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Representatives Boyd, Carruthers

Cosponsors: Representatives Boggs, Brent, Crawley, Cross, Crossman, Galonski, Hicks-Hudson, Hoops, Howse, Ingram, Kent, Leland, Lepore-Hagan, Lightbody, Liston, Miranda, O'Brien, Patterson, Robinson, Sobecki, Sweeney, Sykes, Upchurch, Weinstein, West, Plummer, Grendell, Rogers, Smith, T., Edwards, Hambley, Perales, Roemer, Abrams, Baldrige, Brown, Callender, Carfagna, Cera, Clites, DeVitis, Fraizer, Ghanbari, Ginter, Green, Greenspan, Holmes, A., Jones, Kelly, Koehler, Lanese, Lang, LaRe, Manning, G., Miller, J., Patton, Reineke, Richardson, Russo, Scherer, Sheehy, Smith, K., Stein, Stephens, Stoltzfus, Swearingen

A BILL

To amend sections 109.744, 109.803, 2903.01, 1
2919.25, 2919.27, 2929.12, 2929.13, 2929.14, 2
2929.22, 2935.032, 2937.23, and 3113.31; to 3
amend, for the purpose of adopting a new section 4
number as indicated in parentheses, section 5
2935.033 (2935.034); and to enact new section 6
2935.033 and section 2919.261 of the Revised 7
Code; and to amend Section 221.10 of H.B. 166 of 8
the 133rd General Assembly to add domestic 9
violence circumstances to the offense of 10
aggravated murder, to expand the offense of 11
domestic violence to also prohibit strangulation 12
of a family or household member, to require law 13
enforcement officers to utilize a qualified 14
lethality assessment screening tool to refer 15
high risk victims to domestic violence 16
resources, to create the Domestic Violence 17

Prosecution Study Committee, to name this act 18
Aisha's Law, and to make an appropriation. 19

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

Section 1. That sections 109.744, 109.803, 2903.01, 20
2919.25, 2919.27, 2929.12, 2929.13, 2929.14, 2929.22, 2935.032, 21
2937.23, and 3113.31 be amended; section 2935.033 (2935.034) be 22
amended for the purpose of adopting a new section number as 23
indicated in parentheses; and new section 2935.033 and section 24
2919.261 of the Revised Code be enacted to read as follows: 25

Sec. 109.744. The attorney general shall adopt, in 26
accordance with Chapter 119. of the Revised Code or pursuant to 27
section 109.74 of the Revised Code, rules governing the training 28
of peace officers in the handling of the offense of domestic 29
violence, other types of domestic violence-related offenses and 30
incidents, and protection orders and consent agreements issued 31
or approved under section 2919.26 or 3113.31 of the Revised 32
Code. The provisions of the rules shall include, but shall not 33
be limited to, all of the following: 34

(A) A specified amount of training that is necessary for 35
the satisfactory completion of basic training programs at 36
approved peace officer training schools, other than the Ohio 37
peace officer training academy; 38

(B) A requirement that the training include, but not be 39
limited to, training in all of the following: 40

(1) All recent amendments to domestic violence-related 41
laws; 42

(2) Notifying a victim of domestic violence of the 43
victim's rights; 44

(3) Processing protection orders and consent agreements 45
issued or approved under section 2919.26 or 3113.31 of the 46
Revised Code; 47

(4) Using an evidence-based lethality assessment screening 48
tool to determine the level of risk to a victim of domestic 49
violence and to refer high risk victims to local or regional 50
domestic violence advocacy services, as required under section 51
2935.033 of the Revised Code. 52

(C) A list of validated and evidence-based lethality 53
assessment screening tools that constitute qualified lethality 54
assessment screening tools including all of the following: 55

(1) The domestic violence lethality screen for first 56
responders developed by the Maryland network against domestic 57
violence; 58

(2) The danger assessment for law enforcement tool 59
developed by the Jeanne Geiger crisis center; 60

(3) Any other lethality assessment screening tool endorsed 61
by the United States department of justice and found to meet 62
criteria established by the attorney general. 63

Sec. 109.803. (A) (1) Subject to divisions (A) (2) and (B) 64
of this section, every appointing authority shall require each 65
of its appointed peace officers and troopers to complete up to 66
twenty-four hours of continuing professional training each 67
calendar year, as directed by the Ohio peace officer training 68
commission. The number of hours directed by the commission, up 69
to twenty-four hours, is intended to be a minimum requirement, 70
and appointing authorities are encouraged to exceed the number 71

of hours the commission directs as the minimum. The commission 72
shall set the required minimum number of hours based upon 73
available funding for reimbursement as described in this 74
division. ~~If~~ Except as provided in division (B)(4) of this 75
section, if no funding for the reimbursement is available, no 76
continuing professional training will be required. 77

(2) An appointing authority may submit a written request 78
to the peace officer training commission that requests for a 79
calendar year because of emergency circumstances an extension of 80
the time within which one or more of its appointed peace 81
officers or troopers must complete the required minimum number 82
of hours of continuing professional training set by the 83
commission, as described in division (A)(1) of this section. A 84
request made under this division shall set forth the name of 85
each of the appointing authority's peace officers or troopers 86
for whom an extension is requested, identify the emergency 87
circumstances related to that peace officer or trooper, include 88
documentation of those emergency circumstances, and set forth 89
the date on which the request is submitted to the commission. A 90
request shall be made under this division not later than the 91
fifteenth day of December in the calendar year for which the 92
extension is requested. 93

Upon receipt of a written request made under this 94
division, the executive director of the commission shall review 95
the request and the submitted documentation. If the executive 96
director of the commission is satisfied that emergency 97
circumstances exist for any peace officer or trooper for whom a 98
request was made under this division, the executive director may 99
approve the request for that peace officer or trooper and grant 100
an extension of the time within which that peace officer or 101
trooper must complete the required minimum number of hours of 102

continuing professional training set by the commission. An 103
extension granted under this division may be for any period of 104
time the executive director believes to be appropriate, and the 105
executive director shall specify in the notice granting the 106
extension the date on which the extension ends. Not later than 107
thirty days after the date on which a request is submitted to 108
the commission, for each peace officer and trooper for whom an 109
extension is requested, the executive director either shall 110
approve the request and grant an extension or deny the request 111
and deny an extension and shall send to the appointing authority 112
that submitted the request written notice of the executive 113
director's decision. 114

If the executive director grants an extension of the time 115
within which a particular appointed peace officer or trooper of 116
an appointing authority must complete the required minimum 117
number of hours of continuing professional training set by the 118
commission, the appointing authority shall require that peace 119
officer or trooper to complete the required minimum number of 120
hours of training not later than the date on which the extension 121
ends. 122

(B) With the advice of the Ohio peace officer training 123
commission, the attorney general shall adopt in accordance with 124
Chapter 119. of the Revised Code rules setting forth minimum 125
standards for continuing professional training for peace 126
officers and troopers and governing the administration of 127
continuing professional training programs for peace officers and 128
troopers. The rules adopted by the attorney general under 129
division (B) of this section shall do all of the following: 130

(1) Allow peace officers and troopers to earn credit for 131
up to four hours of continuing professional training for time 132

spent while on duty providing drug use prevention education 133
training that utilizes evidence-based curricula to students in 134
school districts, community schools established under Chapter 135
3314., STEM schools established under Chapter 3326., and 136
college-preparatory boarding schools established under Chapter 137
3328. of the Revised Code. 138

(2) Allow a peace officer or trooper appointed by a law 139
enforcement agency to earn hours of continuing professional 140
training for other peace officers or troopers appointed by the 141
law enforcement agency by providing drug use prevention 142
education training under division (B)(1) of this section so that 143
hours earned by the peace officer or trooper providing the 144
training in excess of four hours may be applied to offset the 145
number of continuing professional training hours required of 146
another peace officer or trooper appointed by that law 147
enforcement agency. 148

(3) Prohibit the use of continuing professional training 149
hours earned under division (B)(1) or (2) of this section from 150
being used to offset any mandatory hands-on training 151
requirement. 152

(4) Require every peace officer and trooper who handles 153
complaints of domestic violence to complete biennial 154
professional training on both of the following: 155

(a) Intervention techniques in domestic violence cases and 156
the use of an evidence-based lethality assessment screening tool 157
to determine the level of risk to a victim of domestic violence; 158

(b) The referral of high risk victims to local or regional 159
domestic violence advocacy services, as required under section 160
2935.033 of the Revised Code. 161

(5) Allow the peace officer training commission to pay for 162
training required under division (B)(4) of this section using 163
federal funds made available to the state or localities pursuant 164
to a program of the United States department of justice or using 165
funds appropriated by the general assembly or allocated for that 166
purpose by the attorney general. 167

(C) The attorney general shall transmit a certified copy 168
of any rule adopted under this section to the secretary of 169
state. 170

Sec. 2903.01. (A) No person shall purposely, and with 171
prior calculation and design, cause the death of another or the 172
unlawful termination of another's pregnancy. 173

(B) No person shall purposely cause the death of another 174
or the unlawful termination of another's pregnancy while 175
committing or attempting to commit, or while fleeing immediately 176
after committing or attempting to commit, kidnapping, rape, 177
aggravated arson, arson, aggravated robbery, robbery, aggravated 178
burglary, burglary, trespass in a habitation when a person is 179
present or likely to be present, terrorism, or escape. 180

(C) No person shall purposely cause the death of another 181
who is under thirteen years of age at the time of the commission 182
of the offense. 183

(D) No person who is under detention as a result of having 184
been found guilty of or having pleaded guilty to a felony or who 185
breaks that detention shall purposely cause the death of 186
another. 187

(E) No person shall purposely cause the death of a law 188
enforcement officer whom the offender knows or has reasonable 189
cause to know is a law enforcement officer when either of the 190

following applies:	191
(1) The victim, at the time of the commission of the offense, is engaged in the victim's duties.	192 193
(2) It is the offender's specific purpose to kill a law enforcement officer.	194 195
(F) No person shall purposely cause the death of a first responder or military member whom the offender knows or has reasonable cause to know is a first responder or military member when it is the offender's specific purpose to kill a first responder or military member.	196 197 198 199 200
(G) <u>No person shall purposely cause the death of another person when both of the following apply:</u>	201 202
(1) <u>The victim was a family or household member of the offender;</u>	203 204
(2) <u>The offender has previously been convicted of domestic violence resulting in serious physical harm or an offense of violence against the victim resulting in serious physical harm.</u>	205 206 207
(H) Whoever violates this section is guilty of aggravated murder, and shall be punished as provided in section 2929.02 of the Revised Code.	208 209 210
(H) -(I) As used in this section:	211
(1) "Detention" has the same meaning as in section 2921.01 of the Revised Code.	212 213
(2) "Law enforcement officer" has the same meaning as in section 2911.01 of the Revised Code and also includes any federal law enforcement officer as defined in section 2921.51 of the Revised Code and anyone who has previously served as a law	214 215 216 217

enforcement officer or federal law enforcement officer.	218
(3) "First responder" means an emergency medical service provider, a firefighter, or any other emergency response personnel, or anyone who has previously served as a first responder.	219 220 221 222
(4) "Military member" means a member of the armed forces of the United States, reserves, or Ohio national guard, a participant in ROTC, JROTC, or any similar military training program, or anyone who has previously served in the military.	223 224 225 226
<u>(5) "Family or household member" means any of the following:</u>	227 228
<u>(a) Any of the following who is residing with or has resided with the offender:</u>	229 230
<u>(i) A spouse, a person living as a spouse, or a former spouse of the offender;</u>	231 232
<u>(ii) A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender;</u>	233 234 235
<u>(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender;</u>	236 237 238 239
<u>(iv) A child whose guardian or custodian is a spouse, person living as a spouse, or former spouse of the offender.</u>	240 241
<u>(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.</u>	242 243 244

(6) "Person living as a spouse" means a person who is 245
living or has lived with the offender in a common law marital 246
relationship, who otherwise is cohabiting with the offender, or 247
who otherwise has cohabited with the offender within five years 248
prior to the date of the alleged occurrence of the act in 249
question. 250

(7) "Child," "custodian," and "guardian" have the same 251
meanings as in section 3109.51 of the Revised Code. 252

Sec. 2919.25. (A) No person shall knowingly cause or 253
attempt to cause physical harm to a family or household member. 254

(B) No person shall recklessly cause serious physical harm 255
to a family or household member. 256

(C) No person, by threat of force, shall knowingly cause a 257
family or household member to believe that the offender will 258
cause imminent physical harm to the family or household member. 259

(D) No person shall recklessly impede the normal breathing 260
or circulation of the blood of a family or household member by 261
applying pressure to the throat or neck, or by covering the nose 262
and mouth, of the family or household member. 263

(E) (1) Whoever violates this section is guilty of domestic 264
violence, and the court shall sentence the offender as provided 265
in divisions ~~(D)~~ (E) (2) to ~~(6)~~ (8) of this section. 266

(2) Except as otherwise provided in divisions ~~(D)~~ (E) (3) to 267
(5) of this section, a violation of division (C) of this section 268
is a misdemeanor of the fourth degree, and a violation of 269
division (A) or (B) of this section is a misdemeanor of the 270
first degree. 271

(3) Except as otherwise provided in division ~~(D)~~ (E) (4) of 272

this section, if the offender previously has pleaded guilty to 273
or been convicted of domestic violence, a violation of an 274
existing or former municipal ordinance or law of this or any 275
other state or the United States that is substantially similar 276
to domestic violence, a violation of section 2903.14, 2909.06, 277
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 278
the victim of the violation was a family or household member at 279
the time of the violation, a violation of an existing or former 280
municipal ordinance or law of this or any other state or the 281
United States that is substantially similar to any of those 282
sections if the victim of the violation was a family or 283
household member at the time of the commission of the violation, 284
or any offense of violence if the victim of the offense was a 285
family or household member at the time of the commission of the 286
offense, a violation of division (A) or (B) of this section is a 287
felony of the fourth degree, and, if the offender knew that the 288
victim of the violation was pregnant at the time of the 289
violation, the court shall impose a mandatory prison term on the 290
offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, and 291
a violation of division (C) of this section is a misdemeanor of 292
the second degree. 293

(4) If the offender previously has pleaded guilty to or 294
been convicted of two or more offenses of domestic violence or 295
two or more violations or offenses of the type described in 296
division ~~(D)~~ (E) (3) of this section involving a person who was a 297
family or household member at the time of the violations or 298
offenses, a violation of division (A) or (B) of this section is 299
a felony of the third degree, and, if the offender knew that the 300
victim of the violation was pregnant at the time of the 301
violation, the court shall impose a mandatory prison term on the 302
offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, and 303

a violation of division (C) of this section is a misdemeanor of 304
the first degree. 305

(5) Except as otherwise provided in division ~~(D)~~(E) (3) or 306
(4) of this section, if the offender knew that the victim of the 307
violation was pregnant at the time of the violation, a violation 308
of division (A) or (B) of this section is a felony of the fifth 309
degree, and the court shall impose a mandatory prison term on 310
the offender pursuant to division ~~(D)~~(6)~~(E)~~(8) of this section, 311
and a violation of division (C) of this section is a misdemeanor 312
of the third degree. 313

(6) Except as otherwise provided in division (E) (7) of 314
this section, a violation of division (D) of this section is a 315
felony of the third degree. 316

(7) If the offender previously has pleaded guilty to or 317
been convicted of a violation of this section, or if the 318
offender previously has pleaded guilty to or been convicted of 319
two or more offenses of violence, a violation of division (D) of 320
this section is a felony of the second degree. 321

(8) If division ~~(D)~~(E) (3), (4), or (5) of this section 322
requires the court that sentences an offender for a violation of 323
division (A) or (B) of this section to impose a mandatory prison 324
term on the offender pursuant to this division, the court shall 325
impose the mandatory prison term as follows: 326

(a) If the violation of division (A) or (B) of this 327
section is a felony of the fourth or fifth degree, except as 328
otherwise provided in division ~~(D)~~(6)~~(E)~~(8) (b) or (c) of this 329
section, the court shall impose a mandatory prison term on the 330
offender of at least six months. 331

(b) If the violation of division (A) or (B) of this 332

section is a felony of the fifth degree and the offender, in 333
committing the violation, caused serious physical harm to the 334
pregnant woman's unborn or caused the termination of the 335
pregnant woman's pregnancy, the court shall impose a mandatory 336
prison term on the offender of twelve months. 337

(c) If the violation of division (A) or (B) of this 338
section is a felony of the fourth degree and the offender, in 339
committing the violation, caused serious physical harm to the 340
pregnant woman's unborn or caused the termination of the 341
pregnant woman's pregnancy, the court shall impose a mandatory 342
prison term on the offender of at least twelve months. 343

(d) If the violation of division (A) or (B) of this 344
section is a felony of the third degree, except as otherwise 345
provided in division ~~(D) (6)~~ (E) (8) (e) of this section and 346
notwithstanding the range of definite prison terms prescribed in 347
division (A) (3) of section 2929.14 of the Revised Code for a 348
felony of the third degree, the court shall impose a mandatory 349
prison term on the offender of either a definite term of six 350
months or one of the prison terms prescribed in division (A) (3) 351
(b) of section 2929.14 of the Revised Code for felonies of the 352
third degree. 353

(e) If the violation of division (A) or (B) of this 354
section is a felony of the third degree and the offender, in 355
committing the violation, caused serious physical harm to the 356
pregnant woman's unborn or caused the termination of the 357
pregnant woman's pregnancy, notwithstanding the range of 358
definite prison terms prescribed in division (A) (3) of section 359
2929.14 of the Revised Code for a felony of the third degree, 360
the court shall impose a mandatory prison term on the offender 361
of either a definite term of one year or one of the prison terms 362

prescribed in division (A) (3) (b) of section 2929.14 of the Revised Code for felonies of the third degree.

~~(E)~~ (F) Notwithstanding any provision of law to the contrary, no court or unit of state or local government shall charge any fee, cost, deposit, or money in connection with the filing of charges against a person alleging that the person violated this section or a municipal ordinance substantially similar to this section or in connection with the prosecution of any charges so filed.

~~(F)~~ (G) It is not required in a prosecution under division (D) of this section to allege or prove that the family or household member who is the victim suffered physical harm or serious physical harm or visible injury or that there was an intent to kill or protractedly injure the family or household member.

(H) It is an affirmative defense to a charge under division (D) of this section that the act was done to the family or household member as part of a medical or other procedure undertaken to aid or benefit the victim.

