

As Introduced

133rd General Assembly

Regular Session

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H. B. No. 784

Representatives Abrams, Carruthers

**Cosponsors: Representatives Kick, Wiggam, Becker, Lang, Riedel, Perales, Seitz,
Carfagna, Cross**

A BILL

To amend sections 2307.601, 2901.09, 2909.05, 1
2917.02, 2917.03, 2917.11, 2923.31, and 2929.14 2
and to enact sections 2307.701, 2903.131, 3
2917.06, and 2927.121 of the Revised Code to 4
increase penalties for certain assault, 5
vandalism, and riot offenses, to allow peace 6
officers to bring civil suits against persons 7
participating in a riot, and to prohibit bias 8
motivated intimidation of first responders. 9

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

Section 1. That sections 2307.601, 2901.09, 2909.05, 10
2917.02, 2917.03, 2917.11, 2923.31, and 2929.14 be amended and 11
sections 2307.701, 2903.131, 2917.06, and 2927.121 of the 12
Revised Code be enacted to read as follows: 13

Sec. 2307.601. (A) As used in this section: 14

(1) "Residence" and "vehicle" have the same meanings as in 15
section 2901.05 of the Revised Code. 16

(2) "Tort action" has the same meaning as in section 17

2307.60 of the Revised Code. 18

(B) For purposes of determining the potential liability of 19
a person in a tort action related to the person's use of force 20
alleged to be in self-defense, defense of another, or defense of 21
the person's residence, if the person lawfully is in that 22
person's residence, the person has no duty to retreat before 23
using force in self-defense, defense of another, or defense of 24
that person's residence, and, if the person lawfully is an 25
occupant of that person's vehicle or lawfully is an occupant in 26
a vehicle owned by an immediate family member of the person, the 27
person has no duty to retreat before using force in self-defense 28
or defense of another. 29

(C) For the purpose of determining the potential liability 30
of a person in a tort action related to the person's use of 31
force alleged to be necessary to flee or escape persons engaged 32
in aggravated riot or riot in violation of section 2917.02 or 33
2917.03 of the Revised Code, a person who reasonably believes 34
that the person is in danger of imminent bodily harm may take 35
any steps necessary to flee or escape from persons engaged in 36
aggravated riot or riot in violation of section 2917.02 or 37
2917.03 of the Revised Code, and is justified in using or 38
threatening to use reasonable force, including deadly force, to 39
escape the aggravated riot or riot. 40

Sec. 2307.701. (A) As used in this section, "peace 41
officer" has the same meaning as in section 2935.01 of the 42
Revised Code and "material support or resources" has the same 43
meaning as in section 2909.21 of the Revised Code. 44

(B) A peace officer who suffers injury or loss to person 45
or property during the officer's performance of official duties 46
as a result of any of the following has a civil action against 47

the responsible party and against any organization that provided 48
material support or resources to the responsible party: 49

(1) An act committed in violation of section 2917.02 or 50
2917.03 of the Revised Code; 51

(2) A complaint filed against the officer that the 52
complainant knew to be false; 53

(3) An abridgement of the officer's civil rights. 54

(C) An organization that provides material support or 55
resources with purpose that the material support or resources 56
will be used in whole or in part to plan, prepare, carry out, or 57
aid in conduct that creates liability under division (B) of this 58
section is responsible for that conduct and liable to the peace 59
officer in treble the amount of damages sustained as a result of 60
the conduct. 61

Sec. 2901.09. (A) As used in this section, "residence" and 62
"vehicle" have the same meanings as in section 2901.05 of the 63
Revised Code. 64

(B) For purposes of any section of the Revised Code that 65
sets forth a criminal offense, ~~a~~all of the following apply: 66

(1) A person who lawfully is in that person's residence 67
has no duty to retreat before using force in self-defense, 68
defense of another, or defense of that person's residence,~~and a~~ 69
- 70

(2) A person who lawfully is an occupant of that person's 71
vehicle or who lawfully is an occupant in a vehicle owned by an 72
immediate family member of the person has no duty to retreat 73
before using force in self-defense or defense of another. 74

(3) A person who reasonably believes that the person is in 75

danger of imminent bodily harm may take any steps necessary to 76
flee or escape from persons engaged in aggravated riot or riot 77
in violation of section 2917.02 or 2917.03 of the Revised Code, 78
and is justified in using or threatening to use reasonable 79
force, including deadly force, to escape the aggravated riot or 80
riot. 81

Sec. 2903.131. (A) As used in this section, "peace 82
officer" has the same meaning as in section 2935.01 of the 83
Revised Code. 84

(B) No person who is engaged in aggravated riot or riot in 85
violation of section 2917.02 or 2917.03 of the Revised Code 86
shall recklessly cause physical harm to another person. 87

(C) Whoever violates this section is guilty of riot 88
assault. The penalty for the offense shall be determined as 89
follows: 90

(1) Except as provided in divisions (C) (2) and (3) of this 91
section, riot assault is a felony of the fifth degree. 92

(2) If the victim of the offense is a peace officer 93
engaged in the performance of the peace officer's official 94
duties, riot assault is a felony of the fourth degree. 95

(3) If the victim of the offense is a peace officer 96
engaged in the performance of the peace officer's official 97
duties and if the victim suffered serious physical harm as a 98
result of the commission of the offense, riot assault is a 99
felony of the third degree. 100

Sec. 2909.05. (A) No person shall knowingly cause serious 101
physical harm to an occupied structure or any of its contents. 102

(B) (1) No person shall ~~knowingly~~ recklessly cause physical 103

harm to property that is owned or possessed by another, when 104
either of the following applies: 105

(a) The property is used by its owner or possessor in the 106
owner's or possessor's profession, business, trade, or 107
occupation, and the value of the property or the amount of 108
physical harm involved is one thousand dollars or more; 109

(b) Regardless of the value of the property or the amount 110
of damage done, the property or its equivalent is necessary in 111
order for its owner or possessor to engage in the owner's or 112
possessor's profession, business, trade, or occupation. 113

(2) No person shall knowingly cause serious physical harm 114
to property that is owned, leased, or controlled by a 115
governmental entity. ~~A governmental entity includes, but is not~~ 116
~~limited to, the state or a political subdivision of the state, a~~ 117
~~school district, the board of trustees of a public library or~~ 118
~~public university, or any other body corporate and politic~~ 119
~~responsible for governmental activities only in geographical~~ 120
~~areas smaller than that of the state.~~ 121

(C) No person, without privilege to do so, shall knowingly 122
cause serious physical harm to any tomb, monument, gravestone, 123
or other similar structure that is used as a memorial for the 124
dead; to any fence, railing, curb, or other property that is 125
used to protect, enclose, or ornament any cemetery; or to a 126
cemetery. 127

(D) No person, without privilege to do so, shall knowingly 128
cause physical harm to a place of burial by breaking and 129
entering into a tomb, crypt, casket, or other structure that is 130
used as a memorial for the dead or as an enclosure for the dead. 131

(E) No person, without privilege to do so, shall 132

recklessly cause physical harm to any of the following property 133
while engaging in aggravated riot or riot in violation of 134
section 2917.02 or 2917.03 of the Revised Code: 135

(1) Property that is owned, leased, or controlled by a 136
governmental entity; 137

(2) A tomb, monument, gravestone, or other similar 138
structure that is used as a memorial for the dead; 139

(3) A place of burial, memorial for the dead, or enclosure 140
for the dead. 141

(F) (1) Whoever violates division (A), (B), (C), or (D) of 142
this section is guilty of vandalism. Except as otherwise 143
provided in this division, vandalism is a felony of the fifth 144
degree that is punishable by a fine of up to two thousand five 145
hundred dollars in addition to the penalties specified for a 146
felony of the fifth degree in sections 2929.11 to 2929.18 of the 147
Revised Code. If the value of the property or the amount of 148
physical harm involved is seven thousand five hundred dollars or 149
more but less than one hundred fifty thousand dollars, vandalism 150
is a felony of the fourth degree. If the value of the property 151
or the amount of physical harm involved is one hundred fifty 152
thousand dollars or more, vandalism is a felony of the third 153
degree. 154

(2) Whoever violates division (E) of this section is 155
guilty of riot vandalism, a felony of the second degree. 156

~~(F)~~ (G) For purposes of this section: 157

(1) "Cemetery" means any place of burial and includes 158
burial sites that contain American Indian burial objects placed 159
with or containing American Indian human remains. 160

(2) "Serious physical harm" means physical harm to 161
property that results in loss to the value of the property of 162
one thousand dollars or more. 163

(3) "Governmental entity" includes, but is not limited to, 164
the state or a political subdivision of the state, a school 165
district, the board of trustees of a public library or public 166
university, or any other body corporate and politic responsible 167
for governmental activities only in geographical areas smaller 168
than that of the state. 169

Sec. 2917.02. (A) No person shall participate with four or 170
more others in a course of disorderly conduct in violation of 171
section 2917.11 of the Revised Code: 172

(1) With purpose to commit or facilitate the commission of 173
a felony; 174

(2) With purpose to commit or facilitate the commission of 175
any offense of violence; 176

(3) When the offender or any participant to the knowledge 177
of the offender has on or about the offender's or participant's 178
person or under the offender's or participant's control, uses, 179
or intends to use a deadly weapon or dangerous ordnance, as 180
defined in section 2923.11 of the Revised Code. 181

(B) (1) No person, being an inmate in a detention facility, 182
shall violate division (A) (1) or (3) of this section. 183

(2) No person, being an inmate in a detention facility, 184
shall violate division (A) (2) of this section or section 2917.03 185
of the Revised Code. 186

(3) No person, in violating division (A) of this section, 187
shall cause damage to property or injury to another person. 188

(C) Whoever violates this section is guilty of aggravated riot. A violation of division (A) (1) or (3) of this section is a felony of the fifth degree. A violation of division (A) (2) or (B) (1) of this section is a felony of the fourth degree. A violation of division (B) (2) or (3) of this section is a felony of the third degree.

(D) As used in this section, "detention facility" has the same meaning as in section 2921.01 of the Revised Code.

