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Senators Manning, Lehner

Cosponsors: Senators Eklund, Antonio, Blessing, Burke, Craig, Dolan, Fedor, Hackett, Hottinger, Huffman, S., Kunze, Maharath, Sykes, Thomas, Williams, Wilson

A BILL

To amend sections 2907.02, 2909.24, 2929.02, 1
2929.03, 2929.06, 2929.14, 2929.19, 2967.13, 2
2971.03, and 5149.101 and to enact sections 3
2929.07 and 2967.132 of the Revised Code 4
regarding a bar against a sentence of life 5
without parole, and special parole dates, for 6
offenders who committed the offense when under 7
age 18, and to amend the version of section 8
2907.02 of the Revised Code that takes effect on 9
March 22, 2020, to continue the provisions of 10
this act on and after that date. 11

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

Section 1. That sections 2907.02, 2909.24, 2929.02, 12
2929.03, 2929.06, 2929.14, 2929.19, 2967.13, 2971.03, and 13
5149.101 be amended and sections 2929.07 and 2967.132 of the 14
Revised Code be enacted to read as follows: 15

Sec. 2907.02. (A) (1) No person shall engage in sexual 16
conduct with another who is not the spouse of the offender or 17

who is the spouse of the offender but is living separate and 18
apart from the offender, when any of the following applies: 19

(a) For the purpose of preventing resistance, the offender 20
substantially impairs the other person's judgment or control by 21
administering any drug, intoxicant, or controlled substance to 22
the other person surreptitiously or by force, threat of force, 23
or deception. 24

(b) The other person is less than thirteen years of age, 25
whether or not the offender knows the age of the other person. 26

(c) The other person's ability to resist or consent is 27
substantially impaired because of a mental or physical condition 28
or because of advanced age, and the offender knows or has 29
reasonable cause to believe that the other person's ability to 30
resist or consent is substantially impaired because of a mental 31
or physical condition or because of advanced age. 32

(2) No person shall engage in sexual conduct with another 33
when the offender purposely compels the other person to submit 34
by force or threat of force. 35

(B) Whoever violates this section is guilty of rape, a 36
felony of the first degree. If the offender under division (A) 37
(1) (a) of this section substantially impairs the other person's 38
judgment or control by administering any controlled substance 39
described in section 3719.41 of the Revised Code to the other 40
person surreptitiously or by force, threat of force, or 41
deception, the prison term imposed upon the offender shall be 42
one of the definite prison terms prescribed for a felony of the 43
first degree in division (A) (1) (b) of section 2929.14 of the 44
Revised Code that is not less than five years, except that if 45
the violation is committed on or after ~~the effective date of~~ 46

~~this amendment~~ March 22, 2019, the court shall impose as the 47
minimum prison term for the offense a mandatory prison term that 48
is one of the minimum terms prescribed for a felony of the first 49
degree in division (A) (1) (a) of section 2929.14 of the Revised 50
Code that is not less than five years. Except as otherwise 51
provided in this division, notwithstanding sections 2929.11 to 52
2929.14 of the Revised Code, an offender under division (A) (1) 53
(b) of this section shall be sentenced to a prison term or term 54
of life imprisonment pursuant to section 2971.03 of the Revised 55
Code. If an offender is convicted of or pleads guilty to a 56
violation of division (A) (1) (b) of this section, if the offender 57
was less than sixteen years of age at the time the offender 58
committed the violation of that division, and if the offender 59
during or immediately after the commission of the offense did 60
not cause serious physical harm to the victim, the victim was 61
ten years of age or older at the time of the commission of the 62
violation, and the offender has not previously been convicted of 63
or pleaded guilty to a violation of this section or a 64
substantially similar existing or former law of this state, 65
another state, or the United States, the court shall not 66
sentence the offender to a prison term or term of life 67
imprisonment pursuant to section 2971.03 of the Revised Code, 68
and instead the court shall sentence the offender as otherwise 69
provided in this division. If an offender under division (A) (1) 70
(b) of this section previously has been convicted of or pleaded 71
guilty to violating division (A) (1) (b) of this section or to 72
violating an existing or former law of this state, another 73
state, or the United States that is substantially similar to 74
division (A) (1) (b) of this section, if the offender during or 75
immediately after the commission of the offense caused serious 76
physical harm to the victim, or if the victim under division (A) 77
(1) (b) of this section is less than ten years of age, in lieu of 78

sentencing the offender to a prison term or term of life 79
imprisonment pursuant to section 2971.03 of the Revised Code, 80
except as otherwise provided in this division, the court may 81
impose upon the offender a term of life without parole. If the 82
court imposes a term of life without parole pursuant to this 83
division, division (F) of section 2971.03 of the Revised Code 84
applies, and the offender automatically is classified a tier III 85
sex offender/child-victim offender, as described in that 86
division. A court shall not impose a term of life without 87
parole on an offender for rape if the offender was under 88
eighteen years of age at the time of the offense. 89

(C) A victim need not prove physical resistance to the 90
offender in prosecutions under this section. 91

(D) Evidence of specific instances of the victim's sexual 92
activity, opinion evidence of the victim's sexual activity, and 93
reputation evidence of the victim's sexual activity shall not be 94
admitted under this section unless it involves evidence of the 95
origin of semen, pregnancy, or disease, or the victim's past 96
sexual activity with the offender, and only to the extent that 97
the court finds that the evidence is material to a fact at issue 98
in the case and that its inflammatory or prejudicial nature does 99
not outweigh its probative value. 100

Evidence of specific instances of the defendant's sexual 101
activity, opinion evidence of the defendant's sexual activity, 102
and reputation evidence of the defendant's sexual activity shall 103
not be admitted under this section unless it involves evidence 104
of the origin of semen, pregnancy, or disease, the defendant's 105
past sexual activity with the victim, or is admissible against 106
the defendant under section 2945.59 of the Revised Code, and 107
only to the extent that the court finds that the evidence is 108

material to a fact at issue in the case and that its 109
inflammatory or prejudicial nature does not outweigh its 110
probative value. 111

(E) Prior to taking testimony or receiving evidence of any 112
sexual activity of the victim or the defendant in a proceeding 113
under this section, the court shall resolve the admissibility of 114
the proposed evidence in a hearing in chambers, which shall be 115
held at or before preliminary hearing and not less than three 116
days before trial, or for good cause shown during the trial. 117

(F) Upon approval by the court, the victim may be 118
represented by counsel in any hearing in chambers or other 119
proceeding to resolve the admissibility of evidence. If the 120
victim is indigent or otherwise is unable to obtain the services 121
of counsel, the court, upon request, may appoint counsel to 122
represent the victim without cost to the victim. 123

(G) It is not a defense to a charge under division (A) (2) 124
of this section that the offender and the victim were married or 125
were cohabiting at the time of the commission of the offense. 126

Sec. 2909.24. (A) No person shall commit a specified 127
offense with purpose to do any of the following: 128

(1) Intimidate or coerce a civilian population; 129

(2) Influence the policy of any government by intimidation 130
or coercion; 131

(3) Affect the conduct of any government by the specified 132
offense. 133

(B) (1) Whoever violates this section is guilty of 134
terrorism. 135

(2) Except as otherwise provided in divisions (B) (3) and 136

(4) of this section, terrorism is an offense one degree higher 137
than the most serious underlying specified offense the defendant 138
committed. 139

(3) ~~If Except as provided in division (B)(6) of this~~ 140
~~section, if~~ the most serious underlying specified offense the 141
defendant committed is a felony of the first degree or murder, 142
the person shall be sentenced to life imprisonment without 143
parole. 144

(4) ~~If Except as provided in division (B)(6) of this~~ 145
~~section, if~~ the most serious underlying specified offense the 146
defendant committed is aggravated murder, the offender shall be 147
sentenced to life imprisonment without parole or death pursuant 148
to sections 2929.02 to 2929.06 of the Revised Code. 149

(5) Section 2909.25 of the Revised Code applies regarding 150
an offender who is convicted of or pleads guilty to a violation 151
of this section. 152

(6) If a person commits a violation of this section, if 153
the most serious underlying specified offense the offender 154
committed is aggravated murder, murder, or a felony of the first 155
degree, and if the offender was under eighteen years of age at 156
the time of the violation, the offender shall not be sentenced 157
to life imprisonment without parole, but instead the offender 158
shall be sentenced to an indefinite prison term of thirty years 159
to life. 160

Sec. 2929.02. (A) Whoever is convicted of or pleads guilty 161
to aggravated murder in violation of section 2903.01 of the 162
Revised Code shall suffer death or be imprisoned for life, as 163
determined pursuant to sections 2929.022, 2929.03, and 2929.04 164
of the Revised Code, except that no person who is not found to 165

have been eighteen years of age or older at the time of the 166
commission of the offense shall be imprisoned for life without 167
parole, and that no person who raises the matter of age pursuant 168
to section 2929.023 of the Revised Code and who is not found to 169
have been eighteen years of age or older at the time of the 170
commission of the offense shall suffer death. In addition, the 171
offender may be fined an amount fixed by the court, but not more 172
than twenty-five thousand dollars. 173

(B) (1) Except as otherwise provided in division (B) (2) or 174
(3) of this section, whoever is convicted of or pleads guilty to 175
murder in violation of section 2903.02 of the Revised Code shall 176
be imprisoned for an indefinite term of fifteen years to life. 177

(2) Except as otherwise provided in division (B) (3) of 178
this section, if a person is convicted of or pleads guilty to 179
murder in violation of section 2903.02 of the Revised Code, the 180
victim of the offense was less than thirteen years of age, and 181
the offender also is convicted of or pleads guilty to a sexual 182
motivation specification that was included in the indictment, 183
count in the indictment, or information charging the offense, 184
the court shall impose an indefinite prison term of thirty years 185
to life pursuant to division (B) (3) of section 2971.03 of the 186
Revised Code. 187

(3) ~~If~~ Except as otherwise provided in this division, if a 188
person is convicted of or pleads guilty to murder in violation 189
of section 2903.02 of the Revised Code and also is convicted of 190
or pleads guilty to a sexual motivation specification and a 191
sexually violent predator specification that were included in 192
the indictment, count in the indictment, or information that 193
charged the murder, the court shall impose upon the offender a 194
term of life imprisonment without parole that shall be served 195

pursuant to section 2971.03 of the Revised Code. If the offender 196
was under eighteen years of age at the time of the offense, the 197
court shall impose an indefinite prison term of thirty years to 198
life. 199

(4) In addition, the offender may be fined an amount fixed 200
by the court, but not more than fifteen thousand dollars. 201

(C) If an offender receives or received a sentence of life 202
imprisonment without parole, a sentence of life imprisonment, a 203
definite sentence, or a sentence to an indefinite prison term 204
under this chapter for an aggravated murder or murder that was 205
committed when the offender was under eighteen years of age, the 206
offender's parole eligibility shall be determined under section 207
2967.132 of the Revised Code. 208

(D) The court shall not impose a fine or fines for 209
aggravated murder or murder which, in the aggregate and to the 210
extent not suspended by the court, exceeds the amount which the 211
offender is or will be able to pay by the method and within the 212
time allowed without undue hardship to the offender or to the 213
dependents of the offender, or will prevent the offender from 214
making reparation for the victim's wrongful death. 215

~~(D)~~ (1) (E) (1) In addition to any other sanctions imposed 216
for a violation of section 2903.01 or 2903.02 of the Revised 217
Code, if the offender used a motor vehicle as the means to 218
commit the violation, the court shall impose upon the offender a 219
class two suspension of the offender's driver's license, 220
commercial driver's license, temporary instruction permit, 221
probationary license, or nonresident operating privilege as 222
specified in division (A) (2) of section 4510.02 of the Revised 223
Code. 224

(2) As used in division ~~(D)~~ (E) of this section, "motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.

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

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

(a) Life imprisonment without parole;

(b) Subject to division (A) (1) (e) of this section, life imprisonment with parole eligibility after serving twenty years of imprisonment;

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

(d) Subject to division (A) (1) (e) of this section, life imprisonment with parole eligibility after serving thirty full years of imprisonment;

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

offender pursuant to division (A) (1) (a) of this section, the 254
trial court shall sentence the offender pursuant to division (B) 255
(3) of section 2971.03 of the Revised Code to an indefinite term 256
consisting of a minimum term of thirty years and a maximum term 257
of life imprisonment that shall be served pursuant to that 258
section. 259

(2) If the offender also is convicted of or pleads guilty 260
to a sexual motivation specification and a sexually violent 261
predator specification that are included in the indictment, 262
count in the indictment, or information that charged the 263
aggravated murder, except as provided in division (H) of this 264
section, the trial court shall impose upon the offender a 265
sentence of life imprisonment without parole that shall be 266
served pursuant to section 2971.03 of the Revised Code. 267

(B) If the indictment or count in the indictment charging 268
aggravated murder contains one or more specifications of 269
aggravating circumstances listed in division (A) of section 270
2929.04 of the Revised Code, the verdict shall separately state 271
whether the accused is found guilty or not guilty of the 272
principal charge and, if guilty of the principal charge, whether 273
the offender was eighteen years of age or older at the time of 274
the commission of the offense, if the matter of age was raised 275
by the offender pursuant to section 2929.023 of the Revised 276
Code, and whether the offender is guilty or not guilty of each 277
specification. The jury shall be instructed on its duties in 278
this regard. The instruction to the jury shall include an 279
instruction that a specification shall be proved beyond a 280
reasonable doubt in order to support a guilty verdict on the 281
specification, but the instruction shall not mention the penalty 282
that may be the consequence of a guilty or not guilty verdict on 283
any charge or specification. 284

(C) (1) If the indictment or count in the indictment 285
charging aggravated murder contains one or more specifications 286
of aggravating circumstances listed in division (A) of section 287
2929.04 of the Revised Code, then, following a verdict of guilty 288
of the charge but not guilty of each of the specifications, and 289
regardless of whether the offender raised the matter of age 290
pursuant to section 2929.023 of the Revised Code, the trial 291
court shall impose sentence on the offender as follows: 292

(a) Except as provided in division (C) (1) (b) or (H) of 293
this section, the trial court shall impose one of the following 294
sentences on the offender: 295

(i) Life imprisonment without parole; 296

(ii) Subject to division (C) (1) (a) (v) of this section, 297
life imprisonment with parole eligibility after serving twenty 298
years of imprisonment; 299

(iii) Subject to division (C) (1) (a) (v) of this section, 300
life imprisonment with parole eligibility after serving twenty- 301
five full years of imprisonment; 302

(iv) Subject to division (C) (1) (a) (v) of this section, 303
life imprisonment with parole eligibility after serving thirty 304
full years of imprisonment; 305

(v) If the victim of the aggravated murder was less than 306
thirteen years of age, the offender also is convicted of or 307
pleads guilty to a sexual motivation specification that was 308
included in the indictment, count in the indictment, or 309
information charging the offense, and the trial court does not 310
impose a sentence of life imprisonment without parole on the 311
offender pursuant to division (C) (1) (a) (i) of this section, the 312
trial court shall sentence the offender pursuant to division (B) 313

(3) of section 2971.03 of the Revised Code to an indefinite term 314
consisting of a minimum term of thirty years and a maximum term 315
of life imprisonment. 316

(b) If the offender also is convicted of or pleads guilty 317
to a sexual motivation specification and a sexually violent 318
predator specification that are included in the indictment, 319
count in the indictment, or information that charged the 320
aggravated murder, except as provided in division (H) of this 321
section, the trial court shall impose upon the offender a 322
sentence of life imprisonment without parole that shall be 323
served pursuant to section 2971.03 of the Revised Code. 324

(2) (a) If the indictment or count in the indictment 325
contains one or more specifications of aggravating circumstances 326
listed in division (A) of section 2929.04 of the Revised Code 327
and if the offender is found guilty of both the charge and one 328
or more of the specifications, the penalty to be imposed on the 329
offender shall be one of the following: 330

(i) Except as provided in division (C) (2) (a) (ii) ~~or~~, (C) 331
(2) (a) (iii), or (H) of this section, the penalty to be imposed 332
on the offender shall be death, life imprisonment without 333
parole, life imprisonment with parole eligibility after serving 334
twenty-five full years of imprisonment, or life imprisonment 335
with parole eligibility after serving thirty full years of 336
imprisonment. 337

(ii) Except as provided in division (C) (2) (a) (iii) or (H) 338
of this section, if the victim of the aggravated murder was less 339
than thirteen years of age, the offender also is convicted of or 340
pleads guilty to a sexual motivation specification that was 341
included in the indictment, count in the indictment, or 342
information charging the offense, and the trial court does not 343

impose a sentence of death or life imprisonment without parole 344
on the offender pursuant to division (C) (2) (a) (i) of this 345
section, the penalty to be imposed on the offender shall be an 346
indefinite term consisting of a minimum term of thirty years and 347
a maximum term of life imprisonment that shall be imposed 348
pursuant to division (B) (3) of section 2971.03 of the Revised 349
Code and served pursuant to that section. 350

(iii) If the offender also is convicted of or pleads 351
guilty to a sexual motivation specification and a sexually 352
violent predator specification that are included in the 353
indictment, count in the indictment, or information that charged 354
the aggravated murder, except as provided in division (H) of 355
this section, the penalty to be imposed on the offender shall be 356
death or life imprisonment without parole that shall be served 357
pursuant to section 2971.03 of the Revised Code. 358

(b) A penalty imposed pursuant to division (C) (2) (a) (i), 359
(ii), or (iii) of this section shall be determined pursuant to 360
divisions (D) and (E) of this section and shall be determined by 361
one of the following: 362

(i) By the panel of three judges that tried the offender 363
upon the offender's waiver of the right to trial by jury; 364

(ii) By the trial jury and the trial judge, if the 365
offender was tried by jury. 366

