

As Passed by the House

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 109

Representatives Abrams, Carruthers

Cosponsors: Representatives Johnson, Grendell, Riedel, Gross, Seitz, Kick, Loychik, Ray, Schmidt, John, Hall, Bird, Cross, Richardson, White, Swearingen, Baldrige, Click, Creech, Cutrona, Edwards, Ghanbari, Ginter, Holmes, Jones, Koehler, LaRe, Miller, K., Oelslager, Patton, Plummer, Stein, Wiggam, Wilkin, Young, T.

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: 14

(1) "Peace officer" has the same meaning as in section 15

<u>2935.01 of the Revised Code.</u>	16
<u>(2) "Material support or resources" has the same meaning</u>	17
<u>as in section 2909.21 of the Revised Code.</u>	18
<u>(3) "Organization" has the same meaning as in section</u>	19
<u>2901.23 of the Revised Code.</u>	20
<u>(4) "Prohibited act" means any of the following:</u>	21
<u>(a) A violation of section 2917.02 or 2917.03 of the</u>	22
<u>Revised Code;</u>	23
<u>(b) The filing of a complaint against a peace officer that</u>	24
<u>the complainant knows to be false;</u>	25
<u>(c) An abridgement of a peace officer's civil rights.</u>	26
<u>(B) A peace officer who suffers injury or loss to person</u>	27
<u>or property during the officer's performance of official duties</u>	28
<u>as a result of a prohibited act committed against the peace</u>	29
<u>officer has a civil action against the following:</u>	30
<u>(1) The responsible party who committed the prohibited</u>	31
<u>act;</u>	32
<u>(2) Any organization that knowingly provided material</u>	33
<u>support or resources to the responsible party and that knowingly</u>	34
<u>directed, authorized, facilitated, or encouraged the responsible</u>	35
<u>party to commit the prohibited act.</u>	36
<u>(C) An organization that knowingly provides material</u>	37
<u>support or resources with purpose that the material support or</u>	38
<u>resources will be used in whole or in part to plan, prepare,</u>	39
<u>carry out, or aid in conduct that creates liability under</u>	40
<u>division (B) of this section is responsible for that conduct and</u>	41
<u>liable to the peace officer in treble the amount of damages</u>	42

sustained as a result of the conduct. 43

Sec. 2903.131. (A) As used in this section, "peace officer" has the same meaning as in section 2935.01 of the Revised Code. 44
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(B) No person who is engaged in aggravated riot or riot in violation of section 2917.02 or 2917.03 of the Revised Code shall recklessly cause physical harm to another person. 47
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(C) Whoever violates this section is guilty of riot assault. The penalty for the offense shall be determined as follows: 50
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(1) Except as provided in divisions (C) (2) and (3) of this section, riot assault is a felony of the fifth degree. 53
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(2) If the victim of the offense is a peace officer engaged in the performance of the peace officer's official duties, riot assault is a felony of the fourth degree. 55
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(3) If the victim of the offense is a peace officer engaged in the performance of the peace officer's official duties and if the victim suffered serious physical harm as a result of the commission of the offense, riot assault is a felony of the third degree. 58
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Sec. 2909.05. (A) No person shall knowingly cause serious physical harm to an occupied structure or any of its contents. 63
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(B) (1) No person shall ~~knowingly~~ recklessly cause physical harm to property that is owned or possessed by another, when either of the following applies: 65
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(a) The property is used by its owner or possessor in the owner's or possessor's profession, business, trade, or occupation, and the value of the property or the amount of 68
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physical harm involved is one thousand dollars or more; 71

(b) Regardless of the value of the property or the amount 72
of damage done, the property or its equivalent is necessary in 73
order for its owner or possessor to engage in the owner's or 74
possessor's profession, business, trade, or occupation. 75

(2) No person shall knowingly cause serious physical harm 76
to property that is owned, leased, or controlled by a 77
governmental entity. ~~A governmental entity includes, but is not~~ 78
~~limited to, the state or a political subdivision of the state, a~~ 79
~~school district, the board of trustees of a public library or~~ 80
~~public university, or any other body corporate and politic~~ 81
~~responsible for governmental activities only in geographical~~ 82
~~areas smaller than that of the state.~~ 83

(C) No person, without privilege to do so, shall knowingly 84
cause serious physical harm to any tomb, monument, gravestone, 85
or other similar structure that is used as a memorial for the 86
dead; to any fence, railing, curb, or other property that is 87
used to protect, enclose, or ornament any cemetery; or to a 88
cemetery. 89

(D) No person, without privilege to do so, shall knowingly 90
cause physical harm to a place of burial by breaking and 91
entering into a tomb, crypt, casket, or other structure that is 92
used as a memorial for the dead or as an enclosure for the dead. 93

(E) No person, without privilege to do so, shall 94
recklessly cause physical harm to any of the following property 95
while engaging in aggravated riot or riot in violation of 96
section 2917.02 or 2917.03 of the Revised Code: 97