(I) A prosecution for a violation of this section does not preclude a prosecution of a violation of any other section of the Revised Code. One or more acts, a series of acts, or a course of behavior that can be prosecuted under this section or any other section of the Revised Code may be prosecuted under this section, the other section of the Revised Code, or both sections. However, if an offender is convicted of or pleads guilty to a violation of this section and also is convicted of or pleads guilty to a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code based on the same conduct involving the same victim that was the basis of the violation of this

section, the two offenses are allied offenses of similar import 393
under section 2941.25 of the Revised Code. 394

(J) As used in this section and sections 2919.251 and 395
2919.26 of the Revised Code: 396

(1) "Family or household member" means any of the 397
following: 398

(a) Any of the following who is residing or has resided 399
with the offender: 400

(i) A spouse, a person living as a spouse, or a former 401
spouse of the offender; 402

(ii) A parent, a foster parent, or a child of the 403
offender, or another person related by consanguinity or affinity 404
to the offender; 405

(iii) A parent or a child of a spouse, person living as a 406
spouse, or former spouse of the offender, or another person 407
related by consanguinity or affinity to a spouse, person living 408
as a spouse, or former spouse of the offender. 409

(b) The natural parent of any child of whom the offender 410
is the other natural parent or is the putative other natural 411
parent. 412

(2) "Person living as a spouse" means a person who is 413
living or has lived with the offender in a common law marital 414
relationship, who otherwise is cohabiting with the offender, or 415
who otherwise has cohabited with the offender within five years 416
prior to the date of the alleged commission of the act in 417
question. 418

(3) "Pregnant woman's unborn" has the same meaning as 419
"such other person's unborn," as set forth in section 2903.09 of 420

the Revised Code, as it relates to the pregnant woman. Division 421
(C) of that section applies regarding the use of the term in 422
this section, except that the second and third sentences of 423
division (C) (1) of that section shall be construed for purposes 424
of this section as if they included a reference to this section 425
in the listing of Revised Code sections they contain. 426

(4) "Termination of the pregnant woman's pregnancy" has 427
the same meaning as "unlawful termination of another's 428
pregnancy," as set forth in section 2903.09 of the Revised Code, 429
as it relates to the pregnant woman. Division (C) of that 430
section applies regarding the use of the term in this section, 431
except that the second and third sentences of division (C) (1) of 432
that section shall be construed for purposes of this section as 433
if they included a reference to this section in the listing of 434
Revised Code sections they contain. 435

Sec. 2919.261. (A) A law enforcement officer, on behalf of 436
and with the consent of a victim of domestic violence, may 437
request an emergency protection order from a judicial officer 438
during any period of time that the court is not open for regular 439
business. The request may be made orally or in writing based 440
upon the sworn statement of the law enforcement officer and an 441
allegation of either of the following by the person seeking the 442
order: 443

(1) That the victim is in immediate and present danger of 444
domestic violence based on the officer's observations and an 445
allegation of a recent incident of domestic violence; 446

(2) That a child of the victim is in immediate and present 447
danger, based on the officer's observations and an allegation of 448
a recent incident of domestic violence. 449

(B) If the court finds probable cause, based on a request 450
made under division (A) of this section, to believe that the 451
victim or child of a victim is in immediate danger based on an 452
allegation of a recent incident of domestic violence, the court 453
shall issue an emergency protection order. 454

(C) An emergency protection order issued under this 455
section may contain any of the following terms: 456

(1) That the alleged domestic violence offender refrain 457
from abusing, threatening, harassing, stalking, or forcing 458
sexual relations on a protected person; 459

(2) That the alleged domestic violence offender refrain 460
from entering or interfering with the residence, school, 461
business, place of employment, child care provider, or child 462
day-care center of a protected person; 463

(3) That the alleged domestic violence offender refrain 464
from initiating or having any contact with a protected person or 465
the residence, school, business, place of employment, child care 466
provider, or child day-care center of a protected person; 467

(4) That the alleged domestic violence offender refrain 468
from being within five hundred feet of a protected person. 469

(D) A court that orders an emergency protection order 470
under this section shall communicate the terms of the order by 471
reliable electronic means to an officer of the appropriate law 472
enforcement agency. Upon receiving the order, the law 473
enforcement officer shall do all of the following: 474

(1) Provide a copy of the order to each person protected 475
by the order; 476

(2) Serve a copy of the order on the alleged domestic 477

violence offender who is subject to the order; 478

(3) Enter the order into the law enforcement automated 479
data system so that the order may be entered into the national 480
crime information center's protection order file. 481

(E) An emergency protection order issued under this 482
section shall remain in effect until the earliest of the 483
following: 484

(1) Ninety-six hours after the order was issued; 485

(2) Five o'clock in the evening of the first day that the 486
court is open for business after the day that the order was 487
issued; 488

(3) The time at which the court, at the request of the 489
petitioner, terminates the order. 490

(F) As used in this section, "contact" includes telephone 491
contact; contact by text message, instant message, voice mail, 492
electronic mail, or social networking media; and contact by any 493
other means of communication. 494

Sec. 2919.27. (A) No person shall recklessly violate the 495
terms of any of the following: 496

(1) A protection order issued or consent agreement 497
approved pursuant to section 2919.26, 2919.261, or 3113.31 of 498
the Revised Code; 499

(2) A protection order issued pursuant to section 2151.34, 500
2903.213, or 2903.214 of the Revised Code; 501

(3) A protection order issued by a court of another state. 502

(B) (1) Whoever violates this section is guilty of 503
violating a protection order. 504

(2) Except as otherwise provided in division (B) (3) or (4) 505
of this section, violating a protection order is a misdemeanor 506
of the first degree. 507

(3) Violating a protection order is a felony of the fifth 508
degree if the offender previously has been convicted of, pleaded 509
guilty to, or been adjudicated a delinquent child for any of the 510
following: 511

(a) A violation of a protection order issued or consent 512
agreement approved pursuant to section 2151.34, 2903.213, 513
2903.214, 2919.26, 2919.261, or 3113.31 of the Revised Code; 514

(b) Two or more violations of section 2903.21, 2903.211, 515
2903.22, or 2911.211 of the Revised Code, or any combination of 516
those offenses, that involved the same person who is the subject 517
of the protection order or consent agreement; 518

(c) One or more violations of this section. 519

(4) If the offender violates a protection order or consent 520
agreement while committing a felony offense, violating a 521
protection order is a felony of the third degree. 522

(5) If the protection order violated by the offender was 523
an order issued pursuant to section 2151.34 or 2903.214 of the 524
Revised Code that required electronic monitoring of the offender 525
pursuant to that section, the court may require in addition to 526
any other sentence imposed upon the offender that the offender 527
be electronically monitored for a period not exceeding five 528
years by a law enforcement agency designated by the court. If 529
the court requires under this division that the offender be 530
electronically monitored, unless the court determines that the 531
offender is indigent, the court shall order that the offender 532
pay the costs of the installation of the electronic monitoring 533

device and the cost of monitoring the electronic monitoring 534
device. If the court determines that the offender is indigent 535
and subject to the maximum amount allowable and the rules 536
promulgated by the attorney general under section 2903.214 of 537
the Revised Code, the costs of the installation of the 538
electronic monitoring device and the cost of monitoring the 539
electronic monitoring device may be paid out of funds from the 540
reparations fund created pursuant to section 2743.191 of the 541
Revised Code. The total amount paid from the reparations fund 542
created pursuant to section 2743.191 of the Revised Code for 543
electronic monitoring under this section and sections 2151.34 544
and 2903.214 of the Revised Code shall not exceed three hundred 545
thousand dollars per year. 546

(C) It is an affirmative defense to a charge under 547
division (A) (3) of this section that the protection order issued 548
by a court of another state does not comply with the 549
requirements specified in 18 U.S.C. 2265(b) for a protection 550
order that must be accorded full faith and credit by a court of 551
this state or that it is not entitled to full faith and credit 552
under 18 U.S.C. 2265(c). 553

(D) In a prosecution for a violation of this section, it 554
is not necessary for the prosecution to prove that the 555
protection order or consent agreement was served on the 556
defendant if the prosecution proves that the defendant was shown 557
the protection order or consent agreement or a copy of either or 558
a judge, magistrate, or law enforcement officer informed the 559
defendant that a protection order or consent agreement had been 560
issued, and proves that the defendant recklessly violated the 561
terms of the order or agreement. 562

(E) As used in this section, "protection order issued by a 563

court of another state" means an injunction or another order 564
issued by a criminal court of another state for the purpose of 565
preventing violent or threatening acts or harassment against, 566
contact or communication with, or physical proximity to another 567
person, including a temporary order, and means an injunction or 568
order of that nature issued by a civil court of another state, 569
including a temporary order and a final order issued in an 570
independent action or as a pendente lite order in a proceeding 571
for other relief, if the court issued it in response to a 572
complaint, petition, or motion filed by or on behalf of a person 573
seeking protection. "Protection order issued by a court of 574
another state" does not include an order for support or for 575
custody of a child issued pursuant to the divorce and child 576
custody laws of another state, except to the extent that the 577
order for support or for custody of a child is entitled to full 578
faith and credit under the laws of the United States. 579

Sec. 2929.12. (A) Unless otherwise required by section 580
2929.13 or 2929.14 of the Revised Code, a court that imposes a 581
sentence under this chapter upon an offender for a felony has 582
discretion to determine the most effective way to comply with 583
the purposes and principles of sentencing set forth in section 584
2929.11 of the Revised Code. In exercising that discretion, the 585
court shall consider the factors set forth in divisions (B) and 586
(C) of this section relating to the seriousness of the conduct, 587
the factors provided in divisions (D) and (E) of this section 588
relating to the likelihood of the offender's recidivism, and the 589
factors set forth in division (F) of this section pertaining to 590
the offender's service in the armed forces of the United States 591
and, in addition, may consider any other factors that are 592
relevant to achieving those purposes and principles of 593
sentencing. 594

(B) The sentencing court shall consider all of the 595
following that apply regarding the offender, the offense, or the 596
victim, and any other relevant factors, as indicating that the 597
offender's conduct is more serious than conduct normally 598
constituting the offense: 599

(1) The physical or mental injury suffered by the victim 600
of the offense due to the conduct of the offender was 601
exacerbated because of the physical or mental condition or age 602
of the victim. 603

(2) The victim of the offense suffered serious physical, 604
psychological, or economic harm as a result of the offense. 605

(3) The offender held a public office or position of trust 606
in the community, and the offense related to that office or 607
position. 608

(4) The offender's occupation, elected office, or 609
profession obliged the offender to prevent the offense or bring 610
others committing it to justice. 611

(5) The offender's professional reputation or occupation, 612
elected office, or profession was used to facilitate the offense 613
or is likely to influence the future conduct of others. 614

(6) The offender's relationship with the victim 615
facilitated the offense. 616

(7) The offender committed the offense for hire or as a 617
part of an organized criminal activity. 618

(8) In committing the offense, the offender was motivated 619
by prejudice based on race, ethnic background, gender, sexual 620
orientation, or religion. 621

(9) If the offense is a violation of section 2919.25 or a 622

violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code involving a person who was a family or household member at the time of the violation, the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children.

(C) The sentencing court shall consider all of the following that apply regarding the offender, the offense, or the victim, and any other relevant factors, as indicating that the offender's conduct is less serious than conduct normally constituting the offense:

(1) The victim induced or facilitated the offense.

(2) In committing the offense, the offender acted under strong provocation.

(3) In committing the offense, the offender did not cause or expect to cause physical harm to any person or property.

(4) There are substantial grounds to mitigate the offender's conduct, although the grounds are not enough to constitute a defense.

(D) The sentencing court shall consider all of the following that apply regarding the offender, and any other relevant factors, as factors indicating that the offender is likely to commit future crimes:

(1) At the time of committing the offense, the offender was under release from confinement before trial or sentencing; was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code; was under post-release control pursuant to section 2967.28 or any other provision of

the Revised Code for an earlier offense or had been unfavorably 652
terminated from post-release control for a prior offense 653
pursuant to division (B) of section 2967.16 or section 2929.141 654
of the Revised Code; was under transitional control in 655
connection with a prior offense; or had absconded from the 656
offender's approved community placement resulting in the 657
offender's removal from the transitional control program under 658
section 2967.26 of the Revised Code. 659

(2) The offender previously was adjudicated a delinquent 660
child pursuant to Chapter 2151. of the Revised Code prior to 661
January 1, 2002, or pursuant to Chapter 2152. of the Revised 662
Code, or the offender has a history of criminal convictions. 663

(3) The offender has not been rehabilitated to a 664
satisfactory degree after previously being adjudicated a 665
delinquent child pursuant to Chapter 2151. of the Revised Code 666
prior to January 1, 2002, or pursuant to Chapter 2152. of the 667
Revised Code, or the offender has not responded favorably to 668
sanctions previously imposed for criminal convictions. 669

(4) The offender has demonstrated a pattern of drug or 670
alcohol abuse that is related to the offense, and the offender 671
refuses to acknowledge that the offender has demonstrated that 672
pattern, or the offender refuses treatment for the drug or 673
alcohol abuse. 674

(5) The offender shows no genuine remorse for the offense. 675

(E) The sentencing court shall consider all of the 676
following that apply regarding the offender, and any other 677
relevant factors, as factors indicating that the offender is not 678
likely to commit future crimes: 679

(1) Prior to committing the offense, the offender had not 680

been adjudicated a delinquent child. 681

(2) Prior to committing the offense, the offender had not 682
been convicted of or pleaded guilty to a criminal offense. 683

(3) Prior to committing the offense, the offender had led 684
a law-abiding life for a significant number of years. 685

(4) The offense was committed under circumstances not 686
likely to recur. 687

(5) The offender shows genuine remorse for the offense. 688

(F) The sentencing court shall consider the offender's 689
military service record and whether the offender has an 690
emotional, mental, or physical condition that is traceable to 691
the offender's service in the armed forces of the United States 692
and that was a contributing factor in the offender's commission 693
of the offense or offenses. 694

(G) The sentencing court shall consider the results of any 695
screening conducted in the case under division (A) (2) (e) of 696
section 2935.032 of the Revised Code, if any such results are 697
available. 698

Sec. 2929.13. (A) Except as provided in division (E), (F), 699
or (G) of this section and unless a specific sanction is 700
required to be imposed or is precluded from being imposed 701
pursuant to law, a court that imposes a sentence upon an 702
offender for a felony may impose any sanction or combination of 703
sanctions on the offender that are provided in sections 2929.14 704
to 2929.18 of the Revised Code. 705

If the offender is eligible to be sentenced to community 706
control sanctions, the court shall consider the appropriateness 707
of imposing a financial sanction pursuant to section 2929.18 of 708

the Revised Code or a sanction of community service pursuant to 709
section 2929.17 of the Revised Code as the sole sanction for the 710
offense. Except as otherwise provided in this division, if the 711
court is required to impose a mandatory prison term for the 712
offense for which sentence is being imposed, the court also 713
shall impose any financial sanction pursuant to section 2929.18 714
of the Revised Code that is required for the offense and may 715
impose any other financial sanction pursuant to that section but 716
may not impose any additional sanction or combination of 717
sanctions under section 2929.16 or 2929.17 of the Revised Code. 718

If the offender is being sentenced for a fourth degree 719
felony OVI offense or for a third degree felony OVI offense, in 720
addition to the mandatory term of local incarceration or the 721
mandatory prison term required for the offense by division (G) 722
(1) or (2) of this section, the court shall impose upon the 723
offender a mandatory fine in accordance with division (B) (3) of 724
section 2929.18 of the Revised Code and may impose whichever of 725
the following is applicable: 726

(1) For a fourth degree felony OVI offense for which 727
sentence is imposed under division (G) (1) of this section, an 728
additional community control sanction or combination of 729
community control sanctions under section 2929.16 or 2929.17 of 730
the Revised Code. If the court imposes upon the offender a 731
community control sanction and the offender violates any 732
condition of the community control sanction, the court may take 733
any action prescribed in division (B) of section 2929.15 of the 734
Revised Code relative to the offender, including imposing a 735
prison term on the offender pursuant to that division. 736

(2) For a third or fourth degree felony OVI offense for 737
which sentence is imposed under division (G) (2) of this section, 738

an additional prison term as described in division (B)(4) of 739
section 2929.14 of the Revised Code or a community control 740
sanction as described in division (G)(2) of this section. 741

(B)(1)(a) Except as provided in division (B)(1)(b) of this 742
section, if an offender is convicted of or pleads guilty to a 743
felony of the fourth or fifth degree that is not an offense of 744
violence or that is a qualifying assault offense, the court 745
shall sentence the offender to a community control sanction or 746
combination of community control sanctions if all of the 747
following apply: 748

(i) The offender previously has not been convicted of or 749
pleaded guilty to a felony offense. 750

(ii) The most serious charge against the offender at the 751
time of sentencing is a felony of the fourth or fifth degree. 752

(iii) The offender previously has not been convicted of or 753
pleaded guilty to a misdemeanor offense of violence that the 754
offender committed within two years prior to the offense for 755
which sentence is being imposed. 756

(b) The court has discretion to impose a prison term upon 757
an offender who is convicted of or pleads guilty to a felony of 758
the fourth or fifth degree that is not an offense of violence or 759
that is a qualifying assault offense if any of the following 760
apply: 761

(i) The offender committed the offense while having a 762
firearm on or about the offender's person or under the 763
offender's control. 764

(ii) If the offense is a qualifying assault offense, the 765
offender caused serious physical harm to another person while 766
committing the offense, and, if the offense is not a qualifying 767

assault offense, the offender caused physical harm to another 768
person while committing the offense. 769

(iii) The offender violated a term of the conditions of 770
bond as set by the court. 771

(iv) The offense is a sex offense that is a fourth or 772
fifth degree felony violation of any provision of Chapter 2907. 773
of the Revised Code. 774

(v) In committing the offense, the offender attempted to 775
cause or made an actual threat of physical harm to a person with 776
a deadly weapon. 777

(vi) In committing the offense, the offender attempted to 778
cause or made an actual threat of physical harm to a person, and 779
the offender previously was convicted of an offense that caused 780
physical harm to a person. 781

(vii) The offender held a public office or position of 782
trust, and the offense related to that office or position; the 783
offender's position obliged the offender to prevent the offense 784
or to bring those committing it to justice; or the offender's 785
professional reputation or position facilitated the offense or 786
was likely to influence the future conduct of others. 787

(viii) The offender committed the offense for hire or as 788
part of an organized criminal activity. 789

(ix) The offender at the time of the offense was serving, 790
or the offender previously had served, a prison term. 791

(x) The offender committed the offense while under a 792
community control sanction, while on probation, or while 793
released from custody on a bond or personal recognizance. 794

(c) A sentencing court may impose an additional penalty 795

under division (B) of section 2929.15 of the Revised Code upon 796
an offender sentenced to a community control sanction under 797
division (B)(1)(a) of this section if the offender violates the 798
conditions of the community control sanction, violates a law, or 799
leaves the state without the permission of the court or the 800
offender's probation officer. 801

(2) If division (B)(1) of this section does not apply, 802
except as provided in division (E), (F), or (G) of this section, 803
in determining whether to impose a prison term as a sanction for 804
a felony of the fourth or fifth degree, the sentencing court 805
shall comply with the purposes and principles of sentencing 806
under section 2929.11 of the Revised Code and with section 807
2929.12 of the Revised Code. 808

(C) Except as provided in division (D), (E), (F), or (G) 809
of this section, in determining whether to impose a prison term 810
as a sanction for a felony of the third degree or a felony drug 811
offense that is a violation of a provision of Chapter 2925. of 812
the Revised Code and that is specified as being subject to this 813
division for purposes of sentencing, the sentencing court shall 814
comply with the purposes and principles of sentencing under 815
section 2929.11 of the Revised Code and with section 2929.12 of 816
the Revised Code. 817

(D)(1) Except as provided in division (E) or (F) of this 818
section, for a felony of the first or second degree, for a 819
felony drug offense that is a violation of any provision of 820
Chapter 2925., 3719., or 4729. of the Revised Code for which a 821
presumption in favor of a prison term is specified as being 822
applicable, and for a violation of division (A)(4) or (B) of 823
section 2907.05 of the Revised Code for which a presumption in 824
favor of a prison term is specified as being applicable, it is 825

presumed that a prison term is necessary in order to comply with 826
the purposes and principles of sentencing under section 2929.11 827
of the Revised Code. Division (D) (2) of this section does not 828
apply to a presumption established under this division for a 829
violation of division (A) (4) of section 2907.05 of the Revised 830
Code. 831

(2) Notwithstanding the presumption established under 832
division (D) (1) of this section for the offenses listed in that 833
division other than a violation of division (A) (4) or (B) of 834
section 2907.05 of the Revised Code, the sentencing court may 835
impose a community control sanction or a combination of 836
community control sanctions instead of a prison term on an 837
offender for a felony of the first or second degree or for a 838
felony drug offense that is a violation of any provision of 839
Chapter 2925., 3719., or 4729. of the Revised Code for which a 840
presumption in favor of a prison term is specified as being 841
applicable if it makes both of the following findings: 842

(a) A community control sanction or a combination of 843
community control sanctions would adequately punish the offender 844
and protect the public from future crime, because the applicable 845
factors under section 2929.12 of the Revised Code indicating a 846
lesser likelihood of recidivism outweigh the applicable factors 847
under that section indicating a greater likelihood of 848
recidivism. 849

(b) A community control sanction or a combination of 850
community control sanctions would not demean the seriousness of 851
the offense, because one or more factors under section 2929.12 852
of the Revised Code that indicate that the offender's conduct 853
was less serious than conduct normally constituting the offense 854
are applicable, and they outweigh the applicable factors under 855

that section that indicate that the offender's conduct was more 856
serious than conduct normally constituting the offense. 857

(E) (1) Except as provided in division (F) of this section, 858
for any drug offense that is a violation of any provision of 859
Chapter 2925. of the Revised Code and that is a felony of the 860
third, fourth, or fifth degree, the applicability of a 861
presumption under division (D) of this section in favor of a 862
prison term or of division (B) or (C) of this section in 863
determining whether to impose a prison term for the offense 864
shall be determined as specified in section 2925.02, 2925.03, 865
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 866
2925.36, or 2925.37 of the Revised Code, whichever is applicable 867
regarding the violation. 868

(2) If an offender who was convicted of or pleaded guilty 869
to a felony violates the conditions of a community control 870
sanction imposed for the offense solely by reason of producing 871
positive results on a drug test or by acting pursuant to 872
division (B) (2) (b) of section 2925.11 of the Revised Code with 873
respect to a minor drug possession offense, the court, as 874
punishment for the violation of the sanction, shall not order 875
that the offender be imprisoned unless the court determines on 876
the record either of the following: 877

(a) The offender had been ordered as a sanction for the 878
felony to participate in a drug treatment program, in a drug 879
education program, or in narcotics anonymous or a similar 880
program, and the offender continued to use illegal drugs after a 881
reasonable period of participation in the program. 882

(b) The imprisonment of the offender for the violation is 883
consistent with the purposes and principles of sentencing set 884
forth in section 2929.11 of the Revised Code. 885

(3) A court that sentences an offender for a drug abuse offense that is a felony of the third, fourth, or fifth degree may require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes addiction services and recovery supports included in a community-based continuum of care established under section 340.032 of the Revised Code. If the court imposes addiction services and recovery supports as a community control sanction, the court shall direct the level and type of addiction services and recovery supports after considering the assessment and recommendation of community addiction services providers.