(D) (1) Death may not be imposed as a penalty for 367
aggravated murder if the offender raised the matter of age at 368
trial pursuant to section 2929.023 of the Revised Code and was 369
not found at trial to have been eighteen years of age or older 370
at the time of the commission of the offense. When death may be 371
imposed as a penalty for aggravated murder, the court shall 372

proceed under this division. When death may be imposed as a 373
penalty, the court, upon the request of the defendant, shall 374
require a pre-sentence investigation to be made and, upon the 375
request of the defendant, shall require a mental examination to 376
be made, and shall require reports of the investigation and of 377
any mental examination submitted to the court, pursuant to 378
section 2947.06 of the Revised Code. No statement made or 379
information provided by a defendant in a mental examination or 380
proceeding conducted pursuant to this division shall be 381
disclosed to any person, except as provided in this division, or 382
be used in evidence against the defendant on the issue of guilt 383
in any retrial. A pre-sentence investigation or mental 384
examination shall not be made except upon request of the 385
defendant. Copies of any reports prepared under this division 386
shall be furnished to the court, to the trial jury if the 387
offender was tried by a jury, to the prosecutor, and to the 388
offender or the offender's counsel for use under this division. 389
The court, and the trial jury if the offender was tried by a 390
jury, shall consider any report prepared pursuant to this 391
division and furnished to it and any evidence raised at trial 392
that is relevant to the aggravating circumstances the offender 393
was found guilty of committing or to any factors in mitigation 394
of the imposition of the sentence of death, shall hear testimony 395
and other evidence that is relevant to the nature and 396
circumstances of the aggravating circumstances the offender was 397
found guilty of committing, the mitigating factors set forth in 398
division (B) of section 2929.04 of the Revised Code, and any 399
other factors in mitigation of the imposition of the sentence of 400
death, and shall hear the statement, if any, of the offender, 401
and the arguments, if any, of counsel for the defense and 402
prosecution, that are relevant to the penalty that should be 403
imposed on the offender. The defendant shall be given great 404

latitude in the presentation of evidence of the mitigating 405
factors set forth in division (B) of section 2929.04 of the 406
Revised Code and of any other factors in mitigation of the 407
imposition of the sentence of death. If the offender chooses to 408
make a statement, the offender is subject to cross-examination 409
only if the offender consents to make the statement under oath 410
or affirmation. 411

The defendant shall have the burden of going forward with 412
the evidence of any factors in mitigation of the imposition of 413
the sentence of death. The prosecution shall have the burden of 414
proving, by proof beyond a reasonable doubt, that the 415
aggravating circumstances the defendant was found guilty of 416
committing are sufficient to outweigh the factors in mitigation 417
of the imposition of the sentence of death. 418

(2) Upon consideration of the relevant evidence raised at 419
trial, the testimony, other evidence, statement of the offender, 420
arguments of counsel, and, if applicable, the reports submitted 421
pursuant to division (D)(1) of this section, the trial jury, if 422
the offender was tried by a jury, shall determine whether the 423
aggravating circumstances the offender was found guilty of 424
committing are sufficient to outweigh the mitigating factors 425
present in the case. If the trial jury unanimously finds, by 426
proof beyond a reasonable doubt, that the aggravating 427
circumstances the offender was found guilty of committing 428
outweigh the mitigating factors, the trial jury shall recommend 429
to the court that the sentence of death be imposed on the 430
offender. Absent such a finding, the jury shall recommend that 431
the offender be sentenced to one of the following: 432

(a) Except as provided in division (D) (2) (b) ~~or~~, (D) (2) 433
(c), or (H) of this section, to life imprisonment without 434

parole, life imprisonment with parole eligibility after serving 435
twenty-five full years of imprisonment, or life imprisonment 436
with parole eligibility after serving thirty full years of 437
imprisonment; 438

(b) Except as provided in division (D) (2) (c) or (H) of 439
this section, if the victim of the aggravated murder was less 440
than thirteen years of age, the offender also is convicted of or 441
pleads guilty to a sexual motivation specification that was 442
included in the indictment, count in the indictment, or 443
information charging the offense, and the jury does not 444
recommend a sentence of life imprisonment without parole 445
pursuant to division (D) (2) (a) of this section, to an indefinite 446
term consisting of a minimum term of thirty years and a maximum 447
term of life imprisonment to be imposed pursuant to division (B) 448
(3) of section 2971.03 of the Revised Code and served pursuant 449
to that section. 450

(c) If the offender also is convicted of or pleads guilty 451
to a sexual motivation specification and a sexually violent 452
predator specification that are included in the indictment, 453
count in the indictment, or information that charged the 454
aggravated murder, except as provided in division (H) of this 455
section, to life imprisonment without parole. 456

If the trial jury recommends that the offender be 457
sentenced to life imprisonment without parole, life imprisonment 458
with parole eligibility after serving twenty-five full years of 459
imprisonment, life imprisonment with parole eligibility after 460
serving thirty full years of imprisonment, or an indefinite term 461
consisting of a minimum term of thirty years and a maximum term 462
of life imprisonment to be imposed pursuant to division (B) (3) 463
of section 2971.03 of the Revised Code, except as provided in 464

division (H) of this section, the court shall impose the 465
sentence recommended by the jury upon the offender. If the 466
sentence is an indefinite term consisting of a minimum term of 467
thirty years and a maximum term of life imprisonment imposed as 468
described in division (D) (2) (b) of this section or a sentence of 469
life imprisonment without parole imposed under division (D) (2) 470
(c) of this section, the sentence shall be served pursuant to 471
section 2971.03 of the Revised Code. If the trial jury 472
recommends that the sentence of death be imposed upon the 473
offender, the court shall proceed to impose sentence pursuant to 474
division (D) (3) of this section. 475

(3) Upon consideration of the relevant evidence raised at 476
trial, the testimony, other evidence, statement of the offender, 477
arguments of counsel, and, if applicable, the reports submitted 478
to the court pursuant to division (D) (1) of this section, if, 479
after receiving pursuant to division (D) (2) of this section the 480
trial jury's recommendation that the sentence of death be 481
imposed, the court finds, by proof beyond a reasonable doubt, or 482
if the panel of three judges unanimously finds, by proof beyond 483
a reasonable doubt, that the aggravating circumstances the 484
offender was found guilty of committing outweigh the mitigating 485
factors, it shall impose sentence of death on the offender. 486
Absent such a finding by the court or panel, the court or the 487
panel shall impose one of the following sentences on the 488
offender: 489

(a) Except as provided in division (D) (3) (b) or (H) of 490
this section, one of the following: 491

(i) Life imprisonment without parole; 492

(ii) Subject to division (D) (3) (a) (iv) of this section, 493
life imprisonment with parole eligibility after serving twenty- 494

five full years of imprisonment; 495

(iii) Subject to division (D) (3) (a) (iv) of this section, 496
life imprisonment with parole eligibility after serving thirty 497
full years of imprisonment; 498

(iv) If the victim of the aggravated murder was less than 499
thirteen years of age, the offender also is convicted of or 500
pleads guilty to a sexual motivation specification that was 501
included in the indictment, count in the indictment, or 502
information charging the offense, and the trial court does not 503
impose a sentence of life imprisonment without parole on the 504
offender pursuant to division (D) (3) (a) (i) of this section, the 505
court or panel shall sentence the offender pursuant to division 506
(B) (3) of section 2971.03 of the Revised Code to an indefinite 507
term consisting of a minimum term of thirty years and a maximum 508
term of life imprisonment. 509

(b) If the offender also is convicted of or pleads guilty 510
to a sexual motivation specification and a sexually violent 511
predator specification that are included in the indictment, 512
count in the indictment, or information that charged the 513
aggravated murder, except as provided in division (H) of this 514
section, life imprisonment without parole that shall be served 515
pursuant to section 2971.03 of the Revised Code. 516

(E) If the offender raised the matter of age at trial 517
pursuant to section 2929.023 of the Revised Code, was convicted 518
of aggravated murder and one or more specifications of an 519
aggravating circumstance listed in division (A) of section 520
2929.04 of the Revised Code, and was not found at trial to have 521
been eighteen years of age or older at the time of the 522
commission of the offense, the court or the panel of three 523
judges shall not impose a sentence of death on the offender. 524

Instead, the court or panel shall impose one of the following 525
sentences on the offender: 526

(1) Except as provided in division (E) (2) or (H) of this 527
section, one of the following: 528

(a) Life imprisonment without parole; 529

(b) Subject to division (E) (2) (d) of this section, life 530
imprisonment with parole eligibility after serving twenty-five 531
full years of imprisonment; 532

(c) Subject to division (E) (2) (d) of this section, life 533
imprisonment with parole eligibility after serving thirty full 534
years of imprisonment; 535

(d) If the victim of the aggravated murder was less than 536
thirteen years of age, the offender also is convicted of or 537
pleads guilty to a sexual motivation specification that was 538
included in the indictment, count in the indictment, or 539
information charging the offense, and the trial court does not 540
impose a sentence of life imprisonment without parole on the 541
offender pursuant to division (E) (2) (a) of this section, the 542
court or panel shall sentence the offender pursuant to division 543
(B) (3) of section 2971.03 of the Revised Code to an indefinite 544
term consisting of a minimum term of thirty years and a maximum 545
term of life imprisonment. 546

(2) If the offender also is convicted of or pleads guilty 547
to a sexual motivation specification and a sexually violent 548
predator specification that are included in the indictment, 549
count in the indictment, or information that charged the 550
aggravated murder, except as provided in division (H) of this 551
section, life imprisonment without parole that shall be served 552
pursuant to section 2971.03 of the Revised Code. 553

(F) The court or the panel of three judges, when it 554
imposes sentence of death, shall state in a separate opinion its 555
specific findings as to the existence of any of the mitigating 556
factors set forth in division (B) of section 2929.04 of the 557
Revised Code, the existence of any other mitigating factors, the 558
aggravating circumstances the offender was found guilty of 559
committing, and the reasons why the aggravating circumstances 560
the offender was found guilty of committing were sufficient to 561
outweigh the mitigating factors. The court or panel, when it 562
imposes life imprisonment or an indefinite term consisting of a 563
minimum term of thirty years and a maximum term of life 564
imprisonment under division (D) of this section, shall state in 565
a separate opinion its specific findings of which of the 566
mitigating factors set forth in division (B) of section 2929.04 567
of the Revised Code it found to exist, what other mitigating 568
factors it found to exist, what aggravating circumstances the 569
offender was found guilty of committing, and why it could not 570
find that these aggravating circumstances were sufficient to 571
outweigh the mitigating factors. For cases in which a sentence 572
of death is imposed for an offense committed before January 1, 573
1995, the court or panel shall file the opinion required to be 574
prepared by this division with the clerk of the appropriate 575
court of appeals and with the clerk of the supreme court within 576
fifteen days after the court or panel imposes sentence. For 577
cases in which a sentence of death is imposed for an offense 578
committed on or after January 1, 1995, the court or panel shall 579
file the opinion required to be prepared by this division with 580
the clerk of the supreme court within fifteen days after the 581
court or panel imposes sentence. The judgment in a case in which 582
a sentencing hearing is held pursuant to this section is not 583
final until the opinion is filed. 584

(G) (1) Whenever the court or a panel of three judges 585
imposes a sentence of death for an offense committed before 586
January 1, 1995, the clerk of the court in which the judgment is 587
rendered shall make and retain a copy of the entire record in 588
the case, and shall deliver the original of the entire record in 589
the case to the appellate court. 590

(2) Whenever the court or a panel of three judges imposes 591
a sentence of death for an offense committed on or after January 592
1, 1995, the clerk of the court in which the judgment is 593
rendered shall make and retain a copy of the entire record in 594
the case, and shall deliver the original of the entire record in 595
the case to the supreme court. 596

(H) A court shall not impose a sentence of life 597
imprisonment without parole on a person under division (A) (1) or 598
(2), (C) (1) or (2), (D) (2) or (3), or (E) (1) or (2) of this 599
section for an offense that was committed when the person was 600
under eighteen years of age. 601

Sec. 2929.06. (A) If a sentence of death imposed upon an 602
offender is set aside, nullified, or vacated because the court 603
of appeals, in a case in which a sentence of death was imposed 604
for an offense committed before January 1, 1995, or the supreme 605
court, in cases in which the supreme court reviews the sentence 606
upon appeal, could not affirm the sentence of death under the 607
standards imposed by section 2929.05 of the Revised Code, is set 608
aside, nullified, or vacated for the sole reason that the 609
statutory procedure for imposing the sentence of death that is 610
set forth in sections 2929.03 and 2929.04 of the Revised Code is 611
unconstitutional, is set aside, nullified, or vacated pursuant 612
to division (C) of section 2929.05 of the Revised Code, or is 613
set aside, nullified, or vacated because a court has determined 614

that the offender is a person with an intellectual disability 615
under standards set forth in decisions of the supreme court of 616
this state or the United States supreme court, the trial court 617
that sentenced the offender shall conduct a hearing to 618
resentence the offender. At the resentencing hearing, the court 619
shall impose upon the offender a sentence of life imprisonment 620
or an indefinite term consisting of a minimum term of thirty 621
years and a maximum term of life imprisonment that is determined 622
as specified in this division. If division (D) of section 623
2929.03 of the Revised Code, at the time the offender committed 624
the aggravated murder for which the sentence of death was 625
imposed, required the imposition when a sentence of death was 626
not imposed of a sentence of life imprisonment without parole or 627
a sentence of an indefinite term consisting of a minimum term of 628
thirty years and a maximum term of life imprisonment to be 629
imposed pursuant to division (A) or (B) (3) of section 2971.03 of 630
the Revised Code and served pursuant to that section, except as 631
provided in division (F) of this section, the court shall impose 632
the sentence so required. In all other cases, except as provided 633
in division (F) of this section, the sentences of life 634
imprisonment that are available at the hearing, and from which 635
the court shall impose sentence, shall be the same sentences of 636
life imprisonment that were available under division (D) of 637
section 2929.03 or under section 2909.24 of the Revised Code at 638
the time the offender committed the offense for which the 639
sentence of death was imposed. Nothing in this division 640
regarding the resentencing of an offender shall affect the 641
operation of section 2971.03 of the Revised Code. 642

(B) Whenever any court of this state or any federal court 643
sets aside, nullifies, or vacates a sentence of death imposed 644
upon an offender because of error that occurred in the 645

sentencing phase of the trial and if division (A) of this 646
section does not apply, the trial court that sentenced the 647
offender shall conduct a new hearing to resentence the offender. 648
If the offender was tried by a jury, the trial court shall 649
impanel a new jury for the hearing. If the offender was tried by 650
a panel of three judges, that panel or, if necessary, a new 651
panel of three judges shall conduct the hearing. At the hearing, 652
the court or panel shall follow the procedure set forth in 653
division (D) of section 2929.03 of the Revised Code in 654
determining whether to impose upon the offender a sentence of 655
death, a sentence of life imprisonment, or an indefinite term 656
consisting of a minimum term of thirty years and a maximum term 657
of life imprisonment. If, pursuant to that procedure, the court 658
or panel determines that it will impose a sentence other than a 659
sentence of death, except as provided in division (F) of this 660
section, the court or panel shall impose upon the offender one 661
of the sentences of life imprisonment that could have been 662
imposed at the time the offender committed the offense for which 663
the sentence of death was imposed, determined as specified in 664
this division, or an indefinite term consisting of a minimum 665
term of thirty years and a maximum term of life imprisonment 666
that is determined as specified in this division. If division 667
(D) of section 2929.03 of the Revised Code, at the time the 668
offender committed the aggravated murder for which the sentence 669
of death was imposed, required the imposition when a sentence of 670
death was not imposed of a sentence of life imprisonment without 671
parole or a sentence of an indefinite term consisting of a 672
minimum term of thirty years and a maximum term of life 673
imprisonment to be imposed pursuant to division (A) or (B) (3) of 674
section 2971.03 of the Revised Code and served pursuant to that 675
section, except as provided in division (F) of this section, the 676
court or panel shall impose the sentence so required. In all 677

other cases, except as provided in division (F) of this section, 678
the sentences of life imprisonment that are available at the 679
hearing, and from which the court or panel shall impose 680
sentence, shall be the same sentences of life imprisonment that 681
were available under division (D) of section 2929.03 or under 682
section 2909.24 of the Revised Code at the time the offender 683
committed the offense for which the sentence of death was 684
imposed. 685

(C) If a sentence of life imprisonment without parole 686
imposed upon an offender pursuant to section 2929.021 or 2929.03 687
of the Revised Code is set aside, nullified, or vacated for the 688
sole reason that the statutory procedure for imposing the 689
sentence of life imprisonment without parole that is set forth 690
in sections 2929.03 and 2929.04 of the Revised Code is 691
unconstitutional, the trial court that sentenced the offender 692
shall conduct a hearing to resentence the offender to life 693
imprisonment with parole eligibility after serving twenty-five 694
full years of imprisonment or to life imprisonment with parole 695
eligibility after serving thirty full years of imprisonment. 696

(D) Nothing in this section limits or restricts the rights 697
of the state to appeal any order setting aside, nullifying, or 698
vacating a conviction or sentence of death, when an appeal of 699
that nature otherwise would be available. 700

(E) This section, as amended by H.B. 184 of the 125th 701
general assembly, shall apply to all offenders who have been 702
sentenced to death for an aggravated murder that was committed 703
on or after October 19, 1981, or for terrorism that was 704
committed on or after May 15, 2002. This section, as amended by 705
H.B. 184 of the 125th general assembly, shall apply equally to 706
all such offenders sentenced to death prior to, on, or after 707

March 23, 2005, including offenders who, on March 23, 2005, are 708
challenging their sentence of death and offenders whose sentence 709
of death has been set aside, nullified, or vacated by any court 710
of this state or any federal court but who, as of March 23, 711
2005, have not yet been resentenced. 712

(F) A court shall not impose a sentence of life 713
imprisonment without parole on a person under division (A) or 714
(B) of this section for an offense that was committed when the 715
person was under eighteen years of age. 716