(1) Property that is owned, leased, or controlled by a 98
governmental entity; 99

(2) A tomb, monument, gravestone, or other similar 100
structure that is used as a memorial for the dead; 101

(3) A place of burial, memorial for the dead, or enclosure 102
for the dead. 103

(F) (1) Whoever violates division (A), (B), (C), or (D) of 104
this section is guilty of vandalism. Except as otherwise 105
provided in this division, vandalism is a felony of the fifth 106
degree that is punishable by a fine of up to two thousand five 107
hundred dollars in addition to the penalties specified for a 108
felony of the fifth degree in sections 2929.11 to 2929.18 of the 109
Revised Code. If the value of the property or the amount of 110
physical harm involved is seven thousand five hundred dollars or 111
more but less than one hundred fifty thousand dollars, vandalism 112
is a felony of the fourth degree. If the value of the property 113
or the amount of physical harm involved is one hundred fifty 114
thousand dollars or more, vandalism is a felony of the third 115
degree. 116

(2) Whoever violates division (E) of this section is 117
guilty of riot vandalism, a felony of the fifth degree. 118

~~(F)~~ (G) For purposes of this section: 119

(1) "Cemetery" means any place of burial and includes 120
burial sites that contain American Indian burial objects placed 121
with or containing American Indian human remains. 122

(2) "Serious physical harm" means physical harm to 123
property that results in loss to the value of the property of 124
one thousand dollars or more. 125

(3) "Governmental entity" includes, but is not limited to, 126
the state or a political subdivision of the state, a school 127
district, the board of trustees of a public library or public 128

university, or any other body corporate and politic responsible 129
for governmental activities only in geographical areas smaller 130
than that of the state. 131

Sec. 2917.02. (A) No person shall participate with four or 132
more others in a course of disorderly conduct in violation of 133
section 2917.11 of the Revised Code: 134

(1) With purpose to commit or facilitate the commission of 135
a felony; 136

(2) With purpose to commit or facilitate the commission of 137
any offense of violence; 138

(3) When the offender or any participant to the knowledge 139
of the offender has on or about the offender's or participant's 140
person or under the offender's or participant's control, uses, 141
or intends to use a deadly weapon or dangerous ordnance, as 142
defined in section 2923.11 of the Revised Code. 143

(B) (1) No person, being an inmate in a detention facility, 144
shall violate division (A) (1) or (3) of this section. 145

(2) No person, being an inmate in a detention facility, 146
shall violate division (A) (2) of this section or section 2917.03 147
of the Revised Code. 148

(3) No person, in violating division (A) of this section, 149
shall cause damage to property or injury to another person. 150

(C) Whoever violates this section is guilty of aggravated 151
riot. A violation of division (A) (1) or (3) of this section is a 152
felony of the fifth degree. A violation of division (A) (2) or 153
(B) (1) of this section is a felony of the fourth degree. A 154
violation of division (B) (2) or (3) of this section is a felony 155
of the third degree. 156

(D) As used in this section, "detention facility" has the same meaning as in section 2921.01 of the Revised Code.	157 158
Sec. 2917.03. (A) No person shall participate with four or more others in a course of disorderly conduct in violation of section 2917.11 of the Revised Code:	159 160 161
(1) With purpose to commit or facilitate the commission of a misdemeanor, other than disorderly conduct;	162 163
(2) With purpose to intimidate a public official or employee into taking or refraining from official action, or with purpose to hinder, impede, or obstruct a function of government;	164 165 166
(3) With purpose to hinder, impede, or obstruct the orderly process of administration or instruction at an educational institution, or to interfere with or disrupt lawful activities carried on at such institution.	167 168 169 170
(B) No person shall participate with four or more others with purpose to do an act with unlawful force or violence, even though such act might otherwise be lawful.	171 172 173
(C) <u>Whoever violates this section is guilty of riot. The penalty for the offense shall be determined as follows:</u>	174 175
<u>(1) Except as provided in division (C) (2) of this section, riot is a misdemeanor of the first degree.</u>	176 177
<u>(2) If the offender, in committing a violation of this section, causes damage to property or injury to another person, riot is a felony of the fourth degree.</u>	178 179 180
Sec. 2917.06. (A) <u>As used in this section, "place of public accommodation" has the same meaning as in section 4112.01 of the Revised Code.</u>	181 182 183

(B) No person shall recklessly harass or intimidate 184
another person in a place of public accommodation while the 185
person is engaging in aggravated riot or riot in violation of 186
section 2917.02 or 2917.03 of the Revised Code. 187

(C) A person who violates division (B) of this section is 188
guilty of harassment in a place of public accommodation, a 189
misdemeanor of the first degree. 190

Sec. 2917.11. (A) No person shall recklessly cause 191
inconvenience, annoyance, or alarm to another by doing any of 192
the following: 193

(1) Engaging in fighting, in threatening harm to persons 194
or property, or in violent or turbulent behavior; 195

