

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 109**

**Representatives Abrams, Carruthers**

**Cosponsors: Representatives Johnson, Grendell, Riedel, Gross, Seitz, Kick,  
Loychik, Ray, Schmidt, John, Hall, Bird, Cross, Richardson, White**

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**A BILL**

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

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

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

**Sec. 2307.701.** (A) As used in this section, "peace 14  
officer" has the same meaning as in section 2935.01 of the 15  
Revised Code and "material support or resources" has the same 16  
meaning as in section 2909.21 of the Revised Code. 17

(B) A peace officer who suffers injury or loss to person 18  
or property during the officer's performance of official duties 19  
as a result of any of the following has a civil action against 20  
the responsible party and against any organization that provided 21  
material support or resources to the responsible party: 22

(1) An act committed in violation of section 2917.02 or 23  
2917.03 of the Revised Code; 24

(2) A complaint filed against the officer that the 25  
complainant knew to be false; 26

(3) An abridgement of the officer's civil rights. 27

(C) An organization that provides material support or 28  
resources with purpose that the material support or resources 29  
will be used in whole or in part to plan, prepare, carry out, or 30  
aid in conduct that creates liability under division (B) of this 31  
section is responsible for that conduct and liable to the peace 32  
officer in treble the amount of damages sustained as a result of 33  
the conduct. 34

**Sec. 2903.131.** (A) As used in this section, "peace 35  
officer" has the same meaning as in section 2935.01 of the 36  
Revised Code. 37

(B) No person who is engaged in aggravated riot or riot in 38  
violation of section 2917.02 or 2917.03 of the Revised Code 39  
shall recklessly cause physical harm to another person. 40

(C) Whoever violates this section is guilty of riot 41  
assault. The penalty for the offense shall be determined as 42  
follows: 43

(1) Except as provided in divisions (C)(2) and (3) of this 44  
section, riot assault is a felony of the fifth degree. 45

(2) If the victim of the offense is a peace officer 46  
engaged in the performance of the peace officer's official 47  
duties, riot assault is a felony of the fourth degree. 48

(3) If the victim of the offense is a peace officer 49  
engaged in the performance of the peace officer's official 50  
duties and if the victim suffered serious physical harm as a 51  
result of the commission of the offense, riot assault is a 52  
felony of the third degree. 53

**Sec. 2909.05.** (A) No person shall knowingly cause serious 54  
physical harm to an occupied structure or any of its contents. 55

(B) (1) No person shall ~~knowingly~~ recklessly cause physical 56  
harm to property that is owned or possessed by another, when 57  
either of the following applies: 58

(a) The property is used by its owner or possessor in the 59  
owner's or possessor's profession, business, trade, or 60  
occupation, and the value of the property or the amount of 61  
physical harm involved is one thousand dollars or more; 62

(b) Regardless of the value of the property or the amount 63  
of damage done, the property or its equivalent is necessary in 64  
order for its owner or possessor to engage in the owner's or 65  
possessor's profession, business, trade, or occupation. 66

(2) No person shall knowingly cause serious physical harm 67  
to property that is owned, leased, or controlled by a 68  
governmental entity. ~~A governmental entity includes, but is not~~ 69  
~~limited to, the state or a political subdivision of the state, a~~ 70  
~~school district, the board of trustees of a public library or~~ 71  
~~public university, or any other body corporate and politic~~ 72  
~~responsible for governmental activities only in geographical~~ 73  
~~areas smaller than that of the state.~~ 74

(C) No person, without privilege to do so, shall knowingly 75  
cause serious physical harm to any tomb, monument, gravestone, 76  
or other similar structure that is used as a memorial for the 77  
dead; to any fence, railing, curb, or other property that is 78  
used to protect, enclose, or ornament any cemetery; or to a 79  
cemetery. 80

(D) No person, without privilege to do so, shall knowingly 81  
cause physical harm to a place of burial by breaking and 82  
entering into a tomb, crypt, casket, or other structure that is 83  
used as a memorial for the dead or as an enclosure for the dead. 84

(E) No person, without privilege to do so, shall 85  
recklessly cause physical harm to any of the following property 86  
while engaging in aggravated riot or riot in violation of 87  
section 2917.02 or 2917.03 of the Revised Code: 88

(1) Property that is owned, leased, or controlled by a 89  
governmental entity; 90

(2) A tomb, monument, gravestone, or other similar 91  
structure that is used as a memorial for the dead; 92

(3) A place of burial, memorial for the dead, or enclosure 93  
for the dead. 94

(F) (1) Whoever violates division (A), (B), (C), or (D) of 95  
this section is guilty of vandalism. Except as otherwise 96  
provided in this division, vandalism is a felony of the fifth 97  
degree that is punishable by a fine of up to two thousand five 98  
hundred dollars in addition to the penalties specified for a 99  
felony of the fifth degree in sections 2929.11 to 2929.18 of the 100  
Revised Code. If the value of the property or the amount of 101  
physical harm involved is seven thousand five hundred dollars or 102  
more but less than one hundred fifty thousand dollars, vandalism 103

is a felony of the fourth degree. If the value of the property 104  
or the amount of physical harm involved is one hundred fifty 105  
thousand dollars or more, vandalism is a felony of the third 106  
degree. 107

(2) Whoever violates division (E) of this section is 108  
guilty of riot vandalism, a felony of the fifth degree. 109

~~(F)~~ (G) For purposes of this section: 110

(1) "Cemetery" means any place of burial and includes 111  
burial sites that contain American Indian burial objects placed 112  
with or containing American Indian human remains. 113

(2) "Serious physical harm" means physical harm to 114  
property that results in loss to the value of the property of 115  
one thousand dollars or more. 116

(3) "Governmental entity" includes, but is not limited to, 117  
the state or a political subdivision of the state, a school 118  
district, the board of trustees of a public library or public 119  
university, or any other body corporate and politic responsible 120  
for governmental activities only in geographical areas smaller 121  
than that of the state. 122

**Sec. 2917.02.** (A) No person shall participate with four or 123  
more others in a course of disorderly conduct in violation of 124  
section 2917.11 of the Revised Code: 125

(1) With purpose to commit or facilitate the commission of 126  
a felony; 127

(2) With purpose to commit or facilitate the commission of 128  
any offense of violence; 129

(3) When the offender or any participant to the knowledge 130  
of the offender has on or about the offender's or participant's 131

person or under the offender's or participant's control, uses, 132  
or intends to use a deadly weapon or dangerous ordnance, as 133  
defined in section 2923.11 of the Revised Code. 134

(B) (1) No person, being an inmate in a detention facility, 135  
shall violate division (A) (1) or (3) of this section. 136

(2) No person, being an inmate in a detention facility, 137  
shall violate division (A) (2) of this section or section 2917.03 138  
of the Revised Code. 139

(3) No person, in violating division (A) of this section, 140  
shall cause damage to property or injury to another person. 141

(C) Whoever violates this section is guilty of aggravated 142  
riot. A violation of division (A) (1) or (3) of this section is a 143  
felony of the fifth degree. A violation of division (A) (2) or 144  
(B) (1) of this section is a felony of the fourth degree. A 145  
violation of division (B) (2) or (3) of this section is a felony 146  
of the third degree. 147

(D) As used in this section, "detention facility" has the 148  
same meaning as in section 2921.01 of the Revised Code. 149

**Sec. 2917.03.** (A) No person shall participate with four or 150  
more others in a course of disorderly conduct in violation of 151  
section 2917.11 of the Revised Code: 152

(1) With purpose to commit or facilitate the commission of 153  
a misdemeanor, other than disorderly conduct; 154

(2) With purpose to intimidate a public official or 155  
employee into taking or refraining from official action, or with 156  
purpose to hinder, impede, or obstruct a function of government; 157

(3) With purpose to hinder, impede, or obstruct the 158  
orderly process of administration or instruction at an 159

educational institution, or to interfere with or disrupt lawful 160  
activities carried on at such institution. 161

(B) No person shall participate with four or more others 162  
with purpose to do an act with unlawful force or violence, even 163  
though such act might otherwise be lawful. 164

(C) Whoever violates this section is guilty of riot. The 165  
penalty for the offense shall be determined as follows: 166

(1) Except as provided in division (C) (2) of this section, 167  
riot is a misdemeanor of the first degree. 168

(2) If the offender, in committing a violation of this 169  
section, causes damage to property or injury to another person, 170  
riot is a felony of the fourth degree. 171

**Sec. 2917.06.** (A) As used in this section, "place of 172  
public accommodation" has the same meaning as in section 4112.01 173  
of the Revised Code. 174

(B) No person shall recklessly harass or intimidate 175  
another person in a place of public accommodation while the 176  
person is engaging in aggravated riot or riot in violation of 177  
section 2917.02 or 2917.03 of the Revised Code. 178

(C) A person who violates division (B) of this section is 179  
guilty of harassment in a place of public accommodation, a 180  
misdemeanor of the first degree. 181

**Sec. 2917.11.** (A) No person shall recklessly cause 182  
inconvenience, annoyance, or alarm to another by doing any of 183  
the following: 184