Sec. 2929.07. (A) Notwithstanding any provision of the 717
Revised Code to the contrary, a court shall not impose a 718
sentence of life imprisonment without parole on any person for 719
an offense that was committed when the person was under eighteen 720
years of age. 721

(B) If an offender receives or received a sentence of life 722
imprisonment without parole for an offense that was committed 723
when the offender was under eighteen years of age, the 724
offender's parole eligibility shall be determined under section 725
2967.132 of the Revised Code. 726

Sec. 2929.14. (A) Except as provided in division (B)(1), 727
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), 728
(B)(10), (B)(11), (E), (G), (H), (J), or (K) of this section or 729
in division (D)(6) of section 2919.25 of the Revised Code and 730
except in relation to an offense for which a sentence of death 731
or life imprisonment is to be imposed, if the court imposing a 732
sentence upon an offender for a felony elects or is required to 733
impose a prison term on the offender pursuant to this chapter, 734
the court shall impose a prison term that shall be one of the 735
following: 736

(1) (a) For a felony of the first degree committed on or 737
after the effective date of this amendment, the prison term 738
shall be an indefinite prison term with a stated minimum term 739
selected by the court of three, four, five, six, seven, eight, 740
nine, ten, or eleven years and a maximum term that is determined 741
pursuant to section 2929.144 of the Revised Code, except that if 742
the section that criminalizes the conduct constituting the 743
felony specifies a different minimum term or penalty for the 744
offense, the specific language of that section shall control in 745
determining the minimum term or otherwise sentencing the 746
offender but the minimum term or sentence imposed under that 747
specific language shall be considered for purposes of the 748
Revised Code as if it had been imposed under this division. 749

(b) For a felony of the first degree committed prior to 750
the effective date of this amendment, the prison term shall be a 751
definite prison term of three, four, five, six, seven, eight, 752
nine, ten, or eleven years. 753

(2) (a) For a felony of the second degree committed on or 754
after the effective date of this amendment, the prison term 755
shall be an indefinite prison term with a stated minimum term 756
selected by the court of two, three, four, five, six, seven, or 757
eight years and a maximum term that is determined pursuant to 758
section 2929.144 of the Revised Code, except that if the section 759
that criminalizes the conduct constituting the felony specifies 760
a different minimum term or penalty for the offense, the 761
specific language of that section shall control in determining 762
the minimum term or otherwise sentencing the offender but the 763
minimum term or sentence imposed under that specific language 764
shall be considered for purposes of the Revised Code as if it 765
had been imposed under this division. 766

(b) For a felony of the second degree committed prior to 767
the effective date of this amendment, the prison term shall be a 768
definite term of two, three, four, five, six, seven, or eight 769
years. 770

(3) (a) For a felony of the third degree that is a 771
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 772
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 773
Code or that is a violation of section 2911.02 or 2911.12 of the 774
Revised Code if the offender previously has been convicted of or 775
pleaded guilty in two or more separate proceedings to two or 776
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 777
of the Revised Code, the prison term shall be a definite term of 778
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 779
forty-eight, fifty-four, or sixty months. 780

(b) For a felony of the third degree that is not an 781
offense for which division (A) (3) (a) of this section applies, 782
the prison term shall be a definite term of nine, twelve, 783
eighteen, twenty-four, thirty, or thirty-six months. 784

(4) For a felony of the fourth degree, the prison term 785
shall be a definite term of six, seven, eight, nine, ten, 786
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 787
or eighteen months. 788

(5) For a felony of the fifth degree, the prison term 789
shall be a definite term of six, seven, eight, nine, ten, 790
eleven, or twelve months. 791

(B) (1) (a) Except as provided in division (B) (1) (e) of this 792
section, if an offender who is convicted of or pleads guilty to 793
a felony also is convicted of or pleads guilty to a 794
specification of the type described in section 2941.141, 795

2941.144, or 2941.145 of the Revised Code, the court shall 796
impose on the offender one of the following prison terms: 797

(i) A prison term of six years if the specification is of 798
the type described in division (A) of section 2941.144 of the 799
Revised Code that charges the offender with having a firearm 800
that is an automatic firearm or that was equipped with a firearm 801
muffler or suppressor on or about the offender's person or under 802
the offender's control while committing the offense; 803

(ii) A prison term of three years if the specification is 804
of the type described in division (A) of section 2941.145 of the 805
Revised Code that charges the offender with having a firearm on 806
or about the offender's person or under the offender's control 807
while committing the offense and displaying the firearm, 808
brandishing the firearm, indicating that the offender possessed 809
the firearm, or using it to facilitate the offense; 810

(iii) A prison term of one year if the specification is of 811
the type described in division (A) of section 2941.141 of the 812
Revised Code that charges the offender with having a firearm on 813
or about the offender's person or under the offender's control 814
while committing the offense; 815

(iv) A prison term of nine years if the specification is 816
of the type described in division (D) of section 2941.144 of the 817
Revised Code that charges the offender with having a firearm 818
that is an automatic firearm or that was equipped with a firearm 819
muffler or suppressor on or about the offender's person or under 820
the offender's control while committing the offense and 821
specifies that the offender previously has been convicted of or 822
pleaded guilty to a specification of the type described in 823
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 824
the Revised Code; 825

(v) A prison term of fifty-four months if the 826
specification is of the type described in division (D) of 827
section 2941.145 of the Revised Code that charges the offender 828
with having a firearm on or about the offender's person or under 829
the offender's control while committing the offense and 830
displaying the firearm, brandishing the firearm, indicating that 831
the offender possessed the firearm, or using the firearm to 832
facilitate the offense and that the offender previously has been 833
convicted of or pleaded guilty to a specification of the type 834
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 835
2941.1412 of the Revised Code; 836

(vi) A prison term of eighteen months if the specification 837
is of the type described in division (D) of section 2941.141 of 838
the Revised Code that charges the offender with having a firearm 839
on or about the offender's person or under the offender's 840
control while committing the offense and that the offender 841
previously has been convicted of or pleaded guilty to a 842
specification of the type described in section 2941.141, 843
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 844

(b) If a court imposes a prison term on an offender under 845
division (B)(1)(a) of this section, the prison term shall not be 846
reduced pursuant to section 2967.19, section 2929.20, section 847
2967.193, or any other provision of Chapter 2967. or Chapter 848
5120. of the Revised Code. Except as provided in division (B)(1) 849
(g) of this section, a court shall not impose more than one 850
prison term on an offender under division (B)(1)(a) of this 851
section for felonies committed as part of the same act or 852
transaction. 853

(c)(i) Except as provided in division (B)(1)(e) of this 854
section, if an offender who is convicted of or pleads guilty to 855

a violation of section 2923.161 of the Revised Code or to a 856
felony that includes, as an essential element, purposely or 857
knowingly causing or attempting to cause the death of or 858
physical harm to another, also is convicted of or pleads guilty 859
to a specification of the type described in division (A) of 860
section 2941.146 of the Revised Code that charges the offender 861
with committing the offense by discharging a firearm from a 862
motor vehicle other than a manufactured home, the court, after 863
imposing a prison term on the offender for the violation of 864
section 2923.161 of the Revised Code or for the other felony 865
offense under division (A), (B) (2), or (B) (3) of this section, 866
shall impose an additional prison term of five years upon the 867
offender that shall not be reduced pursuant to section 2929.20, 868
section 2967.19, section 2967.193, or any other provision of 869
Chapter 2967. or Chapter 5120. of the Revised Code. 870

(ii) Except as provided in division (B) (1) (e) of this 871
section, if an offender who is convicted of or pleads guilty to 872
a violation of section 2923.161 of the Revised Code or to a 873
felony that includes, as an essential element, purposely or 874
knowingly causing or attempting to cause the death of or 875
physical harm to another, also is convicted of or pleads guilty 876
to a specification of the type described in division (C) of 877
section 2941.146 of the Revised Code that charges the offender 878
with committing the offense by discharging a firearm from a 879
motor vehicle other than a manufactured home and that the 880
offender previously has been convicted of or pleaded guilty to a 881
specification of the type described in section 2941.141, 882
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 883
the court, after imposing a prison term on the offender for the 884
violation of section 2923.161 of the Revised Code or for the 885
other felony offense under division (A), (B) (2), or (3) of this 886

section, shall impose an additional prison term of ninety months 887
upon the offender that shall not be reduced pursuant to section 888
2929.20, 2967.19, 2967.193, or any other provision of Chapter 889
2967. or Chapter 5120. of the Revised Code. 890

(iii) A court shall not impose more than one additional 891
prison term on an offender under division (B) (1) (c) of this 892
section for felonies committed as part of the same act or 893
transaction. If a court imposes an additional prison term on an 894
offender under division (B) (1) (c) of this section relative to an 895
offense, the court also shall impose a prison term under 896
division (B) (1) (a) of this section relative to the same offense, 897
provided the criteria specified in that division for imposing an 898
additional prison term are satisfied relative to the offender 899
and the offense. 900

(d) If an offender who is convicted of or pleads guilty to 901
an offense of violence that is a felony also is convicted of or 902
pleads guilty to a specification of the type described in 903
section 2941.1411 of the Revised Code that charges the offender 904
with wearing or carrying body armor while committing the felony 905
offense of violence, the court shall impose on the offender an 906
additional prison term of two years. The prison term so imposed, 907
subject to divisions (C) to (I) of section 2967.19 of the 908
Revised Code, shall not be reduced pursuant to section 2929.20, 909
section 2967.19, section 2967.193, or any other provision of 910
Chapter 2967. or Chapter 5120. of the Revised Code. A court 911
shall not impose more than one prison term on an offender under 912
division (B) (1) (d) of this section for felonies committed as 913
part of the same act or transaction. If a court imposes an 914
additional prison term under division (B) (1) (a) or (c) of this 915
section, the court is not precluded from imposing an additional 916
prison term under division (B) (1) (d) of this section. 917

(e) The court shall not impose any of the prison terms 918
described in division (B) (1) (a) of this section or any of the 919
additional prison terms described in division (B) (1) (c) of this 920
section upon an offender for a violation of section 2923.12 or 921
2923.123 of the Revised Code. The court shall not impose any of 922
the prison terms described in division (B) (1) (a) or (b) of this 923
section upon an offender for a violation of section 2923.122 924
that involves a deadly weapon that is a firearm other than a 925
dangerous ordnance, section 2923.16, or section 2923.121 of the 926
Revised Code. The court shall not impose any of the prison terms 927
described in division (B) (1) (a) of this section or any of the 928
additional prison terms described in division (B) (1) (c) of this 929
section upon an offender for a violation of section 2923.13 of 930
the Revised Code unless all of the following apply: 931

(i) The offender previously has been convicted of 932
aggravated murder, murder, or any felony of the first or second 933
degree. 934

(ii) Less than five years have passed since the offender 935
was released from prison or post-release control, whichever is 936
later, for the prior offense. 937

(f) (i) If an offender is convicted of or pleads guilty to 938
a felony that includes, as an essential element, causing or 939
attempting to cause the death of or physical harm to another and 940
also is convicted of or pleads guilty to a specification of the 941
type described in division (A) of section 2941.1412 of the 942
Revised Code that charges the offender with committing the 943
offense by discharging a firearm at a peace officer as defined 944
in section 2935.01 of the Revised Code or a corrections officer, 945
as defined in section 2941.1412 of the Revised Code, the court, 946
after imposing a prison term on the offender for the felony 947

offense under division (A), (B) (2), or (B) (3) of this section, 948
shall impose an additional prison term of seven years upon the 949
offender that shall not be reduced pursuant to section 2929.20, 950
section 2967.19, section 2967.193, or any other provision of 951
Chapter 2967. or Chapter 5120. of the Revised Code. 952

(ii) If an offender is convicted of or pleads guilty to a 953
felony that includes, as an essential element, causing or 954
attempting to cause the death of or physical harm to another and 955
also is convicted of or pleads guilty to a specification of the 956
type described in division (B) of section 2941.1412 of the 957
Revised Code that charges the offender with committing the 958
offense by discharging a firearm at a peace officer, as defined 959
in section 2935.01 of the Revised Code, or a corrections 960
officer, as defined in section 2941.1412 of the Revised Code, 961
and that the offender previously has been convicted of or 962
pleaded guilty to a specification of the type described in 963
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 964
the Revised Code, the court, after imposing a prison term on the 965
offender for the felony offense under division (A), (B) (2), or 966
(3) of this section, shall impose an additional prison term of 967
one hundred twenty-six months upon the offender that shall not 968
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 969
any other provision of Chapter 2967. or 5120. of the Revised 970
Code. 971

(iii) If an offender is convicted of or pleads guilty to 972
two or more felonies that include, as an essential element, 973
causing or attempting to cause the death or physical harm to 974
another and also is convicted of or pleads guilty to a 975
specification of the type described under division (B) (1) (f) of 976
this section in connection with two or more of the felonies of 977
which the offender is convicted or to which the offender pleads 978

guilty, the sentencing court shall impose on the offender the 979
prison term specified under division (B) (1) (f) of this section 980
for each of two of the specifications of which the offender is 981
convicted or to which the offender pleads guilty and, in its 982
discretion, also may impose on the offender the prison term 983
specified under that division for any or all of the remaining 984
specifications. If a court imposes an additional prison term on 985
an offender under division (B) (1) (f) of this section relative to 986
an offense, the court shall not impose a prison term under 987
division (B) (1) (a) or (c) of this section relative to the same 988
offense. 989

(g) If an offender is convicted of or pleads guilty to two 990
or more felonies, if one or more of those felonies are 991
aggravated murder, murder, attempted aggravated murder, 992
attempted murder, aggravated robbery, felonious assault, or 993
rape, and if the offender is convicted of or pleads guilty to a 994
specification of the type described under division (B) (1) (a) of 995
this section in connection with two or more of the felonies, the 996
sentencing court shall impose on the offender the prison term 997
specified under division (B) (1) (a) of this section for each of 998
the two most serious specifications of which the offender is 999
convicted or to which the offender pleads guilty and, in its 1000
discretion, also may impose on the offender the prison term 1001
specified under that division for any or all of the remaining 1002
specifications. 1003

(2) (a) If division (B) (2) (b) of this section does not 1004
apply, the court may impose on an offender, in addition to the 1005
longest prison term authorized or required for the offense or, 1006
for offenses for which division (A) (1) (a) or (2) (a) of this 1007
section applies, in addition to the longest minimum prison term 1008
authorized or required for the offense, an additional definite 1009

prison term of one, two, three, four, five, six, seven, eight, 1010
nine, or ten years if all of the following criteria are met: 1011

(i) The offender is convicted of or pleads guilty to a 1012
specification of the type described in section 2941.149 of the 1013
Revised Code that the offender is a repeat violent offender. 1014

(ii) The offense of which the offender currently is 1015
convicted or to which the offender currently pleads guilty is 1016
aggravated murder and the court does not impose a sentence of 1017
death or life imprisonment without parole, murder, terrorism and 1018
the court does not impose a sentence of life imprisonment 1019
without parole, any felony of the first degree that is an 1020
offense of violence and the court does not impose a sentence of 1021
life imprisonment without parole, or any felony of the second 1022
degree that is an offense of violence and the trier of fact 1023
finds that the offense involved an attempt to cause or a threat 1024
to cause serious physical harm to a person or resulted in 1025
serious physical harm to a person. 1026

(iii) The court imposes the longest prison term for the 1027
offense or the longest minimum prison term for the offense, 1028
whichever is applicable, that is not life imprisonment without 1029
parole. 1030

(iv) The court finds that the prison terms imposed 1031
pursuant to division (B) (2) (a) (iii) of this section and, if 1032
applicable, division (B) (1) or (3) of this section are 1033
inadequate to punish the offender and protect the public from 1034
future crime, because the applicable factors under section 1035
2929.12 of the Revised Code indicating a greater likelihood of 1036
recidivism outweigh the applicable factors under that section 1037
indicating a lesser likelihood of recidivism. 1038

(v) The court finds that the prison terms imposed pursuant 1039
to division (B) (2) (a) (iii) of this section and, if applicable, 1040
division (B) (1) or (3) of this section are demeaning to the 1041
seriousness of the offense, because one or more of the factors 1042
under section 2929.12 of the Revised Code indicating that the 1043
offender's conduct is more serious than conduct normally 1044
constituting the offense are present, and they outweigh the 1045
applicable factors under that section indicating that the 1046
offender's conduct is less serious than conduct normally 1047
constituting the offense. 1048

(b) The court shall impose on an offender the longest 1049
prison term authorized or required for the offense or, for 1050
offenses for which division (A) (1) (a) or (2) (a) of this section 1051
applies, the longest minimum prison term authorized or required 1052
for the offense, and shall impose on the offender an additional 1053
definite prison term of one, two, three, four, five, six, seven, 1054
eight, nine, or ten years if all of the following criteria are 1055
met: 1056

(i) The offender is convicted of or pleads guilty to a 1057
specification of the type described in section 2941.149 of the 1058
Revised Code that the offender is a repeat violent offender. 1059

(ii) The offender within the preceding twenty years has 1060
been convicted of or pleaded guilty to three or more offenses 1061
described in division (CC) (1) of section 2929.01 of the Revised 1062
Code, including all offenses described in that division of which 1063
the offender is convicted or to which the offender pleads guilty 1064
in the current prosecution and all offenses described in that 1065
division of which the offender previously has been convicted or 1066
to which the offender previously pleaded guilty, whether 1067
prosecuted together or separately. 1068

(iii) The offense or offenses of which the offender 1069
currently is convicted or to which the offender currently pleads 1070
guilty is aggravated murder and the court does not impose a 1071
sentence of death or life imprisonment without parole, murder, 1072
terrorism and the court does not impose a sentence of life 1073
imprisonment without parole, any felony of the first degree that 1074
is an offense of violence and the court does not impose a 1075
sentence of life imprisonment without parole, or any felony of 1076
the second degree that is an offense of violence and the trier 1077
of fact finds that the offense involved an attempt to cause or a 1078
threat to cause serious physical harm to a person or resulted in 1079
serious physical harm to a person. 1080