(2) Making unreasonable noise or an offensively coarse 196
utterance, gesture, or display or communicating unwarranted and 197
grossly abusive language to any person; 198

(3) Insulting, taunting, or challenging another, under 199
circumstances in which that conduct is likely to provoke a 200
violent response; 201

(4) Hindering or preventing the movement of persons on a 202
public street, road, highway, or right-of-way, or to, from, 203
within, or upon public or private property, so as to interfere 204
with the rights of others, and by any act that serves no lawful 205
and reasonable purpose of the offender; 206

(5) Creating a condition that is physically offensive to 207
persons or that presents a risk of physical harm to persons or 208
property, by any act that serves no lawful and reasonable 209
purpose of the offender. 210

(B) No person, while voluntarily intoxicated, shall do 211

either of the following:	212
(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;	213 214 215 216 217 218
(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.	219 220 221
(C) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft, or other vehicle while under the influence of alcohol or any drug of abuse, is not a violation of division (B) of this section.	222 223 224 225 226
(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.	227 228 229 230
(E) (1) Whoever violates this section is guilty of disorderly conduct.	231 232
(2) Except as otherwise provided in divisions (E) (3) and (4) of this section, disorderly conduct is a minor misdemeanor.	233 234
(3) Disorderly conduct is a misdemeanor of the fourth <u>first</u> degree if any of the following applies:	235 236
(a) The offender persists in disorderly conduct after reasonable warning or request to desist.	237 238
(b) The offense is committed in the vicinity of a school	239

or in a school safety zone.	240
(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.	241 242 243 244 245
(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.	246 247 248
<u>(e) The offense occurs during one of the following:</u>	249
<u>(i) An aggravated riot or riot in violation of section 2917.02 or 2917.03 of the Revised Code;</u>	250 251
<u>(ii) A protest, demonstration, or other assembly that involves the blockage of any public street, road, highway, or right-of-way to interfere with the rights of others, and for which no permit was issued or during which the scope of any issued permit was exceeded.</u>	252 253 254 255 256
(4) If an offender previously has been convicted of or pleaded guilty to three or more violations of division (B) of this section, a violation of division (B) of this section is a misdemeanor of the fourth degree.	257 258 259 260
(F) As used in this section:	261
(1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in section 2133.21 of the Revised Code.	262 263 264
(2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in section 2909.04 of the Revised Code.	265 266 267

(3) "Emergency facility" has the same meaning as in section 2909.04 of the Revised Code.	268 269
(4) "Committed in the vicinity of a school" has the same meaning as in section 2925.01 of the Revised Code.	270 271
Sec. 2923.31. As used in sections 2923.31 to 2923.36 of the Revised Code:	272 273
(A) "Beneficial interest" means any of the following:	274
(1) The interest of a person as a beneficiary under a trust in which the trustee holds title to personal or real property;	275 276 277
(2) The interest of a person as a beneficiary under any other trust arrangement under which any other person holds title to personal or real property for the benefit of such person;	278 279 280
(3) The interest of a person under any other form of express fiduciary arrangement under which any other person holds title to personal or real property for the benefit of such person.	281 282 283 284
"Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in either a general or limited partnership.	285 286 287
(B) "Costs of investigation and prosecution" and "costs of investigation and litigation" mean all of the costs incurred by the state or a county or municipal corporation under sections 2923.31 to 2923.36 of the Revised Code in the prosecution and investigation of any criminal action or in the litigation and investigation of any civil action, and includes, but is not limited to, the costs of resources and personnel.	288 289 290 291 292 293 294
(C) "Enterprise" includes any individual, sole	295

proprietorship, partnership, limited partnership, corporation, 296
trust, union, government agency, or other legal entity, or any 297
organization, association, or group of persons associated in 298
fact although not a legal entity. "Enterprise" includes illicit 299
as well as licit enterprises. 300

(D) "Innocent person" includes any bona fide purchaser of 301
property that is allegedly involved in a violation of section 302
2923.32 of the Revised Code, including any person who 303
establishes a valid claim to or interest in the property in 304
accordance with division (E) of section 2981.04 of the Revised 305
Code, and any victim of an alleged violation of that section or 306
of any underlying offense involved in an alleged violation of 307
that section. 308

(E) "Pattern of corrupt activity" means two or more 309
incidents of corrupt activity, whether or not there has been a 310
prior conviction, that are related to the affairs of the same 311
enterprise, are not isolated, and are not so closely related to 312
each other and connected in time and place that they constitute 313
a single event. 314

At least one of the incidents forming the pattern shall 315
occur on or after January 1, 1986. Unless any incident was an 316
aggravated murder or murder, the last of the incidents forming 317
the pattern shall occur within six years after the commission of 318
any prior incident forming the pattern, excluding any period of 319
imprisonment served by any person engaging in the corrupt 320
activity. 321