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, divisions (C) to (I) of section 2967.19, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms 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 for any of the following offenses:

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

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted,

the offender would have been guilty of a violation of division 916
(A) (1) (b) of section 2907.02 of the Revised Code and would be 917
sentenced under section 2971.03 of the Revised Code; 918

(3) Gross sexual imposition or sexual battery, if the 919
victim is less than thirteen years of age and if any of the 920
following applies: 921

(a) Regarding gross sexual imposition, the offender 922
previously was convicted of or pleaded guilty to rape, the 923
former offense of felonious sexual penetration, gross sexual 924
imposition, or sexual battery, and the victim of the previous 925
offense was less than thirteen years of age; 926

(b) Regarding gross sexual imposition, the offense was 927
committed on or after August 3, 2006, and evidence other than 928
the testimony of the victim was admitted in the case 929
corroborating the violation. 930

(c) Regarding sexual battery, either of the following 931
applies: 932

(i) The offense was committed prior to August 3, 2006, the 933
offender previously was convicted of or pleaded guilty to rape, 934
the former offense of felonious sexual penetration, or sexual 935
battery, and the victim of the previous offense was less than 936
thirteen years of age. 937

(ii) The offense was committed on or after August 3, 2006. 938

(4) A felony violation of section 2903.04, 2903.06, 939
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 940
or 2923.132 of the Revised Code if the section requires the 941
imposition of a prison term; 942

(5) A first, second, or third degree felony drug offense 943

for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 944
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 945
or 4729.99 of the Revised Code, whichever is applicable 946
regarding the violation, requires the imposition of a mandatory 947
prison term; 948

(6) Any offense that is a first or second degree felony 949
and that is not set forth in division (F) (1), (2), (3), or (4) 950
of this section, if the offender previously was convicted of or 951
pleaded guilty to aggravated murder, murder, any first or second 952
degree felony, or an offense under an existing or former law of 953
this state, another state, or the United States that is or was 954
substantially equivalent to one of those offenses; 955

(7) Any offense that is a third degree felony and either 956
is a violation of section 2903.04 of the Revised Code or an 957
attempt to commit a felony of the second degree that is an 958
offense of violence and involved an attempt to cause serious 959
physical harm to a person or that resulted in serious physical 960
harm to a person if the offender previously was convicted of or 961
pleaded guilty to any of the following offenses: 962

(a) Aggravated murder, murder, involuntary manslaughter, 963
rape, felonious sexual penetration as it existed under section 964
2907.12 of the Revised Code prior to September 3, 1996, a felony 965
of the first or second degree that resulted in the death of a 966
person or in physical harm to a person, or complicity in or an 967
attempt to commit any of those offenses; 968

(b) An offense under an existing or former law of this 969
state, another state, or the United States that is or was 970
substantially equivalent to an offense listed in division (F) (7) 971
(a) of this section that resulted in the death of a person or in 972
physical harm to a person. 973

(8) Any offense, other than a violation of section 2923.12	974
of the Revised Code, that is a felony, if the offender had a	975
firearm on or about the offender's person or under the	976
offender's control while committing the felony, with respect to	977
a portion of the sentence imposed pursuant to division (B) (1) (a)	978
of section 2929.14 of the Revised Code for having the firearm;	979
(9) Any offense of violence that is a felony, if the	980
offender wore or carried body armor while committing the felony	981
offense of violence, with respect to the portion of the sentence	982
imposed pursuant to division (B) (1) (d) of section 2929.14 of the	983
Revised Code for wearing or carrying the body armor;	984
(10) Corrupt activity in violation of section 2923.32 of	985
the Revised Code when the most serious offense in the pattern of	986
corrupt activity that is the basis of the offense is a felony of	987
the first degree;	988
(11) Any violent sex offense or designated homicide,	989
assault, or kidnapping offense if, in relation to that offense,	990
the offender is adjudicated a sexually violent predator;	991
(12) A violation of division (A) (1) or (2) of section	992
2921.36 of the Revised Code, or a violation of division (C) of	993
that section involving an item listed in division (A) (1) or (2)	994
of that section, if the offender is an officer or employee of	995
the department of rehabilitation and correction;	996
(13) A violation of division (A) (1) or (2) of section	997
2903.06 of the Revised Code if the victim of the offense is a	998
peace officer, as defined in section 2935.01 of the Revised	999
Code, or an investigator of the bureau of criminal	1000
identification and investigation, as defined in section 2903.11	1001
of the Revised Code, with respect to the portion of the sentence	1002

imposed pursuant to division (B) (5) of section 2929.14 of the Revised Code; 1003
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(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; 1005
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(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; 1014
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(16) Kidnapping, abduction, compelling prostitution, promoting prostitution, engaging in a pattern of corrupt activity, a violation of division (A) (1) or (2) of section 2907.323 of the Revised Code that involves a minor, or endangering children in violation of division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code, if the offender is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense; 1017
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(17) A felony violation of division (A) or (B) of section 2919.25 of the Revised Code if division ~~(D) (3)~~ (E) (3), (4), or (5) of that section, and division ~~(D) (6)~~ (E) (8) of that section, require the imposition of a prison term; 1027
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(18) A felony violation of section 2903.11, 2903.12, or 1031

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

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

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

(20) Any violation of division (A) (1) of section 2903.11 of the Revised Code if the offender used an accelerant in committing the violation and the serious physical harm to another or another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity or any violation of division (A) (2) of that section if the offender used an accelerant in committing the violation, the violation caused physical harm to another or another's unborn, and the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity, with respect to a portion of the sentence imposed pursuant to division (B) (9) of section 2929.14 of the Revised Code. The provisions of this division and of division (D) (2) of section 2903.11, divisions (B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of

the Revised Code shall be known as "Judy's Law." 1062

(21) Any violation of division (A) of section 2903.11 of 1063
the Revised Code if the victim of the offense suffered permanent 1064
disabling harm as a result of the offense and the victim was 1065
under ten years of age at the time of the offense, with respect 1066
to a portion of the sentence imposed pursuant to division (B) 1067
(10) of section 2929.14 of the Revised Code. 1068

(22) A felony violation of section 2925.03, 2925.05, or 1069
2925.11 of the Revised Code, if the drug involved in the 1070
violation is a fentanyl-related compound or a compound, mixture, 1071
preparation, or substance containing a fentanyl-related compound 1072
and the offender is convicted of or pleads guilty to a 1073
specification of the type described in division (B) of section 1074
2941.1410 of the Revised Code that was included in the 1075
indictment, count in the indictment, or information charging the 1076
offense, with respect to the portion of the sentence imposed 1077
under division (B) (11) of section 2929.14 of the Revised Code. 1078

(G) Notwithstanding divisions (A) to (E) of this section, 1079
if an offender is being sentenced for a fourth degree felony OVI 1080
offense or for a third degree felony OVI offense, the court 1081
shall impose upon the offender a mandatory term of local 1082
incarceration or a mandatory prison term in accordance with the 1083
following: 1084

(1) If the offender is being sentenced for a fourth degree 1085
felony OVI offense and if the offender has not been convicted of 1086
and has not pleaded guilty to a specification of the type 1087
described in section 2941.1413 of the Revised Code, the court 1088
may impose upon the offender a mandatory term of local 1089
incarceration of sixty days or one hundred twenty days as 1090
specified in division (G) (1) (d) of section 4511.19 of the 1091

Revised Code. The court shall not reduce the term pursuant to 1092
section 2929.20, 2967.193, or any other provision of the Revised 1093
Code. The court that imposes a mandatory term of local 1094
incarceration under this division shall specify whether the term 1095
is to be served in a jail, a community-based correctional 1096
facility, a halfway house, or an alternative residential 1097
facility, and the offender shall serve the term in the type of 1098
facility specified by the court. A mandatory term of local 1099
incarceration imposed under division (G)(1) of this section is 1100
not subject to any other Revised Code provision that pertains to 1101
a prison term except as provided in division (A)(1) of this 1102
section. 1103

(2) If the offender is being sentenced for a third degree 1104
felony OVI offense, or if the offender is being sentenced for a 1105
fourth degree felony OVI offense and the court does not impose a 1106
mandatory term of local incarceration under division (G)(1) of 1107
this section, the court shall impose upon the offender a 1108
mandatory prison term of one, two, three, four, or five years if 1109
the offender also is convicted of or also pleads guilty to a 1110
specification of the type described in section 2941.1413 of the 1111
Revised Code or shall impose upon the offender a mandatory 1112
prison term of sixty days or one hundred twenty days as 1113
specified in division (G)(1)(d) or (e) of section 4511.19 of the 1114
Revised Code if the offender has not been convicted of and has 1115
not pleaded guilty to a specification of that type. Subject to 1116
divisions (C) to (I) of section 2967.19 of the Revised Code, the 1117
court shall not reduce the term pursuant to section 2929.20, 1118
2967.19, 2967.193, or any other provision of the Revised Code. 1119
The offender shall serve the one-, two-, three-, four-, or five- 1120
year mandatory prison term consecutively to and prior to the 1121
prison term imposed for the underlying offense and consecutively 1122

to any other mandatory prison term imposed in relation to the 1123
offense. In no case shall an offender who once has been 1124
sentenced to a mandatory term of local incarceration pursuant to 1125
division (G) (1) of this section for a fourth degree felony OVI 1126
offense be sentenced to another mandatory term of local 1127
incarceration under that division for any violation of division 1128
(A) of section 4511.19 of the Revised Code. In addition to the 1129
mandatory prison term described in division (G) (2) of this 1130
section, the court may sentence the offender to a community 1131
control sanction under section 2929.16 or 2929.17 of the Revised 1132
Code, but the offender shall serve the prison term prior to 1133
serving the community control sanction. The department of 1134
rehabilitation and correction may place an offender sentenced to 1135
a mandatory prison term under this division in an intensive 1136
program prison established pursuant to section 5120.033 of the 1137
Revised Code if the department gave the sentencing judge prior 1138
notice of its intent to place the offender in an intensive 1139
program prison established under that section and if the judge 1140
did not notify the department that the judge disapproved the 1141
placement. Upon the establishment of the initial intensive 1142
program prison pursuant to section 5120.033 of the Revised Code 1143
that is privately operated and managed by a contractor pursuant 1144
to a contract entered into under section 9.06 of the Revised 1145
Code, both of the following apply: 1146

(a) The department of rehabilitation and correction shall 1147
make a reasonable effort to ensure that a sufficient number of 1148
offenders sentenced to a mandatory prison term under this 1149
division are placed in the privately operated and managed prison 1150
so that the privately operated and managed prison has full 1151
occupancy. 1152

(b) Unless the privately operated and managed prison has 1153

full occupancy, the department of rehabilitation and correction 1154
shall not place any offender sentenced to a mandatory prison 1155
term under this division in any intensive program prison 1156
established pursuant to section 5120.033 of the Revised Code 1157
other than the privately operated and managed prison. 1158

(H) If an offender is being sentenced for a sexually 1159
oriented offense or child-victim oriented offense that is a 1160
felony committed on or after January 1, 1997, the judge shall 1161
require the offender to submit to a DNA specimen collection 1162
procedure pursuant to section 2901.07 of the Revised Code. 1163

(I) If an offender is being sentenced for a sexually 1164
oriented offense or a child-victim oriented offense committed on 1165
or after January 1, 1997, the judge shall include in the 1166
sentence a summary of the offender's duties imposed under 1167
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1168
Code and the duration of the duties. The judge shall inform the 1169
offender, at the time of sentencing, of those duties and of 1170
their duration. If required under division (A)(2) of section 1171
2950.03 of the Revised Code, the judge shall perform the duties 1172
specified in that section, or, if required under division (A)(6) 1173
of section 2950.03 of the Revised Code, the judge shall perform 1174
the duties specified in that division. 1175

(J)(1) Except as provided in division (J)(2) of this 1176
section, when considering sentencing factors under this section 1177
in relation to an offender who is convicted of or pleads guilty 1178
to an attempt to commit an offense in violation of section 1179
2923.02 of the Revised Code, the sentencing court shall consider 1180
the factors applicable to the felony category of the violation 1181
of section 2923.02 of the Revised Code instead of the factors 1182
applicable to the felony category of the offense attempted. 1183

(2) When considering sentencing factors under this section 1184
in relation to an offender who is convicted of or pleads guilty 1185
to an attempt to commit a drug abuse offense for which the 1186
penalty is determined by the amount or number of unit doses of 1187
the controlled substance involved in the drug abuse offense, the 1188
sentencing court shall consider the factors applicable to the 1189
felony category that the drug abuse offense attempted would be 1190
if that drug abuse offense had been committed and had involved 1191
an amount or number of unit doses of the controlled substance 1192
that is within the next lower range of controlled substance 1193
amounts than was involved in the attempt. 1194

(K) As used in this section: 1195

(1) "Community addiction services provider" has the same 1196
meaning as in section 5119.01 of the Revised Code. 1197

(2) "Drug abuse offense" has the same meaning as in 1198
section 2925.01 of the Revised Code. 1199

(3) "Minor drug possession offense" has the same meaning 1200
as in section 2925.11 of the Revised Code. 1201

(4) "Qualifying assault offense" means a violation of 1202
section 2903.13 of the Revised Code for which the penalty 1203
provision in division (C) (8) (b) or (C) (9) (b) of that section 1204
applies. 1205

(L) At the time of sentencing an offender for any sexually 1206
oriented offense, if the offender is a tier III sex 1207
offender/child-victim offender relative to that offense and the 1208
offender does not serve a prison term or jail term, the court 1209
may require that the offender be monitored by means of a global 1210
positioning device. If the court requires such monitoring, the 1211
cost of monitoring shall be borne by the offender. If the 1212

offender is indigent, the cost of compliance shall be paid by 1213
the crime victims reparations fund. 1214

Sec. 2929.14. (A) Except as provided in division (B)(1), 1215
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), 1216
(B)(10), (B)(11), (E), (G), (H), (J), or (K) of this section or 1217
in division ~~(D)(6)~~(E)(8) of section 2919.25 of the Revised Code 1218
and except in relation to an offense for which a sentence of 1219
death or life imprisonment is to be imposed, if the court 1220
imposing a sentence upon an offender for a felony elects or is 1221
required to impose a prison term on the offender pursuant to 1222
this chapter, the court shall impose a prison term that shall be 1223
one of the following: 1224

(1)(a) For a felony of the first degree committed on or 1225
after the effective date of this amendment, the prison term 1226
shall be an indefinite prison term with a stated minimum term 1227
selected by the court of three, four, five, six, seven, eight, 1228
nine, ten, or eleven years and a maximum term that is determined 1229
pursuant to section 2929.144 of the Revised Code, except that if 1230
the section that criminalizes the conduct constituting the 1231
felony specifies a different minimum term or penalty for the 1232
offense, the specific language of that section shall control in 1233
determining the minimum term or otherwise sentencing the 1234
offender but the minimum term or sentence imposed under that 1235
specific language shall be considered for purposes of the 1236
Revised Code as if it had been imposed under this division. 1237

(b) For a felony of the first degree committed prior to 1238
the effective date of this amendment, the prison term shall be a 1239
definite prison term of three, four, five, six, seven, eight, 1240
nine, ten, or eleven years. 1241

(2)(a) For a felony of the second degree committed on or 1242

after the effective date of this amendment, the prison term 1243
shall be an indefinite prison term with a stated minimum term 1244
selected by the court of two, three, four, five, six, seven, or 1245
eight years and a maximum term that is determined pursuant to 1246
section 2929.144 of the Revised Code, except that if the section 1247
that criminalizes the conduct constituting the felony specifies 1248
a different minimum term or penalty for the offense, the 1249
specific language of that section shall control in determining 1250
the minimum term or otherwise sentencing the offender but the 1251
minimum term or sentence imposed under that specific language 1252
shall be considered for purposes of the Revised Code as if it 1253
had been imposed under this division. 1254

(b) For a felony of the second degree committed prior to 1255
the effective date of this amendment, the prison term shall be a 1256
definite term of two, three, four, five, six, seven, or eight 1257
years. 1258

(3) (a) For a felony of the third degree that is a 1259
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1260
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 1261
Code or that is a violation of section 2911.02 or 2911.12 of the 1262
Revised Code if the offender previously has been convicted of or 1263
pleaded guilty in two or more separate proceedings to two or 1264
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 1265
of the Revised Code, the prison term shall be a definite term of 1266
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 1267
forty-eight, fifty-four, or sixty months. 1268

(b) For a felony of the third degree that is not an 1269
offense for which division (A) (3) (a) of this section applies, 1270
the prison term shall be a definite term of nine, twelve, 1271
eighteen, twenty-four, thirty, or thirty-six months. 1272

(4) For a felony of the fourth degree, the prison term 1273
shall be a definite term of six, seven, eight, nine, ten, 1274
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1275
or eighteen months. 1276