(1) Engaging in fighting, in threatening harm to persons 185  
or property, or in violent or turbulent behavior; 186

(2) Making unreasonable noise or an offensively coarse utterance, gesture, or display or communicating unwarranted and grossly abusive language to any person;	187 188 189
(3) Insulting, taunting, or challenging another, under circumstances in which that conduct is likely to provoke a violent response;	190 191 192
(4) Hindering or preventing the movement of persons on a public street, road, highway, or right-of-way, or to, from, within, or upon public or private property, so as to interfere with the rights of others, and by any act that serves no lawful and reasonable purpose of the offender;	193 194 195 196 197
(5) Creating a condition that is physically offensive to persons or that presents a risk of physical harm to persons or property, by any act that serves no lawful and reasonable purpose of the offender.	198 199 200 201
(B) No person, while voluntarily intoxicated, shall do either of the following:	202 203
(1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance, or alarm to persons of ordinary sensibilities, which conduct the offender, if the offender were not intoxicated, should know is likely to have that effect on others;	204 205 206 207 208 209
(2) Engage in conduct or create a condition that presents a risk of physical harm to the offender or another, or to the property of another.	210 211 212
(C) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft, or other vehicle while under the influence of alcohol	213 214 215

or any drug of abuse, is not a violation of division (B) of this section.	216 217
(D) If a person appears to an ordinary observer to be intoxicated, it is probable cause to believe that person is voluntarily intoxicated for purposes of division (B) of this section.	218 219 220 221
(E) (1) Whoever violates this section is guilty of disorderly conduct.	222 223
(2) Except as otherwise provided in divisions (E) (3) <del>and</del> , (4), <u>and</u> (5) of this section, disorderly conduct is a minor misdemeanor.	224 225 226
(3) Disorderly conduct is a misdemeanor of the fourth degree if any of the following applies:	227 228
(a) The offender persists in disorderly conduct after reasonable warning or request to desist.	229 230
(b) The offense is committed in the vicinity of a school or in a school safety zone.	231 232
(c) The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind.	233 234 235 236 237
(d) The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.	238 239 240
(4) If an offender previously has been convicted of or pleaded guilty to three or more violations of division (B) of this section, a violation of division (B) of this section is a	241 242 243

misdemeanor of the fourth degree.	244
<u>(5) A violation of division (A) (4) of this section is a</u>	245
<u>felony of the third degree if the violation occurs during an</u>	246
<u>aggravated riot or riot in violation of section 2917.02 or</u>	247
<u>2917.03 of the Revised Code, or during a protest or</u>	248
<u>demonstration for which no permit was issued or for which the</u>	249
<u>scope of any issued permit was exceeded.</u>	250
(F) As used in this section:	251
(1) "Emergency medical services person" is the singular of	252
"emergency medical services personnel" as defined in section	253
2133.21 of the Revised Code.	254
(2) "Emergency facility person" is the singular of	255
"emergency facility personnel" as defined in section 2909.04 of	256
the Revised Code.	257
(3) "Emergency facility" has the same meaning as in	258
section 2909.04 of the Revised Code.	259
(4) "Committed in the vicinity of a school" has the same	260
meaning as in section 2925.01 of the Revised Code.	261
<b>Sec. 2923.31.</b> As used in sections 2923.31 to 2923.36 of	262
the Revised Code:	263
(A) "Beneficial interest" means any of the following:	264
(1) The interest of a person as a beneficiary under a	265
trust in which the trustee holds title to personal or real	266
property;	267
(2) The interest of a person as a beneficiary under any	268
other trust arrangement under which any other person holds title	269
to personal or real property for the benefit of such person;	270

(3) The interest of a person under any other form of 271  
express fiduciary arrangement under which any other person holds 272  
title to personal or real property for the benefit of such 273  
person. 274

"Beneficial interest" does not include the interest of a 275  
stockholder in a corporation or the interest of a partner in 276  
either a general or limited partnership. 277

(B) "Costs of investigation and prosecution" and "costs of 278  
investigation and litigation" mean all of the costs incurred by 279  
the state or a county or municipal corporation under sections 280  
2923.31 to 2923.36 of the Revised Code in the prosecution and 281  
investigation of any criminal action or in the litigation and 282  
investigation of any civil action, and includes, but is not 283  
limited to, the costs of resources and personnel. 284

(C) "Enterprise" includes any individual, sole 285  
proprietorship, partnership, limited partnership, corporation, 286  
trust, union, government agency, or other legal entity, or any 287  
organization, association, or group of persons associated in 288  
fact although not a legal entity. "Enterprise" includes illicit 289  
as well as licit enterprises. 290

(D) "Innocent person" includes any bona fide purchaser of 291  
property that is allegedly involved in a violation of section 292  
2923.32 of the Revised Code, including any person who 293  
establishes a valid claim to or interest in the property in 294  
accordance with division (E) of section 2981.04 of the Revised 295  
Code, and any victim of an alleged violation of that section or 296  
of any underlying offense involved in an alleged violation of 297  
that section. 298

(E) "Pattern of corrupt activity" means two or more 299

incidents of corrupt activity, whether or not there has been a 300  
prior conviction, that are related to the affairs of the same 301  
enterprise, are not isolated, and are not so closely related to 302  
each other and connected in time and place that they constitute 303  
a single event. 304

At least one of the incidents forming the pattern shall 305  
occur on or after January 1, 1986. Unless any incident was an 306  
aggravated murder or murder, the last of the incidents forming 307  
the pattern shall occur within six years after the commission of 308  
any prior incident forming the pattern, excluding any period of 309  
imprisonment served by any person engaging in the corrupt 310  
activity. 311

For the purposes of the criminal penalties that may be 312  
imposed pursuant to section 2923.32 of the Revised Code, at 313  
least one of the incidents forming the pattern shall constitute 314  
a felony under the laws of this state in existence at the time 315  
it was committed or, if committed in violation of the laws of 316  
the United States or of any other state, shall constitute a 317  
felony under the law of the United States or the other state and 318  
would be a criminal offense under the law of this state if 319  
committed in this state. 320

(F) "Pecuniary value" means money, a negotiable 321  
instrument, a commercial interest, or anything of value, as 322  
defined in section 1.03 of the Revised Code, or any other 323  
property or service that has a value in excess of one hundred 324  
dollars. 325

(G) "Person" means any person, as defined in section 1.59 326  
of the Revised Code, and any governmental officer, employee, or 327  
entity. 328

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

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

(1) Conduct defined as "racketeering activity" under the "Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended;

(2) Conduct constituting any of the following:

(a) A violation of section 1315.55, 1322.07, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; division (F)(1)(a), (b), or (c) of section 1315.53; division (A)(1) or (2) of section 1707.042; division (B), (C)(4), (D), (E), or (F) of section 1707.44; division (A)(1) or (2) of section 2923.20; division (E) or (G) of section 3772.99; division (J)(1) of section 4712.02; section 4719.02, 4719.05, or 4719.06; division (C), (D), or (E) of section 4719.07; section 4719.08; or division (A) of section 4719.09 of the Revised Code.

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 3769.19 of the Revised Code as it existed prior to July 1, 1996, any violation of section 2915.02 of the Revised Code that occurs on or after July 1, 1996, and that, had it occurred prior to that date, would have been a violation of section 3769.11 of the Revised Code as it existed prior to that date, or any violation of section 2915.05 of the Revised Code that occurs on or after July 1, 1996, and that, had it occurred prior to that date, would have been a violation of section 3769.15, 3769.16, or 3769.19 of the Revised Code as it existed prior to that date.

(c) Any violation of section 2907.21, 2907.22, 2907.31, 2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 of the Revised Code, any violation of section 2925.11 of the Revised Code that is a felony of the first, second, third, or fourth degree and that occurs on or after July 1, 1996, any violation of section 2915.02 of the Revised Code that occurred prior to July 1, 1996, any violation of section 2915.02 of the Revised Code that occurs on or after July 1, 1996, and that, had it occurred prior to that date, would not have been a violation of section 3769.11 of the Revised Code as it existed prior to that date, any violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996, or any violation of division (B) of section 2915.05 of the Revised Code as it exists on and after July 1, 1996, when the proceeds of the violation, the payments made in the violation, the amount of a claim for payment or for any other benefit that is false or deceptive and that is involved in the violation, or the value of the contraband or other property illegally possessed, sold, or purchased in the violation exceeds one thousand dollars, or any combination of violations described in division (I) (2) (c) of

this section when the total proceeds of the combination of 389  
violations, payments made in the combination of violations, 390  
amount of the claims for payment or for other benefits that is 391  
false or deceptive and that is involved in the combination of 392  
violations, or value of the contraband or other property 393  
illegally possessed, sold, or purchased in the combination of 394  
violations exceeds one thousand dollars; 395

(d) Any violation of section 5743.112 of the Revised Code 396  
when the amount of unpaid tax exceeds one hundred dollars; 397