Sec. 2917.03. (A) No person shall participate with four or more others in a course of disorderly conduct in violation of section 2917.11 of the Revised Code:

(1) With purpose to commit or facilitate the commission of a misdemeanor, other than disorderly conduct;

(2) With purpose to intimidate a public official or employee into taking or refraining from official action, or with purpose to hinder, impede, or obstruct a function of government;

(3) With purpose to hinder, impede, or obstruct the orderly process of administration or instruction at an educational institution, or to interfere with or disrupt lawful activities carried on at such institution.

(B) No person shall participate with four or more others with purpose to do an act with unlawful force or violence, even though such act might otherwise be lawful.

(C) Whoever violates this section is guilty of riot. The penalty for the offense shall be determined as follows:

(1) Except as provided in division (C) (2) of this section, riot is a misdemeanor of the first degree.

(2) If the offender, in committing a violation of this

section, causes damage to property or injury to another person, 217
riot is a felony of the fourth degree. 218

Sec. 2917.06. (A) As used in this section, "place of 219
public accommodation" has the same meaning as in section 4112.01 220
of the Revised Code. 221

(B) No person shall recklessly harass or intimidate 222
another person in a place of public accommodation while the 223
person is engaging in aggravated riot or riot in violation of 224
section 2917.02 or 2917.03 of the Revised Code. 225

(C) A person who violates division (B) of this section is 226
guilty of harassment in a place of public accommodation, a 227
misdemeanor of the first degree. 228

Sec. 2917.11. (A) No person shall recklessly cause 229
inconvenience, annoyance, or alarm to another by doing any of 230
the following: 231

(1) Engaging in fighting, in threatening harm to persons 232
or property, or in violent or turbulent behavior; 233

(2) Making unreasonable noise or an offensively coarse 234
utterance, gesture, or display or communicating unwarranted and 235
grossly abusive language to any person; 236

(3) Insulting, taunting, or challenging another, under 237
circumstances in which that conduct is likely to provoke a 238
violent response; 239

(4) Hindering or preventing the movement of persons on a 240
public street, road, highway, or right-of-way, or to, from, 241
within, or upon public or private property, so as to interfere 242
with the rights of others, and by any act that serves no lawful 243
and reasonable purpose of the offender; 244

(5) Creating a condition that is physically offensive to persons or that presents a risk of physical harm to persons or property, by any act that serves no lawful and reasonable purpose of the offender.

(B) No person, while voluntarily intoxicated, shall do either of the following:

(1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance, or alarm to persons of ordinary sensibilities, which conduct the offender, if the offender were not intoxicated, should know is likely to have that effect on others;

(2) Engage in conduct or create a condition that presents a risk of physical harm to the offender or another, or to the property of another.

(C) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft, or other vehicle while under the influence of alcohol or any drug of abuse, is not a violation of division (B) of this section.

(D) If a person appears to an ordinary observer to be intoxicated, it is probable cause to believe that person is voluntarily intoxicated for purposes of division (B) of this section.

(E) (1) Whoever violates this section is guilty of disorderly conduct.

(2) Except as otherwise provided in divisions (E) (3) ~~and~~, (4), and (5) of this section, disorderly conduct is a minor misdemeanor.

(3) Disorderly conduct is a misdemeanor of the fourth degree if any of the following applies:	274 275
(a) The offender persists in disorderly conduct after reasonable warning or request to desist.	276 277
(b) The offense is committed in the vicinity of a school or in a school safety zone.	278 279
(c) The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind.	280 281 282 283 284
(d) The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.	285 286 287
(4) If an offender previously has been convicted of or pleaded guilty to three or more violations of division (B) of this section, a violation of division (B) of this section is a misdemeanor of the fourth degree.	288 289 290 291
<u>(5) A violation of division (A) (4) of this section is a felony of the third degree if the violation occurs during an aggravated riot or riot in violation of section 2917.02 or 2917.03 of the Revised Code, or during a protest or demonstration for which no permit was issued or for which the scope of any issued permit was exceeded.</u>	292 293 294 295 296 297
(F) As used in this section:	298
(1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in section 2133.21 of the Revised Code.	299 300 301

(2) "Emergency facility person" is the singular of 302
"emergency facility personnel" as defined in section 2909.04 of 303
the Revised Code. 304

(3) "Emergency facility" has the same meaning as in 305
section 2909.04 of the Revised Code. 306

(4) "Committed in the vicinity of a school" has the same 307
meaning as in section 2925.01 of the Revised Code. 308

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of 309
the Revised Code: 310

(A) "Beneficial interest" means any of the following: 311

(1) The interest of a person as a beneficiary under a 312
trust in which the trustee holds title to personal or real 313
property; 314

(2) The interest of a person as a beneficiary under any 315
other trust arrangement under which any other person holds title 316
to personal or real property for the benefit of such person; 317

(3) The interest of a person under any other form of 318
express fiduciary arrangement under which any other person holds 319
title to personal or real property for the benefit of such 320
person. 321

"Beneficial interest" does not include the interest of a 322
stockholder in a corporation or the interest of a partner in 323
either a general or limited partnership. 324

(B) "Costs of investigation and prosecution" and "costs of 325
investigation and litigation" mean all of the costs incurred by 326
the state or a county or municipal corporation under sections 327
2923.31 to 2923.36 of the Revised Code in the prosecution and 328
investigation of any criminal action or in the litigation and 329

investigation of any civil action, and includes, but is not 330
limited to, the costs of resources and personnel. 331

(C) "Enterprise" includes any individual, sole 332
proprietorship, partnership, limited partnership, corporation, 333
trust, union, government agency, or other legal entity, or any 334
organization, association, or group of persons associated in 335
fact although not a legal entity. "Enterprise" includes illicit 336
as well as licit enterprises. 337

(D) "Innocent person" includes any bona fide purchaser of 338
property that is allegedly involved in a violation of section 339
2923.32 of the Revised Code, including any person who 340
establishes a valid claim to or interest in the property in 341
accordance with division (E) of section 2981.04 of the Revised 342
Code, and any victim of an alleged violation of that section or 343
of any underlying offense involved in an alleged violation of 344
that section. 345

(E) "Pattern of corrupt activity" means two or more 346
incidents of corrupt activity, whether or not there has been a 347
prior conviction, that are related to the affairs of the same 348
enterprise, are not isolated, and are not so closely related to 349
each other and connected in time and place that they constitute 350
a single event. 351

At least one of the incidents forming the pattern shall 352
occur on or after January 1, 1986. Unless any incident was an 353
aggravated murder or murder, the last of the incidents forming 354
the pattern shall occur within six years after the commission of 355
any prior incident forming the pattern, excluding any period of 356
imprisonment served by any person engaging in the corrupt 357
activity. 358

For the purposes of the criminal penalties that may be 359
imposed pursuant to section 2923.32 of the Revised Code, at 360
least one of the incidents forming the pattern shall constitute 361
a felony under the laws of this state in existence at the time 362
it was committed or, if committed in violation of the laws of 363
the United States or of any other state, shall constitute a 364
felony under the law of the United States or the other state and 365
would be a criminal offense under the law of this state if 366
committed in this state. 367

(F) "Pecuniary value" means money, a negotiable 368
instrument, a commercial interest, or anything of value, as 369
defined in section 1.03 of the Revised Code, or any other 370
property or service that has a value in excess of one hundred 371
dollars. 372

(G) "Person" means any person, as defined in section 1.59 373
of the Revised Code, and any governmental officer, employee, or 374
entity. 375

(H) "Personal property" means any personal property, any 376
interest in personal property, or any right, including, but not 377
limited to, bank accounts, debts, corporate stocks, patents, or 378
copyrights. Personal property and any beneficial interest in 379
personal property are deemed to be located where the trustee of 380
the property, the personal property, or the instrument 381
evidencing the right is located. 382

(I) "Corrupt activity" means engaging in, attempting to 383
engage in, conspiring to engage in, or soliciting, coercing, or 384
intimidating another person to engage in any of the following: 385

(1) Conduct defined as "racketeering activity" under the 386
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 387

1961(1) (B), (1) (C), (1) (D), and (1) (E), as amended;	388
(2) Conduct constituting any of the following:	389
(a) A violation of section 1315.55, 1322.07, 2903.01,	390
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02,	391
2905.11, 2905.22, 2905.32 as specified in division (I) (2) (g) of	392
this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03,	393
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29,	394
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05,	395
2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12,	396
2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17;	397
division (F) (1) (a), (b), or (c) of section 1315.53; division (A)	398
(1) or (2) of section 1707.042; division (B), (C) (4), (D), (E),	399
or (F) of section 1707.44; division (A) (1) or (2) of section	400
2923.20; division (E) or (G) of section 3772.99; division (J) (1)	401
of section 4712.02; section 4719.02, 4719.05, or 4719.06;	402
division (C), (D), or (E) of section 4719.07; section 4719.08;	403
or division (A) of section 4719.09 of the Revised Code.	404
(b) Any violation of section 3769.11, 3769.15, 3769.16, or	405
3769.19 of the Revised Code as it existed prior to July 1, 1996,	406
any violation of section 2915.02 of the Revised Code that occurs	407
on or after July 1, 1996, and that, had it occurred prior to	408
that date, would have been a violation of section 3769.11 of the	409
Revised Code as it existed prior to that date, or any violation	410
of section 2915.05 of the Revised Code that occurs on or after	411
July 1, 1996, and that, had it occurred prior to that date,	412
would have been a violation of section 3769.15, 3769.16, or	413
3769.19 of the Revised Code as it existed prior to that date.	414
(c) Any violation of section 2907.21, 2907.22, 2907.31,	415
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42,	416
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37	417

of the Revised Code, any violation of section 2925.11 of the 418
Revised Code that is a felony of the first, second, third, or 419
fourth degree and that occurs on or after July 1, 1996, any 420
violation of section 2915.02 of the Revised Code that occurred 421
prior to July 1, 1996, any violation of section 2915.02 of the 422
Revised Code that occurs on or after July 1, 1996, and that, had 423
it occurred prior to that date, would not have been a violation 424
of section 3769.11 of the Revised Code as it existed prior to 425
that date, any violation of section 2915.06 of the Revised Code 426
as it existed prior to July 1, 1996, or any violation of 427
division (B) of section 2915.05 of the Revised Code as it exists 428
on and after July 1, 1996, when the proceeds of the violation, 429
the payments made in the violation, the amount of a claim for 430
payment or for any other benefit that is false or deceptive and 431
that is involved in the violation, or the value of the 432
contraband or other property illegally possessed, sold, or 433
purchased in the violation exceeds one thousand dollars, or any 434
combination of violations described in division (I) (2) (c) of 435
this section when the total proceeds of the combination of 436
violations, payments made in the combination of violations, 437
amount of the claims for payment or for other benefits that is 438
false or deceptive and that is involved in the combination of 439
violations, or value of the contraband or other property 440
illegally possessed, sold, or purchased in the combination of 441
violations exceeds one thousand dollars; 442