For the purposes of the criminal penalties that may be 322
imposed pursuant to section 2923.32 of the Revised Code, at 323
least one of the incidents forming the pattern shall constitute 324
a felony under the laws of this state in existence at the time 325

it was committed or, if committed in violation of the laws of 326
the United States or of any other state, shall constitute a 327
felony under the law of the United States or the other state and 328
would be a criminal offense under the law of this state if 329
committed in this state. 330

(F) "Pecuniary value" means money, a negotiable 331
instrument, a commercial interest, or anything of value, as 332
defined in section 1.03 of the Revised Code, or any other 333
property or service that has a value in excess of one hundred 334
dollars. 335

(G) "Person" means any person, as defined in section 1.59 336
of the Revised Code, and any governmental officer, employee, or 337
entity. 338

(H) "Personal property" means any personal property, any 339
interest in personal property, or any right, including, but not 340
limited to, bank accounts, debts, corporate stocks, patents, or 341
copyrights. Personal property and any beneficial interest in 342
personal property are deemed to be located where the trustee of 343
the property, the personal property, or the instrument 344
evidencing the right is located. 345

(I) "Corrupt activity" means engaging in, attempting to 346
engage in, conspiring to engage in, or soliciting, coercing, or 347
intimidating another person to engage in any of the following: 348

(1) Conduct defined as "racketeering activity" under the 349
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 350
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 351

(2) Conduct constituting any of the following: 352

(a) A violation of section 1315.55, 1322.07, 2903.01, 353
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 354

2905.11, 2905.22, 2905.32 as specified in division (I) (2) (g) of 355
this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 356
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 357
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 358
2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 359
2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; 360
division (F) (1) (a), (b), or (c) of section 1315.53; division (A) 361
(1) or (2) of section 1707.042; division (B), (C) (4), (D), (E), 362
or (F) of section 1707.44; division (A) (1) or (2) of section 363
2923.20; division (E) or (G) of section 3772.99; division (J) (1) 364
of section 4712.02; section 4719.02, 4719.05, or 4719.06; 365
division (C), (D), or (E) of section 4719.07; section 4719.08; 366
or division (A) of section 4719.09 of the Revised Code. 367

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 368
3769.19 of the Revised Code as it existed prior to July 1, 1996, 369
any violation of section 2915.02 of the Revised Code that occurs 370
on or after July 1, 1996, and that, had it occurred prior to 371
that date, would have been a violation of section 3769.11 of the 372
Revised Code as it existed prior to that date, or any violation 373
of section 2915.05 of the Revised Code that occurs on or after 374
July 1, 1996, and that, had it occurred prior to that date, 375
would have been a violation of section 3769.15, 3769.16, or 376
3769.19 of the Revised Code as it existed prior to that date. 377

(c) Any violation of section 2907.21, 2907.22, 2907.31, 378
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 379
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 380
of the Revised Code, any violation of section 2925.11 of the 381
Revised Code that is a felony of the first, second, third, or 382
fourth degree and that occurs on or after July 1, 1996, any 383
violation of section 2915.02 of the Revised Code that occurred 384
prior to July 1, 1996, any violation of section 2915.02 of the 385

Revised Code that occurs on or after July 1, 1996, and that, had 386
it occurred prior to that date, would not have been a violation 387
of section 3769.11 of the Revised Code as it existed prior to 388
that date, any violation of section 2915.06 of the Revised Code 389
as it existed prior to July 1, 1996, or any violation of 390
division (B) of section 2915.05 of the Revised Code as it exists 391
on and after July 1, 1996, when the proceeds of the violation, 392
the payments made in the violation, the amount of a claim for 393
payment or for any other benefit that is false or deceptive and 394
that is involved in the violation, or the value of the 395
contraband or other property illegally possessed, sold, or 396
purchased in the violation exceeds one thousand dollars, or any 397
combination of violations described in division (I) (2) (c) of 398
this section when the total proceeds of the combination of 399
violations, payments made in the combination of violations, 400
amount of the claims for payment or for other benefits that is 401
false or deceptive and that is involved in the combination of 402
violations, or value of the contraband or other property 403
illegally possessed, sold, or purchased in the combination of 404
violations exceeds one thousand dollars; 405

(d) Any violation of section 5743.112 of the Revised Code 406
when the amount of unpaid tax exceeds one hundred dollars; 407

(e) Any violation or combination of violations of section 408
2907.32 of the Revised Code involving any material or 409
performance containing a display of bestiality or of sexual 410
conduct, as defined in section 2907.01 of the Revised Code, that 411
is explicit and depicted with clearly visible penetration of the 412
genitals or clearly visible penetration by the penis of any 413
orifice when the total proceeds of the violation or combination 414
of violations, the payments made in the violation or combination 415
of violations, or the value of the contraband or other property 416

illegally possessed, sold, or purchased in the violation or 417
combination of violations exceeds one thousand dollars; 418