(e) Any violation or combination of violations of section 398  
2907.32 of the Revised Code involving any material or 399  
performance containing a display of bestiality or of sexual 400  
conduct, as defined in section 2907.01 of the Revised Code, that 401  
is explicit and depicted with clearly visible penetration of the 402  
genitals or clearly visible penetration by the penis of any 403  
orifice when the total proceeds of the violation or combination 404  
of violations, the payments made in the violation or combination 405  
of violations, or the value of the contraband or other property 406  
illegally possessed, sold, or purchased in the violation or 407  
combination of violations exceeds one thousand dollars; 408

(f) Any combination of violations described in division 409  
(I) (2) (c) of this section and violations of section 2907.32 of 410  
the Revised Code involving any material or performance 411  
containing a display of bestiality or of sexual conduct, as 412  
defined in section 2907.01 of the Revised Code, that is explicit 413  
and depicted with clearly visible penetration of the genitals or 414  
clearly visible penetration by the penis of any orifice when the 415  
total proceeds of the combination of violations, payments made 416  
in the combination of violations, amount of the claims for 417  
payment or for other benefits that is false or deceptive and 418

that is involved in the combination of violations, or value of 419  
the contraband or other property illegally possessed, sold, or 420  
purchased in the combination of violations exceeds one thousand 421  
dollars; 422

(g) Any violation of section 2905.32 of the Revised Code 423  
to the extent the violation is not based solely on the same 424  
conduct that constitutes corrupt activity pursuant to division 425  
(I) (2) (c) of this section due to the conduct being in violation 426  
of section 2907.21 of the Revised Code. 427

(3) Conduct constituting a violation of any law of any 428  
state other than this state that is substantially similar to the 429  
conduct described in division (I) (2) of this section, provided 430  
the defendant was convicted of the conduct in a criminal 431  
proceeding in the other state; 432

(4) Animal or ecological terrorism; 433

(5) (a) Conduct constituting any of the following: 434

(i) Organized retail theft; 435

(ii) Conduct that constitutes one or more violations of 436  
any law of any state other than this state, that is 437  
substantially similar to organized retail theft, and that if 438  
committed in this state would be organized retail theft, if the 439  
defendant was convicted of or pleaded guilty to the conduct in a 440  
criminal proceeding in the other state. 441

(b) By enacting division (I) (5) (a) of this section, it is 442  
the intent of the general assembly to add organized retail theft 443  
and the conduct described in division (I) (5) (a) (ii) of this 444  
section as conduct constituting corrupt activity. The enactment 445  
of division (I) (5) (a) of this section and the addition by 446  
division (I) (5) (a) of this section of organized retail theft and 447

the conduct described in division (I) (5) (a) (ii) of this section 448  
as conduct constituting corrupt activity does not limit or 449  
preclude, and shall not be construed as limiting or precluding, 450  
any prosecution for a violation of section 2923.32 of the 451  
Revised Code that is based on one or more violations of section 452  
2913.02 or 2913.51 of the Revised Code, one or more similar 453  
offenses under the laws of this state or any other state, or any 454  
combination of any of those violations or similar offenses, even 455  
though the conduct constituting the basis for those violations 456  
or offenses could be construed as also constituting organized 457  
retail theft or conduct of the type described in division (I) (5) 458  
(a) (ii) of this section. 459

(6) Providing material support or resources with purpose 460  
that the material support or resources will be used in whole or 461  
in part to plan, prepare, carry out, or aid in conduct that 462  
constitutes a violation of section 2917.02 or 2917.03 of the 463  
Revised Code; 464

(7) Organizing persons or calling persons to gather for 465  
the purpose of violating section 2917.02 or 2917.03 of the 466  
Revised Code. 467

(J) "Real property" means any real property or any 468  
interest in real property, including, but not limited to, any 469  
lease of, or mortgage upon, real property. Real property and any 470  
beneficial interest in it is deemed to be located where the real 471  
property is located. 472

(K) "Trustee" means any of the following: 473

(1) Any person acting as trustee under a trust in which 474  
the trustee holds title to personal or real property; 475

(2) Any person who holds title to personal or real 476

property for which any other person has a beneficial interest; 477

(3) Any successor trustee. 478

"Trustee" does not include an assignee or trustee for an 479  
insolvent debtor or an executor, administrator, administrator 480  
with the will annexed, testamentary trustee, guardian, or 481  
committee, appointed by, under the control of, or accountable to 482  
a court. 483

(L) "Unlawful debt" means any money or other thing of 484  
value constituting principal or interest of a debt that is 485  
legally unenforceable in this state in whole or in part because 486  
the debt was incurred or contracted in violation of any federal 487  
or state law relating to the business of gambling activity or 488  
relating to the business of lending money at an usurious rate 489  
unless the creditor proves, by a preponderance of the evidence, 490  
that the usurious rate was not intentionally set and that it 491  
resulted from a good faith error by the creditor, 492  
notwithstanding the maintenance of procedures that were adopted 493  
by the creditor to avoid an error of that nature. 494

(M) "Animal activity" means any activity that involves the 495  
use of animals or animal parts, including, but not limited to, 496  
hunting, fishing, trapping, traveling, camping, the production, 497  
preparation, or processing of food or food products, clothing or 498  
garment manufacturing, medical research, other research, 499  
entertainment, recreation, agriculture, biotechnology, or 500  
service activity that involves the use of animals or animal 501  
parts. 502

(N) "Animal facility" means a vehicle, building, 503  
structure, nature preserve, or other premises in which an animal 504  
is lawfully kept, handled, housed, exhibited, bred, or offered 505

for sale, including, but not limited to, a zoo, rodeo, circus, 506  
amusement park, hunting preserve, or premises in which a horse 507  
or dog event is held. 508

(O) "Animal or ecological terrorism" means the commission 509  
of any felony that involves causing or creating a substantial 510  
risk of physical harm to any property of another, the use of a 511  
deadly weapon or dangerous ordnance, or purposely, knowingly, or 512  
recklessly causing serious physical harm to property and that 513  
involves an intent to obstruct, impede, or deter any person from 514  
participating in a lawful animal activity, from mining, 515  
forestry, harvesting, gathering, or processing natural 516  
resources, or from being lawfully present in or on an animal 517  
facility or research facility. 518

(P) "Research facility" means a place, laboratory, 519  
institution, medical care facility, government facility, or 520  
public or private educational institution in which a scientific 521  
test, experiment, or investigation involving the use of animals 522  
or other living organisms is lawfully carried out, conducted, or 523  
attempted. 524

(Q) "Organized retail theft" means the theft of retail 525  
property with a retail value of one thousand dollars or more 526  
from one or more retail establishments with the intent to sell, 527  
deliver, or transfer that property to a retail property fence. 528

(R) "Retail property" means any tangible personal property 529  
displayed, held, stored, or offered for sale in or by a retail 530  
establishment. 531

(S) "Retail property fence" means a person who possesses, 532  
procures, receives, or conceals retail property that was 533  
represented to the person as being stolen or that the person 534

knows or believes to be stolen. 535

(T) "Retail value" means the full retail value of the 536  
retail property. In determining whether the retail value of 537  
retail property equals or exceeds one thousand dollars, the 538  
value of all retail property stolen from the retail 539  
establishment or retail establishments by the same person or 540  
persons within any one-hundred-eighty-day period shall be 541  
aggregated. 542

(U) "Material support or resources" has the same meaning 543  
as in section 2909.21 of the Revised Code. 544

**Sec. 2927.121.** (A) As used in this section, "first 545  
responder" has the same meaning as in section 4765.01 of the 546  
Revised Code, except that it also includes any firefighter or 547  
paramedic as defined in section 4765.01 of the Revised Code, and 548  
any peace officer as defined in section 2935.01 of the Revised 549  
Code. 550

(B) No person shall do any of the following maliciously 551  
and with the specific intent to intimidate, harass, or terrorize 552  
another person because of that person's actual or perceived 553  
employment as a first responder: 554

(1) Cause death or serious bodily harm to another person; 555

(2) Cause damage to or destroy any real or personal 556  
property of a person without permission when the amount of the 557  
damage or the value of the property destroyed exceeds five 558  
hundred dollars. 559

(C) A person who violates division (B) of this section is 560  
guilty of bias motivated intimidation, a felony of the third 561  
degree. 562

(D) Each violation of this section shall constitute a 563  
separate offense and shall not merge with any other offense 564  
under section 2941.25 of the Revised Code. 565

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 566  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 567  
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 568  
in division (D) (6) of section 2919.25 of the Revised Code and 569  
except in relation to an offense for which a sentence of death 570  
or life imprisonment is to be imposed, if the court imposing a 571  
sentence upon an offender for a felony elects or is required to 572  
impose a prison term on the offender pursuant to this chapter, 573  
the court shall impose a prison term that shall be one of the 574  
following: 575