(d) Any violation of section 5743.112 of the Revised Code 443
when the amount of unpaid tax exceeds one hundred dollars; 444

(e) Any violation or combination of violations of section 445
2907.32 of the Revised Code involving any material or 446
performance containing a display of bestiality or of sexual 447
conduct, as defined in section 2907.01 of the Revised Code, that 448

is explicit and depicted with clearly visible penetration of the 449
genitals or clearly visible penetration by the penis of any 450
orifice when the total proceeds of the violation or combination 451
of violations, the payments made in the violation or combination 452
of violations, or the value of the contraband or other property 453
illegally possessed, sold, or purchased in the violation or 454
combination of violations exceeds one thousand dollars; 455

(f) Any combination of violations described in division 456
(I) (2) (c) of this section and violations of section 2907.32 of 457
the Revised Code involving any material or performance 458
containing a display of bestiality or of sexual conduct, as 459
defined in section 2907.01 of the Revised Code, that is explicit 460
and depicted with clearly visible penetration of the genitals or 461
clearly visible penetration by the penis of any orifice when the 462
total proceeds of the combination of violations, payments made 463
in the combination of violations, amount of the claims for 464
payment or for other benefits that is false or deceptive and 465
that is involved in the combination of violations, or value of 466
the contraband or other property illegally possessed, sold, or 467
purchased in the combination of violations exceeds one thousand 468
dollars; 469

(g) Any violation of section 2905.32 of the Revised Code 470
to the extent the violation is not based solely on the same 471
conduct that constitutes corrupt activity pursuant to division 472
(I) (2) (c) of this section due to the conduct being in violation 473
of section 2907.21 of the Revised Code. 474

(3) Conduct constituting a violation of any law of any 475
state other than this state that is substantially similar to the 476
conduct described in division (I) (2) of this section, provided 477
the defendant was convicted of the conduct in a criminal 478

proceeding in the other state;	479
(4) Animal or ecological terrorism;	480
(5) (a) Conduct constituting any of the following:	481
(i) Organized retail theft;	482
(ii) Conduct that constitutes one or more violations of	483
any law of any state other than this state, that is	484
substantially similar to organized retail theft, and that if	485
committed in this state would be organized retail theft, if the	486
defendant was convicted of or pleaded guilty to the conduct in a	487
criminal proceeding in the other state.	488
(b) By enacting division (I) (5) (a) of this section, it is	489
the intent of the general assembly to add organized retail theft	490
and the conduct described in division (I) (5) (a) (ii) of this	491
section as conduct constituting corrupt activity. The enactment	492
of division (I) (5) (a) of this section and the addition by	493
division (I) (5) (a) of this section of organized retail theft and	494
the conduct described in division (I) (5) (a) (ii) of this section	495
as conduct constituting corrupt activity does not limit or	496
preclude, and shall not be construed as limiting or precluding,	497
any prosecution for a violation of section 2923.32 of the	498
Revised Code that is based on one or more violations of section	499
2913.02 or 2913.51 of the Revised Code, one or more similar	500
offenses under the laws of this state or any other state, or any	501
combination of any of those violations or similar offenses, even	502
though the conduct constituting the basis for those violations	503
or offenses could be construed as also constituting organized	504
retail theft or conduct of the type described in division (I) (5)	505
(a) (ii) of this section.	506
<u>(6) Providing material support or resources with purpose</u>	507

that the material support or resources will be used in whole or 508
in part to plan, prepare, carry out, or aid in conduct that 509
constitutes a violation of section 2917.02 or 2917.03 of the 510
Revised Code; 511

(7) Organizing persons or calling persons to gather for 512
the purpose of violating section 2917.02 or 2917.03 of the 513
Revised Code. 514

(J) "Real property" means any real property or any 515
interest in real property, including, but not limited to, any 516
lease of, or mortgage upon, real property. Real property and any 517
beneficial interest in it is deemed to be located where the real 518
property is located. 519

(K) "Trustee" means any of the following: 520

(1) Any person acting as trustee under a trust in which 521
the trustee holds title to personal or real property; 522

(2) Any person who holds title to personal or real 523
property for which any other person has a beneficial interest; 524

(3) Any successor trustee. 525

"Trustee" does not include an assignee or trustee for an 526
insolvent debtor or an executor, administrator, administrator 527
with the will annexed, testamentary trustee, guardian, or 528
committee, appointed by, under the control of, or accountable to 529
a court. 530

(L) "Unlawful debt" means any money or other thing of 531
value constituting principal or interest of a debt that is 532
legally unenforceable in this state in whole or in part because 533
the debt was incurred or contracted in violation of any federal 534
or state law relating to the business of gambling activity or 535

relating to the business of lending money at an usurious rate 536
unless the creditor proves, by a preponderance of the evidence, 537
that the usurious rate was not intentionally set and that it 538
resulted from a good faith error by the creditor, 539
notwithstanding the maintenance of procedures that were adopted 540
by the creditor to avoid an error of that nature. 541

(M) "Animal activity" means any activity that involves the 542
use of animals or animal parts, including, but not limited to, 543
hunting, fishing, trapping, traveling, camping, the production, 544
preparation, or processing of food or food products, clothing or 545
garment manufacturing, medical research, other research, 546
entertainment, recreation, agriculture, biotechnology, or 547
service activity that involves the use of animals or animal 548
parts. 549

(N) "Animal facility" means a vehicle, building, 550
structure, nature preserve, or other premises in which an animal 551
is lawfully kept, handled, housed, exhibited, bred, or offered 552
for sale, including, but not limited to, a zoo, rodeo, circus, 553
amusement park, hunting preserve, or premises in which a horse 554
or dog event is held. 555

(O) "Animal or ecological terrorism" means the commission 556
of any felony that involves causing or creating a substantial 557
risk of physical harm to any property of another, the use of a 558
deadly weapon or dangerous ordnance, or purposely, knowingly, or 559
recklessly causing serious physical harm to property and that 560
involves an intent to obstruct, impede, or deter any person from 561
participating in a lawful animal activity, from mining, 562
forestry, harvesting, gathering, or processing natural 563
resources, or from being lawfully present in or on an animal 564
facility or research facility. 565

(P) "Research facility" means a place, laboratory, 566
institution, medical care facility, government facility, or 567
public or private educational institution in which a scientific 568
test, experiment, or investigation involving the use of animals 569
or other living organisms is lawfully carried out, conducted, or 570
attempted. 571

(Q) "Organized retail theft" means the theft of retail 572
property with a retail value of one thousand dollars or more 573
from one or more retail establishments with the intent to sell, 574
deliver, or transfer that property to a retail property fence. 575

(R) "Retail property" means any tangible personal property 576
displayed, held, stored, or offered for sale in or by a retail 577
establishment. 578

(S) "Retail property fence" means a person who possesses, 579
procures, receives, or conceals retail property that was 580
represented to the person as being stolen or that the person 581
knows or believes to be stolen. 582

(T) "Retail value" means the full retail value of the 583
retail property. In determining whether the retail value of 584
retail property equals or exceeds one thousand dollars, the 585
value of all retail property stolen from the retail 586
establishment or retail establishments by the same person or 587
persons within any one-hundred-eighty-day period shall be 588
aggregated. 589

(U) "Material support or resources" has the same meaning 590
as in section 2909.21 of the Revised Code. 591

Sec. 2927.121. (A) As used in this section, "first 592
responder" has the same meaning as in section 4765.01 of the 593
Revised Code, except that it also includes any firefighter or 594

paramedic as defined in section 4765.01 of the Revised Code, and 595
any peace officer as defined in section 2935.01 of the Revised 596
Code. 597

(B) No person shall do any of the following maliciously 598
and with the specific intent to intimidate, harass, or terrorize 599
another person because of that person's actual or perceived 600
employment as a first responder: 601

(1) Cause death or serious bodily harm to another person; 602

(2) Cause damage to or destroy any real or personal 603
property of a person without permission when the amount of the 604
damage or the value of the property destroyed exceeds five 605
hundred dollars. 606

(C) A person who violates division (B) of this section is 607
guilty of bias motivated intimidation, a felony of the third 608
degree. 609

(D) Each violation of this section shall constitute a 610
separate offense and shall not merge with any other offense 611
under section 2941.25 of the Revised Code. 612

Sec. 2929.14. (A) Except as provided in division (B) (1), 613
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 614
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 615
in division (D) (6) of section 2919.25 of the Revised Code and 616
except in relation to an offense for which a sentence of death 617
or life imprisonment is to be imposed, if the court imposing a 618
sentence upon an offender for a felony elects or is required to 619
impose a prison term on the offender pursuant to this chapter, 620
the court shall impose a prison term that shall be one of the 621
following: 622

(1) (a) For a felony of the first degree committed on or 623

after the effective date of this amendment, the prison term 624
shall be an indefinite prison term with a stated minimum term 625
selected by the court of three, four, five, six, seven, eight, 626
nine, ten, or eleven years and a maximum term that is determined 627
pursuant to section 2929.144 of the Revised Code, except that if 628
the section that criminalizes the conduct constituting the 629
felony specifies a different minimum term or penalty for the 630
offense, the specific language of that section shall control in 631
determining the minimum term or otherwise sentencing the 632
offender but the minimum term or sentence imposed under that 633
specific language shall be considered for purposes of the 634
Revised Code as if it had been imposed under this division. 635