(5) For a felony of the fifth degree, the prison term 1277
shall be a definite term of six, seven, eight, nine, ten, 1278
eleven, or twelve months. 1279

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1280
section, if an offender who is convicted of or pleads guilty to 1281
a felony also is convicted of or pleads guilty to a 1282
specification of the type described in section 2941.141, 1283
2941.144, or 2941.145 of the Revised Code, the court shall 1284
impose on the offender one of the following prison terms: 1285

(i) A prison term of six years if the specification is of 1286
the type described in division (A) of section 2941.144 of the 1287
Revised Code that charges the offender with having a firearm 1288
that is an automatic firearm or that was equipped with a firearm 1289
muffler or suppressor on or about the offender's person or under 1290
the offender's control while committing the offense; 1291

(ii) A prison term of three years if the specification is 1292
of the type described in division (A) of section 2941.145 of the 1293
Revised Code that charges the offender with having a firearm on 1294
or about the offender's person or under the offender's control 1295
while committing the offense and displaying the firearm, 1296
brandishing the firearm, indicating that the offender possessed 1297
the firearm, or using it to facilitate the offense; 1298

(iii) A prison term of one year if the specification is of 1299
the type described in division (A) of section 2941.141 of the 1300
Revised Code that charges the offender with having a firearm on 1301

or about the offender's person or under the offender's control 1302
while committing the offense; 1303

(iv) A prison term of nine years if the specification is 1304
of the type described in division (D) of section 2941.144 of the 1305
Revised Code that charges the offender with having a firearm 1306
that is an automatic firearm or that was equipped with a firearm 1307
muffler or suppressor on or about the offender's person or under 1308
the offender's control while committing the offense and 1309
specifies that the offender previously has been convicted of or 1310
pleaded guilty to a specification of the type described in 1311
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1312
the Revised Code; 1313

(v) A prison term of fifty-four months if the 1314
specification is of the type described in division (D) of 1315
section 2941.145 of the Revised Code that charges the offender 1316
with having a firearm on or about the offender's person or under 1317
the offender's control while committing the offense and 1318
displaying the firearm, brandishing the firearm, indicating that 1319
the offender possessed the firearm, or using the firearm to 1320
facilitate the offense and that the offender previously has been 1321
convicted of or pleaded guilty to a specification of the type 1322
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1323
2941.1412 of the Revised Code; 1324

(vi) A prison term of eighteen months if the specification 1325
is of the type described in division (D) of section 2941.141 of 1326
the Revised Code that charges the offender with having a firearm 1327
on or about the offender's person or under the offender's 1328
control while committing the offense and that the offender 1329
previously has been convicted of or pleaded guilty to a 1330
specification of the type described in section 2941.141, 1331

2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1332

(b) If a court imposes a prison term on an offender under 1333
division (B)(1)(a) of this section, the prison term shall not be 1334
reduced pursuant to section 2967.19, section 2929.20, section 1335
2967.193, or any other provision of Chapter 2967. or Chapter 1336
5120. of the Revised Code. Except as provided in division (B)(1) 1337
(g) of this section, a court shall not impose more than one 1338
prison term on an offender under division (B)(1)(a) of this 1339
section for felonies committed as part of the same act or 1340
transaction. 1341

(c)(i) Except as provided in division (B)(1)(e) of this 1342
section, if an offender who is convicted of or pleads guilty to 1343
a violation of section 2923.161 of the Revised Code or to a 1344
felony that includes, as an essential element, purposely or 1345
knowingly causing or attempting to cause the death of or 1346
physical harm to another, also is convicted of or pleads guilty 1347
to a specification of the type described in division (A) of 1348
section 2941.146 of the Revised Code that charges the offender 1349
with committing the offense by discharging a firearm from a 1350
motor vehicle other than a manufactured home, the court, after 1351
imposing a prison term on the offender for the violation of 1352
section 2923.161 of the Revised Code or for the other felony 1353
offense under division (A), (B)(2), or (B)(3) of this section, 1354
shall impose an additional prison term of five years upon the 1355
offender that shall not be reduced pursuant to section 2929.20, 1356
section 2967.19, section 2967.193, or any other provision of 1357
Chapter 2967. or Chapter 5120. of the Revised Code. 1358

(ii) Except as provided in division (B)(1)(e) of this 1359
section, if an offender who is convicted of or pleads guilty to 1360
a violation of section 2923.161 of the Revised Code or to a 1361

felony that includes, as an essential element, purposely or 1362
knowingly causing or attempting to cause the death of or 1363
physical harm to another, also is convicted of or pleads guilty 1364
to a specification of the type described in division (C) of 1365
section 2941.146 of the Revised Code that charges the offender 1366
with committing the offense by discharging a firearm from a 1367
motor vehicle other than a manufactured home and that the 1368
offender previously has been convicted of or pleaded guilty to a 1369
specification of the type described in section 2941.141, 1370
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1371
the court, after imposing a prison term on the offender for the 1372
violation of section 2923.161 of the Revised Code or for the 1373
other felony offense under division (A), (B) (2), or (3) of this 1374
section, shall impose an additional prison term of ninety months 1375
upon the offender that shall not be reduced pursuant to section 1376
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1377
2967. or Chapter 5120. of the Revised Code. 1378

(iii) A court shall not impose more than one additional 1379
prison term on an offender under division (B) (1) (c) of this 1380
section for felonies committed as part of the same act or 1381
transaction. If a court imposes an additional prison term on an 1382
offender under division (B) (1) (c) of this section relative to an 1383
offense, the court also shall impose a prison term under 1384
division (B) (1) (a) of this section relative to the same offense, 1385
provided the criteria specified in that division for imposing an 1386
additional prison term are satisfied relative to the offender 1387
and the offense. 1388

(d) If an offender who is convicted of or pleads guilty to 1389
an offense of violence that is a felony also is convicted of or 1390
pleads guilty to a specification of the type described in 1391
section 2941.1411 of the Revised Code that charges the offender 1392

with wearing or carrying body armor while committing the felony 1393
offense of violence, the court shall impose on the offender an 1394
additional prison term of two years. The prison term so imposed, 1395
subject to divisions (C) to (I) of section 2967.19 of the 1396
Revised Code, shall not be reduced pursuant to section 2929.20, 1397
section 2967.19, section 2967.193, or any other provision of 1398
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1399
shall not impose more than one prison term on an offender under 1400
division (B) (1) (d) of this section for felonies committed as 1401
part of the same act or transaction. If a court imposes an 1402
additional prison term under division (B) (1) (a) or (c) of this 1403
section, the court is not precluded from imposing an additional 1404
prison term under division (B) (1) (d) of this section. 1405

(e) The court shall not impose any of the prison terms 1406
described in division (B) (1) (a) of this section or any of the 1407
additional prison terms described in division (B) (1) (c) of this 1408
section upon an offender for a violation of section 2923.12 or 1409
2923.123 of the Revised Code. The court shall not impose any of 1410
the prison terms described in division (B) (1) (a) or (b) of this 1411
section upon an offender for a violation of section 2923.122 1412
that involves a deadly weapon that is a firearm other than a 1413
dangerous ordnance, section 2923.16, or section 2923.121 of the 1414
Revised Code. The court shall not impose any of the prison terms 1415
described in division (B) (1) (a) of this section or any of the 1416
additional prison terms described in division (B) (1) (c) of this 1417
section upon an offender for a violation of section 2923.13 of 1418
the Revised Code unless all of the following apply: 1419

(i) The offender previously has been convicted of 1420
aggravated murder, murder, or any felony of the first or second 1421
degree. 1422

(ii) Less than five years have passed since the offender 1423
was released from prison or post-release control, whichever is 1424
later, for the prior offense. 1425

(f) (i) If an offender is convicted of or pleads guilty to 1426
a felony that includes, as an essential element, causing or 1427
attempting to cause the death of or physical harm to another and 1428
also is convicted of or pleads guilty to a specification of the 1429
type described in division (A) of section 2941.1412 of the 1430
Revised Code that charges the offender with committing the 1431
offense by discharging a firearm at a peace officer as defined 1432
in section 2935.01 of the Revised Code or a corrections officer, 1433
as defined in section 2941.1412 of the Revised Code, the court, 1434
after imposing a prison term on the offender for the felony 1435
offense under division (A), (B) (2), or (B) (3) of this section, 1436
shall impose an additional prison term of seven years upon the 1437
offender that shall not be reduced pursuant to section 2929.20, 1438
section 2967.19, section 2967.193, or any other provision of 1439
Chapter 2967. or Chapter 5120. of the Revised Code. 1440

(ii) If an offender is convicted of or pleads guilty to a 1441
felony that includes, as an essential element, causing or 1442
attempting to cause the death of or physical harm to another and 1443
also is convicted of or pleads guilty to a specification of the 1444
type described in division (B) of section 2941.1412 of the 1445
Revised Code that charges the offender with committing the 1446
offense by discharging a firearm at a peace officer, as defined 1447
in section 2935.01 of the Revised Code, or a corrections 1448
officer, as defined in section 2941.1412 of the Revised Code, 1449
and that the offender previously has been convicted of or 1450
pleaded guilty to a specification of the type described in 1451
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1452
the Revised Code, the court, after imposing a prison term on the 1453

offender for the felony offense under division (A), (B)(2), or 1454
(3) of this section, shall impose an additional prison term of 1455
one hundred twenty-six months upon the offender that shall not 1456
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1457
any other provision of Chapter 2967. or 5120. of the Revised 1458
Code. 1459

(iii) If an offender is convicted of or pleads guilty to 1460
two or more felonies that include, as an essential element, 1461
causing or attempting to cause the death or physical harm to 1462
another and also is convicted of or pleads guilty to a 1463
specification of the type described under division (B)(1)(f) of 1464
this section in connection with two or more of the felonies of 1465
which the offender is convicted or to which the offender pleads 1466
guilty, the sentencing court shall impose on the offender the 1467
prison term specified under division (B)(1)(f) of this section 1468
for each of two of the specifications of which the offender is 1469
convicted or to which the offender pleads guilty and, in its 1470
discretion, also may impose on the offender the prison term 1471
specified under that division for any or all of the remaining 1472
specifications. If a court imposes an additional prison term on 1473
an offender under division (B)(1)(f) of this section relative to 1474
an offense, the court shall not impose a prison term under 1475
division (B)(1)(a) or (c) of this section relative to the same 1476
offense. 1477

(g) If an offender is convicted of or pleads guilty to two 1478
or more felonies, if one or more of those felonies are 1479
aggravated murder, murder, attempted aggravated murder, 1480
attempted murder, aggravated robbery, felonious assault, or 1481
rape, and if the offender is convicted of or pleads guilty to a 1482
specification of the type described under division (B)(1)(a) of 1483
this section in connection with two or more of the felonies, the 1484

sentencing court shall impose on the offender the prison term 1485
specified under division (B) (1) (a) of this section for each of 1486
the two most serious specifications of which the offender is 1487
convicted or to which the offender pleads guilty and, in its 1488
discretion, also may impose on the offender the prison term 1489
specified under that division for any or all of the remaining 1490
specifications. 1491

(2) (a) If division (B) (2) (b) of this section does not 1492
apply, the court may impose on an offender, in addition to the 1493
longest prison term authorized or required for the offense or, 1494
for offenses for which division (A) (1) (a) or (2) (a) of this 1495
section applies, in addition to the longest minimum prison term 1496
authorized or required for the offense, an additional definite 1497
prison term of one, two, three, four, five, six, seven, eight, 1498
nine, or ten years if all of the following criteria are met: 1499

(i) The offender is convicted of or pleads guilty to a 1500
specification of the type described in section 2941.149 of the 1501
Revised Code that the offender is a repeat violent offender. 1502

(ii) The offense of which the offender currently is 1503
convicted or to which the offender currently pleads guilty is 1504
aggravated murder and the court does not impose a sentence of 1505
death or life imprisonment without parole, murder, terrorism and 1506
the court does not impose a sentence of life imprisonment 1507
without parole, any felony of the first degree that is an 1508
offense of violence and the court does not impose a sentence of 1509
life imprisonment without parole, or any felony of the second 1510
degree that is an offense of violence and the trier of fact 1511
finds that the offense involved an attempt to cause or a threat 1512
to cause serious physical harm to a person or resulted in 1513
serious physical harm to a person. 1514

(iii) The court imposes the longest prison term for the 1515
offense or the longest minimum prison term for the offense, 1516
whichever is applicable, that is not life imprisonment without 1517
parole. 1518

(iv) The court finds that the prison terms imposed 1519
pursuant to division (B) (2) (a) (iii) of this section and, if 1520
applicable, division (B) (1) or (3) of this section are 1521
inadequate to punish the offender and protect the public from 1522
future crime, because the applicable factors under section 1523
2929.12 of the Revised Code indicating a greater likelihood of 1524
recidivism outweigh the applicable factors under that section 1525
indicating a lesser likelihood of recidivism. 1526

(v) The court finds that the prison terms imposed pursuant 1527
to division (B) (2) (a) (iii) of this section and, if applicable, 1528
division (B) (1) or (3) of this section are demeaning to the 1529
seriousness of the offense, because one or more of the factors 1530
under section 2929.12 of the Revised Code indicating that the 1531
offender's conduct is more serious than conduct normally 1532
constituting the offense are present, and they outweigh the 1533
applicable factors under that section indicating that the 1534
offender's conduct is less serious than conduct normally 1535
constituting the offense. 1536

(b) The court shall impose on an offender the longest 1537
prison term authorized or required for the offense or, for 1538
offenses for which division (A) (1) (a) or (2) (a) of this section 1539
applies, the longest minimum prison term authorized or required 1540
for the offense, and shall impose on the offender an additional 1541
definite prison term of one, two, three, four, five, six, seven, 1542
eight, nine, or ten years if all of the following criteria are 1543
met: 1544

(i) The offender is convicted of or pleads guilty to a 1545
specification of the type described in section 2941.149 of the 1546
Revised Code that the offender is a repeat violent offender. 1547

(ii) The offender within the preceding twenty years has 1548
been convicted of or pleaded guilty to three or more offenses 1549
described in division (CC) (1) of section 2929.01 of the Revised 1550
Code, including all offenses described in that division of which 1551
the offender is convicted or to which the offender pleads guilty 1552
in the current prosecution and all offenses described in that 1553
division of which the offender previously has been convicted or 1554
to which the offender previously pleaded guilty, whether 1555
prosecuted together or separately. 1556

(iii) The offense or offenses of which the offender 1557
currently is convicted or to which the offender currently pleads 1558
guilty is aggravated murder and the court does not impose a 1559
sentence of death or life imprisonment without parole, murder, 1560
terrorism and the court does not impose a sentence of life 1561
imprisonment without parole, any felony of the first degree that 1562
is an offense of violence and the court does not impose a 1563
sentence of life imprisonment without parole, or any felony of 1564
the second degree that is an offense of violence and the trier 1565
of fact finds that the offense involved an attempt to cause or a 1566
threat to cause serious physical harm to a person or resulted in 1567
serious physical harm to a person. 1568

(c) For purposes of division (B) (2) (b) of this section, 1569
two or more offenses committed at the same time or as part of 1570
the same act or event shall be considered one offense, and that 1571
one offense shall be the offense with the greatest penalty. 1572

(d) A sentence imposed under division (B) (2) (a) or (b) of 1573
this section shall not be reduced pursuant to section 2929.20, 1574

section 2967.19, or section 2967.193, or any other provision of 1575
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1576
shall serve an additional prison term imposed under division (B) 1577
(2) (a) or (b) of this section consecutively to and prior to the 1578
prison term imposed for the underlying offense. 1579

(e) When imposing a sentence pursuant to division (B) (2) 1580
(a) or (b) of this section, the court shall state its findings 1581
explaining the imposed sentence. 1582

(3) Except when an offender commits a violation of section 1583
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1584
for the violation is life imprisonment or commits a violation of 1585
section 2903.02 of the Revised Code, if the offender commits a 1586
violation of section 2925.03 or 2925.11 of the Revised Code and 1587
that section classifies the offender as a major drug offender, 1588
if the offender commits a violation of section 2925.05 of the 1589
Revised Code and division (E) (1) of that section classifies the 1590
offender as a major drug offender, if the offender commits a 1591
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1592
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1593
division (C) or (D) of section 3719.172, division (E) of section 1594
4729.51, or division (J) of section 4729.54 of the Revised Code 1595
that includes the sale, offer to sell, or possession of a 1596
schedule I or II controlled substance, with the exception of 1597
marihuana, and the court imposing sentence upon the offender 1598
finds that the offender is guilty of a specification of the type 1599
described in division (A) of section 2941.1410 of the Revised 1600
Code charging that the offender is a major drug offender, if the 1601
court imposing sentence upon an offender for a felony finds that 1602
the offender is guilty of corrupt activity with the most serious 1603
offense in the pattern of corrupt activity being a felony of the 1604
first degree, or if the offender is guilty of an attempted 1605

violation of section 2907.02 of the Revised Code and, had the 1606
offender completed the violation of section 2907.02 of the 1607
Revised Code that was attempted, the offender would have been 1608
subject to a sentence of life imprisonment or life imprisonment 1609
without parole for the violation of section 2907.02 of the 1610
Revised Code, the court shall impose upon the offender for the 1611
felony violation a mandatory prison term determined as described 1612
in this division that, subject to divisions (C) to (I) of 1613
section 2967.19 of the Revised Code, cannot be reduced pursuant 1614
to section 2929.20, section 2967.19, or any other provision of 1615
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 1616
term shall be the maximum definite prison term prescribed in 1617
division (A) (1) (b) of this section for a felony of the first 1618
degree, except that for offenses for which division (A) (1) (a) of 1619
this section applies, the mandatory prison term shall be the 1620
longest minimum prison term prescribed in that division for the 1621
offense. 1622

(4) If the offender is being sentenced for a third or 1623
fourth degree felony OVI offense under division (G) (2) of 1624
section 2929.13 of the Revised Code, the sentencing court shall 1625
impose upon the offender a mandatory prison term in accordance 1626
with that division. In addition to the mandatory prison term, if 1627
the offender is being sentenced for a fourth degree felony OVI 1628
offense, the court, notwithstanding division (A) (4) of this 1629
section, may sentence the offender to a definite prison term of 1630
not less than six months and not more than thirty months, and if 1631
the offender is being sentenced for a third degree felony OVI 1632
offense, the sentencing court may sentence the offender to an 1633
additional prison term of any duration specified in division (A) 1634
(3) of this section. In either case, the additional prison term 1635
imposed shall be reduced by the sixty or one hundred twenty days 1636

imposed upon the offender as the mandatory prison term. The 1637
total of the additional prison term imposed under division (B) 1638
(4) of this section plus the sixty or one hundred twenty days 1639
imposed as the mandatory prison term shall equal a definite term 1640
in the range of six months to thirty months for a fourth degree 1641
felony OVI offense and shall equal one of the authorized prison 1642
terms specified in division (A) (3) of this section for a third 1643
degree felony OVI offense. If the court imposes an additional 1644
prison term under division (B) (4) of this section, the offender 1645
shall serve the additional prison term after the offender has 1646
served the mandatory prison term required for the offense. In 1647
addition to the mandatory prison term or mandatory and 1648
additional prison term imposed as described in division (B) (4) 1649
of this section, the court also may sentence the offender to a 1650
community control sanction under section 2929.16 or 2929.17 of 1651
the Revised Code, but the offender shall serve all of the prison 1652
terms so imposed prior to serving the community control 1653
sanction. 1654