(1) (a) For a felony of the first degree committed on or 576  
after the effective date of this amendment, the prison term 577  
shall be an indefinite prison term with a stated minimum term 578  
selected by the court of three, four, five, six, seven, eight, 579  
nine, ten, or eleven years and a maximum term that is determined 580  
pursuant to section 2929.144 of the Revised Code, except that if 581  
the section that criminalizes the conduct constituting the 582  
felony specifies a different minimum term or penalty for the 583  
offense, the specific language of that section shall control in 584  
determining the minimum term or otherwise sentencing the 585  
offender but the minimum term or sentence imposed under that 586  
specific language shall be considered for purposes of the 587  
Revised Code as if it had been imposed under this division. 588

(b) For a felony of the first degree committed prior to 589  
the effective date of this amendment, the prison term shall be a 590  
definite prison term of three, four, five, six, seven, eight, 591  
nine, ten, or eleven years. 592

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

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

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

(b) For a felony of the third degree that is not an offense for which division (A) (3) (a) of this section applies,

the prison term shall be a definite term of nine, twelve, 623  
eighteen, twenty-four, thirty, or thirty-six months. 624

(4) For a felony of the fourth degree, the prison term 625  
shall be a definite term of six, seven, eight, nine, ten, 626  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 627  
or eighteen months. 628

(5) For a felony of the fifth degree, the prison term 629  
shall be a definite term of six, seven, eight, nine, ten, 630  
eleven, or twelve months. 631

(B) (1) (a) Except as provided in division (B) (1) (e) of this 632  
section, if an offender who is convicted of or pleads guilty to 633  
a felony also is convicted of or pleads guilty to a 634  
specification of the type described in section 2941.141, 635  
2941.144, or 2941.145 of the Revised Code, the court shall 636  
impose on the offender one of the following prison terms: 637

(i) A prison term of six years if the specification is of 638  
the type described in division (A) of section 2941.144 of the 639  
Revised Code that charges the offender with having a firearm 640  
that is an automatic firearm or that was equipped with a firearm 641  
muffler or suppressor on or about the offender's person or under 642  
the offender's control while committing the offense; 643

(ii) A prison term of three years if the specification is 644  
of the type described in division (A) of section 2941.145 of the 645  
Revised Code that charges the offender with having a firearm on 646  
or about the offender's person or under the offender's control 647  
while committing the offense and displaying the firearm, 648  
brandishing the firearm, indicating that the offender possessed 649  
the firearm, or using it to facilitate the offense; 650

(iii) A prison term of one year if the specification is of 651

the type described in division (A) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense;

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

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

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

previously has been convicted of or pleaded guilty to a 682  
specification of the type described in section 2941.141, 683  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 684

(b) If a court imposes a prison term on an offender under 685  
division (B) (1) (a) of this section, the prison term shall not be 686  
reduced pursuant to section 2967.19, section 2929.20, section 687  
2967.193, or any other provision of Chapter 2967. or Chapter 688  
5120. of the Revised Code. Except as provided in division (B) (1) 689  
(g) of this section, a court shall not impose more than one 690  
prison term on an offender under division (B) (1) (a) of this 691  
section for felonies committed as part of the same act or 692  
transaction. 693

(c) (i) Except as provided in division (B) (1) (e) of this 694  
section, if an offender who is convicted of or pleads guilty to 695  
a violation of section 2923.161 of the Revised Code or to a 696  
felony that includes, as an essential element, purposely or 697  
knowingly causing or attempting to cause the death of or 698  
physical harm to another, also is convicted of or pleads guilty 699  
to a specification of the type described in division (A) of 700  
section 2941.146 of the Revised Code that charges the offender 701  
with committing the offense by discharging a firearm from a 702  
motor vehicle other than a manufactured home, the court, after 703  
imposing a prison term on the offender for the violation of 704  
section 2923.161 of the Revised Code or for the other felony 705  
offense under division (A), (B) (2), or (B) (3) of this section, 706  
shall impose an additional prison term of five years upon the 707  
offender that shall not be reduced pursuant to section 2929.20, 708  
section 2967.19, section 2967.193, or any other provision of 709  
Chapter 2967. or Chapter 5120. of the Revised Code. 710

(ii) Except as provided in division (B) (1) (e) of this 711

section, if an offender who is convicted of or pleads guilty to 712  
a violation of section 2923.161 of the Revised Code or to a 713  
felony that includes, as an essential element, purposely or 714  
knowingly causing or attempting to cause the death of or 715  
physical harm to another, also is convicted of or pleads guilty 716  
to a specification of the type described in division (C) of 717  
section 2941.146 of the Revised Code that charges the offender 718  
with committing the offense by discharging a firearm from a 719  
motor vehicle other than a manufactured home and that the 720  
offender previously has been convicted of or pleaded guilty to a 721  
specification of the type described in section 2941.141, 722  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 723  
the court, after imposing a prison term on the offender for the 724  
violation of section 2923.161 of the Revised Code or for the 725  
other felony offense under division (A), (B) (2), or (3) of this 726  
section, shall impose an additional prison term of ninety months 727  
upon the offender that shall not be reduced pursuant to section 728  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 729  
2967. or Chapter 5120. of the Revised Code. 730

(iii) A court shall not impose more than one additional 731  
prison term on an offender under division (B) (1) (c) of this 732  
section for felonies committed as part of the same act or 733  
transaction. If a court imposes an additional prison term on an 734  
offender under division (B) (1) (c) of this section relative to an 735  
offense, the court also shall impose a prison term under 736  
division (B) (1) (a) of this section relative to the same offense, 737  
provided the criteria specified in that division for imposing an 738  
additional prison term are satisfied relative to the offender 739  
and the offense. 740

(d) If an offender who is convicted of or pleads guilty to 741  
an offense of violence that is a felony also is convicted of or 742

pleads guilty to a specification of the type described in 743  
section 2941.1411 of the Revised Code that charges the offender 744  
with wearing or carrying body armor while committing the felony 745  
offense of violence, the court shall impose on the offender an 746  
additional prison term of two years. The prison term so imposed, 747  
subject to divisions (C) to (I) of section 2967.19 of the 748  
Revised Code, shall not be reduced pursuant to section 2929.20, 749  
section 2967.19, section 2967.193, or any other provision of 750  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 751  
shall not impose more than one prison term on an offender under 752  
division (B) (1) (d) of this section for felonies committed as 753  
part of the same act or transaction. If a court imposes an 754  
additional prison term under division (B) (1) (a) or (c) of this 755  
section, the court is not precluded from imposing an additional 756  
prison term under division (B) (1) (d) of this section. 757

(e) The court shall not impose any of the prison terms 758  
described in division (B) (1) (a) of this section or any of the 759  
additional prison terms described in division (B) (1) (c) of this 760  
section upon an offender for a violation of section 2923.12 or 761  
2923.123 of the Revised Code. The court shall not impose any of 762  
the prison terms described in division (B) (1) (a) or (b) of this 763  
section upon an offender for a violation of section 2923.122 764  
that involves a deadly weapon that is a firearm other than a 765  
dangerous ordnance, section 2923.16, or section 2923.121 of the 766  
Revised Code. The court shall not impose any of the prison terms 767  
described in division (B) (1) (a) of this section or any of the 768  
additional prison terms described in division (B) (1) (c) of this 769  
section upon an offender for a violation of section 2923.13 of 770  
the Revised Code unless all of the following apply: 771

(i) The offender previously has been convicted of 772  
aggravated murder, murder, or any felony of the first or second 773

degree. 774

(ii) Less than five years have passed since the offender 775  
was released from prison or post-release control, whichever is 776  
later, for the prior offense. 777

(f) (i) If an offender is convicted of or pleads guilty to 778  
a felony that includes, as an essential element, causing or 779  
attempting to cause the death of or physical harm to another and 780  
also is convicted of or pleads guilty to a specification of the 781  
type described in division (A) of section 2941.1412 of the 782  
Revised Code that charges the offender with committing the 783  
offense by discharging a firearm at a peace officer as defined 784  
in section 2935.01 of the Revised Code or a corrections officer, 785  
as defined in section 2941.1412 of the Revised Code, the court, 786  
after imposing a prison term on the offender for the felony 787  
offense under division (A), (B) (2), or (B) (3) of this section, 788  
shall impose an additional prison term of seven years upon the 789  
offender that shall not be reduced pursuant to section 2929.20, 790  
section 2967.19, section 2967.193, or any other provision of 791  
Chapter 2967. or Chapter 5120. of the Revised Code. 792

(ii) If an offender is convicted of or pleads guilty to a 793  
felony that includes, as an essential element, causing or 794  
attempting to cause the death of or physical harm to another and 795  
also is convicted of or pleads guilty to a specification of the 796  
type described in division (B) of section 2941.1412 of the 797  
Revised Code that charges the offender with committing the 798  
offense by discharging a firearm at a peace officer, as defined 799  
in section 2935.01 of the Revised Code, or a corrections 800  
officer, as defined in section 2941.1412 of the Revised Code, 801  
and that the offender previously has been convicted of or 802  
pleaded guilty to a specification of the type described in 803

section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 804  
the Revised Code, the court, after imposing a prison term on the 805  
offender for the felony offense under division (A), (B) (2), or 806  
(3) of this section, shall impose an additional prison term of 807  
one hundred twenty-six months upon the offender that shall not 808  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 809  
any other provision of Chapter 2967. or 5120. of the Revised 810  
Code. 811