(f) Any combination of violations described in division 419
(I) (2) (c) of this section and violations of section 2907.32 of 420
the Revised Code involving any material or performance 421
containing a display of bestiality or of sexual conduct, as 422
defined in section 2907.01 of the Revised Code, that is explicit 423
and depicted with clearly visible penetration of the genitals or 424
clearly visible penetration by the penis of any orifice when the 425
total proceeds of the combination of violations, payments made 426
in the combination of violations, amount of the claims for 427
payment or for other benefits that is false or deceptive and 428
that is involved in the combination of violations, or value of 429
the contraband or other property illegally possessed, sold, or 430
purchased in the combination of violations exceeds one thousand 431
dollars; 432

(g) Any violation of section 2905.32 of the Revised Code 433
to the extent the violation is not based solely on the same 434
conduct that constitutes corrupt activity pursuant to division 435
(I) (2) (c) of this section due to the conduct being in violation 436
of section 2907.21 of the Revised Code. 437

(3) Conduct constituting a violation of any law of any 438
state other than this state that is substantially similar to the 439
conduct described in division (I) (2) of this section, provided 440
the defendant was convicted of the conduct in a criminal 441
proceeding in the other state; 442

(4) Animal or ecological terrorism; 443

(5) (a) Conduct constituting any of the following: 444

(i) Organized retail theft; 445

(ii) Conduct that constitutes one or more violations of 446
any law of any state other than this state, that is 447
substantially similar to organized retail theft, and that if 448
committed in this state would be organized retail theft, if the 449
defendant was convicted of or pleaded guilty to the conduct in a 450
criminal proceeding in the other state. 451

(b) By enacting division (I) (5) (a) of this section, it is 452
the intent of the general assembly to add organized retail theft 453
and the conduct described in division (I) (5) (a) (ii) of this 454
section as conduct constituting corrupt activity. The enactment 455
of division (I) (5) (a) of this section and the addition by 456
division (I) (5) (a) of this section of organized retail theft and 457
the conduct described in division (I) (5) (a) (ii) of this section 458
as conduct constituting corrupt activity does not limit or 459
preclude, and shall not be construed as limiting or precluding, 460
any prosecution for a violation of section 2923.32 of the 461
Revised Code that is based on one or more violations of section 462
2913.02 or 2913.51 of the Revised Code, one or more similar 463
offenses under the laws of this state or any other state, or any 464
combination of any of those violations or similar offenses, even 465
though the conduct constituting the basis for those violations 466
or offenses could be construed as also constituting organized 467
retail theft or conduct of the type described in division (I) (5) 468
(a) (ii) of this section. 469

(6) Knowingly providing material support or resources with 470
purpose that the material support or resources will be used in 471
whole or in part to plan, prepare, carry out, or aid in conduct 472
that constitutes a violation of section 2917.02 or 2917.03 of 473
the Revised Code; 474

(7) Organizing persons or calling persons to gather for 475

the purpose of violating section 2917.02 or 2917.03 of the 476
Revised Code. 477

(J) "Real property" means any real property or any 478
interest in real property, including, but not limited to, any 479
lease of, or mortgage upon, real property. Real property and any 480
beneficial interest in it is deemed to be located where the real 481
property is located. 482

(K) "Trustee" means any of the following: 483

(1) Any person acting as trustee under a trust in which 484
the trustee holds title to personal or real property; 485

(2) Any person who holds title to personal or real 486
property for which any other person has a beneficial interest; 487

(3) Any successor trustee. 488

"Trustee" does not include an assignee or trustee for an 489
insolvent debtor or an executor, administrator, administrator 490
with the will annexed, testamentary trustee, guardian, or 491
committee, appointed by, under the control of, or accountable to 492
a court. 493

(L) "Unlawful debt" means any money or other thing of 494
value constituting principal or interest of a debt that is 495
legally unenforceable in this state in whole or in part because 496
the debt was incurred or contracted in violation of any federal 497
or state law relating to the business of gambling activity or 498
relating to the business of lending money at an usurious rate 499
unless the creditor proves, by a preponderance of the evidence, 500
that the usurious rate was not intentionally set and that it 501
resulted from a good faith error by the creditor, 502
notwithstanding the maintenance of procedures that were adopted 503
by the creditor to avoid an error of that nature. 504

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

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

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

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

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

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

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

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

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

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

(B) No person shall do any of the following maliciously and with the specific intent to intimidate, harass, or terrorize another person because of that person's actual or perceived