(b) For a felony of the first degree committed prior to 636
the effective date of this amendment, the prison term shall be a 637
definite prison term of three, four, five, six, seven, eight, 638
nine, ten, or eleven years. 639

(2) (a) For a felony of the second degree committed on or 640
after the effective date of this amendment, the prison term 641
shall be an indefinite prison term with a stated minimum term 642
selected by the court of two, three, four, five, six, seven, or 643
eight years and a maximum term that is determined pursuant to 644
section 2929.144 of the Revised Code, except that if the section 645
that criminalizes the conduct constituting the felony specifies 646
a different minimum term or penalty for the offense, the 647
specific language of that section shall control in determining 648
the minimum term or otherwise sentencing the offender but the 649
minimum term or sentence imposed under that specific language 650
shall be considered for purposes of the Revised Code as if it 651
had been imposed under this division. 652

(b) For a felony of the second degree committed prior to 653

the effective date of this amendment, the prison term shall be a 654
definite term of two, three, four, five, six, seven, or eight 655
years. 656

(3) (a) For a felony of the third degree that is a 657
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 658
2907.05, 2907.321, 2907.322, 2907.323, 2927.121, or 3795.04 of 659
the Revised Code or that is a violation of section 2911.02 or 660
2911.12 of the Revised Code if the offender previously has been 661
convicted of or pleaded guilty in two or more separate 662
proceedings to two or more violations of section 2911.01, 663
2911.02, 2911.11, or 2911.12 of the Revised Code, the prison 664
term shall be a definite term of twelve, eighteen, twenty-four, 665
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 666
months. 667

(b) For a felony of the third degree that is not an 668
offense for which division (A) (3) (a) of this section applies, 669
the prison term shall be a definite term of nine, twelve, 670
eighteen, twenty-four, thirty, or thirty-six months. 671

(4) For a felony of the fourth degree, the prison term 672
shall be a definite term of six, seven, eight, nine, ten, 673
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 674
or eighteen months. 675

(5) For a felony of the fifth degree, the prison term 676
shall be a definite term of six, seven, eight, nine, ten, 677
eleven, or twelve months. 678

(B) (1) (a) Except as provided in division (B) (1) (e) of this 679
section, if an offender who is convicted of or pleads guilty to 680
a felony also is convicted of or pleads guilty to a 681
specification of the type described in section 2941.141, 682

2941.144, or 2941.145 of the Revised Code, the court shall 683
impose on the offender one of the following prison terms: 684

(i) A prison term of six years if the specification is of 685
the type described in division (A) of section 2941.144 of the 686
Revised Code that charges the offender with having a firearm 687
that is an automatic firearm or that was equipped with a firearm 688
muffler or suppressor on or about the offender's person or under 689
the offender's control while committing the offense; 690

(ii) A prison term of three years if the specification is 691
of the type described in division (A) of section 2941.145 of the 692
Revised Code that charges the offender with having a firearm on 693
or about the offender's person or under the offender's control 694
while committing the offense and displaying the firearm, 695
brandishing the firearm, indicating that the offender possessed 696
the firearm, or using it to facilitate the offense; 697

(iii) A prison term of one year if the specification is of 698
the type described in division (A) of section 2941.141 of the 699
Revised Code that charges the offender with having a firearm on 700
or about the offender's person or under the offender's control 701
while committing the offense; 702

(iv) A prison term of nine years if the specification is 703
of the type described in division (D) of section 2941.144 of the 704
Revised Code that charges the offender with having a firearm 705
that is an automatic firearm or that was equipped with a firearm 706
muffler or suppressor on or about the offender's person or under 707
the offender's control while committing the offense and 708
specifies that the offender previously has been convicted of or 709
pleaded guilty to a specification of the type described in 710
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 711
the Revised Code; 712

(v) A prison term of fifty-four months if the 713
specification is of the type described in division (D) of 714
section 2941.145 of the Revised Code that charges the offender 715
with having a firearm on or about the offender's person or under 716
the offender's control while committing the offense and 717
displaying the firearm, brandishing the firearm, indicating that 718
the offender possessed the firearm, or using the firearm to 719
facilitate the offense and that the offender previously has been 720
convicted of or pleaded guilty to a specification of the type 721
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 722
2941.1412 of the Revised Code; 723

(vi) A prison term of eighteen months if the specification 724
is of the type described in division (D) of section 2941.141 of 725
the Revised Code that charges the offender with having a firearm 726
on or about the offender's person or under the offender's 727
control while committing the offense and that the offender 728
previously has been convicted of or pleaded guilty to a 729
specification of the type described in section 2941.141, 730
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 731

(b) If a court imposes a prison term on an offender under 732
division (B)(1)(a) of this section, the prison term shall not be 733
reduced pursuant to section 2967.19, section 2929.20, section 734
2967.193, or any other provision of Chapter 2967. or Chapter 735
5120. of the Revised Code. Except as provided in division (B)(1) 736
(g) of this section, a court shall not impose more than one 737
prison term on an offender under division (B)(1)(a) of this 738
section for felonies committed as part of the same act or 739
transaction. 740

(c)(i) Except as provided in division (B)(1)(e) of this 741
section, if an offender who is convicted of or pleads guilty to 742

a violation of section 2923.161 of the Revised Code or to a 743
felony that includes, as an essential element, purposely or 744
knowingly causing or attempting to cause the death of or 745
physical harm to another, also is convicted of or pleads guilty 746
to a specification of the type described in division (A) of 747
section 2941.146 of the Revised Code that charges the offender 748
with committing the offense by discharging a firearm from a 749
motor vehicle other than a manufactured home, the court, after 750
imposing a prison term on the offender for the violation of 751
section 2923.161 of the Revised Code or for the other felony 752
offense under division (A), (B) (2), or (B) (3) of this section, 753
shall impose an additional prison term of five years upon the 754
offender that shall not be reduced pursuant to section 2929.20, 755
section 2967.19, section 2967.193, or any other provision of 756
Chapter 2967. or Chapter 5120. of the Revised Code. 757

(ii) Except as provided in division (B) (1) (e) of this 758
section, if an offender who is convicted of or pleads guilty to 759
a violation of section 2923.161 of the Revised Code or to a 760
felony that includes, as an essential element, purposely or 761
knowingly causing or attempting to cause the death of or 762
physical harm to another, also is convicted of or pleads guilty 763
to a specification of the type described in division (C) of 764
section 2941.146 of the Revised Code that charges the offender 765
with committing the offense by discharging a firearm from a 766
motor vehicle other than a manufactured home and that the 767
offender previously has been convicted of or pleaded guilty to a 768
specification of the type described in section 2941.141, 769
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 770
the court, after imposing a prison term on the offender for the 771
violation of section 2923.161 of the Revised Code or for the 772
other felony offense under division (A), (B) (2), or (3) of this 773

section, shall impose an additional prison term of ninety months 774
upon the offender that shall not be reduced pursuant to section 775
2929.20, 2967.19, 2967.193, or any other provision of Chapter 776
2967. or Chapter 5120. of the Revised Code. 777

(iii) A court shall not impose more than one additional 778
prison term on an offender under division (B) (1) (c) of this 779
section for felonies committed as part of the same act or 780
transaction. If a court imposes an additional prison term on an 781
offender under division (B) (1) (c) of this section relative to an 782
offense, the court also shall impose a prison term under 783
division (B) (1) (a) of this section relative to the same offense, 784
provided the criteria specified in that division for imposing an 785
additional prison term are satisfied relative to the offender 786
and the offense. 787

(d) If an offender who is convicted of or pleads guilty to 788
an offense of violence that is a felony also is convicted of or 789
pleads guilty to a specification of the type described in 790
section 2941.1411 of the Revised Code that charges the offender 791
with wearing or carrying body armor while committing the felony 792
offense of violence, the court shall impose on the offender an 793
additional prison term of two years. The prison term so imposed, 794
subject to divisions (C) to (I) of section 2967.19 of the 795
Revised Code, shall not be reduced pursuant to section 2929.20, 796
section 2967.19, section 2967.193, or any other provision of 797
Chapter 2967. or Chapter 5120. of the Revised Code. A court 798
shall not impose more than one prison term on an offender under 799
division (B) (1) (d) of this section for felonies committed as 800
part of the same act or transaction. If a court imposes an 801
additional prison term under division (B) (1) (a) or (c) of this 802
section, the court is not precluded from imposing an additional 803
prison term under division (B) (1) (d) of this section. 804

(e) The court shall not impose any of the prison terms 805
described in division (B) (1) (a) of this section or any of the 806
additional prison terms described in division (B) (1) (c) of this 807
section upon an offender for a violation of section 2923.12 or 808
2923.123 of the Revised Code. The court shall not impose any of 809
the prison terms described in division (B) (1) (a) or (b) of this 810
section upon an offender for a violation of section 2923.122 811
that involves a deadly weapon that is a firearm other than a 812
dangerous ordnance, section 2923.16, or section 2923.121 of the 813
Revised Code. The court shall not impose any of the prison terms 814
described in division (B) (1) (a) of this section or any of the 815
additional prison terms described in division (B) (1) (c) of this 816
section upon an offender for a violation of section 2923.13 of 817
the Revised Code unless all of the following apply: 818

(i) The offender previously has been convicted of 819
aggravated murder, murder, or any felony of the first or second 820
degree. 821

(ii) Less than five years have passed since the offender 822
was released from prison or post-release control, whichever is 823
later, for the prior offense. 824

(f) (i) If an offender is convicted of or pleads guilty to 825
a felony that includes, as an essential element, causing or 826
attempting to cause the death of or physical harm to another and 827
also is convicted of or pleads guilty to a specification of the 828
type described in division (A) of section 2941.1412 of the 829
Revised Code that charges the offender with committing the 830
offense by discharging a firearm at a peace officer as defined 831
in section 2935.01 of the Revised Code or a corrections officer, 832
as defined in section 2941.1412 of the Revised Code, the court, 833
after imposing a prison term on the offender for the felony 834

offense under division (A), (B) (2), or (B) (3) of this section, 835
shall impose an additional prison term of seven years upon the 836
offender that shall not be reduced pursuant to section 2929.20, 837
section 2967.19, section 2967.193, or any other provision of 838
Chapter 2967. or Chapter 5120. of the Revised Code. 839