(iii) If an offender is convicted of or pleads guilty to 812  
two or more felonies that include, as an essential element, 813  
causing or attempting to cause the death or physical harm to 814  
another and also is convicted of or pleads guilty to a 815  
specification of the type described under division (B) (1) (f) of 816  
this section in connection with two or more of the felonies of 817  
which the offender is convicted or to which the offender pleads 818  
guilty, the sentencing court shall impose on the offender the 819  
prison term specified under division (B) (1) (f) of this section 820  
for each of two of the specifications of which the offender is 821  
convicted or to which the offender pleads guilty and, in its 822  
discretion, also may impose on the offender the prison term 823  
specified under that division for any or all of the remaining 824  
specifications. If a court imposes an additional prison term on 825  
an offender under division (B) (1) (f) of this section relative to 826  
an offense, the court shall not impose a prison term under 827  
division (B) (1) (a) or (c) of this section relative to the same 828  
offense. 829

(g) If an offender is convicted of or pleads guilty to two 830  
or more felonies, if one or more of those felonies are 831  
aggravated murder, murder, attempted aggravated murder, 832  
attempted murder, aggravated robbery, felonious assault, or 833  
rape, and if the offender is convicted of or pleads guilty to a 834

specification of the type described under division (B)(1)(a) of 835  
this section in connection with two or more of the felonies, the 836  
sentencing court shall impose on the offender the prison term 837  
specified under division (B)(1)(a) of this section for each of 838  
the two most serious specifications of which the offender is 839  
convicted or to which the offender pleads guilty and, in its 840  
discretion, also may impose on the offender the prison term 841  
specified under that division for any or all of the remaining 842  
specifications. 843

(2)(a) If division (B)(2)(b) of this section does not 844  
apply, the court may impose on an offender, in addition to the 845  
longest prison term authorized or required for the offense or, 846  
for offenses for which division (A)(1)(a) or (2)(a) of this 847  
section applies, in addition to the longest minimum prison term 848  
authorized or required for the offense, an additional definite 849  
prison term of one, two, three, four, five, six, seven, eight, 850  
nine, or ten years if all of the following criteria are met: 851

(i) The offender is convicted of or pleads guilty to a 852  
specification of the type described in section 2941.149 of the 853  
Revised Code that the offender is a repeat violent offender. 854

(ii) The offense of which the offender currently is 855  
convicted or to which the offender currently pleads guilty is 856  
aggravated murder and the court does not impose a sentence of 857  
death or life imprisonment without parole, murder, terrorism and 858  
the court does not impose a sentence of life imprisonment 859  
without parole, any felony of the first degree that is an 860  
offense of violence and the court does not impose a sentence of 861  
life imprisonment without parole, or any felony of the second 862  
degree that is an offense of violence and the trier of fact 863  
finds that the offense involved an attempt to cause or a threat 864

to cause serious physical harm to a person or resulted in 865  
serious physical harm to a person. 866

(iii) The court imposes the longest prison term for the 867  
offense or the longest minimum prison term for the offense, 868  
whichever is applicable, that is not life imprisonment without 869  
parole. 870

(iv) The court finds that the prison terms imposed 871  
pursuant to division (B) (2) (a) (iii) of this section and, if 872  
applicable, division (B) (1) or (3) of this section are 873  
inadequate to punish the offender and protect the public from 874  
future crime, because the applicable factors under section 875  
2929.12 of the Revised Code indicating a greater likelihood of 876  
recidivism outweigh the applicable factors under that section 877  
indicating a lesser likelihood of recidivism. 878

(v) The court finds that the prison terms imposed pursuant 879  
to division (B) (2) (a) (iii) of this section and, if applicable, 880  
division (B) (1) or (3) of this section are demeaning to the 881  
seriousness of the offense, because one or more of the factors 882  
under section 2929.12 of the Revised Code indicating that the 883  
offender's conduct is more serious than conduct normally 884  
constituting the offense are present, and they outweigh the 885  
applicable factors under that section indicating that the 886  
offender's conduct is less serious than conduct normally 887  
constituting the offense. 888

(b) The court shall impose on an offender the longest 889  
prison term authorized or required for the offense or, for 890  
offenses for which division (A) (1) (a) or (2) (a) of this section 891  
applies, the longest minimum prison term authorized or required 892  
for the offense, and shall impose on the offender an additional 893  
definite prison term of one, two, three, four, five, six, seven, 894

eight, nine, or ten years if all of the following criteria are met:

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

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

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

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

(d) A sentence imposed under division (B) (2) (a) or (b) of 925  
this section shall not be reduced pursuant to section 2929.20, 926  
section 2967.19, or section 2967.193, or any other provision of 927  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 928  
shall serve an additional prison term imposed under division (B) 929  
(2) (a) or (b) of this section consecutively to and prior to the 930  
prison term imposed for the underlying offense. 931

(e) When imposing a sentence pursuant to division (B) (2) 932  
(a) or (b) of this section, the court shall state its findings 933  
explaining the imposed sentence. 934

(3) Except when an offender commits a violation of section 935  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 936  
for the violation is life imprisonment or commits a violation of 937  
section 2903.02 of the Revised Code, if the offender commits a 938  
violation of section 2925.03 or 2925.11 of the Revised Code and 939  
that section classifies the offender as a major drug offender, 940  
if the offender commits a violation of section 2925.05 of the 941  
Revised Code and division (E) (1) of that section classifies the 942  
offender as a major drug offender, if the offender commits a 943  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 944  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 945  
division (C) or (D) of section 3719.172, division (E) of section 946  
4729.51, or division (J) of section 4729.54 of the Revised Code 947  
that includes the sale, offer to sell, or possession of a 948  
schedule I or II controlled substance, with the exception of 949  
marihuana, and the court imposing sentence upon the offender 950  
finds that the offender is guilty of a specification of the type 951  
described in division (A) of section 2941.1410 of the Revised 952  
Code charging that the offender is a major drug offender, if the 953  
court imposing sentence upon an offender for a felony finds that 954  
the offender is guilty of corrupt activity with the most serious 955

offense in the pattern of corrupt activity being a felony of the 956  
first degree, or if the offender is guilty of an attempted 957  
violation of section 2907.02 of the Revised Code and, had the 958  
offender completed the violation of section 2907.02 of the 959  
Revised Code that was attempted, the offender would have been 960  
subject to a sentence of life imprisonment or life imprisonment 961  
without parole for the violation of section 2907.02 of the 962  
Revised Code, the court shall impose upon the offender for the 963  
felony violation a mandatory prison term determined as described 964  
in this division that, subject to divisions (C) to (I) of 965  
section 2967.19 of the Revised Code, cannot be reduced pursuant 966  
to section 2929.20, section 2967.19, or any other provision of 967  
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 968  
term shall be the maximum definite prison term prescribed in 969  
division (A)(1)(b) of this section for a felony of the first 970  
degree, except that for offenses for which division (A)(1)(a) of 971  
this section applies, the mandatory prison term shall be the 972  
longest minimum prison term prescribed in that division for the 973  
offense. 974

(4) If the offender is being sentenced for a third or 975  
fourth degree felony OVI offense under division (G)(2) of 976  
section 2929.13 of the Revised Code, the sentencing court shall 977  
impose upon the offender a mandatory prison term in accordance 978  
with that division. In addition to the mandatory prison term, if 979  
the offender is being sentenced for a fourth degree felony OVI 980  
offense, the court, notwithstanding division (A)(4) of this 981  
section, may sentence the offender to a definite prison term of 982  
not less than six months and not more than thirty months, and if 983  
the offender is being sentenced for a third degree felony OVI 984  
offense, the sentencing court may sentence the offender to an 985  
additional prison term of any duration specified in division (A) 986

(3) of this section. In either case, the additional prison term 987  
imposed shall be reduced by the sixty or one hundred twenty days 988  
imposed upon the offender as the mandatory prison term. The 989  
total of the additional prison term imposed under division (B) 990  
(4) of this section plus the sixty or one hundred twenty days 991  
imposed as the mandatory prison term shall equal a definite term 992  
in the range of six months to thirty months for a fourth degree 993  
felony OVI offense and shall equal one of the authorized prison 994  
terms specified in division (A) (3) of this section for a third 995  
degree felony OVI offense. If the court imposes an additional 996  
prison term under division (B) (4) of this section, the offender 997  
shall serve the additional prison term after the offender has 998  
served the mandatory prison term required for the offense. In 999  
addition to the mandatory prison term or mandatory and 1000  
additional prison term imposed as described in division (B) (4) 1001  
of this section, the court also may sentence the offender to a 1002  
community control sanction under section 2929.16 or 2929.17 of 1003  
the Revised Code, but the offender shall serve all of the prison 1004  
terms so imposed prior to serving the community control 1005  
sanction. 1006

If the offender is being sentenced for a fourth degree 1007  
felony OVI offense under division (G) (1) of section 2929.13 of 1008  
the Revised Code and the court imposes a mandatory term of local 1009  
incarceration, the court may impose a prison term as described 1010  
in division (A) (1) of that section. 1011