If the offender is being sentenced for a fourth degree 1655
felony OVI offense under division (G) (1) of section 2929.13 of 1656
the Revised Code and the court imposes a mandatory term of local 1657
incarceration, the court may impose a prison term as described 1658
in division (A) (1) of that section. 1659

(5) If an offender is convicted of or pleads guilty to a 1660
violation of division (A) (1) or (2) of section 2903.06 of the 1661
Revised Code and also is convicted of or pleads guilty to a 1662
specification of the type described in section 2941.1414 of the 1663
Revised Code that charges that the victim of the offense is a 1664
peace officer, as defined in section 2935.01 of the Revised 1665
Code, or an investigator of the bureau of criminal 1666
identification and investigation, as defined in section 2903.11 1667

of the Revised Code, the court shall impose on the offender a 1668
prison term of five years. If a court imposes a prison term on 1669
an offender under division (B) (5) of this section, the prison 1670
term, subject to divisions (C) to (I) of section 2967.19 of the 1671
Revised Code, shall not be reduced pursuant to section 2929.20, 1672
section 2967.19, section 2967.193, or any other provision of 1673
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1674
shall not impose more than one prison term on an offender under 1675
division (B) (5) of this section for felonies committed as part 1676
of the same act. 1677

(6) If an offender is convicted of or pleads guilty to a 1678
violation of division (A) (1) or (2) of section 2903.06 of the 1679
Revised Code and also is convicted of or pleads guilty to a 1680
specification of the type described in section 2941.1415 of the 1681
Revised Code that charges that the offender previously has been 1682
convicted of or pleaded guilty to three or more violations of 1683
division (A) or (B) of section 4511.19 of the Revised Code or an 1684
equivalent offense, as defined in section 2941.1415 of the 1685
Revised Code, or three or more violations of any combination of 1686
those divisions and offenses, the court shall impose on the 1687
offender a prison term of three years. If a court imposes a 1688
prison term on an offender under division (B) (6) of this 1689
section, the prison term, subject to divisions (C) to (I) of 1690
section 2967.19 of the Revised Code, shall not be reduced 1691
pursuant to section 2929.20, section 2967.19, section 2967.193, 1692
or any other provision of Chapter 2967. or Chapter 5120. of the 1693
Revised Code. A court shall not impose more than one prison term 1694
on an offender under division (B) (6) of this section for 1695
felonies committed as part of the same act. 1696

(7) (a) If an offender is convicted of or pleads guilty to 1697
a felony violation of section 2905.01, 2905.02, 2907.21, 1698

2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1699
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1700
section 2919.22 of the Revised Code and also is convicted of or 1701
pleads guilty to a specification of the type described in 1702
section 2941.1422 of the Revised Code that charges that the 1703
offender knowingly committed the offense in furtherance of human 1704
trafficking, the court shall impose on the offender a mandatory 1705
prison term that is one of the following: 1706

(i) If the offense is a felony of the first degree, a 1707
definite prison term of not less than five years and not greater 1708
than eleven years, except that if the offense is a felony of the 1709
first degree committed on or after the effective date of this 1710
amendment, the court shall impose as the minimum prison term a 1711
mandatory term of not less than five years and not greater than 1712
eleven years; 1713

(ii) If the offense is a felony of the second or third 1714
degree, a definite prison term of not less than three years and 1715
not greater than the maximum prison term allowed for the offense 1716
by division (A) (2) (b) or (3) of this section, except that if the 1717
offense is a felony of the second degree committed on or after 1718
the effective date of this amendment, the court shall impose as 1719
the minimum prison term a mandatory term of not less than three 1720
years and not greater than eight years; 1721

(iii) If the offense is a felony of the fourth or fifth 1722
degree, a definite prison term that is the maximum prison term 1723
allowed for the offense by division (A) of section 2929.14 of 1724
the Revised Code. 1725

(b) Subject to divisions (C) to (I) of section 2967.19 of 1726
the Revised Code, the prison term imposed under division (B) (7) 1727
(a) of this section shall not be reduced pursuant to section 1728

2929.20, section 2967.19, section 2967.193, or any other 1729
provision of Chapter 2967. of the Revised Code. A court shall 1730
not impose more than one prison term on an offender under 1731
division (B) (7) (a) of this section for felonies committed as 1732
part of the same act, scheme, or plan. 1733

(8) If an offender is convicted of or pleads guilty to a 1734
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1735
Revised Code and also is convicted of or pleads guilty to a 1736
specification of the type described in section 2941.1423 of the 1737
Revised Code that charges that the victim of the violation was a 1738
woman whom the offender knew was pregnant at the time of the 1739
violation, notwithstanding the range prescribed in division (A) 1740
of this section as the definite prison term or minimum prison 1741
term for felonies of the same degree as the violation, the court 1742
shall impose on the offender a mandatory prison term that is 1743
either a definite prison term of six months or one of the prison 1744
terms prescribed in division (A) of this section for felonies of 1745
the same degree as the violation, except that if the violation 1746
is a felony of the first or second degree committed on or after 1747
the effective date of this amendment, the court shall impose as 1748
the minimum prison term under division (A) (1) (a) or (2) (a) of 1749
this section a mandatory term that is one of the terms 1750
prescribed in that division, whichever is applicable, for the 1751
offense. 1752

(9) (a) If an offender is convicted of or pleads guilty to 1753
a violation of division (A) (1) or (2) of section 2903.11 of the 1754
Revised Code and also is convicted of or pleads guilty to a 1755
specification of the type described in section 2941.1425 of the 1756
Revised Code, the court shall impose on the offender a mandatory 1757
prison term of six years if either of the following applies: 1758

(i) The violation is a violation of division (A) (1) of 1759
section 2903.11 of the Revised Code and the specification 1760
charges that the offender used an accelerant in committing the 1761
violation and the serious physical harm to another or to 1762
another's unborn caused by the violation resulted in a 1763
permanent, serious disfigurement or permanent, substantial 1764
incapacity; 1765

(ii) The violation is a violation of division (A) (2) of 1766
section 2903.11 of the Revised Code and the specification 1767
charges that the offender used an accelerant in committing the 1768
violation, that the violation caused physical harm to another or 1769
to another's unborn, and that the physical harm resulted in a 1770
permanent, serious disfigurement or permanent, substantial 1771
incapacity. 1772

(b) If a court imposes a prison term on an offender under 1773
division (B) (9) (a) of this section, the prison term shall not be 1774
reduced pursuant to section 2929.20, section 2967.19, section 1775
2967.193, or any other provision of Chapter 2967. or Chapter 1776
5120. of the Revised Code. A court shall not impose more than 1777
one prison term on an offender under division (B) (9) of this 1778
section for felonies committed as part of the same act. 1779

(c) The provisions of divisions (B) (9) and (C) (6) of this 1780
section and of division (D) (2) of section 2903.11, division (F) 1781
(20) of section 2929.13, and section 2941.1425 of the Revised 1782
Code shall be known as "Judy's Law." 1783

(10) If an offender is convicted of or pleads guilty to a 1784
violation of division (A) of section 2903.11 of the Revised Code 1785
and also is convicted of or pleads guilty to a specification of 1786
the type described in section 2941.1426 of the Revised Code that 1787
charges that the victim of the offense suffered permanent 1788

disabling harm as a result of the offense and that the victim 1789
was under ten years of age at the time of the offense, 1790
regardless of whether the offender knew the age of the victim, 1791
the court shall impose upon the offender an additional definite 1792
prison term of six years. A prison term imposed on an offender 1793
under division (B)(10) of this section shall not be reduced 1794
pursuant to section 2929.20, section 2967.193, or any other 1795
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1796
If a court imposes an additional prison term on an offender 1797
under this division relative to a violation of division (A) of 1798
section 2903.11 of the Revised Code, the court shall not impose 1799
any other additional prison term on the offender relative to the 1800
same offense. 1801

(11) If an offender is convicted of or pleads guilty to a 1802
felony violation of section 2925.03 or 2925.05 of the Revised 1803
Code or a felony violation of section 2925.11 of the Revised 1804
Code for which division (C)(11) of that section applies in 1805
determining the sentence for the violation, if the drug involved 1806
in the violation is a fentanyl-related compound or a compound, 1807
mixture, preparation, or substance containing a fentanyl-related 1808
compound, and if the offender also is convicted of or pleads 1809
guilty to a specification of the type described in division (B) 1810
of section 2941.1410 of the Revised Code that charges that the 1811
offender is a major drug offender, in addition to any other 1812
penalty imposed for the violation, the court shall impose on the 1813
offender a mandatory prison term of three, four, five, six, 1814
seven, or eight years. If a court imposes a prison term on an 1815
offender under division (B)(11) of this section, the prison 1816
term, subject to divisions (C) to (I) of section 2967.19 of the 1817
Revised Code, shall not be reduced pursuant to section 2929.20, 1818
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1819

5120. of the Revised Code. A court shall not impose more than 1820
one prison term on an offender under division (B) (11) of this 1821
section for felonies committed as part of the same act. 1822

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1823
if a mandatory prison term is imposed upon an offender pursuant 1824
to division (B) (1) (a) of this section for having a firearm on or 1825
about the offender's person or under the offender's control 1826
while committing a felony, if a mandatory prison term is imposed 1827
upon an offender pursuant to division (B) (1) (c) of this section 1828
for committing a felony specified in that division by 1829
discharging a firearm from a motor vehicle, or if both types of 1830
mandatory prison terms are imposed, the offender shall serve any 1831
mandatory prison term imposed under either division 1832
consecutively to any other mandatory prison term imposed under 1833
either division or under division (B) (1) (d) of this section, 1834
consecutively to and prior to any prison term imposed for the 1835
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1836
this section or any other section of the Revised Code, and 1837
consecutively to any other prison term or mandatory prison term 1838
previously or subsequently imposed upon the offender. 1839

(b) If a mandatory prison term is imposed upon an offender 1840
pursuant to division (B) (1) (d) of this section for wearing or 1841
carrying body armor while committing an offense of violence that 1842
is a felony, the offender shall serve the mandatory term so 1843
imposed consecutively to any other mandatory prison term imposed 1844
under that division or under division (B) (1) (a) or (c) of this 1845
section, consecutively to and prior to any prison term imposed 1846
for the underlying felony under division (A), (B) (2), or (B) (3) 1847
of this section or any other section of the Revised Code, and 1848
consecutively to any other prison term or mandatory prison term 1849
previously or subsequently imposed upon the offender. 1850

(c) If a mandatory prison term is imposed upon an offender 1851
pursuant to division (B) (1) (f) of this section, the offender 1852
shall serve the mandatory prison term so imposed consecutively 1853
to and prior to any prison term imposed for the underlying 1854
felony under division (A), (B) (2), or (B) (3) of this section or 1855
any other section of the Revised Code, and consecutively to any 1856
other prison term or mandatory prison term previously or 1857
subsequently imposed upon the offender. 1858

(d) If a mandatory prison term is imposed upon an offender 1859
pursuant to division (B) (7) or (8) of this section, the offender 1860
shall serve the mandatory prison term so imposed consecutively 1861
to any other mandatory prison term imposed under that division 1862
or under any other provision of law and consecutively to any 1863
other prison term or mandatory prison term previously or 1864
subsequently imposed upon the offender. 1865

(e) If a mandatory prison term is imposed upon an offender 1866
pursuant to division (B) (11) of this section, the offender shall 1867
serve the mandatory prison term consecutively to any other 1868
mandatory prison term imposed under that division, consecutively 1869
to and prior to any prison term imposed for the underlying 1870
felony, and consecutively to any other prison term or mandatory 1871
prison term previously or subsequently imposed upon the 1872
offender. 1873

(2) If an offender who is an inmate in a jail, prison, or 1874
other residential detention facility violates section 2917.02, 1875
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1876
(2) of section 2921.34 of the Revised Code, if an offender who 1877
is under detention at a detention facility commits a felony 1878
violation of section 2923.131 of the Revised Code, or if an 1879
offender who is an inmate in a jail, prison, or other 1880

residential detention facility or is under detention at a 1881
detention facility commits another felony while the offender is 1882
an escapee in violation of division (A) (1) or (2) of section 1883
2921.34 of the Revised Code, any prison term imposed upon the 1884
offender for one of those violations shall be served by the 1885
offender consecutively to the prison term or term of 1886
imprisonment the offender was serving when the offender 1887
committed that offense and to any other prison term previously 1888
or subsequently imposed upon the offender. 1889

(3) If a prison term is imposed for a violation of 1890
division (B) of section 2911.01 of the Revised Code, a violation 1891
of division (A) of section 2913.02 of the Revised Code in which 1892
the stolen property is a firearm or dangerous ordnance, or a 1893
felony violation of division (B) of section 2921.331 of the 1894
Revised Code, the offender shall serve that prison term 1895
consecutively to any other prison term or mandatory prison term 1896
previously or subsequently imposed upon the offender. 1897

(4) If multiple prison terms are imposed on an offender 1898
for convictions of multiple offenses, the court may require the 1899
offender to serve the prison terms consecutively if the court 1900
finds that the consecutive service is necessary to protect the 1901
public from future crime or to punish the offender and that 1902
consecutive sentences are not disproportionate to the 1903
seriousness of the offender's conduct and to the danger the 1904
offender poses to the public, and if the court also finds any of 1905
the following: 1906

(a) The offender committed one or more of the multiple 1907
offenses while the offender was awaiting trial or sentencing, 1908
was under a sanction imposed pursuant to section 2929.16, 1909
2929.17, or 2929.18 of the Revised Code, or was under post- 1910

release control for a prior offense. 1911

(b) At least two of the multiple offenses were committed 1912
as part of one or more courses of conduct, and the harm caused 1913
by two or more of the multiple offenses so committed was so 1914
great or unusual that no single prison term for any of the 1915
offenses committed as part of any of the courses of conduct 1916
adequately reflects the seriousness of the offender's conduct. 1917

(c) The offender's history of criminal conduct 1918
demonstrates that consecutive sentences are necessary to protect 1919
the public from future crime by the offender. 1920

(5) If a mandatory prison term is imposed upon an offender 1921
pursuant to division (B) (5) or (6) of this section, the offender 1922
shall serve the mandatory prison term consecutively to and prior 1923
to any prison term imposed for the underlying violation of 1924
division (A) (1) or (2) of section 2903.06 of the Revised Code 1925
pursuant to division (A) of this section or section 2929.142 of 1926
the Revised Code. If a mandatory prison term is imposed upon an 1927
offender pursuant to division (B) (5) of this section, and if a 1928
mandatory prison term also is imposed upon the offender pursuant 1929
to division (B) (6) of this section in relation to the same 1930
violation, the offender shall serve the mandatory prison term 1931
imposed pursuant to division (B) (5) of this section 1932
consecutively to and prior to the mandatory prison term imposed 1933
pursuant to division (B) (6) of this section and consecutively to 1934
and prior to any prison term imposed for the underlying 1935
violation of division (A) (1) or (2) of section 2903.06 of the 1936
Revised Code pursuant to division (A) of this section or section 1937
2929.142 of the Revised Code. 1938

(6) If a mandatory prison term is imposed on an offender 1939
pursuant to division (B) (9) of this section, the offender shall 1940

serve the mandatory prison term consecutively to and prior to 1941
any prison term imposed for the underlying violation of division 1942
(A) (1) or (2) of section 2903.11 of the Revised Code and 1943
consecutively to and prior to any other prison term or mandatory 1944
prison term previously or subsequently imposed on the offender. 1945

(7) If a mandatory prison term is imposed on an offender 1946
pursuant to division (B) (10) of this section, the offender shall 1947
serve that mandatory prison term consecutively to and prior to 1948
any prison term imposed for the underlying felonious assault. 1949
Except as otherwise provided in division (C) of this section, 1950
any other prison term or mandatory prison term previously or 1951
subsequently imposed upon the offender may be served 1952
concurrently with, or consecutively to, the prison term imposed 1953
pursuant to division (B) (10) of this section. 1954

(8) Any prison term imposed for a violation of section 1955
2903.04 of the Revised Code that is based on a violation of 1956
section 2925.03 or 2925.11 of the Revised Code or on a violation 1957
of section 2925.05 of the Revised Code that is not funding of 1958
marihuana trafficking shall run consecutively to any prison term 1959
imposed for the violation of section 2925.03 or 2925.11 of the 1960
Revised Code or for the violation of section 2925.05 of the 1961
Revised Code that is not funding of marihuana trafficking. 1962

(9) When consecutive prison terms are imposed pursuant to 1963
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 1964
division (H) (1) or (2) of this section, subject to division (C) 1965
(10) of this section, the term to be served is the aggregate of 1966
all of the terms so imposed. 1967

(10) When a court sentences an offender to a non-life 1968
felony indefinite prison term, any definite prison term or 1969
mandatory definite prison term previously or subsequently 1970

imposed on the offender in addition to that indefinite sentence 1971
that is required to be served consecutively to that indefinite 1972
sentence shall be served prior to the indefinite sentence. 1973

(11) If a court is sentencing an offender for a felony of 1974
the first or second degree, if division (A) (1) (a) or (2) (a) of 1975
this section applies with respect to the sentencing for the 1976
offense, and if the court is required under the Revised Code 1977
section that sets forth the offense or any other Revised Code 1978
provision to impose a mandatory prison term for the offense, the 1979
court shall impose the required mandatory prison term as the 1980
minimum term imposed under division (A) (1) (a) or (2) (a) of this 1981
section, whichever is applicable. 1982

(D) (1) If a court imposes a prison term, other than a term 1983
of life imprisonment, for a felony of the first degree, for a 1984
felony of the second degree, for a felony sex offense, or for a 1985
felony of the third degree that is an offense of violence and 1986
that is not a felony sex offense, it shall include in the 1987
sentence a requirement that the offender be subject to a period 1988
of post-release control after the offender's release from 1989
imprisonment, in accordance with section 2967.28 of the Revised 1990
Code. If a court imposes a sentence including a prison term of a 1991
type described in this division on or after July 11, 2006, the 1992
failure of a court to include a post-release control requirement 1993
in the sentence pursuant to this division does not negate, 1994
limit, or otherwise affect the mandatory period of post-release 1995
control that is required for the offender under division (B) of 1996
section 2967.28 of the Revised Code. Section 2929.191 of the 1997
Revised Code applies if, prior to July 11, 2006, a court imposed 1998
a sentence including a prison term of a type described in this 1999
division and failed to include in the sentence pursuant to this 2000
division a statement regarding post-release control. 2001

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of

the Revised Code and also was convicted of or pleaded guilty to 2092
a specification of the type described in section 2941.1421 of 2093
the Revised Code regarding one or more of those violations, an 2094
additional prison term of one, two, three, four, five, six, 2095
seven, eight, nine, ten, eleven, or twelve months. 2096

(b) In lieu of imposing an additional prison term under 2097
division (H)(2)(a) of this section, the court may directly 2098
impose on the offender a sanction that requires the offender to 2099
wear a real-time processing, continual tracking electronic 2100
monitoring device during the period of time specified by the 2101
court. The period of time specified by the court shall equal the 2102
duration of an additional prison term that the court could have 2103
imposed upon the offender under division (H)(2)(a) of this 2104
section. A sanction imposed under this division shall commence 2105
on the date specified by the court, provided that the sanction 2106
shall not commence until after the offender has served the 2107
prison term imposed for the felony violation of section 2907.22, 2108
2907.24, 2907.241, or 2907.25 of the Revised Code and any 2109
residential sanction imposed for the violation under section 2110
2929.16 of the Revised Code. A sanction imposed under this 2111
division shall be considered to be a community control sanction 2112
for purposes of section 2929.15 of the Revised Code, and all 2113
provisions of the Revised Code that pertain to community control 2114
sanctions shall apply to a sanction imposed under this division, 2115
except to the extent that they would by their nature be clearly 2116
inapplicable. The offender shall pay all costs associated with a 2117
sanction imposed under this division, including the cost of the 2118
use of the monitoring device. 2119