(ii) If an offender is convicted of or pleads guilty to a 840
felony that includes, as an essential element, causing or 841
attempting to cause the death of or physical harm to another and 842
also is convicted of or pleads guilty to a specification of the 843
type described in division (B) of section 2941.1412 of the 844
Revised Code that charges the offender with committing the 845
offense by discharging a firearm at a peace officer, as defined 846
in section 2935.01 of the Revised Code, or a corrections 847
officer, as defined in section 2941.1412 of the Revised Code, 848
and that the offender previously has been convicted of or 849
pleaded guilty to a specification of the type described in 850
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 851
the Revised Code, the court, after imposing a prison term on the 852
offender for the felony offense under division (A), (B) (2), or 853
(3) of this section, shall impose an additional prison term of 854
one hundred twenty-six months upon the offender that shall not 855
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 856
any other provision of Chapter 2967. or 5120. of the Revised 857
Code. 858

(iii) If an offender is convicted of or pleads guilty to 859
two or more felonies that include, as an essential element, 860
causing or attempting to cause the death or physical harm to 861
another and also is convicted of or pleads guilty to a 862
specification of the type described under division (B) (1) (f) of 863
this section in connection with two or more of the felonies of 864
which the offender is convicted or to which the offender pleads 865

guilty, the sentencing court shall impose on the offender the 866
prison term specified under division (B) (1) (f) of this section 867
for each of two of the specifications of which the offender is 868
convicted or to which the offender pleads guilty and, in its 869
discretion, also may impose on the offender the prison term 870
specified under that division for any or all of the remaining 871
specifications. If a court imposes an additional prison term on 872
an offender under division (B) (1) (f) of this section relative to 873
an offense, the court shall not impose a prison term under 874
division (B) (1) (a) or (c) of this section relative to the same 875
offense. 876

(g) If an offender is convicted of or pleads guilty to two 877
or more felonies, if one or more of those felonies are 878
aggravated murder, murder, attempted aggravated murder, 879
attempted murder, aggravated robbery, felonious assault, or 880
rape, and if the offender is convicted of or pleads guilty to a 881
specification of the type described under division (B) (1) (a) of 882
this section in connection with two or more of the felonies, the 883
sentencing court shall impose on the offender the prison term 884
specified under division (B) (1) (a) of this section for each of 885
the two most serious specifications of which the offender is 886
convicted or to which the offender pleads guilty and, in its 887
discretion, also may impose on the offender the prison term 888
specified under that division for any or all of the remaining 889
specifications. 890

(2) (a) If division (B) (2) (b) of this section does not 891
apply, the court may impose on an offender, in addition to the 892
longest prison term authorized or required for the offense or, 893
for offenses for which division (A) (1) (a) or (2) (a) of this 894
section applies, in addition to the longest minimum prison term 895
authorized or required for the offense, an additional definite 896

prison term of one, two, three, four, five, six, seven, eight, 897
nine, or ten years if all of the following criteria are met: 898

(i) The offender is convicted of or pleads guilty to a 899
specification of the type described in section 2941.149 of the 900
Revised Code that the offender is a repeat violent offender. 901

(ii) The offense of which the offender currently is 902
convicted or to which the offender currently pleads guilty is 903
aggravated murder and the court does not impose a sentence of 904
death or life imprisonment without parole, murder, terrorism and 905
the court does not impose a sentence of life imprisonment 906
without parole, any felony of the first degree that is an 907
offense of violence and the court does not impose a sentence of 908
life imprisonment without parole, or any felony of the second 909
degree that is an offense of violence and the trier of fact 910
finds that the offense involved an attempt to cause or a threat 911
to cause serious physical harm to a person or resulted in 912
serious physical harm to a person. 913

(iii) The court imposes the longest prison term for the 914
offense or the longest minimum prison term for the offense, 915
whichever is applicable, that is not life imprisonment without 916
parole. 917

(iv) The court finds that the prison terms imposed 918
pursuant to division (B) (2) (a) (iii) of this section and, if 919
applicable, division (B) (1) or (3) of this section are 920
inadequate to punish the offender and protect the public from 921
future crime, because the applicable factors under section 922
2929.12 of the Revised Code indicating a greater likelihood of 923
recidivism outweigh the applicable factors under that section 924
indicating a lesser likelihood of recidivism. 925

(v) The court finds that the prison terms imposed pursuant 926
to division (B) (2) (a) (iii) of this section and, if applicable, 927
division (B) (1) or (3) of this section are demeaning to the 928
seriousness of the offense, because one or more of the factors 929
under section 2929.12 of the Revised Code indicating that the 930
offender's conduct is more serious than conduct normally 931
constituting the offense are present, and they outweigh the 932
applicable factors under that section indicating that the 933
offender's conduct is less serious than conduct normally 934
constituting the offense. 935

(b) The court shall impose on an offender the longest 936
prison term authorized or required for the offense or, for 937
offenses for which division (A) (1) (a) or (2) (a) of this section 938
applies, the longest minimum prison term authorized or required 939
for the offense, and shall impose on the offender an additional 940
definite prison term of one, two, three, four, five, six, seven, 941
eight, nine, or ten years if all of the following criteria are 942
met: 943

(i) The offender is convicted of or pleads guilty to a 944
specification of the type described in section 2941.149 of the 945
Revised Code that the offender is a repeat violent offender. 946

(ii) The offender within the preceding twenty years has 947
been convicted of or pleaded guilty to three or more offenses 948
described in division (CC) (1) of section 2929.01 of the Revised 949
Code, including all offenses described in that division of which 950
the offender is convicted or to which the offender pleads guilty 951
in the current prosecution and all offenses described in that 952
division of which the offender previously has been convicted or 953
to which the offender previously pleaded guilty, whether 954
prosecuted together or separately. 955

(iii) The offense or offenses of which the offender 956
currently is convicted or to which the offender currently pleads 957
guilty is aggravated murder and the court does not impose a 958
sentence of death or life imprisonment without parole, murder, 959
terrorism and the court does not impose a sentence of life 960
imprisonment without parole, any felony of the first degree that 961
is an offense of violence and the court does not impose a 962
sentence of life imprisonment without parole, or any felony of 963
the second degree that is an offense of violence and the trier 964
of fact finds that the offense involved an attempt to cause or a 965
threat to cause serious physical harm to a person or resulted in 966
serious physical harm to a person. 967

(c) For purposes of division (B)(2)(b) of this section, 968
two or more offenses committed at the same time or as part of 969
the same act or event shall be considered one offense, and that 970
one offense shall be the offense with the greatest penalty. 971

(d) A sentence imposed under division (B)(2)(a) or (b) of 972
this section shall not be reduced pursuant to section 2929.20, 973
section 2967.19, or section 2967.193, or any other provision of 974
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 975
shall serve an additional prison term imposed under division (B) 976
(2)(a) or (b) of this section consecutively to and prior to the 977
prison term imposed for the underlying offense. 978

(e) When imposing a sentence pursuant to division (B)(2) 979
(a) or (b) of this section, the court shall state its findings 980
explaining the imposed sentence. 981

(3) Except when an offender commits a violation of section 982
2903.01 or 2907.02 of the Revised Code and the penalty imposed 983
for the violation is life imprisonment or commits a violation of 984
section 2903.02 of the Revised Code, if the offender commits a 985

violation of section 2925.03 or 2925.11 of the Revised Code and 986
that section classifies the offender as a major drug offender, 987
if the offender commits a violation of section 2925.05 of the 988
Revised Code and division (E)(1) of that section classifies the 989
offender as a major drug offender, if the offender commits a 990
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 991
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 992
division (C) or (D) of section 3719.172, division (E) of section 993
4729.51, or division (J) of section 4729.54 of the Revised Code 994
that includes the sale, offer to sell, or possession of a 995
schedule I or II controlled substance, with the exception of 996
marihuana, and the court imposing sentence upon the offender 997
finds that the offender is guilty of a specification of the type 998
described in division (A) of section 2941.1410 of the Revised 999
Code charging that the offender is a major drug offender, if the 1000
court imposing sentence upon an offender for a felony finds that 1001
the offender is guilty of corrupt activity with the most serious 1002
offense in the pattern of corrupt activity being a felony of the 1003
first degree, or if the offender is guilty of an attempted 1004
violation of section 2907.02 of the Revised Code and, had the 1005
offender completed the violation of section 2907.02 of the 1006
Revised Code that was attempted, the offender would have been 1007
subject to a sentence of life imprisonment or life imprisonment 1008
without parole for the violation of section 2907.02 of the 1009
Revised Code, the court shall impose upon the offender for the 1010
felony violation a mandatory prison term determined as described 1011
in this division that, subject to divisions (C) to (I) of 1012
section 2967.19 of the Revised Code, cannot be reduced pursuant 1013
to section 2929.20, section 2967.19, or any other provision of 1014
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 1015
term shall be the maximum definite prison term prescribed in 1016
division (A)(1)(b) of this section for a felony of the first 1017

degree, except that for offenses for which division (A) (1) (a) of 1018
this section applies, the mandatory prison term shall be the 1019
longest minimum prison term prescribed in that division for the 1020
offense. 1021