(5) If an offender is convicted of or pleads guilty to a 1012  
violation of division (A) (1) or (2) of section 2903.06 of the 1013  
Revised Code and also is convicted of or pleads guilty to a 1014  
specification of the type described in section 2941.1414 of the 1015  
Revised Code that charges that the victim of the offense is a 1016  
peace officer, as defined in section 2935.01 of the Revised 1017

Code, or an investigator of the bureau of criminal 1018  
identification and investigation, as defined in section 2903.11 1019  
of the Revised Code, the court shall impose on the offender a 1020  
prison term of five years. If a court imposes a prison term on 1021  
an offender under division (B) (5) of this section, the prison 1022  
term, subject to divisions (C) to (I) of section 2967.19 of the 1023  
Revised Code, shall not be reduced pursuant to section 2929.20, 1024  
section 2967.19, section 2967.193, or any other provision of 1025  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1026  
shall not impose more than one prison term on an offender under 1027  
division (B) (5) of this section for felonies committed as part 1028  
of the same act. 1029

(6) If an offender is convicted of or pleads guilty to a 1030  
violation of division (A) (1) or (2) of section 2903.06 of the 1031  
Revised Code and also is convicted of or pleads guilty to a 1032  
specification of the type described in section 2941.1415 of the 1033  
Revised Code that charges that the offender previously has been 1034  
convicted of or pleaded guilty to three or more violations of 1035  
division (A) or (B) of section 4511.19 of the Revised Code or an 1036  
equivalent offense, as defined in section 2941.1415 of the 1037  
Revised Code, or three or more violations of any combination of 1038  
those divisions and offenses, the court shall impose on the 1039  
offender a prison term of three years. If a court imposes a 1040  
prison term on an offender under division (B) (6) of this 1041  
section, the prison term, subject to divisions (C) to (I) of 1042  
section 2967.19 of the Revised Code, shall not be reduced 1043  
pursuant to section 2929.20, section 2967.19, section 2967.193, 1044  
or any other provision of Chapter 2967. or Chapter 5120. of the 1045  
Revised Code. A court shall not impose more than one prison term 1046  
on an offender under division (B) (6) of this section for 1047  
felonies committed as part of the same act. 1048

(7) (a) If an offender is convicted of or pleads guilty to 1049  
a felony violation of section 2905.01, 2905.02, 2907.21, 1050  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1051  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1052  
section 2919.22 of the Revised Code and also is convicted of or 1053  
pleads guilty to a specification of the type described in 1054  
section 2941.1422 of the Revised Code that charges that the 1055  
offender knowingly committed the offense in furtherance of human 1056  
trafficking, the court shall impose on the offender a mandatory 1057  
prison term that is one of the following: 1058

(i) If the offense is a felony of the first degree, a 1059  
definite prison term of not less than five years and not greater 1060  
than eleven years, except that if the offense is a felony of the 1061  
first degree committed on or after the effective date of this 1062  
amendment, the court shall impose as the minimum prison term a 1063  
mandatory term of not less than five years and not greater than 1064  
eleven years; 1065

(ii) If the offense is a felony of the second or third 1066  
degree, a definite prison term of not less than three years and 1067  
not greater than the maximum prison term allowed for the offense 1068  
by division (A) (2) (b) or (3) of this section, except that if the 1069  
offense is a felony of the second degree committed on or after 1070  
the effective date of this amendment, the court shall impose as 1071  
the minimum prison term a mandatory term of not less than three 1072  
years and not greater than eight years; 1073

(iii) If the offense is a felony of the fourth or fifth 1074  
degree, a definite prison term that is the maximum prison term 1075  
allowed for the offense by division (A) of section 2929.14 of 1076  
the Revised Code. 1077

(b) Subject to divisions (C) to (I) of section 2967.19 of 1078

the Revised Code, the prison term imposed under division (B) (7) 1079  
(a) of this section shall not be reduced pursuant to section 1080  
2929.20, section 2967.19, section 2967.193, or any other 1081  
provision of Chapter 2967. of the Revised Code. A court shall 1082  
not impose more than one prison term on an offender under 1083  
division (B) (7) (a) of this section for felonies committed as 1084  
part of the same act, scheme, or plan. 1085

(8) If an offender is convicted of or pleads guilty to a 1086  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1087  
Revised Code and also is convicted of or pleads guilty to a 1088  
specification of the type described in section 2941.1423 of the 1089  
Revised Code that charges that the victim of the violation was a 1090  
woman whom the offender knew was pregnant at the time of the 1091  
violation, notwithstanding the range prescribed in division (A) 1092  
of this section as the definite prison term or minimum prison 1093  
term for felonies of the same degree as the violation, the court 1094  
shall impose on the offender a mandatory prison term that is 1095  
either a definite prison term of six months or one of the prison 1096  
terms prescribed in division (A) of this section for felonies of 1097  
the same degree as the violation, except that if the violation 1098  
is a felony of the first or second degree committed on or after 1099  
the effective date of this amendment, the court shall impose as 1100  
the minimum prison term under division (A) (1) (a) or (2) (a) of 1101  
this section a mandatory term that is one of the terms 1102  
prescribed in that division, whichever is applicable, for the 1103  
offense. 1104

(9) (a) If an offender is convicted of or pleads guilty to 1105  
a violation of division (A) (1) or (2) of section 2903.11 of the 1106  
Revised Code and also is convicted of or pleads guilty to a 1107  
specification of the type described in section 2941.1425 of the 1108  
Revised Code, the court shall impose on the offender a mandatory 1109

prison term of six years if either of the following applies: 1110

(i) The violation is a violation of division (A) (1) of 1111  
section 2903.11 of the Revised Code and the specification 1112  
charges that the offender used an accelerant in committing the 1113  
violation and the serious physical harm to another or to 1114  
another's unborn caused by the violation resulted in a 1115  
permanent, serious disfigurement or permanent, substantial 1116  
incapacity; 1117

(ii) The violation is a violation of division (A) (2) of 1118  
section 2903.11 of the Revised Code and the specification 1119  
charges that the offender used an accelerant in committing the 1120  
violation, that the violation caused physical harm to another or 1121  
to another's unborn, and that the physical harm resulted in a 1122  
permanent, serious disfigurement or permanent, substantial 1123  
incapacity. 1124

(b) If a court imposes a prison term on an offender under 1125  
division (B) (9) (a) of this section, the prison term shall not be 1126  
reduced pursuant to section 2929.20, section 2967.19, section 1127  
2967.193, or any other provision of Chapter 2967. or Chapter 1128  
5120. of the Revised Code. A court shall not impose more than 1129  
one prison term on an offender under division (B) (9) of this 1130  
section for felonies committed as part of the same act. 1131

(c) The provisions of divisions (B) (9) and (C) (6) of this 1132  
section and of division (D) (2) of section 2903.11, division (F) 1133  
(20) of section 2929.13, and section 2941.1425 of the Revised 1134  
Code shall be known as "Judy's Law." 1135

(10) If an offender is convicted of or pleads guilty to a 1136  
violation of division (A) of section 2903.11 of the Revised Code 1137  
and also is convicted of or pleads guilty to a specification of 1138

the type described in section 2941.1426 of the Revised Code that 1139  
charges that the victim of the offense suffered permanent 1140  
disabling harm as a result of the offense and that the victim 1141  
was under ten years of age at the time of the offense, 1142  
regardless of whether the offender knew the age of the victim, 1143  
the court shall impose upon the offender an additional definite 1144  
prison term of six years. A prison term imposed on an offender 1145  
under division (B)(10) of this section shall not be reduced 1146  
pursuant to section 2929.20, section 2967.193, or any other 1147  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1148  
If a court imposes an additional prison term on an offender 1149  
under this division relative to a violation of division (A) of 1150  
section 2903.11 of the Revised Code, the court shall not impose 1151  
any other additional prison term on the offender relative to the 1152  
same offense. 1153

(11) If an offender is convicted of or pleads guilty to a 1154  
felony violation of section 2925.03 or 2925.05 of the Revised 1155  
Code or a felony violation of section 2925.11 of the Revised 1156  
Code for which division (C)(11) of that section applies in 1157  
determining the sentence for the violation, if the drug involved 1158  
in the violation is a fentanyl-related compound or a compound, 1159  
mixture, preparation, or substance containing a fentanyl-related 1160  
compound, and if the offender also is convicted of or pleads 1161  
guilty to a specification of the type described in division (B) 1162  
of section 2941.1410 of the Revised Code that charges that the 1163  
offender is a major drug offender, in addition to any other 1164  
penalty imposed for the violation, the court shall impose on the 1165  
offender a mandatory prison term of three, four, five, six, 1166  
seven, or eight years. If a court imposes a prison term on an 1167  
offender under division (B)(11) of this section, the prison 1168  
term, subject to divisions (C) to (I) of section 2967.19 of the 1169