<u>employment as a first responder:</u>	564
<u>(1) Cause death or serious bodily harm to another person;</u>	565
<u>(2) Cause damage to or destroy any real or personal</u>	566
<u>property of a person without permission when the amount of the</u>	567
<u>damage or the value of the property destroyed exceeds five</u>	568
<u>hundred dollars.</u>	569
<u>(C) A person who violates division (B) of this section is</u>	570
<u>guilty of bias motivated intimidation, a felony of the third</u>	571
<u>degree.</u>	572
<u>(D) Each violation of this section shall constitute a</u>	573
<u>separate offense and shall not merge with any other offense</u>	574
<u>under section 2941.25 of the Revised Code.</u>	575
Sec. 2929.14. (A) Except as provided in division (B) (1),	576
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9),	577
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or	578
in division (D) (6) of section 2919.25 of the Revised Code and	579
except in relation to an offense for which a sentence of death	580
or life imprisonment is to be imposed, if the court imposing a	581
sentence upon an offender for a felony elects or is required to	582
impose a prison term on the offender pursuant to this chapter,	583
the court shall impose a prison term that shall be one of the	584
following:	585
(1) (a) For a felony of the first degree committed on or	586
after the effective date of this amendment, the prison term	587
shall be an indefinite prison term with a stated minimum term	588
selected by the court of three, four, five, six, seven, eight,	589
nine, ten, or eleven years and a maximum term that is determined	590
pursuant to section 2929.144 of the Revised Code, except that if	591
the section that criminalizes the conduct constituting the	592

felony specifies a different minimum term or penalty for the 593
offense, the specific language of that section shall control in 594
determining the minimum term or otherwise sentencing the 595
offender but the minimum term or sentence imposed under that 596
specific language shall be considered for purposes of the 597
Revised Code as if it had been imposed under this division. 598

(b) For a felony of the first degree committed prior to 599
the effective date of this amendment, the prison term shall be a 600
definite prison term of three, four, five, six, seven, eight, 601
nine, ten, or eleven years. 602

(2) (a) For a felony of the second degree committed on or 603
after the effective date of this amendment, the prison term 604
shall be an indefinite prison term with a stated minimum term 605
selected by the court of two, three, four, five, six, seven, or 606
eight years and a maximum term that is determined pursuant to 607
section 2929.144 of the Revised Code, except that if the section 608
that criminalizes the conduct constituting the felony specifies 609
a different minimum term or penalty for the offense, the 610
specific language of that section shall control in determining 611
the minimum term or otherwise sentencing the offender but the 612
minimum term or sentence imposed under that specific language 613
shall be considered for purposes of the Revised Code as if it 614
had been imposed under this division. 615

(b) For a felony of the second degree committed prior to 616
the effective date of this amendment, the prison term shall be a 617
definite term of two, three, four, five, six, seven, or eight 618
years. 619

(3) (a) For a felony of the third degree that is a 620
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 621
2907.05, 2907.321, 2907.322, 2907.323, 2927.121, or 3795.04 of 622

the Revised Code or that is a violation of section 2911.02 or 623
2911.12 of the Revised Code if the offender previously has been 624
convicted of or pleaded guilty in two or more separate 625
proceedings to two or more violations of section 2911.01, 626
2911.02, 2911.11, or 2911.12 of the Revised Code, the prison 627
term shall be a definite term of twelve, eighteen, twenty-four, 628
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 629
months. 630

(b) For a felony of the third degree that is not an 631
offense for which division (A) (3) (a) of this section applies, 632
the prison term shall be a definite term of nine, twelve, 633
eighteen, twenty-four, thirty, or thirty-six months. 634

(4) For a felony of the fourth degree, the prison term 635
shall be a definite term of six, seven, eight, nine, ten, 636
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 637
or eighteen months. 638

(5) For a felony of the fifth degree, the prison term 639
shall be a definite term of six, seven, eight, nine, ten, 640
eleven, or twelve months. 641

(B) (1) (a) Except as provided in division (B) (1) (e) of this 642
section, if an offender who is convicted of or pleads guilty to 643
a felony also is convicted of or pleads guilty to a 644
specification of the type described in section 2941.141, 645
2941.144, or 2941.145 of the Revised Code, the court shall 646
impose on the offender one of the following prison terms: 647

(i) A prison term of six years if the specification is of 648
the type described in division (A) of section 2941.144 of the 649
Revised Code that charges the offender with having a firearm 650
that is an automatic firearm or that was equipped with a firearm 651

muffler or suppressor on or about the offender's person or under 652
the offender's control while committing the offense; 653

(ii) A prison term of three years if the specification is 654
of the type described in division (A) of section 2941.145 of the 655
Revised Code that charges the offender with having a firearm on 656
or about the offender's person or under the offender's control 657
while committing the offense and displaying the firearm, 658
brandishing the firearm, indicating that the offender possessed 659
the firearm, or using it to facilitate the offense; 660

(iii) A prison term of one year if the specification is of 661
the type described in division (A) of section 2941.141 of the 662
Revised Code that charges the offender with having a firearm on 663
or about the offender's person or under the offender's control 664
while committing the offense; 665

(iv) A prison term of nine years if the specification is 666
of the type described in division (D) of section 2941.144 of the 667
Revised Code that charges the offender with having a firearm 668
that is an automatic firearm or that was equipped with a firearm 669
muffler or suppressor on or about the offender's person or under 670
the offender's control while committing the offense and 671
specifies that the offender previously has been convicted of or 672
pleaded guilty to a specification of the type described in 673
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 674
the Revised Code; 675

