180
the Revised Code or the felony that includes, as an essential 2181
element, purposely or knowingly causing or attempting to cause 2182
the death of or physical harm to another and that was committed 2183
by discharging a firearm from a motor vehicle other than a 2184
manufactured home and that the offender previously has been 2185
convicted of or pleaded guilty to a firearm specification of the 2186
type described in section 2941.141, 2941.144, 2941.145, 2187
2941.146, or 2941.1412 of the Revised Code)." 2188

(D) As used in this section: 2189

(1) "Firearm" has the same meaning as in section 2923.11 2190
of the Revised Code; 2191

(2) "Motor vehicle" and "manufactured home" have the same 2192
meanings as in section 4501.01 of the Revised Code. 2193

Sec. 2941.1412. (A) Imposition of a seven-year mandatory 2194
prison term upon an offender under division (B) (1) (f) (i) of 2195
section 2929.14 of the Revised Code is precluded unless the 2196
indictment, count in the indictment, or information charging the 2197
offense specifies that the offender discharged a firearm at a 2198
peace officer or a corrections officer while committing the 2199

offense. The specification shall be stated at the end of the 2200
body of the indictment, count, or information and shall be in 2201
substantially the following form: 2202

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). 2203

The Grand Jurors (or insert the person's or the 2204
prosecuting attorney's name when appropriate) further find and 2205
specify that (set forth that the offender discharged a firearm 2206
at a peace officer or a corrections officer while committing the 2207
offense)." 2208

(B) Imposition of a mandatory prison term of one hundred 2209
twenty-six months upon an offender under division (B) (1) (f) (ii) 2210
of section 2929.14 of the Revised Code is precluded unless the 2211
indictment, count in the indictment, or information charging the 2212
offense specifies that the offender discharged a firearm at a 2213
peace officer or a corrections officer while committing the 2214
offense and that the offender previously has been convicted of 2215
or pleaded guilty to a firearm specification of the type 2216
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2217
2941.1412 of the Revised Code. The specification shall be stated 2218
at the end of the body of the indictment, count, or information, 2219
and shall be substantially in the following form: 2220

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). 2221

The Grand Jurors (or insert the person's or the 2222
prosecuting attorney's name when appropriate) further find and 2223
specify that (set forth that the offender discharged a firearm 2224
at a peace officer or corrections officer while committing the 2225
offense and that the offender previously has been convicted of 2226
or pleaded guilty to a firearm specification of the type 2227
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2228

<u>2941.1412 of the Revised Code).</u> "	2229
<u>(C) As used in this section:</u>	2230
(1) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.	2231 2232
(2) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	2233 2234
(3) "Corrections officer" means a person employed by a detention facility as a corrections officer.	2235 2236
(4) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.	2237 2238
<u>Sec. 2941.1424. (A) The imposition of a mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years upon an offender under division (K) of section 2929.14 of the Revised Code is precluded unless the offender is convicted of or pleads guilty to committing a violent felony offense and unless the indictment, count in the indictment, or information charging the offense specifies that the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control while committing the presently charged violent felony offense. The specification shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form:</u>	2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251
<u>"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT).</u>	2252
<u>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 is a violent career criminal and did have a firearm on or about the offender's</u>	2253 2254 2255 2256

person or under the offender's control while committing the 2257
presently charged violent felony offense.)" 2258

(B) A court may not impose more than one sentence under 2259
division (C) of section 2923.132 of the Revised Code and 2260
division (K) of section 2929.14 of the Revised Code for acts 2261
committed as part of the same act or transaction. 2262

(C) As used in this section: 2263

(1) "Firearm" has the same meaning as in section 2923.11 2264
of the Revised Code. 2265

(2) "Violent career criminal" and "violent felony offense" 2266
have the same meanings as in section 2923.132 of the Revised 2267
Code. 2268

Section 2. That existing sections 2152.17, 2901.08, 2269
2923.14, 2929.13, 2929.14, 2929.20, 2929.201, 2941.141, 2270
2941.144, 2941.145, 2941.146, and 2941.1412 of the Revised Code 2271
are hereby repealed. 2272