(c) For purposes of division (B) (2) (b) of this section, 1081
two or more offenses committed at the same time or as part of 1082
the same act or event shall be considered one offense, and that 1083
one offense shall be the offense with the greatest penalty. 1084

(d) A sentence imposed under division (B) (2) (a) or (b) of 1085
this section shall not be reduced pursuant to section 2929.20, 1086
section 2967.19, or section 2967.193, or any other provision of 1087
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1088
shall serve an additional prison term imposed under division (B) 1089
(2) (a) or (b) of this section consecutively to and prior to the 1090
prison term imposed for the underlying offense. 1091

(e) When imposing a sentence pursuant to division (B) (2) 1092
(a) or (b) of this section, the court shall state its findings 1093
explaining the imposed sentence. 1094

(3) Except when an offender commits a violation of section 1095
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1096
for the violation is life imprisonment or commits a violation of 1097
section 2903.02 of the Revised Code, if the offender commits a 1098

violation of section 2925.03 or 2925.11 of the Revised Code and 1099
that section classifies the offender as a major drug offender, 1100
if the offender commits a violation of section 2925.05 of the 1101
Revised Code and division (E)(1) of that section classifies the 1102
offender as a major drug offender, if the offender commits a 1103
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1104
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1105
division (C) or (D) of section 3719.172, division (E) of section 1106
4729.51, or division (J) of section 4729.54 of the Revised Code 1107
that includes the sale, offer to sell, or possession of a 1108
schedule I or II controlled substance, with the exception of 1109
marihuana, and the court imposing sentence upon the offender 1110
finds that the offender is guilty of a specification of the type 1111
described in division (A) of section 2941.1410 of the Revised 1112
Code charging that the offender is a major drug offender, if the 1113
court imposing sentence upon an offender for a felony finds that 1114
the offender is guilty of corrupt activity with the most serious 1115
offense in the pattern of corrupt activity being a felony of the 1116
first degree, or if the offender is guilty of an attempted 1117
violation of section 2907.02 of the Revised Code and, had the 1118
offender completed the violation of section 2907.02 of the 1119
Revised Code that was attempted, the offender would have been 1120
subject to a sentence of life imprisonment or life imprisonment 1121
without parole for the violation of section 2907.02 of the 1122
Revised Code, the court shall impose upon the offender for the 1123
felony violation a mandatory prison term determined as described 1124
in this division that, subject to divisions (C) to (I) of 1125
section 2967.19 of the Revised Code, cannot be reduced pursuant 1126
to section 2929.20, section 2967.19, or any other provision of 1127
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 1128
term shall be the maximum definite prison term prescribed in 1129
division (A)(1)(b) of this section for a felony of the first 1130

degree, except that for offenses for which division (A) (1) (a) of 1131
this section applies, the mandatory prison term shall be the 1132
longest minimum prison term prescribed in that division for the 1133
offense. 1134

(4) If the offender is being sentenced for a third or 1135
fourth degree felony OVI offense under division (G) (2) of 1136
section 2929.13 of the Revised Code, the sentencing court shall 1137
impose upon the offender a mandatory prison term in accordance 1138
with that division. In addition to the mandatory prison term, if 1139
the offender is being sentenced for a fourth degree felony OVI 1140
offense, the court, notwithstanding division (A) (4) of this 1141
section, may sentence the offender to a definite prison term of 1142
not less than six months and not more than thirty months, and if 1143
the offender is being sentenced for a third degree felony OVI 1144
offense, the sentencing court may sentence the offender to an 1145
additional prison term of any duration specified in division (A) 1146
(3) of this section. In either case, the additional prison term 1147
imposed shall be reduced by the sixty or one hundred twenty days 1148
imposed upon the offender as the mandatory prison term. The 1149
total of the additional prison term imposed under division (B) 1150
(4) of this section plus the sixty or one hundred twenty days 1151
imposed as the mandatory prison term shall equal a definite term 1152
in the range of six months to thirty months for a fourth degree 1153
felony OVI offense and shall equal one of the authorized prison 1154
terms specified in division (A) (3) of this section for a third 1155
degree felony OVI offense. If the court imposes an additional 1156
prison term under division (B) (4) of this section, the offender 1157
shall serve the additional prison term after the offender has 1158
served the mandatory prison term required for the offense. In 1159
addition to the mandatory prison term or mandatory and 1160
additional prison term imposed as described in division (B) (4) 1161

of this section, the court also may sentence the offender to a 1162
community control sanction under section 2929.16 or 2929.17 of 1163
the Revised Code, but the offender shall serve all of the prison 1164
terms so imposed prior to serving the community control 1165
sanction. 1166

If the offender is being sentenced for a fourth degree 1167
felony OVI offense under division (G) (1) of section 2929.13 of 1168
the Revised Code and the court imposes a mandatory term of local 1169
incarceration, the court may impose a prison term as described 1170
in division (A) (1) of that section. 1171

(5) If an offender is convicted of or pleads guilty to a 1172
violation of division (A) (1) or (2) of section 2903.06 of the 1173
Revised Code and also is convicted of or pleads guilty to a 1174
specification of the type described in section 2941.1414 of the 1175
Revised Code that charges that the victim of the offense is a 1176
peace officer, as defined in section 2935.01 of the Revised 1177
Code, or an investigator of the bureau of criminal 1178
identification and investigation, as defined in section 2903.11 1179
of the Revised Code, the court shall impose on the offender a 1180
prison term of five years. If a court imposes a prison term on 1181
an offender under division (B) (5) of this section, the prison 1182
term, subject to divisions (C) to (I) of section 2967.19 of the 1183
Revised Code, shall not be reduced pursuant to section 2929.20, 1184
section 2967.19, section 2967.193, or any other provision of 1185
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1186
shall not impose more than one prison term on an offender under 1187
division (B) (5) of this section for felonies committed as part 1188
of the same act. 1189

(6) If an offender is convicted of or pleads guilty to a 1190
violation of division (A) (1) or (2) of section 2903.06 of the 1191

Revised Code and also is convicted of or pleads guilty to a 1192
specification of the type described in section 2941.1415 of the 1193
Revised Code that charges that the offender previously has been 1194
convicted of or pleaded guilty to three or more violations of 1195
division (A) or (B) of section 4511.19 of the Revised Code or an 1196
equivalent offense, as defined in section 2941.1415 of the 1197
Revised Code, or three or more violations of any combination of 1198
those divisions and offenses, the court shall impose on the 1199
offender a prison term of three years. If a court imposes a 1200
prison term on an offender under division (B) (6) of this 1201
section, the prison term, subject to divisions (C) to (I) of 1202
section 2967.19 of the Revised Code, shall not be reduced 1203
pursuant to section 2929.20, section 2967.19, section 2967.193, 1204
or any other provision of Chapter 2967. or Chapter 5120. of the 1205
Revised Code. A court shall not impose more than one prison term 1206
on an offender under division (B) (6) of this section for 1207
felonies committed as part of the same act. 1208

(7) (a) If an offender is convicted of or pleads guilty to 1209
a felony violation of section 2905.01, 2905.02, 2907.21, 1210
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1211
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1212
section 2919.22 of the Revised Code and also is convicted of or 1213
pleads guilty to a specification of the type described in 1214
section 2941.1422 of the Revised Code that charges that the 1215
offender knowingly committed the offense in furtherance of human 1216
trafficking, the court shall impose on the offender a mandatory 1217
prison term that is one of the following: 1218

(i) If the offense is a felony of the first degree, a 1219
definite prison term of not less than five years and not greater 1220
than eleven years, except that if the offense is a felony of the 1221
first degree committed on or after the effective date of this 1222

amendment, the court shall impose as the minimum prison term a 1223
mandatory term of not less than five years and not greater than 1224
eleven years; 1225

(ii) If the offense is a felony of the second or third 1226
degree, a definite prison term of not less than three years and 1227
not greater than the maximum prison term allowed for the offense 1228
by division (A) (2) (b) or (3) of this section, except that if the 1229
offense is a felony of the second degree committed on or after 1230
the effective date of this amendment, the court shall impose as 1231
the minimum prison term a mandatory term of not less than three 1232
years and not greater than eight years; 1233

(iii) If the offense is a felony of the fourth or fifth 1234
degree, a definite prison term that is the maximum prison term 1235
allowed for the offense by division (A) of section 2929.14 of 1236
the Revised Code. 1237

(b) Subject to divisions (C) to (I) of section 2967.19 of 1238
the Revised Code, the prison term imposed under division (B) (7) 1239
(a) of this section shall not be reduced pursuant to section 1240
2929.20, section 2967.19, section 2967.193, or any other 1241
provision of Chapter 2967. of the Revised Code. A court shall 1242
not impose more than one prison term on an offender under 1243
division (B) (7) (a) of this section for felonies committed as 1244
part of the same act, scheme, or plan. 1245

(8) If an offender is convicted of or pleads guilty to a 1246
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1247
Revised Code and also is convicted of or pleads guilty to a 1248
specification of the type described in section 2941.1423 of the 1249
Revised Code that charges that the victim of the violation was a 1250
woman whom the offender knew was pregnant at the time of the 1251
violation, notwithstanding the range prescribed in division (A) 1252

of this section as the definite prison term or minimum prison 1253
term for felonies of the same degree as the violation, the court 1254
shall impose on the offender a mandatory prison term that is 1255
either a definite prison term of six months or one of the prison 1256
terms prescribed in division (A) of this section for felonies of 1257
the same degree as the violation, except that if the violation 1258
is a felony of the first or second degree committed on or after 1259
the effective date of this amendment, the court shall impose as 1260
the minimum prison term under division (A) (1) (a) or (2) (a) of 1261
this section a mandatory term that is one of the terms 1262
prescribed in that division, whichever is applicable, for the 1263
offense. 1264

(9) (a) If an offender is convicted of or pleads guilty to 1265
a violation of division (A) (1) or (2) of section 2903.11 of the 1266
Revised Code and also is convicted of or pleads guilty to a 1267
specification of the type described in section 2941.1425 of the 1268
Revised Code, the court shall impose on the offender a mandatory 1269
prison term of six years if either of the following applies: 1270

(i) The violation is a violation of division (A) (1) of 1271
section 2903.11 of the Revised Code and the specification 1272
charges that the offender used an accelerant in committing the 1273
violation and the serious physical harm to another or to 1274
another's unborn caused by the violation resulted in a 1275
permanent, serious disfigurement or permanent, substantial 1276
incapacity; 1277

(ii) The violation is a violation of division (A) (2) of 1278
section 2903.11 of the Revised Code and the specification 1279
charges that the offender used an accelerant in committing the 1280
violation, that the violation caused physical harm to another or 1281
to another's unborn, and that the physical harm resulted in a 1282

permanent, serious disfigurement or permanent, substantial 1283
incapacity. 1284

(b) If a court imposes a prison term on an offender under 1285
division (B) (9) (a) of this section, the prison term shall not be 1286
reduced pursuant to section 2929.20, section 2967.19, section 1287
2967.193, or any other provision of Chapter 2967. or Chapter 1288
5120. of the Revised Code. A court shall not impose more than 1289
one prison term on an offender under division (B) (9) of this 1290
section for felonies committed as part of the same act. 1291

(c) The provisions of divisions (B) (9) and (C) (6) of this 1292
section and of division (D) (2) of section 2903.11, division (F) 1293
(20) of section 2929.13, and section 2941.1425 of the Revised 1294
Code shall be known as "Judy's Law." 1295

(10) If an offender is convicted of or pleads guilty to a 1296
violation of division (A) of section 2903.11 of the Revised Code 1297
and also is convicted of or pleads guilty to a specification of 1298
the type described in section 2941.1426 of the Revised Code that 1299
charges that the victim of the offense suffered permanent 1300
disabling harm as a result of the offense and that the victim 1301
was under ten years of age at the time of the offense, 1302
regardless of whether the offender knew the age of the victim, 1303
the court shall impose upon the offender an additional definite 1304
prison term of six years. A prison term imposed on an offender 1305
under division (B) (10) of this section shall not be reduced 1306
pursuant to section 2929.20, section 2967.193, or any other 1307
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1308
If a court imposes an additional prison term on an offender 1309
under this division relative to a violation of division (A) of 1310
section 2903.11 of the Revised Code, the court shall not impose 1311
any other additional prison term on the offender relative to the 1312

same offense. 1313

(11) If an offender is convicted of or pleads guilty to a 1314
felony violation of section 2925.03 or 2925.05 of the Revised 1315
Code or a felony violation of section 2925.11 of the Revised 1316
Code for which division (C)(11) of that section applies in 1317
determining the sentence for the violation, if the drug involved 1318
in the violation is a fentanyl-related compound or a compound, 1319
mixture, preparation, or substance containing a fentanyl-related 1320
compound, and if the offender also is convicted of or pleads 1321
guilty to a specification of the type described in division (B) 1322
of section 2941.1410 of the Revised Code that charges that the 1323
offender is a major drug offender, in addition to any other 1324
penalty imposed for the violation, the court shall impose on the 1325
offender a mandatory prison term of three, four, five, six, 1326
seven, or eight years. If a court imposes a prison term on an 1327
offender under division (B)(11) of this section, the prison 1328
term, subject to divisions (C) to (I) of section 2967.19 of the 1329
Revised Code, shall not be reduced pursuant to section 2929.20, 1330
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1331
5120. of the Revised Code. A court shall not impose more than 1332
one prison term on an offender under division (B)(11) of this 1333
section for felonies committed as part of the same act. 1334

(C)(1)(a) Subject to division (C)(1)(b) of this section, 1335
if a mandatory prison term is imposed upon an offender pursuant 1336
to division (B)(1)(a) of this section for having a firearm on or 1337
about the offender's person or under the offender's control 1338
while committing a felony, if a mandatory prison term is imposed 1339
upon an offender pursuant to division (B)(1)(c) of this section 1340
for committing a felony specified in that division by 1341
discharging a firearm from a motor vehicle, or if both types of 1342
mandatory prison terms are imposed, the offender shall serve any 1343

mandatory prison term imposed under either division 1344
consecutively to any other mandatory prison term imposed under 1345
either division or under division (B) (1) (d) of this section, 1346
consecutively to and prior to any prison term imposed for the 1347
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1348
this section or any other section of the Revised Code, and 1349
consecutively to any other prison term or mandatory prison term 1350
previously or subsequently imposed upon the offender. 1351

(b) If a mandatory prison term is imposed upon an offender 1352
pursuant to division (B) (1) (d) of this section for wearing or 1353
carrying body armor while committing an offense of violence that 1354
is a felony, the offender shall serve the mandatory term so 1355
imposed consecutively to any other mandatory prison term imposed 1356
under that division or under division (B) (1) (a) or (c) of this 1357
section, consecutively to and prior to any prison term imposed 1358
for the underlying felony under division (A), (B) (2), or (B) (3) 1359
of this section or any other section of the Revised Code, and 1360
consecutively to any other prison term or mandatory prison term 1361
previously or subsequently imposed upon the offender. 1362

(c) If a mandatory prison term is imposed upon an offender 1363
pursuant to division (B) (1) (f) of this section, the offender 1364
shall serve the mandatory prison term so imposed consecutively 1365
to and prior to any prison term imposed for the underlying 1366
felony under division (A), (B) (2), or (B) (3) of this section or 1367
any other section of the Revised Code, and consecutively to any 1368
other prison term or mandatory prison term previously or 1369
subsequently imposed upon the offender. 1370

(d) If a mandatory prison term is imposed upon an offender 1371
pursuant to division (B) (7) or (8) of this section, the offender 1372
shall serve the mandatory prison term so imposed consecutively 1373

to any other mandatory prison term imposed under that division 1374
or under any other provision of law and consecutively to any 1375
other prison term or mandatory prison term previously or 1376
subsequently imposed upon the offender. 1377

(e) If a mandatory prison term is imposed upon an offender 1378
pursuant to division (B) (11) of this section, the offender shall 1379
serve the mandatory prison term consecutively to any other 1380
mandatory prison term imposed under that division, consecutively 1381
to and prior to any prison term imposed for the underlying 1382
felony, and consecutively to any other prison term or mandatory 1383
prison term previously or subsequently imposed upon the 1384
offender. 1385

(2) If an offender who is an inmate in a jail, prison, or 1386
other residential detention facility violates section 2917.02, 1387
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1388
(2) of section 2921.34 of the Revised Code, if an offender who 1389
is under detention at a detention facility commits a felony 1390
violation of section 2923.131 of the Revised Code, or if an 1391
offender who is an inmate in a jail, prison, or other 1392
residential detention facility or is under detention at a 1393
detention facility commits another felony while the offender is 1394
an escapee in violation of division (A) (1) or (2) of section 1395
2921.34 of the Revised Code, any prison term imposed upon the 1396
offender for one of those violations shall be served by the 1397
offender consecutively to the prison term or term of 1398
imprisonment the offender was serving when the offender 1399
committed that offense and to any other prison term previously 1400
or subsequently imposed upon the offender. 1401

(3) If a prison term is imposed for a violation of 1402
division (B) of section 2911.01 of the Revised Code, a violation 1403

of division (A) of section 2913.02 of the Revised Code in which 1404
the stolen property is a firearm or dangerous ordnance, or a 1405
felony violation of division (B) of section 2921.331 of the 1406
Revised Code, the offender shall serve that prison term 1407
consecutively to any other prison term or mandatory prison term 1408
previously or subsequently imposed upon the offender. 1409

(4) If multiple prison terms are imposed on an offender 1410
for convictions of multiple offenses, the court may require the 1411
offender to serve the prison terms consecutively if the court 1412
finds that the consecutive service is necessary to protect the 1413
public from future crime or to punish the offender and that 1414
consecutive sentences are not disproportionate to the 1415
seriousness of the offender's conduct and to the danger the 1416
offender poses to the public, and if the court also finds any of 1417
the following: 1418