Revised Code, shall not be reduced pursuant to section 2929.20, 1170  
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1171  
5120. of the Revised Code. A court shall not impose more than 1172  
one prison term on an offender under division (B)(11) of this 1173  
section for felonies committed as part of the same act. 1174

(C)(1)(a) Subject to division (C)(1)(b) of this section, 1175  
if a mandatory prison term is imposed upon an offender pursuant 1176  
to division (B)(1)(a) of this section for having a firearm on or 1177  
about the offender's person or under the offender's control 1178  
while committing a felony, if a mandatory prison term is imposed 1179  
upon an offender pursuant to division (B)(1)(c) of this section 1180  
for committing a felony specified in that division by 1181  
discharging a firearm from a motor vehicle, or if both types of 1182  
mandatory prison terms are imposed, the offender shall serve any 1183  
mandatory prison term imposed under either division 1184  
consecutively to any other mandatory prison term imposed under 1185  
either division or under division (B)(1)(d) of this section, 1186  
consecutively to and prior to any prison term imposed for the 1187  
underlying felony pursuant to division (A), (B)(2), or (B)(3) of 1188  
this section or any other section of the Revised Code, and 1189  
consecutively to any other prison term or mandatory prison term 1190  
previously or subsequently imposed upon the offender. 1191

(b) If a mandatory prison term is imposed upon an offender 1192  
pursuant to division (B)(1)(d) of this section for wearing or 1193  
carrying body armor while committing an offense of violence that 1194  
is a felony, the offender shall serve the mandatory term so 1195  
imposed consecutively to any other mandatory prison term imposed 1196  
under that division or under division (B)(1)(a) or (c) of this 1197  
section, consecutively to and prior to any prison term imposed 1198  
for the underlying felony under division (A), (B)(2), or (B)(3) 1199  
of this section or any other section of the Revised Code, and 1200

consecutively to any other prison term or mandatory prison term 1201  
previously or subsequently imposed upon the offender. 1202

(c) If a mandatory prison term is imposed upon an offender 1203  
pursuant to division (B)(1)(f) of this section, the offender 1204  
shall serve the mandatory prison term so imposed consecutively 1205  
to and prior to any prison term imposed for the underlying 1206  
felony under division (A), (B)(2), or (B)(3) of this section or 1207  
any other section of the Revised Code, and consecutively to any 1208  
other prison term or mandatory prison term previously or 1209  
subsequently imposed upon the offender. 1210

(d) If a mandatory prison term is imposed upon an offender 1211  
pursuant to division (B)(7) or (8) of this section, the offender 1212  
shall serve the mandatory prison term so imposed consecutively 1213  
to any other mandatory prison term imposed under that division 1214  
or under any other provision of law and consecutively to any 1215  
other prison term or mandatory prison term previously or 1216  
subsequently imposed upon the offender. 1217

(e) If a mandatory prison term is imposed upon an offender 1218  
pursuant to division (B)(11) of this section, the offender shall 1219  
serve the mandatory prison term consecutively to any other 1220  
mandatory prison term imposed under that division, consecutively 1221  
to and prior to any prison term imposed for the underlying 1222  
felony, and consecutively to any other prison term or mandatory 1223  
prison term previously or subsequently imposed upon the 1224  
offender. 1225

(2) If an offender who is an inmate in a jail, prison, or 1226  
other residential detention facility violates section 2917.02, 1227  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 1228  
(2) of section 2921.34 of the Revised Code, if an offender who 1229  
is under detention at a detention facility commits a felony 1230

violation of section 2923.131 of the Revised Code, or if an 1231  
offender who is an inmate in a jail, prison, or other 1232  
residential detention facility or is under detention at a 1233  
detention facility commits another felony while the offender is 1234  
an escapee in violation of division (A) (1) or (2) of section 1235  
2921.34 of the Revised Code, any prison term imposed upon the 1236  
offender for one of those violations shall be served by the 1237  
offender consecutively to the prison term or term of 1238  
imprisonment the offender was serving when the offender 1239  
committed that offense and to any other prison term previously 1240  
or subsequently imposed upon the offender. 1241

(3) If a prison term is imposed for a violation of 1242  
division (B) of section 2911.01 of the Revised Code, a violation 1243  
of division (A) of section 2913.02 of the Revised Code in which 1244  
the stolen property is a firearm or dangerous ordnance, or a 1245  
felony violation of division (B) of section 2921.331 of the 1246  
Revised Code, the offender shall serve that prison term 1247  
consecutively to any other prison term or mandatory prison term 1248  
previously or subsequently imposed upon the offender. 1249

(4) If multiple prison terms are imposed on an offender 1250  
for convictions of multiple offenses, the court may require the 1251  
offender to serve the prison terms consecutively if the court 1252  
finds that the consecutive service is necessary to protect the 1253  
public from future crime or to punish the offender and that 1254  
consecutive sentences are not disproportionate to the 1255  
seriousness of the offender's conduct and to the danger the 1256  
offender poses to the public, and if the court also finds any of 1257  
the following: 1258

(a) The offender committed one or more of the multiple 1259  
offenses while the offender was awaiting trial or sentencing, 1260

was under a sanction imposed pursuant to section 2929.16, 1261  
2929.17, or 2929.18 of the Revised Code, or was under post- 1262  
release control for a prior offense. 1263

(b) At least two of the multiple offenses were committed 1264  
as part of one or more courses of conduct, and the harm caused 1265  
by two or more of the multiple offenses so committed was so 1266  
great or unusual that no single prison term for any of the 1267  
offenses committed as part of any of the courses of conduct 1268  
adequately reflects the seriousness of the offender's conduct. 1269

(c) The offender's history of criminal conduct 1270  
demonstrates that consecutive sentences are necessary to protect 1271  
the public from future crime by the offender. 1272

(5) If a mandatory prison term is imposed upon an offender 1273  
pursuant to division (B) (5) or (6) of this section, the offender 1274  
shall serve the mandatory prison term consecutively to and prior 1275  
to any prison term imposed for the underlying violation of 1276  
division (A) (1) or (2) of section 2903.06 of the Revised Code 1277  
pursuant to division (A) of this section or section 2929.142 of 1278  
the Revised Code. If a mandatory prison term is imposed upon an 1279  
offender pursuant to division (B) (5) of this section, and if a 1280  
mandatory prison term also is imposed upon the offender pursuant 1281  
to division (B) (6) of this section in relation to the same 1282  
violation, the offender shall serve the mandatory prison term 1283  
imposed pursuant to division (B) (5) of this section 1284  
consecutively to and prior to the mandatory prison term imposed 1285  
pursuant to division (B) (6) of this section and consecutively to 1286  
and prior to any prison term imposed for the underlying 1287  
violation of division (A) (1) or (2) of section 2903.06 of the 1288  
Revised Code pursuant to division (A) of this section or section 1289  
2929.142 of the Revised Code. 1290

(6) If a mandatory prison term is imposed on an offender 1291  
pursuant to division (B) (9) of this section, the offender shall 1292  
serve the mandatory prison term consecutively to and prior to 1293  
any prison term imposed for the underlying violation of division 1294  
(A) (1) or (2) of section 2903.11 of the Revised Code and 1295  
consecutively to and prior to any other prison term or mandatory 1296  
prison term previously or subsequently imposed on the offender. 1297

(7) If a mandatory prison term is imposed on an offender 1298  
pursuant to division (B) (10) of this section, the offender shall 1299  
serve that mandatory prison term consecutively to and prior to 1300  
any prison term imposed for the underlying felonious assault. 1301  
Except as otherwise provided in division (C) of this section, 1302  
any other prison term or mandatory prison term previously or 1303  
subsequently imposed upon the offender may be served 1304  
concurrently with, or consecutively to, the prison term imposed 1305  
pursuant to division (B) (10) of this section. 1306

(8) Any prison term imposed for a violation of section 1307  
2903.04 of the Revised Code that is based on a violation of 1308  
section 2925.03 or 2925.11 of the Revised Code or on a violation 1309  
of section 2925.05 of the Revised Code that is not funding of 1310  
marihuana trafficking shall run consecutively to any prison term 1311  
imposed for the violation of section 2925.03 or 2925.11 of the 1312  
Revised Code or for the violation of section 2925.05 of the 1313  
Revised Code that is not funding of marihuana trafficking. 1314

(9) When consecutive prison terms are imposed pursuant to 1315  
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 1316  
division (H) (1) or (2) of this section, subject to division (C) 1317  
(10) of this section, the term to be served is the aggregate of 1318  
all of the terms so imposed. 1319

(10) When a court sentences an offender to a non-life 1320

felony indefinite prison term, any definite prison term or 1321  
mandatory definite prison term previously or subsequently 1322  
imposed on the offender in addition to that indefinite sentence 1323  
that is required to be served consecutively to that indefinite 1324  
sentence shall be served prior to the indefinite sentence. 1325

(11) If a court is sentencing an offender for a felony of 1326  
the first or second degree, if division (A) (1) (a) or (2) (a) of 1327  
this section applies with respect to the sentencing for the 1328  
offense, and if the court is required under the Revised Code 1329  
section that sets forth the offense or any other Revised Code 1330  
provision to impose a mandatory prison term for the offense, the 1331  
court shall impose the required mandatory prison term as the 1332  
minimum term imposed under division (A) (1) (a) or (2) (a) of this 1333  
section, whichever is applicable. 1334