(4) If the offender is being sentenced for a third or 1022
fourth degree felony OVI offense under division (G) (2) of 1023
section 2929.13 of the Revised Code, the sentencing court shall 1024
impose upon the offender a mandatory prison term in accordance 1025
with that division. In addition to the mandatory prison term, if 1026
the offender is being sentenced for a fourth degree felony OVI 1027
offense, the court, notwithstanding division (A) (4) of this 1028
section, may sentence the offender to a definite prison term of 1029
not less than six months and not more than thirty months, and if 1030
the offender is being sentenced for a third degree felony OVI 1031
offense, the sentencing court may sentence the offender to an 1032
additional prison term of any duration specified in division (A) 1033
(3) of this section. In either case, the additional prison term 1034
imposed shall be reduced by the sixty or one hundred twenty days 1035
imposed upon the offender as the mandatory prison term. The 1036
total of the additional prison term imposed under division (B) 1037
(4) of this section plus the sixty or one hundred twenty days 1038
imposed as the mandatory prison term shall equal a definite term 1039
in the range of six months to thirty months for a fourth degree 1040
felony OVI offense and shall equal one of the authorized prison 1041
terms specified in division (A) (3) of this section for a third 1042
degree felony OVI offense. If the court imposes an additional 1043
prison term under division (B) (4) of this section, the offender 1044
shall serve the additional prison term after the offender has 1045
served the mandatory prison term required for the offense. In 1046
addition to the mandatory prison term or mandatory and 1047
additional prison term imposed as described in division (B) (4) 1048

of this section, the court also may sentence the offender to a 1049
community control sanction under section 2929.16 or 2929.17 of 1050
the Revised Code, but the offender shall serve all of the prison 1051
terms so imposed prior to serving the community control 1052
sanction. 1053

If the offender is being sentenced for a fourth degree 1054
felony OVI offense under division (G) (1) of section 2929.13 of 1055
the Revised Code and the court imposes a mandatory term of local 1056
incarceration, the court may impose a prison term as described 1057
in division (A) (1) of that section. 1058

(5) If an offender is convicted of or pleads guilty to a 1059
violation of division (A) (1) or (2) of section 2903.06 of the 1060
Revised Code and also is convicted of or pleads guilty to a 1061
specification of the type described in section 2941.1414 of the 1062
Revised Code that charges that the victim of the offense is a 1063
peace officer, as defined in section 2935.01 of the Revised 1064
Code, or an investigator of the bureau of criminal 1065
identification and investigation, as defined in section 2903.11 1066
of the Revised Code, the court shall impose on the offender a 1067
prison term of five years. If a court imposes a prison term on 1068
an offender under division (B) (5) of this section, the prison 1069
term, subject to divisions (C) to (I) of section 2967.19 of the 1070
Revised Code, shall not be reduced pursuant to section 2929.20, 1071
section 2967.19, section 2967.193, or any other provision of 1072
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1073
shall not impose more than one prison term on an offender under 1074
division (B) (5) of this section for felonies committed as part 1075
of the same act. 1076

(6) If an offender is convicted of or pleads guilty to a 1077
violation of division (A) (1) or (2) of section 2903.06 of the 1078

Revised Code and also is convicted of or pleads guilty to a 1079
specification of the type described in section 2941.1415 of the 1080
Revised Code that charges that the offender previously has been 1081
convicted of or pleaded guilty to three or more violations of 1082
division (A) or (B) of section 4511.19 of the Revised Code or an 1083
equivalent offense, as defined in section 2941.1415 of the 1084
Revised Code, or three or more violations of any combination of 1085
those divisions and offenses, the court shall impose on the 1086
offender a prison term of three years. If a court imposes a 1087
prison term on an offender under division (B) (6) of this 1088
section, the prison term, subject to divisions (C) to (I) of 1089
section 2967.19 of the Revised Code, shall not be reduced 1090
pursuant to section 2929.20, section 2967.19, section 2967.193, 1091
or any other provision of Chapter 2967. or Chapter 5120. of the 1092
Revised Code. A court shall not impose more than one prison term 1093
on an offender under division (B) (6) of this section for 1094
felonies committed as part of the same act. 1095

(7) (a) If an offender is convicted of or pleads guilty to 1096
a felony violation of section 2905.01, 2905.02, 2907.21, 1097
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1098
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1099
section 2919.22 of the Revised Code and also is convicted of or 1100
pleads guilty to a specification of the type described in 1101
section 2941.1422 of the Revised Code that charges that the 1102
offender knowingly committed the offense in furtherance of human 1103
trafficking, the court shall impose on the offender a mandatory 1104
prison term that is one of the following: 1105

(i) If the offense is a felony of the first degree, a 1106
definite prison term of not less than five years and not greater 1107
than eleven years, except that if the offense is a felony of the 1108
first degree committed on or after the effective date of this 1109

amendment, the court shall impose as the minimum prison term a 1110
mandatory term of not less than five years and not greater than 1111
eleven years; 1112

(ii) If the offense is a felony of the second or third 1113
degree, a definite prison term of not less than three years and 1114
not greater than the maximum prison term allowed for the offense 1115
by division (A) (2) (b) or (3) of this section, except that if the 1116
offense is a felony of the second degree committed on or after 1117
the effective date of this amendment, the court shall impose as 1118
the minimum prison term a mandatory term of not less than three 1119
years and not greater than eight years; 1120

(iii) If the offense is a felony of the fourth or fifth 1121
degree, a definite prison term that is the maximum prison term 1122
allowed for the offense by division (A) of section 2929.14 of 1123
the Revised Code. 1124

(b) Subject to divisions (C) to (I) of section 2967.19 of 1125
the Revised Code, the prison term imposed under division (B) (7) 1126
(a) of this section shall not be reduced pursuant to section 1127
2929.20, section 2967.19, section 2967.193, or any other 1128
provision of Chapter 2967. of the Revised Code. A court shall 1129
not impose more than one prison term on an offender under 1130
division (B) (7) (a) of this section for felonies committed as 1131
part of the same act, scheme, or plan. 1132

(8) If an offender is convicted of or pleads guilty to a 1133
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1134
Revised Code and also is convicted of or pleads guilty to a 1135
specification of the type described in section 2941.1423 of the 1136
Revised Code that charges that the victim of the violation was a 1137
woman whom the offender knew was pregnant at the time of the 1138
violation, notwithstanding the range prescribed in division (A) 1139

of this section as the definite prison term or minimum prison 1140
term for felonies of the same degree as the violation, the court 1141
shall impose on the offender a mandatory prison term that is 1142
either a definite prison term of six months or one of the prison 1143
terms prescribed in division (A) of this section for felonies of 1144
the same degree as the violation, except that if the violation 1145
is a felony of the first or second degree committed on or after 1146
the effective date of this amendment, the court shall impose as 1147
the minimum prison term under division (A) (1) (a) or (2) (a) of 1148
this section a mandatory term that is one of the terms 1149
prescribed in that division, whichever is applicable, for the 1150
offense. 1151

(9) (a) If an offender is convicted of or pleads guilty to 1152
a violation of division (A) (1) or (2) of section 2903.11 of the 1153
Revised Code and also is convicted of or pleads guilty to a 1154
specification of the type described in section 2941.1425 of the 1155
Revised Code, the court shall impose on the offender a mandatory 1156
prison term of six years if either of the following applies: 1157

(i) The violation is a violation of division (A) (1) of 1158
section 2903.11 of the Revised Code and the specification 1159
charges that the offender used an accelerant in committing the 1160
violation and the serious physical harm to another or to 1161
another's unborn caused by the violation resulted in a 1162
permanent, serious disfigurement or permanent, substantial 1163
incapacity; 1164

(ii) The violation is a violation of division (A) (2) of 1165
section 2903.11 of the Revised Code and the specification 1166
charges that the offender used an accelerant in committing the 1167
violation, that the violation caused physical harm to another or 1168
to another's unborn, and that the physical harm resulted in a 1169

permanent, serious disfigurement or permanent, substantial 1170
incapacity. 1171

(b) If a court imposes a prison term on an offender under 1172
division (B) (9) (a) of this section, the prison term shall not be 1173
reduced pursuant to section 2929.20, section 2967.19, section 1174
2967.193, or any other provision of Chapter 2967. or Chapter 1175
5120. of the Revised Code. A court shall not impose more than 1176
one prison term on an offender under division (B) (9) of this 1177
section for felonies committed as part of the same act. 1178

(c) The provisions of divisions (B) (9) and (C) (6) of this 1179
section and of division (D) (2) of section 2903.11, division (F) 1180
(20) of section 2929.13, and section 2941.1425 of the Revised 1181
Code shall be known as "Judy's Law." 1182

(10) If an offender is convicted of or pleads guilty to a 1183
violation of division (A) of section 2903.11 of the Revised Code 1184
and also is convicted of or pleads guilty to a specification of 1185
the type described in section 2941.1426 of the Revised Code that 1186
charges that the victim of the offense suffered permanent 1187
disabling harm as a result of the offense and that the victim 1188
was under ten years of age at the time of the offense, 1189
regardless of whether the offender knew the age of the victim, 1190
the court shall impose upon the offender an additional definite 1191
prison term of six years. A prison term imposed on an offender 1192
under division (B) (10) of this section shall not be reduced 1193
pursuant to section 2929.20, section 2967.193, or any other 1194
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1195
If a court imposes an additional prison term on an offender 1196
under this division relative to a violation of division (A) of 1197
section 2903.11 of the Revised Code, the court shall not impose 1198
any other additional prison term on the offender relative to the 1199

same offense. 1200

(11) If an offender is convicted of or pleads guilty to a 1201
felony violation of section 2925.03 or 2925.05 of the Revised 1202
Code or a felony violation of section 2925.11 of the Revised 1203
Code for which division (C)(11) of that section applies in 1204
determining the sentence for the violation, if the drug involved 1205
in the violation is a fentanyl-related compound or a compound, 1206
mixture, preparation, or substance containing a fentanyl-related 1207
compound, and if the offender also is convicted of or pleads 1208
guilty to a specification of the type described in division (B) 1209
of section 2941.1410 of the Revised Code that charges that the 1210
offender is a major drug offender, in addition to any other 1211
penalty imposed for the violation, the court shall impose on the 1212
offender a mandatory prison term of three, four, five, six, 1213
seven, or eight years. If a court imposes a prison term on an 1214
offender under division (B)(11) of this section, the prison 1215
term, subject to divisions (C) to (I) of section 2967.19 of the 1216
Revised Code, shall not be reduced pursuant to section 2929.20, 1217
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1218
5120. of the Revised Code. A court shall not impose more than 1219
one prison term on an offender under division (B)(11) of this 1220
section for felonies committed as part of the same act. 1221