(I) At the time of sentencing, the court may recommend the 2120
offender for placement in a program of shock incarceration under 2121
section 5120.031 of the Revised Code or for placement in an 2122

intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program of shock incarceration or an intensive program prison of that nature, or make no recommendation on placement of the offender. In no case shall the department of rehabilitation and correction place the offender in a program or prison of that nature unless the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

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

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

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

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature,

the department shall screen the offender and determine if there 2153
is an available program of shock incarceration or an intensive 2154
program prison for which the offender is suited. If there is an 2155
available program of shock incarceration or an intensive program 2156
prison for which the offender is suited, the department shall 2157
notify the court of the proposed placement of the offender as 2158
specified in section 5120.031 or 5120.032 of the Revised Code 2159
and shall include with the notice a brief description of the 2160
placement. The court shall have ten days from receipt of the 2161
notice to disapprove the placement. 2162

(J) If a person is convicted of or pleads guilty to 2163
aggravated vehicular homicide in violation of division (A) (1) of 2164
section 2903.06 of the Revised Code and division (B) (2) (c) of 2165
that section applies, the person shall be sentenced pursuant to 2166
section 2929.142 of the Revised Code. 2167

(K) (1) The court shall impose an additional mandatory 2168
prison term of two, three, four, five, six, seven, eight, nine, 2169
ten, or eleven years on an offender who is convicted of or 2170
pleads guilty to a violent felony offense if the offender also 2171
is convicted of or pleads guilty to a specification of the type 2172
described in section 2941.1424 of the Revised Code that charges 2173
that the offender is a violent career criminal and had a firearm 2174
on or about the offender's person or under the offender's 2175
control while committing the presently charged violent felony 2176
offense and displayed or brandished the firearm, indicated that 2177
the offender possessed a firearm, or used the firearm to 2178
facilitate the offense. The offender shall serve the prison term 2179
imposed under this division consecutively to and prior to the 2180
prison term imposed for the underlying offense. The prison term 2181
shall not be reduced pursuant to section 2929.20 or 2967.19 or 2182
any other provision of Chapter 2967. or 5120. of the Revised 2183

Code. A court may not impose more than one sentence under 2184
division (B) (2) (a) of this section and this division for acts 2185
committed as part of the same act or transaction. 2186

(2) As used in division (K) (1) of this section, "violent 2187
career criminal" and "violent felony offense" have the same 2188
meanings as in section 2923.132 of the Revised Code. 2189

Sec. 2929.22. (A) Unless a mandatory jail term is required 2190
to be imposed by division (G) of section 1547.99, division (B) 2191
of section 4510.14, division (G) of section 4511.19 of the 2192
Revised Code, or any other provision of the Revised Code a court 2193
that imposes a sentence under this chapter upon an offender for 2194
a misdemeanor or minor misdemeanor has discretion to determine 2195
the most effective way to achieve the purposes and principles of 2196
sentencing set forth in section 2929.21 of the Revised Code. 2197

Unless a specific sanction is required to be imposed or is 2198
precluded from being imposed by the section setting forth an 2199
offense or the penalty for an offense or by any provision of 2200
sections 2929.23 to 2929.28 of the Revised Code, a court that 2201
imposes a sentence upon an offender for a misdemeanor may impose 2202
on the offender any sanction or combination of sanctions under 2203
sections 2929.24 to 2929.28 of the Revised Code. The court shall 2204
not impose a sentence that imposes an unnecessary burden on 2205
local government resources. 2206

(B) (1) In determining the appropriate sentence for a 2207
misdemeanor, the court shall consider all of the following 2208
factors: 2209

(a) The nature and circumstances of the offense or 2210
offenses; 2211

(b) Whether the circumstances regarding the offender and 2212

the offense or offenses indicate that the offender has a history 2213
of persistent criminal activity and that the offender's 2214
character and condition reveal a substantial risk that the 2215
offender will commit another offense; 2216

(c) Whether the circumstances regarding the offender and 2217
the offense or offenses indicate that the offender's history, 2218
character, and condition reveal a substantial risk that the 2219
offender will be a danger to others and that the offender's 2220
conduct has been characterized by a pattern of repetitive, 2221
compulsive, or aggressive behavior with heedless indifference to 2222
the consequences; 2223

(d) Whether the victim's youth, age, disability, or other 2224
factor made the victim particularly vulnerable to the offense or 2225
made the impact of the offense more serious; 2226

(e) Whether the offender is likely to commit future crimes 2227
in general, in addition to the circumstances described in 2228
divisions (B) (1) (b) and (c) of this section; 2229

(f) Whether the offender has an emotional, mental, or 2230
physical condition that is traceable to the offender's service 2231
in the armed forces of the United States and that was a 2232
contributing factor in the offender's commission of the offense 2233
or offenses; 2234

(g) The offender's military service record; 2235

(h) The results of any screening conducted in the case 2236
under division (A) (2) (e) of section 2935.032 of the Revised 2237
Code, if any such results are available. 2238

(2) In determining the appropriate sentence for a 2239
misdemeanor, in addition to complying with division (B) (1) of 2240
this section, the court may consider any other factors that are 2241

relevant to achieving the purposes and principles of sentencing 2242
set forth in section 2929.21 of the Revised Code. 2243

(C) Before imposing a jail term as a sentence for a 2244
misdemeanor, a court shall consider the appropriateness of 2245
imposing a community control sanction or a combination of 2246
community control sanctions under sections 2929.25, 2929.26, 2247
2929.27, and 2929.28 of the Revised Code. A court may impose the 2248
longest jail term authorized under section 2929.24 of the 2249
Revised Code only upon offenders who commit the worst forms of 2250
the offense or upon offenders whose conduct and response to 2251
prior sanctions for prior offenses demonstrate that the 2252
imposition of the longest jail term is necessary to deter the 2253
offender from committing a future crime. 2254

(D) (1) A sentencing court shall consider any relevant oral 2255
or written statement made by the victim, the defendant, the 2256
defense attorney, or the prosecuting authority regarding 2257
sentencing for a misdemeanor. This division does not create any 2258
rights to notice other than those rights authorized by Chapter 2259
2930. of the Revised Code. 2260

(2) At the time of sentencing for a misdemeanor or as soon 2261
as possible after sentencing, the court shall notify the victim 2262
of the offense of the victim's right to file an application for 2263
an award of reparations pursuant to sections 2743.51 to 2743.72 2264
of the Revised Code. 2265

Sec. 2935.032. (A) Not later than ninety days after ~~the~~ 2266
~~effective date of this amendment~~ October 21, 1997, each agency, 2267
instrumentality, or political subdivision that is served by any 2268
peace officer described in division ~~(B) (1)~~ (A) of section 2269
2935.03 of the Revised Code shall adopt, in accordance with 2270
division (E) of this section, written policies, written 2271

procedures implementing the policies, and other written 2272
procedures for the peace officers who serve it to follow in 2273
implementing division (B) (3) of section 2935.03 of the Revised 2274
Code and for their appropriate response to each report of an 2275
alleged incident of the offense of domestic violence or an 2276
alleged incident of the offense of violating a protection order. 2277
The policies and procedures shall conform to and be consistent 2278
with the provisions of divisions (B) (1) and (B) (3) of section 2279
2935.03 of the Revised Code and divisions (B) to (D) of this 2280
section. Each policy adopted under this division shall include, 2281
but not be limited to, all of the following: 2282

(1) Provisions specifying that, if a peace officer who 2283
serves the agency, instrumentality, or political subdivision 2284
responds to an alleged incident of the offense of domestic 2285
violence, an alleged incident of the offense of violating a 2286
protection order, or an alleged incident of any other offense, 2287
both of the following apply: 2288

(a) If the officer determines that there are reasonable 2289
grounds to believe that a person knowingly caused serious 2290
physical harm to another or to another's unborn or knowingly 2291
caused or attempted to cause physical harm to another or to 2292
another's unborn by means of a deadly weapon or dangerous 2293
ordnance, then, regardless of whether the victim of the offense 2294
was a family or household member of the offender, the officer 2295
shall treat the incident as felonious assault, shall consider 2296
the offender to have committed and the victim to have been the 2297
victim of felonious assault, shall consider the offense that was 2298
committed to have been felonious assault in determining the 2299
manner in which the offender should be treated, and shall comply 2300
with whichever of the following is applicable: 2301

(i) Unless the officer has reasonable cause to believe 2302
that, during the incident, the offender who committed the 2303
felonious assault and one or more other persons committed 2304
offenses against each other, the officer shall arrest the 2305
offender who committed the felonious assault pursuant to section 2306
2935.03 of the Revised Code and shall detain that offender 2307
pursuant to that section until a warrant can be obtained, and 2308
the arrest shall be for felonious assault. 2309

(ii) If the officer has reasonable cause to believe that, 2310
during the incident, the offender who committed the felonious 2311
assault and one or more other persons committed offenses against 2312
each other, the officer shall determine in accordance with 2313
division (B) (3) (d) of section 2935.03 of the Revised Code which 2314
of those persons is the primary physical aggressor. If the 2315
offender who committed the felonious assault is the primary 2316
physical aggressor, the officer shall arrest that offender for 2317
felonious assault pursuant to section 2935.03 of the Revised 2318
Code and shall detain that offender pursuant to that section 2319
until a warrant can be obtained, and the officer is not required 2320
to arrest but may arrest pursuant to section 2935.03 of the 2321
Revised Code any other person who committed an offense but who 2322
is not the primary physical aggressor. If the offender who 2323
committed the felonious assault is not the primary physical 2324
aggressor, the officer is not required to arrest that offender 2325
or any other person who committed an offense during the incident 2326
but may arrest any of them pursuant to section 2935.03 of the 2327
Revised Code and detain them pursuant to that section until a 2328
warrant can be obtained. 2329

(b) If the officer determines that there are reasonable 2330
grounds to believe that a person, while under the influence of 2331
sudden passion or in a sudden fit of rage, either of which is 2332

brought on by serious provocation occasioned by the victim that 2333
is reasonably sufficient to incite the person into using deadly 2334
force, knowingly caused serious physical harm to another or to 2335
another's unborn or knowingly caused or attempted to cause 2336
physical harm to another or to another's unborn by means of a 2337
deadly weapon or dangerous ordnance, then, regardless of whether 2338
the victim of the offense was a family or household member of 2339
the offender, the officer shall treat the incident as aggravated 2340
assault, shall consider the offender to have committed and the 2341
victim to have been the victim of aggravated assault, shall 2342
consider the offense that was committed to have been aggravated 2343
assault in determining the manner in which the offender should 2344
be treated, and shall comply with whichever of the following is 2345
applicable: 2346

(i) Unless the officer has reasonable cause to believe 2347
that, during the incident, the offender who committed the 2348
aggravated assault and one or more other persons committed 2349
offenses against each other, the officer shall arrest the 2350
offender who committed the aggravated assault pursuant to 2351
section 2935.03 of the Revised Code and shall detain that 2352
offender pursuant to that section until a warrant can be 2353
obtained, and the arrest shall be for aggravated assault. 2354

(ii) If the officer has reasonable cause to believe that, 2355
during the incident, the offender who committed the aggravated 2356
assault and one or more other persons committed offenses against 2357
each other, the officer shall determine in accordance with 2358
division (B) (3) (d) of section 2935.03 of the Revised Code which 2359
of those persons is the primary physical aggressor. If the 2360
offender who committed the aggravated assault is the primary 2361
physical aggressor, the officer shall arrest that offender for 2362
aggravated assault pursuant to section 2935.03 of the Revised 2363

Code and shall detain that offender pursuant to that section 2364
until a warrant can be obtained, and the officer is not required 2365
to arrest but may arrest pursuant to section 2935.03 of the 2366
Revised Code any other person who committed an offense but who 2367
is not the primary physical aggressor. If the offender who 2368
committed the aggravated assault is not the primary physical 2369
aggressor, the officer is not required to arrest that offender 2370
or any other person who committed an offense during the incident 2371
but may arrest any of them pursuant to section 2935.03 of the 2372
Revised Code and detain them pursuant to that section until a 2373
warrant can be obtained. 2374

(2) Provisions requiring the peace officers who serve the 2375
agency, instrumentality, or political subdivision to do all of 2376
the following: 2377

(a) Respond without undue delay to a report of an alleged 2378
incident of the offense of domestic violence or the offense of 2379
violating a protection order; 2380

(b) If the alleged offender has been granted pretrial 2381
release from custody on a prior charge of the offense of 2382
domestic violence or the offense of violating a protection order 2383
and has violated one or more conditions of that pretrial 2384
release, document the facts and circumstances of the violation 2385
in the report to the law enforcement agency that the peace 2386
officer makes pursuant to division (D) of this section; 2387

(c) Separate the victim of the offense of domestic 2388
violence or the offense of violating a protection order and the 2389
alleged offender, conduct separate interviews with the victim 2390
and the alleged offender in separate locations, and take a 2391
written statement from the victim that indicates the frequency 2392
and severity of any prior incidents of physical abuse of the 2393

victim by the alleged offender, the number of times the victim 2394
has called peace officers for assistance, and the disposition of 2395
those calls, if known; 2396

(d) Comply with divisions (B)(1) and (B)(3) of section 2397
2935.03 of the Revised Code and with divisions (B), (C), and (D) 2398
of this section; 2399

(e) Screen the victim of the offense of domestic violence 2400
or the offense of violating a protection order using an 2401
evidence-based lethality assessment screening tool adopted under 2402
section 2935.033 of the Revised Code to determine if the case 2403
should be referred to local or regional domestic violence 2404
advocacy services, as required under section 2935.033 of the 2405
Revised Code; 2406

(f) Submit the results of a screening conducted under 2407
division (A)(2)(e) of this section to the court and prosecuting 2408
attorney having jurisdiction over any criminal complaint filed 2409
in connection with the offense when the investigative file, 2410
police report, and other information in that case is sent to the 2411
court and the prosecutor. 2412

(3) Sanctions to be imposed upon a peace officer who 2413
serves the agency, instrumentality, or political subdivision and 2414
who fails to comply with any provision in the policy or with 2415
division (B)(1) or (B)(3) of section 2935.03 of the Revised Code 2416
or division (B), (C), or (D) of this section. 2417

(4) Examples of reasons that a peace officer may consider 2418
for not arresting and detaining until a warrant can be obtained 2419
a person who allegedly committed the offense of domestic 2420
violence or the offense of violating a protection order when it 2421
is the preferred course of action in this state that the officer 2422

arrest the alleged offender, as described in division (B) (3) (b) 2423
of section 2935.03 of the Revised Code. 2424

(B) (1) Nothing in this section or in division (B) (1) or 2425
(B) (3) of section 2935.03 of the Revised Code precludes an 2426
agency, instrumentality, or political subdivision that is served 2427
by any peace officer described in division ~~(B) (1)~~ (A) of section 2428
2935.03 of the Revised Code from including in the policy it 2429
adopts under division (A) of this section either of the 2430
following types of provisions: 2431

(a) A provision that requires the peace officers who serve 2432
it, if they have reasonable grounds to believe that the offense 2433
of domestic violence or the offense of violating a protection 2434
order has been committed within the limits of the jurisdiction 2435
of the agency, instrumentality, or political subdivision and 2436
reasonable cause to believe that a particular person committed 2437
the offense, to arrest the alleged offender; 2438

(b) A provision that does not require the peace officers 2439
who serve it, if they have reasonable grounds to believe that 2440
the offense of domestic violence or the offense of violating a 2441
protection order has been committed within the limits of the 2442
jurisdiction of the agency, instrumentality, or political 2443
subdivision and reasonable cause to believe that a particular 2444
person committed the offense, to arrest the alleged offender, 2445
but that grants the officers less discretion in those 2446
circumstances in deciding whether to arrest the alleged offender 2447
than peace officers are granted by divisions (B) (1) and (B) (3) 2448
of section 2935.03 of the Revised Code. 2449

(2) If an agency, instrumentality, or political 2450
subdivision that is served by any peace officer described in 2451
division ~~(B) (1)~~ (A) of section 2935.03 of the Revised Code 2452

includes in the policy it adopts under division (A) of this 2453
section a provision of the type described in division (B) (1) (a) 2454
or (b) of this section, the peace officers who serve the agency, 2455
instrumentality, or political subdivision shall comply with the 2456
provision in making arrests authorized under division (B) (1) of 2457
section 2935.03 of the Revised Code. 2458

(C) When a peace officer described in division ~~(B) (1)~~ (A) 2459
of section 2935.03 of the Revised Code investigates a report of 2460
an alleged incident of the offense of domestic violence or an 2461
alleged incident of the offense of violating a protection order, 2462
the officer shall do all of the following: 2463

(1) Complete a domestic violence report in accordance with 2464
division (D) of this section; 2465

(2) Advise the victim of the availability of a temporary 2466
protection order pursuant to section 2919.26 of the Revised 2467
Code, an emergency protection order pursuant to section 2919.261 2468
of the Revised Code, or a protection order or consent agreement 2469
pursuant to section 3113.31 of the Revised Code; 2470

(3) Give the victim the officer's name, the officer's 2471
badge number if the officer has a badge and the badge has a 2472
number, the report number for the incident if a report number is 2473
available at the time of the officer's investigation, a 2474
telephone number that the victim can call for information about 2475
the case, the telephone number of a domestic violence shelter in 2476
the area, and information on any local victim advocate program. 2477

(D) A peace officer who investigates a report of an 2478
alleged incident of the offense of domestic violence or an 2479
alleged incident of the offense of violating a protection order 2480
shall make a written report of the incident whether or not an 2481

arrest is made. The report shall document the officer's 2482
observations of the victim and the alleged offender, any visible 2483
injuries of the victim or alleged offender, any weapons at the 2484
scene, the actions of the alleged offender, any statements made 2485
by the victim or witnesses, and any other significant facts or 2486
circumstances. If the officer does not arrest and detain until a 2487
warrant can be obtained a person who allegedly committed the 2488
offense of domestic violence or the offense of violating a 2489
protection order when it is the preferred course of action in 2490
this state pursuant to division (B) (3) (b) of section 2935.03 of 2491
the Revised Code that the alleged offender be arrested, the 2492
officer must articulate in the report a clear statement of the 2493
officer's reasons for not arresting and detaining that alleged 2494
offender until a warrant can be obtained. The officer shall 2495
submit the written report to the law enforcement agency to which 2496
the officer has been appointed, employed, or elected. 2497

(E) Each agency, instrumentality, or political subdivision 2498
that is required to adopt policies and procedures under division 2499
(A) of this section shall adopt those policies and procedures in 2500
conjunction and consultation with shelters in the community for 2501
victims of domestic violence and private organizations, law 2502
enforcement agencies, and other public agencies in the community 2503
that have expertise in the recognition and handling of domestic 2504
violence cases. 2505

(F) To the extent described in and in accordance with 2506
section 9.86 or 2744.03 of the Revised Code, a peace officer who 2507
arrests an offender for the offense of violating a protection 2508
order with respect to a protection order or consent agreement of 2509
this state or another state that on its face is valid is immune 2510
from liability in a civil action for damages for injury, death, 2511
or loss to person or property that allegedly was caused by or 2512

related to the arrest. 2513

(G) Each agency, instrumentality, or political subdivision 2514
described in division (A) of this section that arrests an 2515
offender for an alleged incident of the offense of domestic 2516
violence or an alleged incident of the offense of violating a 2517
protection order shall consider referring the case to federal 2518
authorities for prosecution under 18 U.S.C. 2261 if the incident 2519
constitutes a violation of federal law. 2520