(D) (1) If a court imposes a prison term, other than a term 1335  
of life imprisonment, for a felony of the first degree, for a 1336  
felony of the second degree, for a felony sex offense, or for a 1337  
felony of the third degree that is an offense of violence and 1338  
that is not a felony sex offense, it shall include in the 1339  
sentence a requirement that the offender be subject to a period 1340  
of post-release control after the offender's release from 1341  
imprisonment, in accordance with section 2967.28 of the Revised 1342  
Code. If a court imposes a sentence including a prison term of a 1343  
type described in this division on or after July 11, 2006, the 1344  
failure of a court to include a post-release control requirement 1345  
in the sentence pursuant to this division does not negate, 1346  
limit, or otherwise affect the mandatory period of post-release 1347  
control that is required for the offender under division (B) of 1348  
section 2967.28 of the Revised Code. Section 2929.191 of the 1349  
Revised Code applies if, prior to July 11, 2006, a court imposed 1350  
a sentence including a prison term of a type described in this 1351

division and failed to include in the sentence pursuant to this 1352  
division a statement regarding post-release control. 1353

(2) If a court imposes a prison term for a felony of the 1354  
third, fourth, or fifth degree that is not subject to division 1355  
(D) (1) of this section, it shall include in the sentence a 1356  
requirement that the offender be subject to a period of post- 1357  
release control after the offender's release from imprisonment, 1358  
in accordance with that division, if the parole board determines 1359  
that a period of post-release control is necessary. Section 1360  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1361  
a court imposed a sentence including a prison term of a type 1362  
described in this division and failed to include in the sentence 1363  
pursuant to this division a statement regarding post-release 1364  
control. 1365

(E) The court shall impose sentence upon the offender in 1366  
accordance with section 2971.03 of the Revised Code, and Chapter 1367  
2971. of the Revised Code applies regarding the prison term or 1368  
term of life imprisonment without parole imposed upon the 1369  
offender and the service of that term of imprisonment if any of 1370  
the following apply: 1371

(1) A person is convicted of or pleads guilty to a violent 1372  
sex offense or a designated homicide, assault, or kidnapping 1373  
offense, and, in relation to that offense, the offender is 1374  
adjudicated a sexually violent predator. 1375

(2) A person is convicted of or pleads guilty to a 1376  
violation of division (A) (1) (b) of section 2907.02 of the 1377  
Revised Code committed on or after January 2, 2007, and either 1378  
the court does not impose a sentence of life without parole when 1379  
authorized pursuant to division (B) of section 2907.02 of the 1380  
Revised Code, or division (B) of section 2907.02 of the Revised 1381

Code provides that the court shall not sentence the offender 1382  
pursuant to section 2971.03 of the Revised Code. 1383

(3) A person is convicted of or pleads guilty to attempted 1384  
rape committed on or after January 2, 2007, and a specification 1385  
of the type described in section 2941.1418, 2941.1419, or 1386  
2941.1420 of the Revised Code. 1387

(4) A person is convicted of or pleads guilty to a 1388  
violation of section 2905.01 of the Revised Code committed on or 1389  
after January 1, 2008, and that section requires the court to 1390  
sentence the offender pursuant to section 2971.03 of the Revised 1391  
Code. 1392

(5) A person is convicted of or pleads guilty to 1393  
aggravated murder committed on or after January 1, 2008, and 1394  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1395  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1396  
(d) of section 2929.03, or division (A) or (B) of section 1397  
2929.06 of the Revised Code requires the court to sentence the 1398  
offender pursuant to division (B) (3) of section 2971.03 of the 1399  
Revised Code. 1400

(6) A person is convicted of or pleads guilty to murder 1401  
committed on or after January 1, 2008, and division (B) (2) of 1402  
section 2929.02 of the Revised Code requires the court to 1403  
sentence the offender pursuant to section 2971.03 of the Revised 1404  
Code. 1405

(F) If a person who has been convicted of or pleaded 1406  
guilty to a felony is sentenced to a prison term or term of 1407  
imprisonment under this section, sections 2929.02 to 2929.06 of 1408  
the Revised Code, section 2929.142 of the Revised Code, section 1409  
2971.03 of the Revised Code, or any other provision of law, 1410

section 5120.163 of the Revised Code applies regarding the 1411  
person while the person is confined in a state correctional 1412  
institution. 1413

(G) If an offender who is convicted of or pleads guilty to 1414  
a felony that is an offense of violence also is convicted of or 1415  
pleads guilty to a specification of the type described in 1416  
section 2941.142 of the Revised Code that charges the offender 1417  
with having committed the felony while participating in a 1418  
criminal gang, the court shall impose upon the offender an 1419  
additional prison term of one, two, or three years. 1420

(H) (1) If an offender who is convicted of or pleads guilty 1421  
to aggravated murder, murder, or a felony of the first, second, 1422  
or third degree that is an offense of violence also is convicted 1423  
of or pleads guilty to a specification of the type described in 1424  
section 2941.143 of the Revised Code that charges the offender 1425  
with having committed the offense in a school safety zone or 1426  
towards a person in a school safety zone, the court shall impose 1427  
upon the offender an additional prison term of two years. The 1428  
offender shall serve the additional two years consecutively to 1429  
and prior to the prison term imposed for the underlying offense. 1430

(2) (a) If an offender is convicted of or pleads guilty to 1431  
a felony violation of section 2907.22, 2907.24, 2907.241, or 1432  
2907.25 of the Revised Code and to a specification of the type 1433  
described in section 2941.1421 of the Revised Code and if the 1434  
court imposes a prison term on the offender for the felony 1435  
violation, the court may impose upon the offender an additional 1436  
prison term as follows: 1437

(i) Subject to division (H) (2) (a) (ii) of this section, an 1438  
additional prison term of one, two, three, four, five, or six 1439  
months; 1440

(ii) If the offender previously has been convicted of or 1441  
pleaded guilty to one or more felony or misdemeanor violations 1442  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1443  
the Revised Code and also was convicted of or pleaded guilty to 1444  
a specification of the type described in section 2941.1421 of 1445  
the Revised Code regarding one or more of those violations, an 1446  
additional prison term of one, two, three, four, five, six, 1447  
seven, eight, nine, ten, eleven, or twelve months. 1448

(b) In lieu of imposing an additional prison term under 1449  
division (H) (2) (a) of this section, the court may directly 1450  
impose on the offender a sanction that requires the offender to 1451  
wear a real-time processing, continual tracking electronic 1452  
monitoring device during the period of time specified by the 1453  
court. The period of time specified by the court shall equal the 1454  
duration of an additional prison term that the court could have 1455  
imposed upon the offender under division (H) (2) (a) of this 1456  
section. A sanction imposed under this division shall commence 1457  
on the date specified by the court, provided that the sanction 1458  
shall not commence until after the offender has served the 1459  
prison term imposed for the felony violation of section 2907.22, 1460  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1461  
residential sanction imposed for the violation under section 1462  
2929.16 of the Revised Code. A sanction imposed under this 1463  
division shall be considered to be a community control sanction 1464  
for purposes of section 2929.15 of the Revised Code, and all 1465  
provisions of the Revised Code that pertain to community control 1466  
sanctions shall apply to a sanction imposed under this division, 1467  
except to the extent that they would by their nature be clearly 1468  
inapplicable. The offender shall pay all costs associated with a 1469  
sanction imposed under this division, including the cost of the 1470  
use of the monitoring device. 1471

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

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

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

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

If the court does not make a recommendation under this division with respect to an offender and if the department

determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(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 1533  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1534  
any other provision of Chapter 2967. or 5120. of the Revised 1535  
Code. A court may not impose more than one sentence under 1536  
division (B) (2) (a) of this section and this division for acts 1537  
committed as part of the same act or transaction. 1538

(2) As used in division (K) (1) of this section, "violent 1539  
career criminal" and "violent felony offense" have the same 1540  
meanings as in section 2923.132 of the Revised Code. 1541

**Section 2.** That existing sections 2909.05, 2917.02, 1542  
2917.03, 2917.11, 2923.31, and 2929.14 of the Revised Code are 1543  
hereby repealed. 1544

**Section 3.** The General Assembly, applying the principle 1545  
stated in division (B) of section 1.52 of the Revised Code that 1546  
amendments are to be harmonized if reasonably capable of 1547  
simultaneous operation, finds that the following sections, 1548  
presented in this act as composites of the sections as amended 1549  
by the acts indicated, are the resulting versions of the 1550  
sections in effect prior to the effective date of the sections 1551  
as presented in this act: 1552

Section 2923.31 of the Revised Code as amended by both 1553  
H.B. 199 and H.B. 405 of the 132nd General Assembly. 1554

Section 2929.14 of the Revised Code as amended by H.B. 63, 1555  
S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General 1556  
Assembly. 1557