(v) A prison term of fifty-four months if the 676
specification is of the type described in division (D) of 677
section 2941.145 of the Revised Code that charges the offender 678
with having a firearm on or about the offender's person or under 679
the offender's control while committing the offense and 680
displaying the firearm, brandishing the firearm, indicating that 681

the offender possessed the firearm, or using the firearm to 682
facilitate the offense and that the offender previously has been 683
convicted of or pleaded guilty to a specification of the type 684
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 685
2941.1412 of the Revised Code; 686

(vi) A prison term of eighteen months if the specification 687
is of the type described in division (D) of section 2941.141 of 688
the Revised Code that charges the offender with having a firearm 689
on or about the offender's person or under the offender's 690
control while committing the offense and that the offender 691
previously has been convicted of or pleaded guilty to a 692
specification of the type described in section 2941.141, 693
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 694

(b) If a court imposes a prison term on an offender under 695
division (B) (1) (a) of this section, the prison term shall not be 696
reduced pursuant to section 2967.19, section 2929.20, section 697
2967.193, or any other provision of Chapter 2967. or Chapter 698
5120. of the Revised Code. Except as provided in division (B) (1) 699
(g) of this section, a court shall not impose more than one 700
prison term on an offender under division (B) (1) (a) of this 701
section for felonies committed as part of the same act or 702
transaction. 703

(c) (i) Except as provided in division (B) (1) (e) of this 704
section, if an offender who is convicted of or pleads guilty to 705
a violation of section 2923.161 of the Revised Code or to a 706
felony that includes, as an essential element, purposely or 707
knowingly causing or attempting to cause the death of or 708
physical harm to another, also is convicted of or pleads guilty 709
to a specification of the type described in division (A) of 710
section 2941.146 of the Revised Code that charges the offender 711

with committing the offense by discharging a firearm from a 712
motor vehicle other than a manufactured home, the court, after 713
imposing a prison term on the offender for the violation of 714
section 2923.161 of the Revised Code or for the other felony 715
offense under division (A), (B) (2), or (B) (3) of this section, 716
shall impose an additional prison term of five years upon the 717
offender that shall not be reduced pursuant to section 2929.20, 718
section 2967.19, section 2967.193, or any other provision of 719
Chapter 2967. or Chapter 5120. of the Revised Code. 720

(ii) Except as provided in division (B) (1) (e) of this 721
section, if an offender who is convicted of or pleads guilty to 722
a violation of section 2923.161 of the Revised Code or to a 723
felony that includes, as an essential element, purposely or 724
knowingly causing or attempting to cause the death of or 725
physical harm to another, also is convicted of or pleads guilty 726
to a specification of the type described in division (C) of 727
section 2941.146 of the Revised Code that charges the offender 728
with committing the offense by discharging a firearm from a 729
motor vehicle other than a manufactured home and that the 730
offender previously has been convicted of or pleaded guilty to a 731
specification of the type described in section 2941.141, 732
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 733
the court, after imposing a prison term on the offender for the 734
violation of section 2923.161 of the Revised Code or for the 735
other felony offense under division (A), (B) (2), or (3) of this 736
section, shall impose an additional prison term of ninety months 737
upon the offender that shall not be reduced pursuant to section 738
2929.20, 2967.19, 2967.193, or any other provision of Chapter 739
2967. or Chapter 5120. of the Revised Code. 740

(iii) A court shall not impose more than one additional 741
prison term on an offender under division (B) (1) (c) of this 742

section for felonies committed as part of the same act or 743
transaction. If a court imposes an additional prison term on an 744
offender under division (B)(1)(c) of this section relative to an 745
offense, the court also shall impose a prison term under 746
division (B)(1)(a) of this section relative to the same offense, 747
provided the criteria specified in that division for imposing an 748
additional prison term are satisfied relative to the offender 749
and the offense. 750

(d) If an offender who is convicted of or pleads guilty to 751
an offense of violence that is a felony also is convicted of or 752
pleads guilty to a specification of the type described in 753
section 2941.1411 of the Revised Code that charges the offender 754
with wearing or carrying body armor while committing the felony 755
offense of violence, the court shall impose on the offender an 756
additional prison term of two years. The prison term so imposed, 757
subject to divisions (C) to (I) of section 2967.19 of the 758
Revised Code, shall not be reduced pursuant to section 2929.20, 759
section 2967.19, section 2967.193, or any other provision of 760
Chapter 2967. or Chapter 5120. of the Revised Code. A court 761
shall not impose more than one prison term on an offender under 762
division (B)(1)(d) of this section for felonies committed as 763
part of the same act or transaction. If a court imposes an 764
additional prison term under division (B)(1)(a) or (c) of this 765
section, the court is not precluded from imposing an additional 766
prison term under division (B)(1)(d) of this section. 767