(C)(1)(a) Subject to division (C)(1)(b) of this section, 1222
if a mandatory prison term is imposed upon an offender pursuant 1223
to division (B)(1)(a) of this section for having a firearm on or 1224
about the offender's person or under the offender's control 1225
while committing a felony, if a mandatory prison term is imposed 1226
upon an offender pursuant to division (B)(1)(c) of this section 1227
for committing a felony specified in that division by 1228
discharging a firearm from a motor vehicle, or if both types of 1229
mandatory prison terms are imposed, the offender shall serve any 1230

mandatory prison term imposed under either division 1231
consecutively to any other mandatory prison term imposed under 1232
either division or under division (B) (1) (d) of this section, 1233
consecutively to and prior to any prison term imposed for the 1234
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1235
this section or any other section of the Revised Code, and 1236
consecutively to any other prison term or mandatory prison term 1237
previously or subsequently imposed upon the offender. 1238

(b) If a mandatory prison term is imposed upon an offender 1239
pursuant to division (B) (1) (d) of this section for wearing or 1240
carrying body armor while committing an offense of violence that 1241
is a felony, the offender shall serve the mandatory term so 1242
imposed consecutively to any other mandatory prison term imposed 1243
under that division or under division (B) (1) (a) or (c) of this 1244
section, consecutively to and prior to any prison term imposed 1245
for the underlying felony under division (A), (B) (2), or (B) (3) 1246
of this section or any other section of the Revised Code, and 1247
consecutively to any other prison term or mandatory prison term 1248
previously or subsequently imposed upon the offender. 1249

(c) If a mandatory prison term is imposed upon an offender 1250
pursuant to division (B) (1) (f) of this section, the offender 1251
shall serve the mandatory prison term so imposed consecutively 1252
to and prior to any prison term imposed for the underlying 1253
felony under division (A), (B) (2), or (B) (3) of this section or 1254
any other section of the Revised Code, and consecutively to any 1255
other prison term or mandatory prison term previously or 1256
subsequently imposed upon the offender. 1257

(d) If a mandatory prison term is imposed upon an offender 1258
pursuant to division (B) (7) or (8) of this section, the offender 1259
shall serve the mandatory prison term so imposed consecutively 1260

to any other mandatory prison term imposed under that division 1261
or under any other provision of law and consecutively to any 1262
other prison term or mandatory prison term previously or 1263
subsequently imposed upon the offender. 1264

(e) If a mandatory prison term is imposed upon an offender 1265
pursuant to division (B) (11) of this section, the offender shall 1266
serve the mandatory prison term consecutively to any other 1267
mandatory prison term imposed under that division, consecutively 1268
to and prior to any prison term imposed for the underlying 1269
felony, and consecutively to any other prison term or mandatory 1270
prison term previously or subsequently imposed upon the 1271
offender. 1272

(2) If an offender who is an inmate in a jail, prison, or 1273
other residential detention facility violates section 2917.02, 1274
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1275
(2) of section 2921.34 of the Revised Code, if an offender who 1276
is under detention at a detention facility commits a felony 1277
violation of section 2923.131 of the Revised Code, or if an 1278
offender who is an inmate in a jail, prison, or other 1279
residential detention facility or is under detention at a 1280
detention facility commits another felony while the offender is 1281
an escapee in violation of division (A) (1) or (2) of section 1282
2921.34 of the Revised Code, any prison term imposed upon the 1283
offender for one of those violations shall be served by the 1284
offender consecutively to the prison term or term of 1285
imprisonment the offender was serving when the offender 1286
committed that offense and to any other prison term previously 1287
or subsequently imposed upon the offender. 1288

(3) If a prison term is imposed for a violation of 1289
division (B) of section 2911.01 of the Revised Code, a violation 1290

of division (A) of section 2913.02 of the Revised Code in which 1291
the stolen property is a firearm or dangerous ordnance, or a 1292
felony violation of division (B) of section 2921.331 of the 1293
Revised Code, the offender shall serve that prison term 1294
consecutively to any other prison term or mandatory prison term 1295
previously or subsequently imposed upon the offender. 1296

(4) If multiple prison terms are imposed on an offender 1297
for convictions of multiple offenses, the court may require the 1298
offender to serve the prison terms consecutively if the court 1299
finds that the consecutive service is necessary to protect the 1300
public from future crime or to punish the offender and that 1301
consecutive sentences are not disproportionate to the 1302
seriousness of the offender's conduct and to the danger the 1303
offender poses to the public, and if the court also finds any of 1304
the following: 1305

(a) The offender committed one or more of the multiple 1306
offenses while the offender was awaiting trial or sentencing, 1307
was under a sanction imposed pursuant to section 2929.16, 1308
2929.17, or 2929.18 of the Revised Code, or was under post- 1309
release control for a prior offense. 1310

(b) At least two of the multiple offenses were committed 1311
as part of one or more courses of conduct, and the harm caused 1312
by two or more of the multiple offenses so committed was so 1313
great or unusual that no single prison term for any of the 1314
offenses committed as part of any of the courses of conduct 1315
adequately reflects the seriousness of the offender's conduct. 1316

(c) The offender's history of criminal conduct 1317
demonstrates that consecutive sentences are necessary to protect 1318
the public from future crime by the offender. 1319

(5) If a mandatory prison term is imposed upon an offender 1320
pursuant to division (B) (5) or (6) of this section, the offender 1321
shall serve the mandatory prison term consecutively to and prior 1322
to any prison term imposed for the underlying violation of 1323
division (A) (1) or (2) of section 2903.06 of the Revised Code 1324
pursuant to division (A) of this section or section 2929.142 of 1325
the Revised Code. If a mandatory prison term is imposed upon an 1326
offender pursuant to division (B) (5) of this section, and if a 1327
mandatory prison term also is imposed upon the offender pursuant 1328
to division (B) (6) of this section in relation to the same 1329
violation, the offender shall serve the mandatory prison term 1330
imposed pursuant to division (B) (5) of this section 1331
consecutively to and prior to the mandatory prison term imposed 1332
pursuant to division (B) (6) of this section and consecutively to 1333
and prior to any prison term imposed for the underlying 1334
violation of division (A) (1) or (2) of section 2903.06 of the 1335
Revised Code pursuant to division (A) of this section or section 1336
2929.142 of the Revised Code. 1337

(6) If a mandatory prison term is imposed on an offender 1338
pursuant to division (B) (9) of this section, the offender shall 1339
serve the mandatory prison term consecutively to and prior to 1340
any prison term imposed for the underlying violation of division 1341
(A) (1) or (2) of section 2903.11 of the Revised Code and 1342
consecutively to and prior to any other prison term or mandatory 1343
prison term previously or subsequently imposed on the offender. 1344

(7) If a mandatory prison term is imposed on an offender 1345
pursuant to division (B) (10) of this section, the offender shall 1346
serve that mandatory prison term consecutively to and prior to 1347
any prison term imposed for the underlying felonious assault. 1348
Except as otherwise provided in division (C) of this section, 1349
any other prison term or mandatory prison term previously or 1350

subsequently imposed upon the offender may be served 1351
concurrently with, or consecutively to, the prison term imposed 1352
pursuant to division (B)(10) of this section. 1353

(8) Any prison term imposed for a violation of section 1354
2903.04 of the Revised Code that is based on a violation of 1355
section 2925.03 or 2925.11 of the Revised Code or on a violation 1356
of section 2925.05 of the Revised Code that is not funding of 1357
marihuana trafficking shall run consecutively to any prison term 1358
imposed for the violation of section 2925.03 or 2925.11 of the 1359
Revised Code or for the violation of section 2925.05 of the 1360
Revised Code that is not funding of marihuana trafficking. 1361

(9) When consecutive prison terms are imposed pursuant to 1362
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 1363
division (H)(1) or (2) of this section, subject to division (C) 1364
(10) of this section, the term to be served is the aggregate of 1365
all of the terms so imposed. 1366

(10) When a court sentences an offender to a non-life 1367
felony indefinite prison term, any definite prison term or 1368
mandatory definite prison term previously or subsequently 1369
imposed on the offender in addition to that indefinite sentence 1370
that is required to be served consecutively to that indefinite 1371
sentence shall be served prior to the indefinite sentence. 1372

(11) If a court is sentencing an offender for a felony of 1373
the first or second degree, if division (A)(1)(a) or (2)(a) of 1374
this section applies with respect to the sentencing for the 1375
offense, and if the court is required under the Revised Code 1376
section that sets forth the offense or any other Revised Code 1377
provision to impose a mandatory prison term for the offense, the 1378
court shall impose the required mandatory prison term as the 1379
minimum term imposed under division (A)(1)(a) or (2)(a) of this 1380

section, whichever is applicable. 1381

(D) (1) If a court imposes a prison term, other than a term 1382
of life imprisonment, for a felony of the first degree, for a 1383
felony of the second degree, for a felony sex offense, or for a 1384
felony of the third degree that is an offense of violence and 1385
that is not a felony sex offense, it shall include in the 1386
sentence a requirement that the offender be subject to a period 1387
of post-release control after the offender's release from 1388
imprisonment, in accordance with section 2967.28 of the Revised 1389
Code. If a court imposes a sentence including a prison term of a 1390
type described in this division on or after July 11, 2006, the 1391
failure of a court to include a post-release control requirement 1392
in the sentence pursuant to this division does not negate, 1393
limit, or otherwise affect the mandatory period of post-release 1394
control that is required for the offender under division (B) of 1395
section 2967.28 of the Revised Code. Section 2929.191 of the 1396
Revised Code applies if, prior to July 11, 2006, a court imposed 1397
a sentence including a prison term of a type described in this 1398
division and failed to include in the sentence pursuant to this 1399
division a statement regarding post-release control. 1400