(H) As used in this section: 2521

(1) "Another's unborn" has the same meaning as in section 2522
2903.09 of the Revised Code. 2523

(2) "Dangerous ordnance" and "deadly weapon" have the same 2524
meanings as in section 2923.11 of the Revised Code. 2525

(3) "The offense of violating a protection order" includes 2526
the former offense of violating a protection order or consent 2527
agreement or anti-stalking protection order as set forth in 2528
section 2919.27 of the Revised Code as it existed prior to ~~the~~ 2529
~~effective date of this amendment~~ October 21, 1997. 2530

Sec. 2935.033. (A) As used in this section, "lethality 2531
assessment screening tool" means a lethality assessment 2532
screening tool included in the list of validated and evidence- 2533
based lethality assessment screening tools by the attorney 2534
general pursuant to division (C) of section 109.744 of the 2535
Revised Code. 2536

(B) Not later than ninety days after the effective date of 2537
this section, the chief law enforcement officer of each agency, 2538
instrumentality, or political subdivision that is served by any 2539
peace officer described in division (A) of section 2935.03 of 2540
the Revised Code shall identify local and regional domestic 2541

violence advocacy services to which individuals experiencing 2542
domestic violence or violation of a protection order and 2543
determined to be high risk may be referred. 2544

(C) Each law enforcement agency, instrumentality, or 2545
political subdivision that is served by any peace officer 2546
described in division (A) of section 2935.03 of the Revised Code 2547
shall adopt written policies, written procedures implementing 2548
the policies, and any other necessary written procedures for the 2549
peace officers who serve the agency, instrumentality, or 2550
political subdivision to follow in screening alleged incidents 2551
of the offense of domestic violence and alleged incidents of the 2552
offense of violating a protection order for referral to local or 2553
regional domestic violence advocacy services. The policies and 2554
procedures shall include all of the following: 2555

(1) A requirement that peace officers who serve the 2556
agency, instrumentality, or political subdivision automatically 2557
refer any case of domestic violence that involves an allegation 2558
of strangulation to local or regional domestic violence advocacy 2559
services and provide the victim of an alleged strangulation with 2560
the following warning: 2561

"I have a duty to warn you that strangulation is serious 2562
and can cause internal injuries, brain damage, and delayed 2563
health consequences such as strokes, thyroid issues, 2564
miscarriage, and death. Research shows that if you are strangled 2565
one time, you are more likely to be killed by your partner. I 2566
strongly encourage you to seek immediate medical attention at an 2567
emergency department and to ask for support from an advocate." 2568

(2) A lethality assessment screening tool, selected by the 2569
law enforcement agency, instrumentality, or political 2570
subdivision from those qualified by the attorney general under 2571

division (C) of section 109.774 of the Revised Code, to be used 2572
by peace officers to screen victims of alleged incidents of 2573
domestic violence and alleged incidents of violating a 2574
protection order for referral to local or regional domestic 2575
violence advocacy services; 2576

(3) Procedures for connecting high risk victims to 2577
domestic violence advocacy programs, community and faith-based 2578
programs, nonprofit mental health programs, and other programs 2579
that may be able to assist high risk victims; 2580

(4) Procedures for local or regional domestic violence 2581
advocacy services to consult with prosecutors on charges and 2582
negotiated plea agreements in cases referred to the services. 2583

Sec. ~~2935.033~~2935.034. (A) Any peace officer may render 2584
assistance to any federal law enforcement officer who has arrest 2585
authority under the "Uniting and Strengthening America by 2586
Providing Appropriate Tools Required to Intercept and Obstruct 2587
Terrorism (USA Patriot Act) Act of 2001," Pub. L. No. 107-056, 2588
115 Stat. 272, as amended, if both of the following apply: 2589

(1) There is a threat of imminent physical danger to the 2590
federal law enforcement officer, a threat of physical harm to 2591
another person, or any other serious emergency situation 2592
present. 2593

(2) Either the federal law enforcement officer requests 2594
emergency assistance or it appears that the federal law 2595
enforcement officer is unable to request assistance, and the 2596
circumstances reasonably indicate that assistance is 2597
appropriate. 2598

(B) "Federal law enforcement officer" has the same meaning 2599
as in section 9.88 of the Revised Code. 2600

Sec. 2937.23. (A) (1) In a case involving a felony or a 2601
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 2602
Code when the victim of the offense is a peace officer, the 2603
judge or magistrate shall fix the amount of bail. 2604

(2) In a case involving a misdemeanor or a violation of a 2605
municipal ordinance and not involving a felony or a violation of 2606
section 2903.11, 2903.12, or 2903.13 of the Revised Code when 2607
the victim of the offense is a peace officer, the judge, 2608
magistrate, or clerk of the court may fix the amount of bail and 2609
may do so in accordance with a schedule previously fixed by the 2610
judge or magistrate. If the judge, magistrate, or clerk of the 2611
court is not readily available, the sheriff, deputy sheriff, 2612
marshal, deputy marshal, police officer, or jailer having 2613
custody of the person charged may fix the amount of bail in 2614
accordance with a schedule previously fixed by the judge or 2615
magistrate and shall take the bail only in the county 2616
courthouse, the municipal or township building, or the county or 2617
municipal jail. 2618

(3) In all cases, the bail shall be fixed with 2619
consideration of the seriousness of the offense charged, the 2620
previous criminal record of the defendant, the results of any 2621
screening conducted in the case under division (A) (2) (e) of 2622
section 2935.032 of the Revised Code, if any such results are 2623
available, and the probability of the defendant appearing at the 2624
trial of the case. 2625

(B) In any case involving an alleged violation of section 2626
2903.211 of the Revised Code or of a municipal ordinance that is 2627
substantially similar to that section, the court shall determine 2628
whether it will order an evaluation of the mental condition of 2629
the defendant pursuant to section 2919.271 of the Revised Code 2630

and, if it decides to so order, shall issue the order requiring 2631
the evaluation before it sets bail for the person charged with 2632
the violation. In any case involving an alleged violation of 2633
section 2919.27 of the Revised Code or of a municipal ordinance 2634
that is substantially similar to that section and in which the 2635
court finds that either of the following criteria applies, the 2636
court shall determine whether it will order an evaluation of the 2637
mental condition of the defendant pursuant to section 2919.271 2638
of the Revised Code and, if it decides to so order, shall issue 2639
the order requiring that evaluation before it sets bail for the 2640
person charged with the violation: 2641

(1) Regarding an alleged violation of a protection order 2642
issued or consent agreement approved pursuant to section 2919.26 2643
or 3113.31 of the Revised Code, that the violation allegedly 2644
involves conduct by the defendant that caused physical harm to 2645
the person or property of a family or household member covered 2646
by the order or agreement or conduct by that defendant that 2647
caused a family or household member to believe that the 2648
defendant would cause physical harm to that member or that 2649
member's property; 2650

(2) Regarding an alleged violation of a protection order 2651
issued pursuant to section 2903.213 or 2903.214 of the Revised 2652
Code, or a protection order issued by a court of another state, 2653
as defined in section 2919.27 of the Revised Code, that the 2654
violation allegedly involves conduct by the defendant that 2655
caused physical harm to the person or property of the person 2656
covered by the order or conduct by that defendant that caused 2657
the person covered by the order to believe that the defendant 2658
would cause physical harm to that person or that person's 2659
property. 2660

(C) As used in this section, "peace officer" has the same meaning as in section 2935.01 of the Revised Code.	2661 2662
Sec. 3113.31. (A) As used in this section:	2663
(1) "Domestic violence" means any of the following:	2664
(a) The occurrence of one or more of the following acts against a family or household member:	2665 2666
(i) Attempting to cause or recklessly causing bodily injury;	2667 2668
(ii) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;	2669 2670 2671
(iii) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;	2672 2673 2674
(iv) Committing a sexually oriented offense.	2675
(b) The occurrence of one or more of the acts identified in divisions (A) (1) (a) (i) to (iv) of this section against a person with whom the respondent is or was in a dating relationship.	2676 2677 2678 2679
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than eighteen years of age.	2680 2681 2682 2683 2684 2685 2686 2687

(3) "Family or household member" means any of the	2688
following:	2689
(a) Any of the following who is residing with or has	2690
resided with the respondent:	2691
(i) A spouse, a person living as a spouse, or a former	2692
spouse of the respondent;	2693
(ii) A parent, a foster parent, or a child of the	2694
respondent, or another person related by consanguinity or	2695
affinity to the respondent;	2696
(iii) A parent or a child of a spouse, person living as a	2697
spouse, or former spouse of the respondent, or another person	2698
related by consanguinity or affinity to a spouse, person living	2699
as a spouse, or former spouse of the respondent;	2700
<u>(iv) A child whose guardian or custodian is a spouse,</u>	2701
<u>person living as a spouse, or former spouse of the respondent.</u>	2702
(b) The natural parent of any child of whom the respondent	2703
is the other natural parent or is the putative other natural	2704
parent.	2705
(4) "Person living as a spouse" means a person who is	2706
living or has lived with the respondent in a common law marital	2707
relationship, who otherwise is cohabiting with the respondent,	2708
or who otherwise has cohabited with the respondent within five	2709
years prior to the date of the alleged occurrence of the act in	2710
question.	2711
(5) "Victim advocate" means a person who provides support	2712
and assistance for a person who files a petition under this	2713
section.	2714
(6) "Sexually oriented offense" has the same meaning as in	2715

section 2950.01 of the Revised Code. 2716

(7) "Companion animal" has the same meaning as in section 2717
959.131 of the Revised Code. 2718

(8) "Dating relationship" means a relationship between 2719
individuals who have, or have had, a relationship of a romantic 2720
or intimate nature. "Dating relationship" does not include a 2721
casual acquaintanceship or ordinary fraternization in a business 2722
or social context. 2723

(9) "Person with whom the respondent is or was in a dating 2724
relationship" means an adult who, at the time of the conduct in 2725
question, is in a dating relationship with the respondent who 2726
also is an adult or who, within the twelve months preceding the 2727
conduct in question, has had a dating relationship with the 2728
respondent who also is an adult. 2729

(10) "Child," "custodian," and "guardian" have the same 2730
meanings as in section 3109.51 of the Revised Code. 2731

(B) The court has jurisdiction over all proceedings under 2732
this section. The petitioner's right to relief under this 2733
section is not affected by the petitioner's leaving the 2734
residence or household to avoid further domestic violence. 2735

(C) (1) A person may seek relief under this section on the 2736
person's own behalf, or any parent or adult household member may 2737
seek relief under this section on behalf of any other family or 2738
household member, by filing a petition with the court. The 2739
petition shall contain or state: 2740

~~(1)~~ (a) An allegation that the respondent engaged in 2741
domestic violence against a family or household member of the 2742
respondent or against a person with whom the respondent is or 2743
was in a dating relationship, including a description of the 2744

nature and extent of the domestic violence; 2745

~~(2)~~ (b) The relationship of the respondent to the 2746
petitioner, and to the victim if other than the petitioner; 2747

~~(3)~~ (c) If the petition is for protection of a person with 2748
whom the respondent is or was in a dating relationship, the 2749
facts upon which the court may conclude that a dating 2750
relationship existed between the person to be protected and the 2751
respondent; 2752

~~(4)~~ (d) A request for relief under this section. 2753

(2) The petition may contain and the court shall consider 2754
any of the following: 2755

(a) An allegation that the respondent has previously 2756
engaged in domestic violence against a person to be protected; 2757

(b) Any previous conviction of or plea of guilty to the 2758
offense of domestic violence by the respondent where the victim 2759
was a person to be protected by the order. 2760

(D) (1) If a person who files a petition pursuant to this 2761
section requests an ex parte order, the court shall hold an ex 2762
parte hearing on the same day that the petition is filed. The 2763
court, for good cause shown at the ex parte hearing, may enter 2764
any temporary orders, with or without bond, including, but not 2765
limited to, an order described in division (E) (1) (a), (b), or 2766
(c) of this section, that the court finds necessary to protect 2767
the family or household member or the person with whom the 2768
respondent is or was in a dating relationship from domestic 2769
violence. Immediate and present danger of domestic violence to 2770
the family or household member or to the person with whom the 2771
respondent is or was in a dating relationship constitutes good 2772
cause for purposes of this section. Immediate and present danger 2773

includes, but is not limited to, situations in which the 2774
respondent has threatened the family or household member or 2775
person with whom the respondent is or was in a dating 2776
relationship with bodily harm, in which the respondent has 2777
threatened the family or household member or person with whom 2778
the respondent is or was in a dating relationship with a 2779
sexually oriented offense, or in which the respondent previously 2780
has been convicted of, pleaded guilty to, or been adjudicated a 2781
delinquent child for an offense that constitutes domestic 2782
violence against the family or household member or person with 2783
whom the respondent is or was in a dating relationship. 2784

(2) (a) If the court, after an ex parte hearing, issues an 2785
order described in division (E) (1) (b) or (c) of this section, 2786
the court shall schedule a full hearing for a date that is 2787
within seven court days after the ex parte hearing. If any other 2788
type of protection order that is authorized under division (E) 2789
of this section is issued by the court after an ex parte 2790
hearing, the court shall schedule a full hearing for a date that 2791
is within ten court days after the ex parte hearing. The court 2792
shall give the respondent notice of, and an opportunity to be 2793
heard at, the full hearing. The court shall hold the full 2794
hearing on the date scheduled under this division unless the 2795
court grants a continuance of the hearing in accordance with 2796
this division. Under any of the following circumstances or for 2797
any of the following reasons, the court may grant a continuance 2798
of the full hearing to a reasonable time determined by the 2799
court: 2800

(i) Prior to the date scheduled for the full hearing under 2801
this division, the respondent has not been served with the 2802
petition filed pursuant to this section and notice of the full 2803
hearing. 2804

(ii) The parties consent to the continuance.	2805
(iii) The continuance is needed to allow a party to obtain counsel.	2806 2807
(iv) The continuance is needed for other good cause.	2808
(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.	2809 2810 2811 2812 2813
(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.	2814 2815 2816 2817 2818 2819
(E)(1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of domestic violence against the family or household members or persons with whom the respondent is or was in a dating relationship. The order or agreement may:	2820 2821 2822 2823 2824 2825
(a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the family or household members or persons with whom the respondent is or was in a dating relationship;	2826 2827 2828 2829
(b) With respect to a petition involving family or household members, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by evicting the respondent,	2830 2831 2832 2833

when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or household is jointly owned or leased by the respondent, and the petitioner or other family or household member;

(c) With respect to a petition involving family or household members, when the respondent has a duty to support the petitioner or other family or household member living in the residence or household and the respondent is the sole owner or lessee of the residence or household, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by ordering the respondent to vacate the premises, or, in the case of a consent agreement, allow the respondent to provide suitable, alternative housing;

(d) With respect to a petition involving family or household members, temporarily allocate parental rights and responsibilities for the care of, or establish temporary parenting time rights with regard to, minor children, if no other court has determined, or is determining, the allocation of parental rights and responsibilities for the minor children or parenting time rights;

(e) With respect to a petition involving family or household members, require the respondent to maintain support, if the respondent customarily provides for or contributes to the support of the family or household member, or if the respondent has a duty to support the petitioner or family or household member;

(f) Require the respondent, petitioner, victim of domestic violence, or any combination of those persons, to seek

counseling;	2864
(g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or, with respect to a petition involving family or household members, a family or household member;	2865 2866 2867 2868
(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or, with respect to a petition involving family or household members, other family or household members and the apportionment of household and family personal property;	2869 2870 2871 2872 2873 2874
(i) Require that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the petitioner;	2875 2876 2877
(j) Authorize the petitioner to remove a companion animal owned by the petitioner from the possession of the respondent;	2878 2879
(k) Require a wireless service transfer in accordance with sections 3113.45 to 3113.459 of the Revised Code.	2880 2881
(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or, with respect to a petition involving family or household members, one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against the respondent returning to the residence or household in the order, it also shall include in the order provisions of the type described in division (E)(7) of this section. This division does not preclude the court from including in a protection order or	2882 2883 2884 2885 2886 2887 2888 2889 2890 2891 2892

consent agreement, in circumstances other than those described 2893
in this division, a requirement that the respondent be evicted 2894
from or vacate the residence or household or refrain from 2895
entering the residence, school, business, or place of employment 2896
of the petitioner or, with respect to a petition involving 2897
family or household members, a family or household member, and, 2898
if the court includes any requirement of that type in an order 2899
or agreement, the court also shall include in the order 2900
provisions of the type described in division (E) (7) of this 2901
section. 2902

(3) (a) Any protection order issued or consent agreement 2903
approved under this section shall be valid until a date certain, 2904
but not later than five years from the date of its issuance or 2905
approval, or not later than the date a respondent who is less 2906
than eighteen years of age attains nineteen years of age, unless 2907
modified or terminated as provided in division (E) (8) of this 2908
section. 2909

(b) With respect to an order involving family or household 2910
members, subject to the limitation on the duration of an order 2911
or agreement set forth in division (E) (3) (a) of this section, 2912
any order under division (E) (1) (d) of this section shall 2913
terminate on the date that a court in an action for divorce, 2914
dissolution of marriage, or legal separation brought by the 2915
petitioner or respondent issues an order allocating parental 2916
rights and responsibilities for the care of children or on the 2917
date that a juvenile court in an action brought by the 2918
petitioner or respondent issues an order awarding legal custody 2919
of minor children. Subject to the limitation on the duration of 2920
an order or agreement set forth in division (E) (3) (a) of this 2921
section, any order under division (E) (1) (e) of this section 2922
shall terminate on the date that a court in an action for 2923

divorce, dissolution of marriage, or legal separation brought by 2924
the petitioner or respondent issues a support order or on the 2925
date that a juvenile court in an action brought by the 2926
petitioner or respondent issues a support order. 2927

(c) Any protection order issued or consent agreement 2928
approved pursuant to this section may be renewed in the same 2929
manner as the original order or agreement was issued or 2930
approved. 2931

(4) A court may not issue a protection order that requires 2932
a petitioner to do or to refrain from doing an act that the 2933
court may require a respondent to do or to refrain from doing 2934
under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of 2935
this section unless all of the following apply: 2936

(a) The respondent files a separate petition for a 2937
protection order in accordance with this section. 2938

(b) The petitioner is served notice of the respondent's 2939
petition at least forty-eight hours before the court holds a 2940
hearing with respect to the respondent's petition, or the 2941
petitioner waives the right to receive this notice. 2942

(c) If the petitioner has requested an ex parte order 2943
pursuant to division (D) of this section, the court does not 2944
delay any hearing required by that division beyond the time 2945
specified in that division in order to consolidate the hearing 2946
with a hearing on the petition filed by the respondent. 2947

(d) After a full hearing at which the respondent presents 2948
evidence in support of the request for a protection order and 2949
the petitioner is afforded an opportunity to defend against that 2950
evidence, the court determines that the petitioner has committed 2951
an act of domestic violence or has violated a temporary 2952

protection order issued pursuant to section 2919.26 of the Revised Code, that both the petitioner and the respondent acted primarily as aggressors, and that neither the petitioner nor the respondent acted primarily in self-defense.

(5) No protection order issued or consent agreement approved under this section shall in any manner affect title to any real property.