(a) The offender committed one or more of the multiple 1419
offenses while the offender was awaiting trial or sentencing, 1420
was under a sanction imposed pursuant to section 2929.16, 1421
2929.17, or 2929.18 of the Revised Code, or was under post- 1422
release control for a prior offense. 1423

(b) At least two of the multiple offenses were committed 1424
as part of one or more courses of conduct, and the harm caused 1425
by two or more of the multiple offenses so committed was so 1426
great or unusual that no single prison term for any of the 1427
offenses committed as part of any of the courses of conduct 1428
adequately reflects the seriousness of the offender's conduct. 1429

(c) The offender's history of criminal conduct 1430
demonstrates that consecutive sentences are necessary to protect 1431
the public from future crime by the offender. 1432

(5) If a mandatory prison term is imposed upon an offender 1433
pursuant to division (B) (5) or (6) of this section, the offender 1434
shall serve the mandatory prison term consecutively to and prior 1435
to any prison term imposed for the underlying violation of 1436
division (A) (1) or (2) of section 2903.06 of the Revised Code 1437
pursuant to division (A) of this section or section 2929.142 of 1438
the Revised Code. If a mandatory prison term is imposed upon an 1439
offender pursuant to division (B) (5) of this section, and if a 1440
mandatory prison term also is imposed upon the offender pursuant 1441
to division (B) (6) of this section in relation to the same 1442
violation, the offender shall serve the mandatory prison term 1443
imposed pursuant to division (B) (5) of this section 1444
consecutively to and prior to the mandatory prison term imposed 1445
pursuant to division (B) (6) of this section and consecutively to 1446
and prior to any prison term imposed for the underlying 1447
violation of division (A) (1) or (2) of section 2903.06 of the 1448
Revised Code pursuant to division (A) of this section or section 1449
2929.142 of the Revised Code. 1450

(6) If a mandatory prison term is imposed on an offender 1451
pursuant to division (B) (9) of this section, the offender shall 1452
serve the mandatory prison term consecutively to and prior to 1453
any prison term imposed for the underlying violation of division 1454
(A) (1) or (2) of section 2903.11 of the Revised Code and 1455
consecutively to and prior to any other prison term or mandatory 1456
prison term previously or subsequently imposed on the offender. 1457

(7) If a mandatory prison term is imposed on an offender 1458
pursuant to division (B) (10) of this section, the offender shall 1459
serve that mandatory prison term consecutively to and prior to 1460
any prison term imposed for the underlying felonious assault. 1461
Except as otherwise provided in division (C) of this section, 1462
any other prison term or mandatory prison term previously or 1463

subsequently imposed upon the offender may be served 1464
concurrently with, or consecutively to, the prison term imposed 1465
pursuant to division (B)(10) of this section. 1466

(8) Any prison term imposed for a violation of section 1467
2903.04 of the Revised Code that is based on a violation of 1468
section 2925.03 or 2925.11 of the Revised Code or on a violation 1469
of section 2925.05 of the Revised Code that is not funding of 1470
marihuana trafficking shall run consecutively to any prison term 1471
imposed for the violation of section 2925.03 or 2925.11 of the 1472
Revised Code or for the violation of section 2925.05 of the 1473
Revised Code that is not funding of marihuana trafficking. 1474

(9) When consecutive prison terms are imposed pursuant to 1475
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 1476
division (H)(1) or (2) of this section, subject to division (C) 1477
(10) of this section, the term to be served is the aggregate of 1478
all of the terms so imposed. 1479

(10) When a court sentences an offender to a non-life 1480
felony indefinite prison term, any definite prison term or 1481
mandatory definite prison term previously or subsequently 1482
imposed on the offender in addition to that indefinite sentence 1483
that is required to be served consecutively to that indefinite 1484
sentence shall be served prior to the indefinite sentence. 1485

(11) If a court is sentencing an offender for a felony of 1486
the first or second degree, if division (A)(1)(a) or (2)(a) of 1487
this section applies with respect to the sentencing for the 1488
offense, and if the court is required under the Revised Code 1489
section that sets forth the offense or any other Revised Code 1490
provision to impose a mandatory prison term for the offense, the 1491
court shall impose the required mandatory prison term as the 1492
minimum term imposed under division (A)(1)(a) or (2)(a) of this 1493

section, whichever is applicable. 1494

(D) (1) If a court imposes a prison term, other than a term 1495
of life imprisonment, for a felony of the first degree, for a 1496
felony of the second degree, for a felony sex offense, or for a 1497
felony of the third degree that is an offense of violence and 1498
that is not a felony sex offense, it shall include in the 1499
sentence a requirement that the offender be subject to a period 1500
of post-release control after the offender's release from 1501
imprisonment, in accordance with section 2967.28 of the Revised 1502
Code. If a court imposes a sentence including a prison term of a 1503
type described in this division on or after July 11, 2006, the 1504
failure of a court to include a post-release control requirement 1505
in the sentence pursuant to this division does not negate, 1506
limit, or otherwise affect the mandatory period of post-release 1507
control that is required for the offender under division (B) of 1508
section 2967.28 of the Revised Code. Section 2929.191 of the 1509
Revised Code applies if, prior to July 11, 2006, a court imposed 1510
a sentence including a prison term of a type described in this 1511
division and failed to include in the sentence pursuant to this 1512
division a statement regarding post-release control. 1513

(2) If a court imposes a prison term for a felony of the 1514
third, fourth, or fifth degree that is not subject to division 1515
(D) (1) of this section, it shall include in the sentence a 1516
requirement that the offender be subject to a period of post- 1517
release control after the offender's release from imprisonment, 1518
in accordance with that division, if the parole board determines 1519
that a period of post-release control is necessary. Section 1520
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1521
a court imposed a sentence including a prison term of a type 1522
described in this division and failed to include in the sentence 1523
pursuant to this division a statement regarding post-release 1524

control. 1525

(E) The court shall impose sentence upon the offender in 1526
accordance with section 2971.03 of the Revised Code, and Chapter 1527
2971. of the Revised Code applies regarding the prison term or 1528
term of life imprisonment without parole imposed upon the 1529
offender and the service of that term of imprisonment if any of 1530
the following apply: 1531

(1) A person is convicted of or pleads guilty to a violent 1532
sex offense or a designated homicide, assault, or kidnapping 1533
offense, and, in relation to that offense, the offender is 1534
adjudicated a sexually violent predator. 1535

(2) A person is convicted of or pleads guilty to a 1536
violation of division (A) (1) (b) of section 2907.02 of the 1537
Revised Code committed on or after January 2, 2007, and either 1538
the court does not impose a sentence of life without parole when 1539
authorized pursuant to division (B) of section 2907.02 of the 1540
Revised Code, or division (B) of section 2907.02 of the Revised 1541
Code provides that the court shall not sentence the offender 1542
pursuant to section 2971.03 of the Revised Code. 1543

(3) A person is convicted of or pleads guilty to attempted 1544
rape committed on or after January 2, 2007, and a specification 1545
of the type described in section 2941.1418, 2941.1419, or 1546
2941.1420 of the Revised Code. 1547

(4) A person is convicted of or pleads guilty to a 1548
violation of section 2905.01 of the Revised Code committed on or 1549
after January 1, 2008, and that section requires the court to 1550
sentence the offender pursuant to section 2971.03 of the Revised 1551
Code. 1552

(5) A person is convicted of or pleads guilty to 1553

aggravated murder committed on or after January 1, 2008, and 1554
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1555
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1556
(d) of section 2929.03, or division (A) or (B) of section 1557
2929.06 of the Revised Code requires the court to sentence the 1558
offender pursuant to division (B) (3) of section 2971.03 of the 1559
Revised Code. 1560

(6) A person is convicted of or pleads guilty to murder 1561
committed on or after January 1, 2008, and division (B) (2) of 1562
section 2929.02 of the Revised Code requires the court to 1563
sentence the offender pursuant to section 2971.03 of the Revised 1564
Code. 1565

(F) If a person who has been convicted of or pleaded 1566
guilty to a felony is sentenced to a prison term or term of 1567
imprisonment under this section, sections 2929.02 to 2929.06 of 1568
the Revised Code, section 2929.142 of the Revised Code, section 1569
2971.03 of the Revised Code, or any other provision of law, 1570
section 5120.163 of the Revised Code applies regarding the 1571
person while the person is confined in a state correctional 1572
institution. 1573

(G) If an offender who is convicted of or pleads guilty to 1574
a felony that is an offense of violence also is convicted of or 1575
pleads guilty to a specification of the type described in 1576
section 2941.142 of the Revised Code that charges the offender 1577
with having committed the felony while participating in a 1578
criminal gang, the court shall impose upon the offender an 1579
additional prison term of one, two, or three years. 1580

(H) (1) If an offender who is convicted of or pleads guilty 1581
to aggravated murder, murder, or a felony of the first, second, 1582
or third degree that is an offense of violence also is convicted 1583

of or pleads guilty to a specification of the type described in 1584
section 2941.143 of the Revised Code that charges the offender 1585
with having committed the offense in a school safety zone or 1586
towards a person in a school safety zone, the court shall impose 1587
upon the offender an additional prison term of two years. The 1588
offender shall serve the additional two years consecutively to 1589
and prior to the prison term imposed for the underlying offense. 1590

(2) (a) If an offender is convicted of or pleads guilty to 1591
a felony violation of section 2907.22, 2907.24, 2907.241, or 1592
2907.25 of the Revised Code and to a specification of the type 1593
described in section 2941.1421 of the Revised Code and if the 1594
court imposes a prison term on the offender for the felony 1595
violation, the court may impose upon the offender an additional 1596
prison term as follows: 1597

(i) Subject to division (H) (2) (a) (ii) of this section, an 1598
additional prison term of one, two, three, four, five, or six 1599
months; 1600

(ii) If the offender previously has been convicted of or 1601
pleaded guilty to one or more felony or misdemeanor violations 1602
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1603
the Revised Code and also was convicted of or pleaded guilty to 1604
a specification of the type described in section 2941.1421 of 1605
the Revised Code regarding one or more of those violations, an 1606
additional prison term of one, two, three, four, five, six, 1607
seven, eight, nine, ten, eleven, or twelve months. 1608

(b) In lieu of imposing an additional prison term under 1609
division (H) (2) (a) of this section, the court may directly 1610
impose on the offender a sanction that requires the offender to 1611
wear a real-time processing, continual tracking electronic 1612
monitoring device during the period of time specified by the 1613

court. The period of time specified by the court shall equal the 1614
duration of an additional prison term that the court could have 1615
imposed upon the offender under division (H) (2) (a) of this 1616
section. A sanction imposed under this division shall commence 1617
on the date specified by the court, provided that the sanction 1618
shall not commence until after the offender has served the 1619
prison term imposed for the felony violation of section 2907.22, 1620
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1621
residential sanction imposed for the violation under section 1622
2929.16 of the Revised Code. A sanction imposed under this 1623
division shall be considered to be a community control sanction 1624
for purposes of section 2929.15 of the Revised Code, and all 1625
provisions of the Revised Code that pertain to community control 1626
sanctions shall apply to a sanction imposed under this division, 1627
except to the extent that they would by their nature be clearly 1628
inapplicable. The offender shall pay all costs associated with a 1629
sanction imposed under this division, including the cost of the 1630
use of the monitoring device. 1631

(I) At the time of sentencing, the court may recommend the 1632
offender for placement in a program of shock incarceration under 1633
section 5120.031 of the Revised Code or for placement in an 1634
intensive program prison under section 5120.032 of the Revised 1635
Code, disapprove placement of the offender in a program of shock 1636
incarceration or an intensive program prison of that nature, or 1637
make no recommendation on placement of the offender. In no case 1638
shall the department of rehabilitation and correction place the 1639
offender in a program or prison of that nature unless the 1640
department determines as specified in section 5120.031 or 1641
5120.032 of the Revised Code, whichever is applicable, that the 1642
offender is eligible for the placement. 1643

If the court disapproves placement of the offender in a 1644

program or prison of that nature, the department of 1645
rehabilitation and correction shall not place the offender in 1646
any program of shock incarceration or intensive program prison. 1647

If the court recommends placement of the offender in a 1648
program of shock incarceration or in an intensive program 1649
prison, and if the offender is subsequently placed in the 1650
recommended program or prison, the department shall notify the 1651
court of the placement and shall include with the notice a brief 1652
description of the placement. 1653

If the court recommends placement of the offender in a 1654
program of shock incarceration or in an intensive program prison 1655
and the department does not subsequently place the offender in 1656
the recommended program or prison, the department shall send a 1657
notice to the court indicating why the offender was not placed 1658
in the recommended program or prison. 1659

If the court does not make a recommendation under this 1660
division with respect to an offender and if the department 1661
determines as specified in section 5120.031 or 5120.032 of the 1662
Revised Code, whichever is applicable, that the offender is 1663
eligible for placement in a program or prison of that nature, 1664
the department shall screen the offender and determine if there 1665
is an available program of shock incarceration or an intensive 1666
program prison for which the offender is suited. If there is an 1667
available program of shock incarceration or an intensive program 1668
prison for which the offender is suited, the department shall 1669
notify the court of the proposed placement of the offender as 1670
specified in section 5120.031 or 5120.032 of the Revised Code 1671
and shall include with the notice a brief description of the 1672
placement. The court shall have ten days from receipt of the 1673
notice to disapprove the placement. 1674

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

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

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

(L) If an offender receives or received a sentence of life imprisonment without parole, a sentence of life imprisonment, a definite sentence, or a sentence to an indefinite prison term

under this chapter for a felony offense that was committed when 1705
the offender was under eighteen years of age, the offender's 1706
parole eligibility shall be determined under section 2967.132 of 1707
the Revised Code. 1708

Sec. 2929.19. (A) The court shall hold a sentencing 1709
hearing before imposing a sentence under this chapter upon an 1710
offender who was convicted of or pleaded guilty to a felony and 1711
before resentencing an offender who was convicted of or pleaded 1712
guilty to a felony and whose case was remanded pursuant to 1713
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 1714
the offender, the prosecuting attorney, the victim or the 1715
victim's representative in accordance with section 2930.14 of 1716
the Revised Code, and, with the approval of the court, any other 1717
person may present information relevant to the imposition of 1718
sentence in the case. The court shall inform the offender of the 1719
verdict of the jury or finding of the court and ask the offender 1720
whether the offender has anything to say as to why sentence 1721
should not be imposed upon the offender. 1722

(B) (1) At the sentencing hearing, the court, before 1723
imposing sentence, shall ~~consider~~ do all of the following: 1724

(a) Consider the record, any information presented at the 1725
hearing by any person pursuant to division (A) of this section, 1726
and, if one was prepared, the presentence investigation report 1727
made pursuant to section 2951.03 of the Revised Code or Criminal 1728
Rule 32.2, and any victim impact statement made pursuant to 1729
section 2947.051 of the Revised Code; 1730

(b) If the offense was committed when the offender was 1731
under eighteen years of age, in addition to other factors 1732
considered, consider youth and its characteristics as mitigating 1733
factors, including: 1734

(i) The chronological age of the offender at the time of the offense and that age's hallmark features, including intellectual capacity, immaturity, impetuosity, and a failure to appreciate risks and consequences; 1735
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(ii) The family and home environment of the offender at the time of the offense, the offender's inability to control the offender's surroundings, a history of trauma regarding the offender, and the offender's school and special education history; 1739
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(iii) The circumstances of the offense, including the extent of the offender's participation in the conduct and the way familial and peer pressures may have impacted the offender's conduct; 1744
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(iv) Whether the offender might have been charged and convicted of a lesser offense if not for the incompetencies associated with youth, such as the offender's inability to deal with police officers and prosecutors during the offender's interrogation or possible plea agreement or the offender's inability to assist the offender's own attorney; 1748
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(v) Examples of the offender's rehabilitation, including any subsequent growth or increase in maturity during confinement. 1754
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(2) Subject to division (B)(3) of this section, if the sentencing court determines at the sentencing hearing that a prison term is necessary or required, the court shall do all of the following: 1757
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(a) Impose a stated prison term and, if the court imposes a mandatory prison term, notify the offender that the prison term is a mandatory prison term; 1761
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1763

(b) In addition to any other information, include in the 1764
sentencing entry the name and section reference to the offense 1765
or offenses, the sentence or sentences imposed and whether the 1766
sentence or sentences contain mandatory prison terms, if 1767
sentences are imposed for multiple counts whether the sentences 1768
are to be served concurrently or consecutively, and the name and 1769
section reference of any specification or specifications for 1770
which sentence is imposed and the sentence or sentences imposed 1771
for the specification or specifications; 1772

(c) If the prison term is a non-life felony indefinite 1773
prison term, notify the offender of all of the following: 1774

(i) That it is rebuttably presumed that the offender will 1775
be released from service of the sentence on the expiration of 1776
the minimum prison term imposed as part of the sentence or on 1777
the offender's presumptive earned early release date, as defined 1778
in section 2967.271 of the Revised Code, whichever is earlier; 1779

(ii) That the department of rehabilitation and correction 1780
may rebut the presumption described in division (B) (2) (c) (i) of 1781
this section if, at a hearing held under section 2967.271 of the 1782
Revised Code, the department makes specified determinations 1783
regarding the offender's conduct while confined, the offender's 1784
rehabilitation, the offender's threat to society, the offender's 1785
restrictive housing, if any, while confined, and the offender's 1786
security classification; 1787

(iii) That if, as described in division (B) (2) (c) (ii) of 1788
this section, the department at the hearing makes the specified 1789
determinations and rebuts the presumption, the department may 1790
maintain the offender's incarceration after the expiration of 1791
that minimum term or after that presumptive earned early release 1792
date for the length of time the department determines to be 1793

reasonable, subject to the limitation specified in section 1794
2967.271 of the Revised Code; 1795

(iv) That the department may make the specified 1796
determinations and maintain the offender's incarceration under 1797
the provisions described in divisions (B) (2) (c) (i) and (ii) of 1798
this section more than one time, subject to the limitation 1799
specified in section 2967.271 of the Revised Code; 1800