(2) If a court imposes a prison term for a felony of the 1401
third, fourth, or fifth degree that is not subject to division 1402
(D) (1) of this section, it shall include in the sentence a 1403
requirement that the offender be subject to a period of post- 1404
release control after the offender's release from imprisonment, 1405
in accordance with that division, if the parole board determines 1406
that a period of post-release control is necessary. Section 1407
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1408
a court imposed a sentence including a prison term of a type 1409
described in this division and failed to include in the sentence 1410
pursuant to this division a statement regarding post-release 1411

control. 1412

(E) The court shall impose sentence upon the offender in 1413
accordance with section 2971.03 of the Revised Code, and Chapter 1414
2971. of the Revised Code applies regarding the prison term or 1415
term of life imprisonment without parole imposed upon the 1416
offender and the service of that term of imprisonment if any of 1417
the following apply: 1418

(1) A person is convicted of or pleads guilty to a violent 1419
sex offense or a designated homicide, assault, or kidnapping 1420
offense, and, in relation to that offense, the offender is 1421
adjudicated a sexually violent predator. 1422

(2) A person is convicted of or pleads guilty to a 1423
violation of division (A) (1) (b) of section 2907.02 of the 1424
Revised Code committed on or after January 2, 2007, and either 1425
the court does not impose a sentence of life without parole when 1426
authorized pursuant to division (B) of section 2907.02 of the 1427
Revised Code, or division (B) of section 2907.02 of the Revised 1428
Code provides that the court shall not sentence the offender 1429
pursuant to section 2971.03 of the Revised Code. 1430

(3) A person is convicted of or pleads guilty to attempted 1431
rape committed on or after January 2, 2007, and a specification 1432
of the type described in section 2941.1418, 2941.1419, or 1433
2941.1420 of the Revised Code. 1434

(4) A person is convicted of or pleads guilty to a 1435
violation of section 2905.01 of the Revised Code committed on or 1436
after January 1, 2008, and that section requires the court to 1437
sentence the offender pursuant to section 2971.03 of the Revised 1438
Code. 1439

(5) A person is convicted of or pleads guilty to 1440

aggravated murder committed on or after January 1, 2008, and 1441
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1442
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1443
(d) of section 2929.03, or division (A) or (B) of section 1444
2929.06 of the Revised Code requires the court to sentence the 1445
offender pursuant to division (B) (3) of section 2971.03 of the 1446
Revised Code. 1447

(6) A person is convicted of or pleads guilty to murder 1448
committed on or after January 1, 2008, and division (B) (2) of 1449
section 2929.02 of the Revised Code requires the court to 1450
sentence the offender pursuant to section 2971.03 of the Revised 1451
Code. 1452

(F) If a person who has been convicted of or pleaded 1453
guilty to a felony is sentenced to a prison term or term of 1454
imprisonment under this section, sections 2929.02 to 2929.06 of 1455
the Revised Code, section 2929.142 of the Revised Code, section 1456
2971.03 of the Revised Code, or any other provision of law, 1457
section 5120.163 of the Revised Code applies regarding the 1458
person while the person is confined in a state correctional 1459
institution. 1460

(G) If an offender who is convicted of or pleads guilty to 1461
a felony that is an offense of violence also is convicted of or 1462
pleads guilty to a specification of the type described in 1463
section 2941.142 of the Revised Code that charges the offender 1464
with having committed the felony while participating in a 1465
criminal gang, the court shall impose upon the offender an 1466
additional prison term of one, two, or three years. 1467

(H) (1) If an offender who is convicted of or pleads guilty 1468
to aggravated murder, murder, or a felony of the first, second, 1469
or third degree that is an offense of violence also is convicted 1470

of or pleads guilty to a specification of the type described in 1471
section 2941.143 of the Revised Code that charges the offender 1472
with having committed the offense in a school safety zone or 1473
towards a person in a school safety zone, the court shall impose 1474
upon the offender an additional prison term of two years. The 1475
offender shall serve the additional two years consecutively to 1476
and prior to the prison term imposed for the underlying offense. 1477

(2) (a) If an offender is convicted of or pleads guilty to 1478
a felony violation of section 2907.22, 2907.24, 2907.241, or 1479
2907.25 of the Revised Code and to a specification of the type 1480
described in section 2941.1421 of the Revised Code and if the 1481
court imposes a prison term on the offender for the felony 1482
violation, the court may impose upon the offender an additional 1483
prison term as follows: 1484

(i) Subject to division (H) (2) (a) (ii) of this section, an 1485
additional prison term of one, two, three, four, five, or six 1486
months; 1487

(ii) If the offender previously has been convicted of or 1488
pleaded guilty to one or more felony or misdemeanor violations 1489
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1490
the Revised Code and also was convicted of or pleaded guilty to 1491
a specification of the type described in section 2941.1421 of 1492
the Revised Code regarding one or more of those violations, an 1493
additional prison term of one, two, three, four, five, six, 1494
seven, eight, nine, ten, eleven, or twelve months. 1495

(b) In lieu of imposing an additional prison term under 1496
division (H) (2) (a) of this section, the court may directly 1497
impose on the offender a sanction that requires the offender to 1498
wear a real-time processing, continual tracking electronic 1499
monitoring device during the period of time specified by the 1500

court. The period of time specified by the court shall equal the 1501
duration of an additional prison term that the court could have 1502
imposed upon the offender under division (H) (2) (a) of this 1503
section. A sanction imposed under this division shall commence 1504
on the date specified by the court, provided that the sanction 1505
shall not commence until after the offender has served the 1506
prison term imposed for the felony violation of section 2907.22, 1507
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1508
residential sanction imposed for the violation under section 1509
2929.16 of the Revised Code. A sanction imposed under this 1510
division shall be considered to be a community control sanction 1511
for purposes of section 2929.15 of the Revised Code, and all 1512
provisions of the Revised Code that pertain to community control 1513
sanctions shall apply to a sanction imposed under this division, 1514
except to the extent that they would by their nature be clearly 1515
inapplicable. The offender shall pay all costs associated with a 1516
sanction imposed under this division, including the cost of the 1517
use of the monitoring device. 1518

(I) At the time of sentencing, the court may recommend the 1519
offender for placement in a program of shock incarceration under 1520
section 5120.031 of the Revised Code or for placement in an 1521
intensive program prison under section 5120.032 of the Revised 1522
Code, disapprove placement of the offender in a program of shock 1523
incarceration or an intensive program prison of that nature, or 1524
make no recommendation on placement of the offender. In no case 1525
shall the department of rehabilitation and correction place the 1526
offender in a program or prison of that nature unless the 1527
department determines as specified in section 5120.031 or 1528
5120.032 of the Revised Code, whichever is applicable, that the 1529
offender is eligible for the placement. 1530

If the court disapproves placement of the offender in a 1531

program or prison of that nature, the department of 1532
rehabilitation and correction shall not place the offender in 1533
any program of shock incarceration or intensive program prison. 1534

If the court recommends placement of the offender in a 1535
program of shock incarceration or in an intensive program 1536
prison, and if the offender is subsequently placed in the 1537
recommended program or prison, the department shall notify the 1538
court of the placement and shall include with the notice a brief 1539
description of the placement. 1540

If the court recommends placement of the offender in a 1541
program of shock incarceration or in an intensive program prison 1542
and the department does not subsequently place the offender in 1543
the recommended program or prison, the department shall send a 1544
notice to the court indicating why the offender was not placed 1545
in the recommended program or prison. 1546

If the court does not make a recommendation under this 1547
division with respect to an offender and if the department 1548
determines as specified in section 5120.031 or 5120.032 of the 1549
Revised Code, whichever is applicable, that the offender is 1550
eligible for placement in a program or prison of that nature, 1551
the department shall screen the offender and determine if there 1552
is an available program of shock incarceration or an intensive 1553
program prison for which the offender is suited. If there is an 1554
available program of shock incarceration or an intensive program 1555
prison for which the offender is suited, the department shall 1556
notify the court of the proposed placement of the offender as 1557
specified in section 5120.031 or 5120.032 of the Revised Code 1558
and shall include with the notice a brief description of the 1559
placement. The court shall have ten days from receipt of the 1560
notice to disapprove the placement. 1561

(J) If a person is convicted of or pleads guilty to 1562
aggravated vehicular homicide in violation of division (A) (1) of 1563
section 2903.06 of the Revised Code and division (B) (2) (c) of 1564
that section applies, the person shall be sentenced pursuant to 1565
section 2929.142 of the Revised Code. 1566

(K) (1) The court shall impose an additional mandatory 1567
prison term of two, three, four, five, six, seven, eight, nine, 1568
ten, or eleven years on an offender who is convicted of or 1569
pleads guilty to a violent felony offense if the offender also 1570
is convicted of or pleads guilty to a specification of the type 1571
described in section 2941.1424 of the Revised Code that charges 1572
that the offender is a violent career criminal and had a firearm 1573
on or about the offender's person or under the offender's 1574
control while committing the presently charged violent felony 1575
offense and displayed or brandished the firearm, indicated that 1576
the offender possessed a firearm, or used the firearm to 1577
facilitate the offense. The offender shall serve the prison term 1578
imposed under this division consecutively to and prior to the 1579
prison term imposed for the underlying offense. The prison term 1580
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1581
any other provision of Chapter 2967. or 5120. of the Revised 1582
Code. A court may not impose more than one sentence under 1583
division (B) (2) (a) of this section and this division for acts 1584
committed as part of the same act or transaction. 1585

(2) As used in division (K) (1) of this section, "violent 1586
career criminal" and "violent felony offense" have the same 1587
meanings as in section 2923.132 of the Revised Code. 1588

Section 2. That existing sections 2307.601, 2901.09, 1589
2909.05, 2917.02, 2917.03, 2917.11, 2923.31, and 2929.14 of the 1590
Revised Code are hereby repealed. 1591

Section 3. The General Assembly, applying the principle 1592
stated in division (B) of section 1.52 of the Revised Code that 1593
amendments are to be harmonized if reasonably capable of 1594
simultaneous operation, finds that the following sections, 1595
presented in this act as composites of the sections as amended 1596
by the acts indicated, are the resulting versions of the 1597
sections in effect prior to the effective date of the sections 1598
as presented in this act: 1599

Section 2923.31 of the Revised Code as amended by both 1600
H.B. 199 and H.B. 405 of the 132nd General Assembly. 1601

Section 2929.14 of the Revised Code as amended by H.B. 63, 1602
S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General 1603
Assembly. 1604