(6) (a) With respect to an order involving family or household members, if a petitioner, or the child of a petitioner, who obtains a protection order or consent agreement pursuant to division (E) (1) of this section or a temporary protection order pursuant to section 2919.26 of the Revised Code and is the subject of a parenting time order issued pursuant to section 3109.051 or 3109.12 of the Revised Code or a visitation or companionship order issued pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of this section granting parenting time rights to the respondent, the court may require the public children services agency of the county in which the court is located to provide supervision of the respondent's exercise of parenting time or visitation or companionship rights with respect to the child for a period not to exceed nine months, if the court makes the following findings of fact:

(i) The child is in danger from the respondent;

(ii) No other person or agency is available to provide the supervision.

(b) A court that requires an agency to provide supervision pursuant to division (E) (6) (a) of this section shall order the respondent to reimburse the agency for the cost of providing the

supervision, if it determines that the respondent has sufficient 2982
income or resources to pay that cost. 2983

(7) (a) If a protection order issued or consent agreement 2984
approved under this section includes a requirement that the 2985
respondent be evicted from or vacate the residence or household 2986
or refrain from entering the residence, school, business, or 2987
place of employment of the petitioner or, with respect to a 2988
petition involving family or household members, a family or 2989
household member, the order or agreement shall state clearly 2990
that the order or agreement cannot be waived or nullified by an 2991
invitation to the respondent from the petitioner or other family 2992
or household member to enter the residence, school, business, or 2993
place of employment or by the respondent's entry into one of 2994
those places otherwise upon the consent of the petitioner or 2995
other family or household member. 2996

(b) Division (E) (7) (a) of this section does not limit any 2997
discretion of a court to determine that a respondent charged 2998
with a violation of section 2919.27 of the Revised Code, with a 2999
violation of a municipal ordinance substantially equivalent to 3000
that section, or with contempt of court, which charge is based 3001
on an alleged violation of a protection order issued or consent 3002
agreement approved under this section, did not commit the 3003
violation or was not in contempt of court. 3004

(8) (a) The court may modify or terminate as provided in 3005
division (E) (8) of this section a protection order or consent 3006
agreement that was issued after a full hearing under this 3007
section. The court that issued the protection order or approved 3008
the consent agreement shall hear a motion for modification or 3009
termination of the protection order or consent agreement 3010
pursuant to division (E) (8) of this section. 3011

(b) Either the petitioner or the respondent of the original protection order or consent agreement may bring a motion for modification or termination of a protection order or consent agreement that was issued or approved after a full hearing. The court shall require notice of the motion to be made as provided by the Rules of Civil Procedure. If the petitioner for the original protection order or consent agreement has requested that the petitioner's address be kept confidential, the court shall not disclose the address to the respondent of the original protection order or consent agreement or any other person, except as otherwise required by law. The moving party has the burden of proof to show, by a preponderance of the evidence, that modification or termination of the protection order or consent agreement is appropriate because either the protection order or consent agreement is no longer needed or because the terms of the original protection order or consent agreement are no longer appropriate.

(c) In considering whether to modify or terminate a protection order or consent agreement issued or approved under this section, the court shall consider all relevant factors, including, but not limited to, the following:

(i) Whether the petitioner consents to modification or termination of the protection order or consent agreement;

(ii) Whether the petitioner fears the respondent;

(iii) The current nature of the relationship between the petitioner and the respondent;

(iv) The circumstances of the petitioner and respondent, including the relative proximity of the petitioner's and respondent's workplaces and residences and whether the

petitioner and respondent have minor children together;	3041
(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement;	3042 3043 3044
(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;	3045 3046
(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement;	3047 3048 3049 3050
(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state;	3051 3052 3053 3054 3055
(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling;	3056 3057 3058 3059
(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	3060 3061
(xi) The age and health of the respondent;	3062
(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties.	3063 3064 3065 3066
(d) If a protection order or consent agreement is modified or terminated as provided in division (E) (8) of this section,	3067 3068

the court shall issue copies of the modified or terminated order 3069
or agreement as provided in division (F) of this section. A 3070
petitioner may also provide notice of the modification or 3071
termination to the judicial and law enforcement officials in any 3072
county other than the county in which the order or agreement is 3073
modified or terminated as provided in division (N) of this 3074
section. 3075

(e) If the respondent moves for modification or 3076
termination of a protection order or consent agreement pursuant 3077
to this section and the court denies the motion, the court may 3078
assess costs against the respondent for the filing of the 3079
motion. 3080

(9) Any protection order issued or any consent agreement 3081
approved pursuant to this section shall include a provision that 3082
the court will automatically seal all of the records of the 3083
proceeding in which the order is issued or agreement approved on 3084
the date the respondent attains the age of nineteen years unless 3085
the petitioner provides the court with evidence that the 3086
respondent has not complied with all of the terms of the 3087
protection order or consent agreement. The protection order or 3088
consent agreement shall specify the date when the respondent 3089
attains the age of nineteen years. 3090

(F) (1) A copy of any protection order, or consent 3091
agreement, that is issued, approved, modified, or terminated 3092
under this section shall be issued by the court to the 3093
petitioner, to the respondent, and to all law enforcement 3094
agencies that have jurisdiction to enforce the order or 3095
agreement. The court shall direct that a copy of an order be 3096
delivered to the respondent on the same day that the order is 3097
entered. 3098

(2) Upon the issuance of a protection order or the approval of a consent agreement under this section, the court shall provide the parties to the order or agreement with the following notice orally or by form:

"NOTICE

As a result of this order or consent agreement, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8) for the duration of this order or consent agreement. If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney."

(3) All law enforcement agencies shall establish and maintain an index for the protection orders and the approved consent agreements delivered to the agencies pursuant to division (F)(1) of this section. With respect to each order and consent agreement delivered, each agency shall note on the index the date and time that it received the order or consent agreement.

(4) Regardless of whether the petitioner has registered the order or agreement in the county in which the officer's agency has jurisdiction pursuant to division (N) of this section, any officer of a law enforcement agency shall enforce a protection order issued or consent agreement approved by any court in this state in accordance with the provisions of the order or agreement, including removing the respondent from the premises, if appropriate.

(G)(1) Any proceeding under this section shall be conducted in accordance with the Rules of Civil Procedure,

except that an order under this section may be obtained with or 3128
without bond. An order issued under this section, other than an 3129
ex parte order, that grants a protection order or approves a 3130
consent agreement, that refuses to grant a protection order or 3131
approve a consent agreement that modifies or terminates a 3132
protection order or consent agreement, or that refuses to modify 3133
or terminate a protection order or consent agreement, is a 3134
final, appealable order. The remedies and procedures provided in 3135
this section are in addition to, and not in lieu of, any other 3136
available civil or criminal remedies. 3137

(2) If as provided in division (G)(1) of this section an 3138
order issued under this section, other than an ex parte order, 3139
refuses to grant a protection order, the court, on its own 3140
motion, shall order that the ex parte order issued under this 3141
section and all of the records pertaining to that ex parte order 3142
be sealed after either of the following occurs: 3143

(a) No party has exercised the right to appeal pursuant to 3144
Rule 4 of the Rules of Appellate Procedure. 3145

(b) All appellate rights have been exhausted. 3146

(H) The filing of proceedings under this section does not 3147
excuse a person from filing any report or giving any notice 3148
required by section 2151.421 of the Revised Code or by any other 3149
law. When a petition under this section alleges domestic 3150
violence against minor children, the court shall report the 3151
fact, or cause reports to be made, to a county, township, or 3152
municipal peace officer under section 2151.421 of the Revised 3153
Code. 3154

(I) Any law enforcement agency that investigates a 3155
domestic dispute shall provide information to the family or 3156

household members involved, or the persons in the dating 3157
relationship who are involved, whichever is applicable regarding 3158
the relief available under this section and, for family or 3159
household members, section 2919.26 of the Revised Code. 3160

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 3161
section and regardless of whether a protection order is issued 3162
or a consent agreement is approved by a court of another county 3163
or a court of another state, no court or unit of state or local 3164
government shall charge the petitioner any fee, cost, deposit, 3165
or money in connection with the filing of a petition pursuant to 3166
this section or in connection with the filing, issuance, 3167
registration, modification, enforcement, dismissal, withdrawal, 3168
or service of a protection order, consent agreement, or witness 3169
subpoena or for obtaining a certified copy of a protection order 3170
or consent agreement. 3171

(2) Regardless of whether a protection order is issued or 3172
a consent agreement is approved pursuant to this section, the 3173
court may assess costs against the respondent in connection with 3174
the filing, issuance, registration, modification, enforcement, 3175
dismissal, withdrawal, or service of a protection order, consent 3176
agreement, or witness subpoena or for obtaining a certified copy 3177
of a protection order or consent agreement. 3178

(K) (1) The court shall comply with Chapters 3119., 3121., 3179
3123., and 3125. of the Revised Code when it makes or modifies 3180
an order for child support under this section. 3181

(2) If any person required to pay child support under an 3182
order made under this section on or after April 15, 1985, or 3183
modified under this section on or after December 31, 1986, is 3184
found in contempt of court for failure to make support payments 3185
under the order, the court that makes the finding, in addition 3186

to any other penalty or remedy imposed, shall assess all court 3187
costs arising out of the contempt proceeding against the person 3188
and require the person to pay any reasonable attorney's fees of 3189
any adverse party, as determined by the court, that arose in 3190
relation to the act of contempt. 3191

(L) (1) A person who violates a protection order issued or 3192
a consent agreement approved under this section is subject to 3193
the following sanctions: 3194

(a) Criminal prosecution or a delinquent child proceeding 3195
for a violation of section 2919.27 of the Revised Code, if the 3196
violation of the protection order or consent agreement 3197
constitutes a violation of that section; 3198

(b) Punishment for contempt of court. 3199

(2) The punishment of a person for contempt of court for 3200
violation of a protection order issued or a consent agreement 3201
approved under this section does not bar criminal prosecution of 3202
the person or a delinquent child proceeding concerning the 3203
person for a violation of section 2919.27 of the Revised Code. 3204
However, a person punished for contempt of court is entitled to 3205
credit for the punishment imposed upon conviction of or 3206
adjudication as a delinquent child for a violation of that 3207
section, and a person convicted of or adjudicated a delinquent 3208
child for a violation of that section shall not subsequently be 3209
punished for contempt of court arising out of the same activity. 3210

(M) In all stages of a proceeding under this section, a 3211
petitioner may be accompanied by a victim advocate. 3212

(N) (1) A petitioner who obtains a protection order or 3213
consent agreement under this section or a temporary protection 3214
order under section 2919.26 of the Revised Code may provide 3215

notice of the issuance or approval of the order or agreement to 3216
the judicial and law enforcement officials in any county other 3217
than the county in which the order is issued or the agreement is 3218
approved by registering that order or agreement in the other 3219
county pursuant to division (N) (2) of this section and filing a 3220
copy of the registered order or registered agreement with a law 3221
enforcement agency in the other county in accordance with that 3222
division. A person who obtains a protection order issued by a 3223
court of another state may provide notice of the issuance of the 3224
order to the judicial and law enforcement officials in any 3225
county of this state by registering the order in that county 3226
pursuant to section 2919.272 of the Revised Code and filing a 3227
copy of the registered order with a law enforcement agency in 3228
that county. 3229

(2) A petitioner may register a temporary protection 3230
order, protection order, or consent agreement in a county other 3231
than the county in which the court that issued the order or 3232
approved the agreement is located in the following manner: 3233

(a) The petitioner shall obtain a certified copy of the 3234
order or agreement from the clerk of the court that issued the 3235
order or approved the agreement and present that certified copy 3236
to the clerk of the court of common pleas or the clerk of a 3237
municipal court or county court in the county in which the order 3238
or agreement is to be registered. 3239

(b) Upon accepting the certified copy of the order or 3240
agreement for registration, the clerk of the court of common 3241
pleas, municipal court, or county court shall place an 3242
endorsement of registration on the order or agreement and give 3243
the petitioner a copy of the order or agreement that bears that 3244
proof of registration. 3245

(3) The clerk of each court of common pleas, the clerk of each municipal court, and the clerk of each county court shall maintain a registry of certified copies of temporary protection orders, protection orders, or consent agreements that have been issued or approved by courts in other counties and that have been registered with the clerk.

(0) Nothing in this section prohibits the domestic relations division of a court of common pleas in counties that have a domestic relations division or a court of common pleas in counties that do not have a domestic relations division from designating a minor child as a protected party on a protection order or consent agreement.

Section 2. That existing sections 109.744, 109.803, 2903.01, 2919.25, 2919.27, 2929.12, 2929.13, 2929.14, 2929.22, 2935.032, 2937.23, 3113.31, and 2935.033 of the Revised Code are hereby repealed.

Section 3. The General Assembly, in enacting this act, encourages prosecuting attorneys, in cases related to an incident of domestic violence, to consider the totality of the circumstances, to review all of the evidence in the case, and to resist seeking voluntary dismissal or an entry of nolle prosequi based solely on the victim's wishes, unless justice demands otherwise.

Section 4. The General Assembly respectfully requests the Ohio Supreme Court to review the Ohio Rules of Evidence to consider how the Rules may better aid victims of domestic violence without diminishing the fundamental fairness to alleged perpetrators of domestic violence.

Section 5. This act shall be known as Aisha's Law.

Section 6. (A) There is hereby created the Domestic 3275
Violence Prosecution Study Committee consisting of the following 3276
ten members: 3277

(1) The following five members appointed by the Speaker of 3278
the House of Representatives: 3279

(a) One member who is a domestic violence survivor; 3280

(b) One member who is a domestic violence advocate; 3281

(c) One member who is a prosecutor who handles domestic 3282
violence cases; 3283

(d) One member who is a member of the judiciary with 3284
experience handling domestic violence cases; 3285

(e) One member who is a member of the House of 3286
Representatives. 3287

(2) The following five members appointed by the Minority 3288
Leader of the House of Representatives: 3289

(a) One member who is a domestic violence survivor; 3290

(b) One member who is a domestic violence advocate; 3291

(c) One member who is a prosecutor who handles domestic 3292
violence cases; 3293

(d) One member who is a member of the judiciary with 3294
experience handling domestic violence cases; 3295

(e) One member who is a member of the House of 3296
Representatives. 3297

(B) The Study Committee shall examine policies to protect 3298
victims of domestic violence throughout the judicial process, 3299
including an investigation into the prevalence of dropped or 3300

amended domestic violence charges, and the cases in which a 3301
charge of domestic violence was dropped and the victim of 3302
domestic violence later became the victim of a homicide. 3303

(C) The Speaker and Minority Leader shall make 3304
appointments to the Study Committee as soon as practicable after 3305
the effective date of this section and the Study Committee shall 3306
produce a report of its findings not later than one year after 3307
the effective date of this section. The Study Committee shall 3308
submit that report to the Governor, the President of the Senate, 3309
the Speaker of the House of Representatives, the Minority Leader 3310
of the Senate, and the Minority Leader of the House of 3311
Representatives. Upon submission of the report, the Study 3312
Committee shall cease to exist. 3313

Section 7. That Section 221.10 of H.B. 166 of the 133rd 3314
General Assembly be amended to read as follows: 3315

Sec. 221.10. 3316

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A AGO ATTORNEY GENERAL

B General Revenue Fund

C GRF 055321 Operating Expenses \$ 60,646,591 \$ 62,958,461

D GRF 055405 Law-Related Education \$ 68,950 \$ 68,950

E GRF 055406 BCIRS Lease Rental \$ 2,515,100 \$ 2,513,400

Payments

F	GRF	055411	County Sheriffs' Pay Supplement	\$	983,341	\$	1,000,554
G	GRF	055415	County Prosecutors' Pay Supplement	\$	1,247,225	\$	1,278,630
H	GRF	055431	Drug Abuse Response Team Grants	\$	1,500,000	\$	1,500,000
I	GRF	055432	Drug Testing Equipment	\$	968,602	\$	0
J	GRF	055434	ICAC Task Force	\$	500,000	\$	500,000
K	GRF	055501	Rape Crisis Centers	\$	4,800,000	\$	4,800,000
L	GRF	055502	School Safety Training Grants	\$	12,000,000	\$	12,000,000
M	GRF	055504	Domestic Violence Programs	\$	1,000,000	\$	1,000,000
N	GRF	055505	Pike County Capital Case	\$	1,000,000	\$	0
O	TOTAL GRF		General Revenue Fund	\$	87,229,809	\$	87,619,995
P	Dedicated Purpose Fund Group						
Q	1060	055612	Attorney General Operating	\$	58,426,184	\$	60,018,182
R	4020	055616	Victims of Crime	\$	20,624,291	\$	20,624,291
S	4170	055621	Domestic Violence Shelter	\$	25,000	\$	25,000

T	4180	055615	Charitable Foundations	\$	8,286,000	\$	8,286,000
U	4190	055623	Claims Section	\$	41,500,000	\$	42,600,000
V	4200	055603	Attorney General Antitrust	\$	2,432,925	\$	2,432,925
W	4210	055617	Police Officers' Training Academy Fee	\$	2,182,062 <u>2,332,062</u>	\$	2,250,000
X	4L60	055606	DARE Programs	\$	3,814,289	\$	3,814,289
Y	4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751
Z	4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	2,500,000	\$	2,500,000
AA	5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325
AB	5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000
AC	5LR0	055655	Peace Officer Training - Casino	\$	5,355,079	\$	5,529,409
AD	5MP0	055657	Peace Officer Training Commission	\$	325,000	\$	325,000
AE	5TL0	055659	Organized Crime Law Enforcement Trust	\$	100,000	\$	100,000
AF	6310	055637	Consumer Protection Enforcement	\$	9,276,000	\$	9,276,000

AG 6590	055641	Solid and Hazardous Waste Background Investigations	\$	328,728	\$	328,728
AH U087	055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$	2,650,000	\$	2,650,000
AI TOTAL DPF Dedicated Purpose Fund Group			\$	158,944,634 <u>159,094,634</u>	\$	161,878,900
AJ Internal Service Activity Fund Group						
AK 1950	055660	Workers' Compensation Section	\$	7,416,045	\$	6,898,040
AL TOTAL ISA Internal Service Activity Fund Group			\$	7,416,045	\$	6,898,040
AM Holding Account Fund Group						
AN R004	055631	General Holding Account	\$	1,000,000	\$	1,000,000
AO R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000
AP R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000
AQ R042	055601	Organized Crime Commission Distributions	\$	750,000	\$	750,000
AR R054	055650	Collection Payment Redistribution	\$	4,500,000	\$	4,500,000

AS TOTAL HLD Holding Account Fund Group	\$	8,250,000	\$	8,250,000
AT Federal Fund Group				
AU 3060 055620 Medicaid Fraud Control	\$	8,961,419	\$	8,961,419
AV 3830 055634 Crime Victims Assistance	\$	109,971,344	\$	110,000,000
AW 3E50 055638 Attorney General Pass- Through Funds	\$	4,017,209	\$	4,020,999
AX 3FV0 055656 Crime Victim Compensation	\$	4,600,000	\$	4,600,000
AY 3R60 055613 Attorney General Federal Funds	\$	2,799,999	\$	2,799,999
AZ TOTAL FED Federal Funds Group	\$	130,349,971	\$	130,382,417
BA TOTAL ALL BUDGET FUND GROUPS	\$	392,190,459	\$	395,029,352
		<u>392,340,459</u>		

Section 8. That existing Section 221.10 of H.B. 166 of the 133rd General Assembly is hereby repealed. 3318
3319

Section 9. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act: 3320
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Section 2929.14 of the Revised Code as amended by H.B. 63, 3328
S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General 3329
Assembly. 3330

Section 2937.23 of the Revised Code as amended by both 3331
H.B. 202 and S.B. 142 of the 123rd General Assembly. 3332