(v) That if the offender has not been released prior to 1801
the expiration of the offender's maximum prison term imposed as 1802
part of the sentence, the offender must be released upon the 1803
expiration of that term. 1804

(d) Notify the offender that the offender will be 1805
supervised under section 2967.28 of the Revised Code after the 1806
offender leaves prison if the offender is being sentenced, other 1807
than to a sentence of life imprisonment, for a felony of the 1808
first degree or second degree, for a felony sex offense, or for 1809
a felony of the third degree that is an offense of violence and 1810
is not a felony sex offense. This division applies with respect 1811
to all prison terms imposed for an offense of a type described 1812
in this division, including a non-life felony indefinite prison 1813
term and including a term imposed for any offense of a type 1814
described in this division that is a risk reduction sentence, as 1815
defined in section 2967.28 of the Revised Code. If a court 1816
imposes a sentence including a prison term of a type described 1817
in division (B) (2) (d) of this section on or after July 11, 2006, 1818
the failure of a court to notify the offender pursuant to 1819
division (B) (2) (d) of this section that the offender will be 1820
supervised under section 2967.28 of the Revised Code after the 1821
offender leaves prison or to include in the judgment of 1822
conviction entered on the journal a statement to that effect 1823

does not negate, limit, or otherwise affect the mandatory period 1824
of supervision that is required for the offender under division 1825
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1826
the Revised Code applies if, prior to July 11, 2006, a court 1827
imposed a sentence including a prison term of a type described 1828
in division (B) (2) (d) of this section and failed to notify the 1829
offender pursuant to division (B) (2) (d) of this section 1830
regarding post-release control or to include in the judgment of 1831
conviction entered on the journal or in the sentence a statement 1832
regarding post-release control. 1833

(e) Notify the offender that the offender may be 1834
supervised under section 2967.28 of the Revised Code after the 1835
offender leaves prison if the offender is being sentenced for a 1836
felony of the third, fourth, or fifth degree that is not subject 1837
to division (B) (2) (d) of this section. This division applies 1838
with respect to all prison terms imposed for an offense of a 1839
type described in this division, including a term imposed for 1840
any such offense that is a risk reduction sentence, as defined 1841
in section 2967.28 of the Revised Code. Section 2929.191 of the 1842
Revised Code applies if, prior to July 11, 2006, a court imposed 1843
a sentence including a prison term of a type described in 1844
division (B) (2) (e) of this section and failed to notify the 1845
offender pursuant to division (B) (2) (e) of this section 1846
regarding post-release control or to include in the judgment of 1847
conviction entered on the journal or in the sentence a statement 1848
regarding post-release control. 1849

(f) Notify the offender that, if a period of supervision 1850
is imposed following the offender's release from prison, as 1851
described in division (B) (2) (d) or (e) of this section, and if 1852
the offender violates that supervision or a condition of post- 1853
release control imposed under division (B) of section 2967.131 1854

of the Revised Code, the parole board may impose a prison term, 1855
as part of the sentence, of up to one-half of the definite 1856
prison term originally imposed upon the offender as the 1857
offender's stated prison term or up to one-half of the minimum 1858
prison term originally imposed upon the offender as part of the 1859
offender's stated non-life felony indefinite prison term. If a 1860
court imposes a sentence including a prison term on or after 1861
July 11, 2006, the failure of a court to notify the offender 1862
pursuant to division (B) (2) (f) of this section that the parole 1863
board may impose a prison term as described in division (B) (2) 1864
(f) of this section for a violation of that supervision or a 1865
condition of post-release control imposed under division (B) of 1866
section 2967.131 of the Revised Code or to include in the 1867
judgment of conviction entered on the journal a statement to 1868
that effect does not negate, limit, or otherwise affect the 1869
authority of the parole board to so impose a prison term for a 1870
violation of that nature if, pursuant to division (D) (1) of 1871
section 2967.28 of the Revised Code, the parole board notifies 1872
the offender prior to the offender's release of the board's 1873
authority to so impose a prison term. Section 2929.191 of the 1874
Revised Code applies if, prior to July 11, 2006, a court imposed 1875
a sentence including a prison term and failed to notify the 1876
offender pursuant to division (B) (2) (f) of this section 1877
regarding the possibility of the parole board imposing a prison 1878
term for a violation of supervision or a condition of post- 1879
release control. 1880

(g) (i) Determine, notify the offender of, and include in 1881
the sentencing entry the total number of days, including the 1882
sentencing date but excluding conveyance time, that the offender 1883
has been confined for any reason arising out of the offense for 1884
which the offender is being sentenced and by which the 1885

department of rehabilitation and correction must reduce the 1886
definite prison term imposed on the offender as the offender's 1887
stated prison term or, if the offense is an offense for which a 1888
non-life felony indefinite prison term is imposed under division 1889
(A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code, the 1890
minimum and maximum prison terms imposed on the offender as part 1891
of that non-life felony indefinite prison term, under section 1892
2967.191 of the Revised Code. The court's calculation shall not 1893
include the number of days, if any, that the offender served in 1894
the custody of the department of rehabilitation and correction 1895
arising out of any prior offense for which the prisoner was 1896
convicted and sentenced. 1897

(ii) In making a determination under division (B) (2) (g) (i) 1898
of this section, the court shall consider the arguments of the 1899
parties and conduct a hearing if one is requested. 1900

(iii) The sentencing court retains continuing jurisdiction 1901
to correct any error not previously raised at sentencing in 1902
making a determination under division (B) (2) (g) (i) of this 1903
section. The offender may, at any time after sentencing, file a 1904
motion in the sentencing court to correct any error made in 1905
making a determination under division (B) (2) (g) (i) of this 1906
section, and the court may in its discretion grant or deny that 1907
motion. If the court changes the number of days in its 1908
determination or redetermination, the court shall cause the 1909
entry granting that change to be delivered to the department of 1910
rehabilitation and correction without delay. Sections 2931.15 1911
and 2953.21 of the Revised Code do not apply to a motion made 1912
under this section. 1913

(iv) An inaccurate determination under division (B) (2) (g) 1914
(i) of this section is not grounds for setting aside the 1915

offender's conviction or sentence and does not otherwise render 1916
the sentence void or voidable. 1917

(v) The department of rehabilitation and correction shall 1918
rely upon the latest journal entry of the court in determining 1919
the total days of local confinement for purposes of division (B) 1920
(2) (f) (i) to (iii) of this section and section 2967.191 of the 1921
Revised Code. 1922

(3) (a) The court shall include in the offender's sentence 1923
a statement that the offender is a tier III sex offender/child- 1924
victim offender, and the court shall comply with the 1925
requirements of section 2950.03 of the Revised Code if any of 1926
the following apply: 1927

(i) The offender is being sentenced for a violent sex 1928
offense or designated homicide, assault, or kidnapping offense 1929
that the offender committed on or after January 1, 1997, and the 1930
offender is adjudicated a sexually violent predator in relation 1931
to that offense. 1932

(ii) The offender is being sentenced for a sexually 1933
oriented offense that the offender committed on or after January 1934
1, 1997, and the offender is a tier III sex offender/child- 1935
victim offender relative to that offense. 1936

(iii) The offender is being sentenced on or after July 31, 1937
2003, for a child-victim oriented offense, and the offender is a 1938
tier III sex offender/child-victim offender relative to that 1939
offense. 1940

(iv) The offender is being sentenced under section 2971.03 1941
of the Revised Code for a violation of division (A) (1) (b) of 1942
section 2907.02 of the Revised Code committed on or after 1943
January 2, 2007. 1944

(v) The offender is sentenced to a term of life without parole under division (B) of section 2907.02 of the Revised Code. 1945
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(vi) The offender is being sentenced for attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code. 1948
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(vii) The offender is being sentenced under division (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code for an offense described in those divisions committed on or after January 1, 2008. 1952
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(b) Additionally, if any criterion set forth in divisions (B) (3) (a) (i) to (vii) of this section is satisfied, in the circumstances described in division (E) of section 2929.14 of the Revised Code, the court shall impose sentence on the offender as described in that division. 1956
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(4) If the sentencing court determines at the sentencing hearing that a community control sanction should be imposed and the court is not prohibited from imposing a community control sanction, the court shall impose a community control sanction. The court shall notify the offender that, if the conditions of the sanction are violated, if the offender commits a violation of any law, or if the offender leaves this state without the permission of the court or the offender's probation officer, the court may impose a longer time under the same sanction, may impose a more restrictive sanction, or may impose a prison term on the offender and shall indicate the specific prison term that may be imposed as a sanction for the violation, as selected by the court from the range of prison terms for the offense pursuant to section 2929.14 of the Revised Code and as described 1961
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in section 2929.15 of the Revised Code. 1975

(5) Before imposing a financial sanction under section 1976
2929.18 of the Revised Code or a fine under section 2929.32 of 1977
the Revised Code, the court shall consider the offender's 1978
present and future ability to pay the amount of the sanction or 1979
fine. 1980

(6) If the sentencing court sentences the offender to a 1981
sanction of confinement pursuant to section 2929.14 or 2929.16 1982
of the Revised Code that is to be served in a local detention 1983
facility, as defined in section 2929.36 of the Revised Code, and 1984
if the local detention facility is covered by a policy adopted 1985
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 1986
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 1987
and section 2929.37 of the Revised Code, both of the following 1988
apply: 1989

(a) The court shall specify both of the following as part 1990
of the sentence: 1991

(i) If the offender is presented with an itemized bill 1992
pursuant to section 2929.37 of the Revised Code for payment of 1993
the costs of confinement, the offender is required to pay the 1994
bill in accordance with that section. 1995

(ii) If the offender does not dispute the bill described 1996
in division (B) (6) (a) (i) of this section and does not pay the 1997
bill by the times specified in section 2929.37 of the Revised 1998
Code, the clerk of the court may issue a certificate of judgment 1999
against the offender as described in that section. 2000

(b) The sentence automatically includes any certificate of 2001
judgment issued as described in division (B) (6) (a) (ii) of this 2002
section. 2003

(7) The failure of the court to notify the offender that a prison term is a mandatory prison term pursuant to division (B) (2) (a) of this section or to include in the sentencing entry any information required by division (B) (2) (b) of this section does not affect the validity of the imposed sentence or sentences. If the sentencing court notifies the offender at the sentencing hearing that a prison term is mandatory but the sentencing entry does not specify that the prison term is mandatory, the court may complete a corrected journal entry and send copies of the corrected entry to the offender and the department of rehabilitation and correction, or, at the request of the state, the court shall complete a corrected journal entry and send copies of the corrected entry to the offender and department of rehabilitation and correction.

(C) (1) If the offender is being sentenced for a fourth degree felony OVI offense under division (G) (1) of section 2929.13 of the Revised Code, the court shall impose the mandatory term of local incarceration in accordance with that division, shall impose a mandatory fine in accordance with division (B) (3) of section 2929.18 of the Revised Code, and, in addition, may impose additional sanctions as specified in sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised Code. The court shall not impose a prison term on the offender except that the court may impose a prison term upon the offender as provided in division (A) (1) of section 2929.13 of the Revised Code.

(2) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G) (2) of section 2929.13 of the Revised Code, the court shall impose the mandatory prison term in accordance with that division, shall impose a mandatory fine in accordance with division (B) (3) of

section 2929.18 of the Revised Code, and, in addition, may 2035
impose an additional prison term as specified in section 2929.14 2036
of the Revised Code. In addition to the mandatory prison term or 2037
mandatory prison term and additional prison term the court 2038
imposes, the court also may impose a community control sanction 2039
on the offender, but the offender shall serve all of the prison 2040
terms so imposed prior to serving the community control 2041
sanction. 2042

(D) The sentencing court, pursuant to division (I) (1) of 2043
section 2929.14 of the Revised Code, may recommend placement of 2044
the offender in a program of shock incarceration under section 2045
5120.031 of the Revised Code or an intensive program prison 2046
under section 5120.032 of the Revised Code, disapprove placement 2047
of the offender in a program or prison of that nature, or make 2048
no recommendation. If the court recommends or disapproves 2049
placement, it shall make a finding that gives its reasons for 2050
its recommendation or disapproval. 2051

Sec. 2967.13. (A) Except as provided in division (G) of 2052
this section or section 2967.132 of the Revised Code, a prisoner 2053
serving a sentence of imprisonment for life for an offense 2054
committed on or after July 1, 1996, is not entitled to any 2055
earned credit under section 2967.193 of the Revised Code and 2056
becomes eligible for parole as follows: 2057

(1) If a sentence of imprisonment for life was imposed for 2058
the offense of murder, at the expiration of the prisoner's 2059
minimum term; 2060

(2) If a sentence of imprisonment for life with parole 2061
eligibility after serving twenty years of imprisonment was 2062
imposed pursuant to section 2929.022 or 2929.03 of the Revised 2063
Code, after serving a term of twenty years; 2064

(3) If a sentence of imprisonment for life with parole
eligibility after serving twenty-five full years of imprisonment
was imposed pursuant to section 2929.022 or 2929.03 of the
Revised Code, after serving a term of twenty-five full years;

(4) If a sentence of imprisonment for life with parole
eligibility after serving thirty full years of imprisonment was
imposed pursuant to section 2929.022 or 2929.03 of the Revised
Code, after serving a term of thirty full years;

(5) If a sentence of imprisonment for life was imposed for
rape, after serving a term of ten full years' imprisonment;

(6) If a sentence of imprisonment for life with parole
eligibility after serving fifteen years of imprisonment was
imposed for a violation of section 2927.24 of the Revised Code,
after serving a term of fifteen years.

(B) Except as provided in division (G) of this section or
section 2967.132 of the Revised Code, a prisoner serving a
sentence of imprisonment for life with parole eligibility after
serving twenty years of imprisonment or a sentence of
imprisonment for life with parole eligibility after serving
twenty-five full years or thirty full years of imprisonment
imposed pursuant to section 2929.022 or 2929.03 of the Revised
Code for an offense committed on or after July 1, 1996,
consecutively to any other term of imprisonment, becomes
eligible for parole after serving twenty years, twenty full
years, or thirty full years, as applicable, as to each such
sentence of life imprisonment, which shall not be reduced for
earned credits under section 2967.193 of the Revised Code, plus
the term or terms of the other sentences consecutively imposed
or, if one of the other sentences is another type of life
sentence with parole eligibility, the number of years before

parole eligibility for that sentence. 2095

(C) Except as provided in division (G) of this section or 2096
section 2967.132 of the Revised Code, a prisoner serving 2097
consecutively two or more sentences in which an indefinite term 2098
of imprisonment is imposed becomes eligible for parole upon the 2099
expiration of the aggregate of the minimum terms of the 2100
sentences. 2101

(D) Except as provided in division (G) of this section or 2102
section 2967.132 of the Revised Code, a prisoner serving a term 2103
of imprisonment who is described in division (A) of section 2104
2967.021 of the Revised Code becomes eligible for parole as 2105
described in that division or, if the prisoner is serving a 2106
definite term of imprisonment, shall be released as described in 2107
that division. 2108

(E) ~~A~~ Except as provided in section 2967.132 of the 2109
Revised Code, a prisoner serving a sentence of life imprisonment 2110
without parole imposed pursuant to section 2907.02 or section 2111
2929.03 or 2929.06 of the Revised Code is not eligible for 2112
parole and shall be imprisoned until death. 2113

(F) A prisoner serving a stated prison term that is a non- 2114
life felony indefinite prison term shall be released in 2115
accordance with sections 2967.271 and 2967.28 of the Revised 2116
Code. A prisoner serving a stated prison term of any other 2117
nature shall be released in accordance with section 2967.28 of 2118
the Revised Code. 2119

(G) ~~A~~ Except as provided in section 2967.132 of the 2120
Revised Code, a prisoner serving a prison term or term of life 2121
imprisonment without parole imposed pursuant to section 2971.03 2122
of the Revised Code never becomes eligible for parole during 2123

that term of imprisonment. 2124

Sec. 2967.132. (A) As used in this section: 2125

(1) "Aggravated homicide offense" means any of the 2126
following that involved the purposeful killing of three or more 2127
persons, when the offender is the principal offender in each 2128
offense: 2129

(a) Aggravated murder; 2130

(b) Any other offense or combination of offenses that 2131
involved the purposeful killing of three or more persons. 2132

(2) "Homicide offense" means a violation of section 2133
2903.02, 2903.03, 2903.04, or 2903.041 of the Revised Code or a 2134
violation of section 2903.01 of the Revised Code that is not an 2135
aggravated homicide offense. 2136

(B) This section applies to any prisoner serving a prison 2137
sentence for one or more offenses committed when the prisoner 2138
was under eighteen years of age. Regardless of whether the 2139
prisoner's stated prison term includes mandatory time, this 2140
section shall apply automatically and cannot be limited by the 2141
sentencing court. 2142

(C) Notwithstanding any provision of the Revised Code to 2143
the contrary, and regardless of when the offense or offenses 2144
were committed and when the sentence was imposed, a prisoner who 2145
is serving a prison sentence for an offense other than an 2146
aggravated homicide offense and who was under eighteen years of 2147
age at the time of the offense, or who is serving consecutive 2148
prison sentences for multiple offenses none of which is an 2149
aggravated homicide offense and who was under eighteen years of 2150
age at the time of the offenses, is eligible for parole as 2151
follows: 2152

(1) Except as provided in division (C) (2) or (3) of this section, the prisoner is eligible for parole after serving eighteen years in prison. 2153
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(2) Except as provided in division (C) (3) of this section, if the prisoner is serving a sentence for one or more homicide offenses, none of which are an aggravated homicide offense, the prisoner is eligible for parole after serving twenty-five years in prison. 2156
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(3) If the prisoner is serving a sentence for one or more offenses and the sentence permits parole earlier than the parole eligibility date specified in division (C) (1) or (2) of this section, the prisoner is eligible for parole after serving the period of time in prison that is specified in the sentence. 2161
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(D) If the prisoner is serving a sentence for an aggravated homicide offense, or for a violation of section 2909.24 of the Revised Code when the most serious underlying specified offense the defendant committed in the violation was aggravated murder or murder, the prisoner is not eligible for parole review other than in accordance with the sentence imposed for the offense. 2166
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(E) (1) Once a prisoner is eligible for parole pursuant to division (C) or (D) of this section, the parole board, within a reasonable time after the prisoner becomes eligible, shall conduct a hearing to consider the prisoner's release on parole under parole supervision. The board shall conduct the hearing in accordance with Chapters 2930., 2967., and 5149. of the Revised Code and in accordance with the board's policies and procedures. Those policies and procedures must permit the prisoner's privately retained counsel or the state public defender to appear at the prisoner's hearing to make a statement in support 2173
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of the prisoner's release. 2183

(2) The parole board shall ensure that the review process 2184
provides the prisoner a meaningful opportunity to obtain 2185
release. In addition to any other factors the board is required 2186
or authorized to consider by rule or statute, the board shall 2187
consider the following factors as mitigating factors: 2188

(a) The chronological age of the prisoner at the time of 2189
the offense and that age's hallmark features, including 2190
intellectual capacity, immaturity, impetuosity, and a failure to 2191
appreciate risks and consequences; 2192

(b) The family and home environment of the prisoner at the 2193
time of the offense, the prisoner's inability to control the 2194
prisoner's surroundings, a history of trauma regarding the 2195
prisoner, and the prisoner's school and special education 2196
history; 2197

(c) The circumstances of the offense, including the extent 2198
of the prisoner's participation in the conduct and the way 2199
familial and peer pressures may have impacted the prisoner's 2200
conduct; 2201

(d) Whether the prisoner might have been charged and 2202
convicted of a lesser offense if not for the incompetencies 2203
associated with youth such as the prisoner's inability to deal 2204
with police officers and prosecutors during the prisoner's 2205
interrogation or possible plea agreement, or the prisoner's 2206
inability to assist the prisoner's own attorney; 2207

(e) Examples of the prisoner's rehabilitation, including 2208
any subsequent growth or increase in maturity during 2209
imprisonment. 2210

(F) In accordance with section 2967.131 of the Revised 2211

Code, the parole board shall impose appropriate terms and 2212
conditions of release upon each prisoner granted a parole under 2213
this section. 2214

(G) If the parole board denies release on parole pursuant 2215
to this section, the board shall conduct a subsequent release 2216
review not later than five years after release was denied. 2217

(H) In addition to any notice required by rule or statute, 2218
the parole board shall notify the state public defender, the 2219
victim, and the appropriate prosecuting attorney of a prisoner's 2220
eligibility for review under this section at least sixty days 2221
before the board begins any review or proceedings involving that 2222
prisoner under this section. 2223

(I) This section shall apply to determine the parole 2224
eligibility of all prisoners described in this section who 2225
committed an offense prior to, on, or after the effective date 2226
of this section, regardless of when the prisoner committed or 2227
was sentenced for the offense. 2228

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of 2229
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 2230
another section of the Revised Code, other than divisions (B) 2231
and (C) of section 2929.14 of the Revised Code, that authorizes 2232
or requires a specified prison term or a mandatory prison term 2233
for a person who is convicted of or pleads guilty to a felony or 2234
that specifies the manner and place of service of a prison term 2235
or term of imprisonment, the court shall impose a sentence upon 2236
a person who is convicted of or pleads guilty to a violent sex 2237
offense and who also is convicted of or pleads guilty to a 2238
sexually violent predator specification that was included in the 2239
indictment, count in the indictment, or information charging 2240
that offense, and upon a person who is convicted of or pleads 2241

guilty to a designated homicide, assault, or kidnapping offense 2242
and also is convicted of or pleads guilty to both a sexual 2243
motivation specification and a sexually violent predator 2244
specification that were included in the indictment, count in the 2245
indictment, or information charging that offense, as follows: 2246

(1) ~~If~~ Except as provided in division (A) (5) of this 2247
section, if the offense for which the sentence is being imposed 2248
is aggravated murder and if the court does not impose upon the 2249
offender a sentence of death, it shall impose upon the offender 2250
a term of life imprisonment without parole. If the court 2251
sentences the offender to death and the sentence of death is 2252
vacated, overturned, or otherwise set aside, the court shall 2253
impose upon the offender a term of life imprisonment without 2254
parole. 2255

(2) ~~If~~ Except as provided in division (A) (5) of this 2256
section, if the offense for which the sentence is being imposed 2257
is murder; or if the offense is rape committed in violation of 2258
division (A) (1) (b) of section 2907.02 of the Revised Code when 2259
the offender purposely compelled the victim to submit by force 2260
or threat of force, when the victim was less than ten years of 2261
age, when the offender previously has been convicted of or 2262
pleaded guilty to either rape committed in violation of that 2263
division or a violation of an existing or former law of this 2264
state, another state, or the United States that is substantially 2265
similar to division (A) (1) (b) of section 2907.02 of the Revised 2266
Code, or when the offender during or immediately after the 2267
commission of the rape caused serious physical harm to the 2268
victim; or if the offense is an offense other than aggravated 2269
murder or murder for which a term of life imprisonment may be 2270
imposed, it shall impose upon the offender a term of life 2271
imprisonment without parole. 2272

(3) (a) Except as otherwise provided in division (A) (3) (b), 2273
(c), (d), or (e) or (A) (4) of this section, if the offense for 2274
which the sentence is being imposed is an offense other than 2275
aggravated murder, murder, or rape and other than an offense for 2276
which a term of life imprisonment may be imposed, it shall 2277
impose an indefinite prison term consisting of a minimum term 2278
fixed by the court as described in this division, but not less 2279
than two years, and a maximum term of life imprisonment. Except 2280
as otherwise specified in this division, the minimum term shall 2281
be fixed by the court from among the range of terms available as 2282
a definite term for the offense. If the offense is a felony of 2283
the first or second degree committed on or after ~~the effective~~ 2284
~~date of this amendment~~ March 22, 2019, the minimum term shall be 2285
fixed by the court from among the range of terms available as a 2286
minimum term for the offense under division (A) (1) (a) or (2) (a) 2287
of that section. 2288

(b) Except as otherwise provided in division (A) (4) of 2289
this section, if the offense for which the sentence is being 2290
imposed is kidnapping that is a felony of the first degree, it 2291
shall impose an indefinite prison term as follows: 2292

(i) If the kidnapping is committed on or after January 1, 2293
2008, and the victim of the offense is less than thirteen years 2294
of age, except as otherwise provided in this division, it shall 2295
impose an indefinite prison term consisting of a minimum term of 2296
fifteen years and a maximum term of life imprisonment. If the 2297
kidnapping is committed on or after January 1, 2008, the victim 2298
of the offense is less than thirteen years of age, and the 2299
offender released the victim in a safe place unharmed, it shall 2300
impose an indefinite prison term consisting of a minimum term of 2301
ten years and a maximum term of life imprisonment. 2302

(ii) If the kidnapping is committed prior to January 1, 2303
2008, or division (A) (3) (b) (i) of this section does not apply, 2304
it shall impose an indefinite term consisting of a minimum term 2305
fixed by the court that is not less than ten years and a maximum 2306
term of life imprisonment. 2307

(c) Except as otherwise provided in division (A) (4) of 2308
this section, if the offense for which the sentence is being 2309
imposed is kidnapping that is a felony of the second degree, it 2310
shall impose an indefinite prison term consisting of a minimum 2311
term fixed by the court that is not less than eight years, and a 2312
maximum term of life imprisonment. 2313

(d) Except as otherwise provided in division (A) (4) of 2314
this section, if the offense for which the sentence is being 2315
imposed is rape for which a term of life imprisonment is not 2316
imposed under division (A) (2) of this section or division (B) of 2317
section 2907.02 of the Revised Code, it shall impose an 2318
indefinite prison term as follows: 2319

(i) If the rape is committed on or after January 2, 2007, 2320
in violation of division (A) (1) (b) of section 2907.02 of the 2321
Revised Code, it shall impose an indefinite prison term 2322
consisting of a minimum term of twenty-five years and a maximum 2323
term of life imprisonment. 2324

(ii) If the rape is committed prior to January 2, 2007, or 2325
the rape is committed on or after January 2, 2007, other than in 2326
violation of division (A) (1) (b) of section 2907.02 of the 2327
Revised Code, it shall impose an indefinite prison term 2328
consisting of a minimum term fixed by the court that is not less 2329
than ten years, and a maximum term of life imprisonment. 2330

(e) Except as otherwise provided in division (A) (4) of 2331

this section, if the offense for which sentence is being imposed 2332
is attempted rape, it shall impose an indefinite prison term as 2333
follows: 2334

(i) Except as otherwise provided in division (A) (3) (e) 2335
(ii), (iii), or (iv) of this section, it shall impose an 2336
indefinite prison term pursuant to division (A) (3) (a) of this 2337
section. 2338

(ii) If the attempted rape for which sentence is being 2339
imposed was committed on or after January 2, 2007, and if the 2340
offender also is convicted of or pleads guilty to a 2341
specification of the type described in section 2941.1418 of the 2342
Revised Code, it shall impose an indefinite prison term 2343
consisting of a minimum term of five years and a maximum term of 2344
twenty-five years. 2345

(iii) If the attempted rape for which sentence is being 2346
imposed was committed on or after January 2, 2007, and if the 2347
offender also is convicted of or pleads guilty to a 2348
specification of the type described in section 2941.1419 of the 2349
Revised Code, it shall impose an indefinite prison term 2350
consisting of a minimum term of ten years and a maximum of life 2351
imprisonment. 2352

(iv) If the attempted rape for which sentence is being 2353
imposed was committed on or after January 2, 2007, and if the 2354
offender also is convicted of or pleads guilty to a 2355
specification of the type described in section 2941.1420 of the 2356
Revised Code, it shall impose an indefinite prison term 2357
consisting of a minimum term of fifteen years and a maximum of 2358
life imprisonment. 2359

(4) ~~For~~ Except as provided in division (A) (5) of this 2360

section, for any offense for which the sentence is being 2361
imposed, if the offender previously has been convicted of or 2362
pleaded guilty to a violent sex offense and also to a sexually 2363
violent predator specification that was included in the 2364
indictment, count in the indictment, or information charging 2365
that offense, or previously has been convicted of or pleaded 2366
guilty to a designated homicide, assault, or kidnapping offense 2367
and also to both a sexual motivation specification and a 2368
sexually violent predator specification that were included in 2369
the indictment, count in the indictment, or information charging 2370
that offense, it shall impose upon the offender a term of life 2371
imprisonment without parole. 2372

(5) Notwithstanding divisions (A) (1), (2), and (4) of this 2373
section, the court shall not impose a sentence of life 2374
imprisonment without parole upon any person for an offense that 2375
was committed when the person was under eighteen years of age. 2376
In any case described in division (A) (1), (2), or (4) of this 2377
section, if the offense was committed when the person was under 2378
eighteen years of age, the court shall impose an indefinite 2379
prison term consisting of a minimum term of thirty years and a 2380
maximum term of life imprisonment. 2381

(B) (1) Notwithstanding section 2929.13, division (A) or 2382
(D) of section 2929.14, or another section of the Revised Code 2383
other than division (B) of section 2907.02 or divisions (B) and 2384
(C) of section 2929.14 of the Revised Code that authorizes or 2385
requires a specified prison term or a mandatory prison term for 2386
a person who is convicted of or pleads guilty to a felony or 2387
that specifies the manner and place of service of a prison term 2388
or term of imprisonment, if a person is convicted of or pleads 2389
guilty to a violation of division (A) (1) (b) of section 2907.02 2390
of the Revised Code committed on or after January 2, 2007, if 2391

division (A) of this section does not apply regarding the 2392
person, and if the court does not impose a sentence of life 2393
without parole when authorized pursuant to division (B) of 2394
section 2907.02 of the Revised Code, the court shall impose upon 2395
the person an indefinite prison term consisting of one of the 2396
following: 2397

(a) Except as otherwise required in division (B) (1) (b) or 2398
(c) of this section, a minimum term of ten years and a maximum 2399
term of life imprisonment. 2400

(b) If the victim was less than ten years of age, a 2401
minimum term of fifteen years and a maximum of life 2402
imprisonment. 2403

(c) If the offender purposely compels the victim to submit 2404
by force or threat of force, or if the offender previously has 2405
been convicted of or pleaded guilty to violating division (A) (1) 2406
(b) of section 2907.02 of the Revised Code or to violating an 2407
existing or former law of this state, another state, or the 2408
United States that is substantially similar to division (A) (1) 2409
(b) of that section, or if the offender during or immediately 2410
after the commission of the offense caused serious physical harm 2411
to the victim, a minimum term of twenty-five years and a maximum 2412
of life imprisonment. 2413

(2) Notwithstanding section 2929.13, division (A) or (D) 2414
of section 2929.14, or another section of the Revised Code other 2415
than divisions (B) and (C) of section 2929.14 of the Revised 2416
Code that authorizes or requires a specified prison term or a 2417
mandatory prison term for a person who is convicted of or pleads 2418
guilty to a felony or that specifies the manner and place of 2419
service of a prison term or term of imprisonment and except as 2420
otherwise provided in division (B) of section 2907.02 of the 2421

Revised Code, if a person is convicted of or pleads guilty to 2422
attempted rape committed on or after January 2, 2007, and if 2423
division (A) of this section does not apply regarding the 2424
person, the court shall impose upon the person an indefinite 2425
prison term consisting of one of the following: 2426

(a) If the person also is convicted of or pleads guilty to 2427
a specification of the type described in section 2941.1418 of 2428
the Revised Code, the court shall impose upon the person an 2429
indefinite prison term consisting of a minimum term of five 2430
years and a maximum term of twenty-five years. 2431

(b) If the person also is convicted of or pleads guilty to 2432
a specification of the type described in section 2941.1419 of 2433
the Revised Code, the court shall impose upon the person an 2434
indefinite prison term consisting of a minimum term of ten years 2435
and a maximum term of life imprisonment. 2436

(c) If the person also is convicted of or pleads guilty to 2437
a specification of the type described in section 2941.1420 of 2438
the Revised Code, the court shall impose upon the person an 2439
indefinite prison term consisting of a minimum term of fifteen 2440
years and a maximum term of life imprisonment. 2441

(3) Notwithstanding section 2929.13, division (A) or (D) 2442
of section 2929.14, or another section of the Revised Code other 2443
than divisions (B) and (C) of section 2929.14 of the Revised 2444
Code that authorizes or requires a specified prison term or a 2445
mandatory prison term for a person who is convicted of or pleads 2446
guilty to a felony or that specifies the manner and place of 2447
service of a prison term or term of imprisonment, if a person is 2448
convicted of or pleads guilty to an offense described in 2449
division (B) (3) (a), (b), (c), or (d) of this section committed 2450
on or after January 1, 2008, if the person also is convicted of 2451

or pleads guilty to a sexual motivation specification that was 2452
included in the indictment, count in the indictment, or 2453
information charging that offense, and if division (A) of this 2454
section does not apply regarding the person, the court shall 2455
impose upon the person an indefinite prison term consisting of 2456
one of the following: 2457

(a) An indefinite prison term consisting of a minimum of 2458
ten years and a maximum term of life imprisonment if the offense 2459
for which the sentence is being imposed is kidnapping, the 2460
victim of the offense is less than thirteen years of age, and 2461
the offender released the victim in a safe place unharmed; 2462

(b) An indefinite prison term consisting of a minimum of 2463
fifteen years and a maximum term of life imprisonment if the 2464
offense for which the sentence is being imposed is kidnapping 2465
when the victim of the offense is less than thirteen years of 2466
age and division (B) (3) (a) of this section does not apply; 2467

(c) An indefinite term consisting of a minimum of thirty 2468
years and a maximum term of life imprisonment if the offense for 2469
which the sentence is being imposed is aggravated murder, when 2470
the victim of the offense is less than thirteen years of age, a 2471
sentence of death or life imprisonment without parole is not 2472
imposed for the offense, and division (A) (2) (b) (ii) of section 2473
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 2474
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 2475
division (A) or (B) of section 2929.06 of the Revised Code 2476
requires that the sentence for the offense be imposed pursuant 2477
to this division; 2478

(d) An indefinite prison term consisting of a minimum of 2479
thirty years and a maximum term of life imprisonment if the 2480
offense for which the sentence is being imposed is murder when 2481

the victim of the offense is less than thirteen years of age. 2482

(C) (1) If the offender is sentenced to a prison term 2483
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 2484
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 2485
parole board shall have control over the offender's service of 2486
the term during the entire term unless the parole board 2487
terminates its control in accordance with section 2971.04 of the 2488
Revised Code. 2489

(2) Except as provided in division (C) (3) or (G) of this 2490
section, an offender sentenced to a prison term or term of life 2491
imprisonment without parole pursuant to division (A) of this 2492
section shall serve the entire prison term or term of life 2493
imprisonment in a state correctional institution. The offender 2494
is not eligible for judicial release under section 2929.20 of 2495
the Revised Code. 2496

(3) For a prison term imposed pursuant to division (A) (3), 2497
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 2498
(b), (c), or (d) of this section, subject to the application of 2499
division (G) of this section, the court, in accordance with 2500
section 2971.05 of the Revised Code, may terminate the prison 2501
term or modify the requirement that the offender serve the 2502
entire term in a state correctional institution if all of the 2503
following apply: 2504

(a) The offender has served at least the minimum term 2505
imposed as part of that prison term. 2506

(b) The parole board, pursuant to section 2971.04 of the 2507
Revised Code, has terminated its control over the offender's 2508
service of that prison term. 2509

(c) The court has held a hearing and found, by clear and 2510

convincing evidence, one of the following: 2511

(i) In the case of termination of the prison term, that 2512
the offender is unlikely to commit a sexually violent offense in 2513
the future; 2514

(ii) In the case of modification of the requirement, that 2515
the offender does not represent a substantial risk of physical 2516
harm to others. 2517

(4) ~~An~~ Except as provided in division (G) of this section, 2518
an offender who has been sentenced to a term of life 2519
imprisonment without parole pursuant to division (A) (1), (2), or 2520
(4) of this section shall not be released from the term of life 2521
imprisonment or be permitted to serve a portion of it in a place 2522
other than a state correctional institution. 2523

(D) If a court sentences an offender to a prison term or 2524
term of life imprisonment without parole pursuant to division 2525
(A) of this section and the court also imposes on the offender 2526
one or more additional prison terms pursuant to division (B) of 2527
section 2929.14 of the Revised Code, all of the additional 2528
prison terms shall be served consecutively with, and prior to, 2529
the prison term or term of life imprisonment without parole 2530
imposed upon the offender pursuant to division (A) of this 2531
section. 2532

(E) If the offender is convicted of or pleads guilty to 2533
two or more offenses for which a prison term or term of life 2534
imprisonment without parole is required to be imposed pursuant 2535
to division (A) of this section, divisions (A) to (D) of this 2536
section shall be applied for each offense. All minimum terms 2537
imposed upon the offender pursuant to division (A) (3) or (B) of 2538
this section for those offenses shall be aggregated and served 2539

consecutively, as if they were a single minimum term imposed 2540
under that division. 2541

(F) (1) If an offender is convicted of or pleads guilty to 2542
a violent sex offense and also is convicted of or pleads guilty 2543
to a sexually violent predator specification that was included 2544
in the indictment, count in the indictment, or information 2545
charging that offense, or is convicted of or pleads guilty to a 2546
designated homicide, assault, or kidnapping offense and also is 2547
convicted of or pleads guilty to both a sexual motivation 2548
specification and a sexually violent predator specification that 2549
were included in the indictment, count in the indictment, or 2550
information charging that offense, the conviction of or plea of 2551
guilty to the offense and the sexually violent predator 2552
specification automatically classifies the offender as a tier 2553
III sex offender/child-victim offender for purposes of Chapter 2554
2950. of the Revised Code. 2555

(2) If an offender is convicted of or pleads guilty to 2556
committing on or after January 2, 2007, a violation of division 2557
(A) (1) (b) of section 2907.02 of the Revised Code and either the 2558
offender is sentenced under section 2971.03 of the Revised Code 2559
or a sentence of life without parole is imposed under division 2560
(B) of section 2907.02 of the Revised Code, the conviction of or 2561
plea of guilty to the offense automatically classifies the 2562
offender as a tier III sex offender/child-victim offender for 2563
purposes of Chapter 2950. of the Revised Code. 2564

(3) If a person is convicted of or pleads guilty to 2565
committing on or after January 2, 2007, attempted rape and also 2566
is convicted of or pleads guilty to a specification of the type 2567
described in section 2941.1418, 2941.1419, or 2941.1420 of the 2568
Revised Code, the conviction of or plea of guilty to the offense 2569

and the specification automatically classify the offender as a 2570
tier III sex offender/child-victim offender for purposes of 2571
Chapter 2950. of the Revised Code. 2572

(4) If a person is convicted of or pleads guilty to one of 2573
the offenses described in division (B) (3) (a), (b), (c), or (d) 2574
of this section and a sexual motivation specification related to 2575
the offense and the victim of the offense is less than thirteen 2576
years of age, the conviction of or plea of guilty to the offense 2577
automatically classifies the offender as a tier III sex 2578
offender/child-victim offender for purposes of Chapter 2950. of 2579
the Revised Code. 2580

(G) Notwithstanding divisions (A) to (E) of this section, 2581
if an offender receives or received a sentence of life 2582
imprisonment without parole, a definite sentence, or a sentence 2583
to an indefinite prison term under this chapter for an offense 2584
committed when the offender was under eighteen years of age, the 2585
offender is eligible for parole and the offender's parole 2586
eligibility shall be determined under section 2967.132 of the 2587
Revised Code. 2588

Sec. 5149.101. (A) (1) A board hearing officer, a board 2589
member, or the office of victims' services may petition the 2590
board for a full board hearing that relates to the proposed 2591
parole or re-parole of a prisoner, including any prisoner 2592
described in section 2967.132 of the Revised Code. At a meeting 2593
of the board at which a majority of board members are present, 2594
the majority of those present shall determine whether a full 2595
board hearing shall be held. 2596

(2) A victim of a violation of section 2903.01 or 2903.02 2597
of the Revised Code, an offense of violence that is a felony of 2598
the first, second, or third degree, or an offense punished by a 2599

sentence of life imprisonment, the victim's representative, or 2600
any person described in division (B)(5) of this section may 2601
request the board to hold a full board hearing that relates to 2602
the proposed parole or re-parole of the person that committed 2603
the violation. If a victim, victim's representative, or other 2604
person requests a full board hearing pursuant to this division, 2605
the board shall hold a full board hearing. 2606

At least thirty days before the full hearing, except as 2607
otherwise provided in this division, the board shall give notice 2608
of the date, time, and place of the hearing to the victim 2609
regardless of whether the victim has requested the notification. 2610
The notice of the date, time, and place of the hearing shall not 2611
be given under this division to a victim if the victim has 2612
requested pursuant to division (B)(2) of section 2930.03 of the 2613
Revised Code that the notice not be provided to the victim. At 2614
least thirty days before the full board hearing and regardless 2615
of whether the victim has requested that the notice be provided 2616
or not be provided under this division to the victim, the board 2617
shall give similar notice to the prosecuting attorney in the 2618
case, the law enforcement agency that arrested the prisoner if 2619
any officer of that agency was a victim of the offense, and, if 2620
different than the victim, the person who requested the full 2621
hearing. If the prosecuting attorney has not previously been 2622
sent an institutional summary report with respect to the 2623
prisoner, upon the request of the prosecuting attorney, the 2624
board shall include with the notice sent to the prosecuting 2625
attorney an institutional summary report that covers the 2626
offender's participation while confined in a state correctional 2627
institution in training, work, and other rehabilitative 2628
activities and any disciplinary action taken against the 2629
offender while so confined. Upon the request of a law 2630

enforcement agency that has not previously been sent an 2631
institutional summary report with respect to the prisoner, the 2632
board also shall send a copy of the institutional summary report 2633
to the law enforcement agency. If notice is to be provided as 2634
described in this division, the board may give the notice by any 2635
reasonable means, including regular mail, telephone, and 2636
electronic mail, in accordance with division (D) (1) of section 2637
2930.16 of the Revised Code. If the notice is based on an 2638
offense committed prior to ~~the effective date of this amendment~~ 2639
March 22, 2013, the notice also shall include the opt-out 2640
information described in division (D) (1) of section 2930.16 of 2641
the Revised Code. The board, in accordance with division (D) (2) 2642
of section 2930.16 of the Revised Code, shall keep a record of 2643
all attempts to provide the notice, and of all notices provided, 2644
under this division. 2645

The preceding paragraph, and the notice-related provisions 2646
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 2647
of section 2930.16, division (H) of section 2967.12, division 2648
(E) (1) (b) of section 2967.19, division (A) (3) (b) of section 2649
2967.26, and division (D) (1) of section 2967.28 of the Revised 2650
Code enacted in the act in which this paragraph was enacted, 2651
shall be known as "Roberta's Law." 2652

(B) At a full board hearing that relates to the proposed 2653
parole or re-parole of a prisoner and that has been petitioned 2654
for or requested in accordance with division (A) of this 2655
section, the parole board shall permit the following persons to 2656
appear and to give testimony or to submit written statements: 2657

(1) The prosecuting attorney of the county in which the 2658
original indictment against the prisoner was found and members 2659
of any law enforcement agency that assisted in the prosecution 2660

of the original offense;	2661
(2) The judge of the court of common pleas who imposed the original sentence of incarceration upon the prisoner, or the judge's successor;	2662 2663 2664
(3) The victim of the original offense for which the prisoner is serving the sentence or the victim's representative designated pursuant to section 2930.02 of the Revised Code;	2665 2666 2667
(4) The victim of any behavior that resulted in parole being revoked;	2668 2669
(5) With respect to a full board hearing held pursuant to division (A) (2) of this section, all of the following:	2670 2671
(a) The spouse of the victim of the original offense;	2672
(b) The parent or parents of the victim of the original offense;	2673 2674
(c) The sibling of the victim of the original offense;	2675
(d) The child or children of the victim of the original offense.	2676 2677
(6) Counsel or some other person designated by the prisoner as a representative, as described in division (C) of this section.	2678 2679 2680
(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B) (1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization.	2681 2682 2683 2684 2685 2686 2687

At the request of a person described in division (B) (3) of 2688
this section, representatives of the news media described in 2689
this division shall be excluded from the hearing while that 2690
person is giving testimony at the hearing. The prisoner being 2691
considered for parole has no right to be present at the hearing, 2692
but may be represented by counsel or some other person 2693
designated by the prisoner. 2694

If there is an objection at a full board hearing to a 2695
recommendation for the parole of a prisoner, the board may 2696
approve or disapprove the recommendation or defer its decision 2697
until a subsequent full board hearing. The board may permit 2698
interested persons other than those listed in this division and 2699
division (B) of this section to attend full board hearings 2700
pursuant to rules adopted by the adult parole authority. 2701

(D) If the victim of the original offense died as a result 2702
of the offense and the offense was aggravated murder, murder, an 2703
offense of violence that is a felony of the first, second, or 2704
third degree, or an offense punished by a sentence of life 2705
imprisonment, the family of the victim may show at a full board 2706
hearing a video recording not exceeding five minutes in length 2707
memorializing the victim. 2708

(E) The adult parole authority shall adopt rules for the 2709
implementation of this section. The rules shall specify 2710
reasonable restrictions on the number of media representatives 2711
that may attend a hearing, based on considerations of space, and 2712
other procedures designed to accomplish an effective, orderly 2713
process for full board hearings. 2714

Section 2. That existing sections 2907.02, 2909.24, 2715
2929.02, 2929.03, 2929.06, 2929.14, 2929.19, 2967.13, 2971.03, 2716
and 5149.101 of the Revised Code are hereby repealed. 2717

Section 3. That the version of section 2907.02 of the Revised Code that is scheduled to take effect March 22, 2020, be amended to read as follows:

Sec. 2907.02. (A) (1) No person shall engage in sexual conduct with another who is not the spouse of the offender or who is the spouse of the offender but is living separate and apart from the offender, when any of the following applies:

(a) For the purpose of preventing resistance, the offender substantially impairs the other person's judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception.

(b) The other person is less than thirteen years of age, whether or not the offender knows the age of the other person.

(c) The other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.

(2) No person shall engage in sexual conduct with another when the offender purposely compels the other person to submit by force or threat of force.

(B) Whoever violates this section is guilty of rape, a felony of the first degree. If the offender under division (A) (1) (a) of this section substantially impairs the other person's judgment or control by administering any controlled substance, as defined in section 3719.01 of the Revised Code, to the other person surreptitiously or by force, threat of force, or

deception, the prison term imposed upon the offender shall be 2747
one of the definite prison terms prescribed for a felony of the 2748
first degree in division (A) (1) (b) of section 2929.14 of the 2749
Revised Code that is not less than five years, except that if 2750
the violation is committed on or after ~~the effective date of~~ 2751
~~this amendment~~ March 22, 2019, the court shall impose as the 2752
minimum prison term for the offense a mandatory prison term that 2753
is one of the minimum terms prescribed for a felony of the first 2754
degree in division (A) (1) (a) of section 2929.14 of the Revised 2755
Code that is not less than five years. Except as otherwise 2756
provided in this division, notwithstanding sections 2929.11 to 2757
2929.14 of the Revised Code, an offender under division (A) (1) 2758
(b) of this section shall be sentenced to a prison term or term 2759
of life imprisonment pursuant to section 2971.03 of the Revised 2760
Code. If an offender is convicted of or pleads guilty to a 2761
violation of division (A) (1) (b) of this section, if the offender 2762
was less than sixteen years of age at the time the offender 2763
committed the violation of that division, and if the offender 2764
during or immediately after the commission of the offense did 2765
not cause serious physical harm to the victim, the victim was 2766
ten years of age or older at the time of the commission of the 2767
violation, and the offender has not previously been convicted of 2768
or pleaded guilty to a violation of this section or a 2769
substantially similar existing or former law of this state, 2770
another state, or the United States, the court shall not 2771
sentence the offender to a prison term or term of life 2772
imprisonment pursuant to section 2971.03 of the Revised Code, 2773
and instead the court shall sentence the offender as otherwise 2774
provided in this division. If an offender under division (A) (1) 2775
(b) of this section previously has been convicted of or pleaded 2776
guilty to violating division (A) (1) (b) of this section or to 2777
violating an existing or former law of this state, another 2778

state, or the United States that is substantially similar to 2779
division (A) (1) (b) of this section, if the offender during or 2780
immediately after the commission of the offense caused serious 2781
physical harm to the victim, or if the victim under division (A) 2782
(1) (b) of this section is less than ten years of age, in lieu of 2783
sentencing the offender to a prison term or term of life 2784
imprisonment pursuant to section 2971.03 of the Revised Code, 2785
except as otherwise provided in this division, the court may 2786
impose upon the offender a term of life without parole. If the 2787
court imposes a term of life without parole pursuant to this 2788
division, division (F) of section 2971.03 of the Revised Code 2789
applies, and the offender automatically is classified a tier III 2790
sex offender/child-victim offender, as described in that 2791
division. A court shall not impose a term of life without parole 2792
on an offender for rape if the offender was under eighteen years 2793
of age at the time of the offense. 2794

(C) A victim need not prove physical resistance to the 2795
offender in prosecutions under this section. 2796

(D) Evidence of specific instances of the victim's sexual 2797
activity, opinion evidence of the victim's sexual activity, and 2798
reputation evidence of the victim's sexual activity shall not be 2799
admitted under this section unless it involves evidence of the 2800
origin of semen, pregnancy, or disease, or the victim's past 2801
sexual activity with the offender, and only to the extent that 2802
the court finds that the evidence is material to a fact at issue 2803
in the case and that its inflammatory or prejudicial nature does 2804
not outweigh its probative value. 2805

Evidence of specific instances of the defendant's sexual 2806
activity, opinion evidence of the defendant's sexual activity, 2807
and reputation evidence of the defendant's sexual activity shall 2808

not be admitted under this section unless it involves evidence 2809
of the origin of semen, pregnancy, or disease, the defendant's 2810
past sexual activity with the victim, or is admissible against 2811
the defendant under section 2945.59 of the Revised Code, and 2812
only to the extent that the court finds that the evidence is 2813
material to a fact at issue in the case and that its 2814
inflammatory or prejudicial nature does not outweigh its 2815
probative value. 2816

(E) Prior to taking testimony or receiving evidence of any 2817
sexual activity of the victim or the defendant in a proceeding 2818
under this section, the court shall resolve the admissibility of 2819
the proposed evidence in a hearing in chambers, which shall be 2820
held at or before preliminary hearing and not less than three 2821
days before trial, or for good cause shown during the trial. 2822

(F) Upon approval by the court, the victim may be 2823
represented by counsel in any hearing in chambers or other 2824
proceeding to resolve the admissibility of evidence. If the 2825
victim is indigent or otherwise is unable to obtain the services 2826
of counsel, the court, upon request, may appoint counsel to 2827
represent the victim without cost to the victim. 2828

(G) It is not a defense to a charge under division (A) (2) 2829
of this section that the offender and the victim were married or 2830
were cohabiting at the time of the commission of the offense. 2831

Section 4. That the version of existing section 2907.02 of 2832
the Revised Code that is scheduled to take effect March 22, 2833
2020, is hereby repealed. 2834

Section 5. That Sections 3 and 4 of this act shall take 2835
effect on March 22, 2020. 2836

Section 6. (A) The amendments to sections 2907.02, 2837

2909.24, 2929.03, 2929.06, 2929.19, divisions (A) and (B) of 2838
section 2929.02, and division (A) of section 2971.03 of the 2839
Revised Code made in Sections 1 and 2 of this act, the enactment 2840
of division (A) of section 2929.07 of the Revised Code made in 2841
Sections 1 and 2 of this act, and the amendments to the version 2842
of section 2907.02 of the Revised Code that takes effect March 2843
22, 2020, made in Sections 3 and 4 of this act, apply to both of 2844
the following: 2845

(1) All offenses described in those provisions that are 2846
committed on or after the effective date of this section; 2847

(2) All offenses described in those provisions that were 2848
committed prior to the effective date of this section if, as of 2849
the effective date of this section, the offender has not been 2850
sentenced for the particular offense. 2851

(B) The amendments to sections 2967.13, 5149.101, division 2852
(C) of section 2929.02, division (L) of section 2929.14, and 2853
divisions (C) and (G) of section 2971.03 of the Revised Code and 2854
the enactment of section 2967.132 and division (B) of section 2855
2929.07 of the Revised Code made in Sections 1 and 2 of this act 2856
apply to all offenses, offenders, and prisoners described in 2857
those provisions, regardless of when the offender or prisoner 2858
committed, or was sentenced for, the offense. 2859

Section 7. The General Assembly, applying the principle 2860
stated in division (B) of section 1.52 of the Revised Code that 2861
amendments are to be harmonized if reasonably capable of 2862
simultaneous operation, finds that the following sections, 2863
presented in this act as composites of the sections as amended 2864
by the acts indicated, are the resulting versions of the 2865
sections in effect prior to the effective date of the sections 2866
as presented in this act: 2867

Section 2907.02 of the Revised Code (as presented in 2868
Section 3 of this act) as amended by both S.B. 201 and S.B. 229 2869
of the 132nd General Assembly. 2870

Section 2929.14 of the Revised Code as amended by H.B. 63, 2871
S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General 2872
Assembly. 2873

Section 2929.19 of the Revised Code as amended by both 2874
S.B. 66 and S.B. 201 of the 132nd General Assembly. 2875