(e) The court shall not impose any of the prison terms 768
described in division (B)(1)(a) of this section or any of the 769
additional prison terms described in division (B)(1)(c) of this 770
section upon an offender for a violation of section 2923.12 or 771
2923.123 of the Revised Code. The court shall not impose any of 772
the prison terms described in division (B)(1)(a) or (b) of this 773

section upon an offender for a violation of section 2923.122 774
that involves a deadly weapon that is a firearm other than a 775
dangerous ordnance, section 2923.16, or section 2923.121 of the 776
Revised Code. The court shall not impose any of the prison terms 777
described in division (B) (1) (a) of this section or any of the 778
additional prison terms described in division (B) (1) (c) of this 779
section upon an offender for a violation of section 2923.13 of 780
the Revised Code unless all of the following apply: 781

(i) The offender previously has been convicted of 782
aggravated murder, murder, or any felony of the first or second 783
degree. 784

(ii) Less than five years have passed since the offender 785
was released from prison or post-release control, whichever is 786
later, for the prior offense. 787

(f) (i) If an offender is convicted of or pleads guilty to 788
a felony that includes, as an essential element, causing or 789
attempting to cause the death of or physical harm to another and 790
also is convicted of or pleads guilty to a specification of the 791
type described in division (A) of section 2941.1412 of the 792
Revised Code that charges the offender with committing the 793
offense by discharging a firearm at a peace officer as defined 794
in section 2935.01 of the Revised Code or a corrections officer, 795
as defined in section 2941.1412 of the Revised Code, the court, 796
after imposing a prison term on the offender for the felony 797
offense under division (A), (B) (2), or (B) (3) of this section, 798
shall impose an additional prison term of seven years upon the 799
offender that shall not be reduced pursuant to section 2929.20, 800
section 2967.19, section 2967.193, or any other provision of 801
Chapter 2967. or Chapter 5120. of the Revised Code. 802

(ii) If an offender is convicted of or pleads guilty to a 803

felony that includes, as an essential element, causing or 804
attempting to cause the death of or physical harm to another and 805
also is convicted of or pleads guilty to a specification of the 806
type described in division (B) of section 2941.1412 of the 807
Revised Code that charges the offender with committing the 808
offense by discharging a firearm at a peace officer, as defined 809
in section 2935.01 of the Revised Code, or a corrections 810
officer, as defined in section 2941.1412 of the Revised Code, 811
and that the offender previously has been convicted of or 812
pleaded guilty to a specification of the type described in 813
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 814
the Revised Code, the court, after imposing a prison term on the 815
offender for the felony offense under division (A), (B) (2), or 816
(3) of this section, shall impose an additional prison term of 817
one hundred twenty-six months upon the offender that shall not 818
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 819
any other provision of Chapter 2967. or 5120. of the Revised 820
Code. 821

(iii) If an offender is convicted of or pleads guilty to 822
two or more felonies that include, as an essential element, 823
causing or attempting to cause the death or physical harm to 824
another and also is convicted of or pleads guilty to a 825
specification of the type described under division (B) (1) (f) of 826
this section in connection with two or more of the felonies of 827
which the offender is convicted or to which the offender pleads 828
guilty, the sentencing court shall impose on the offender the 829
prison term specified under division (B) (1) (f) of this section 830
for each of two of the specifications of which the offender is 831
convicted or to which the offender pleads guilty and, in its 832
discretion, also may impose on the offender the prison term 833
specified under that division for any or all of the remaining 834

specifications. If a court imposes an additional prison term on 835
an offender under division (B) (1) (f) of this section relative to 836
an offense, the court shall not impose a prison term under 837
division (B) (1) (a) or (c) of this section relative to the same 838
offense. 839

(g) If an offender is convicted of or pleads guilty to two 840
or more felonies, if one or more of those felonies are 841
aggravated murder, murder, attempted aggravated murder, 842
attempted murder, aggravated robbery, felonious assault, or 843
rape, and if the offender is convicted of or pleads guilty to a 844
specification of the type described under division (B) (1) (a) of 845
this section in connection with two or more of the felonies, the 846
sentencing court shall impose on the offender the prison term 847
specified under division (B) (1) (a) of this section for each of 848
the two most serious specifications of which the offender is 849
convicted or to which the offender pleads guilty and, in its 850
discretion, also may impose on the offender the prison term 851
specified under that division for any or all of the remaining 852
specifications. 853

(2) (a) If division (B) (2) (b) of this section does not 854
apply, the court may impose on an offender, in addition to the 855
longest prison term authorized or required for the offense or, 856
for offenses for which division (A) (1) (a) or (2) (a) of this 857
section applies, in addition to the longest minimum prison term 858
authorized or required for the offense, an additional definite 859
prison term of one, two, three, four, five, six, seven, eight, 860
nine, or ten years if all of the following criteria are met: 861

(i) The offender is convicted of or pleads guilty to a 862
specification of the type described in section 2941.149 of the 863
Revised Code that the offender is a repeat violent offender. 864

(ii) The offense of which the offender currently is 865
convicted or to which the offender currently pleads guilty is 866
aggravated murder and the court does not impose a sentence of 867
death or life imprisonment without parole, murder, terrorism and 868
the court does not impose a sentence of life imprisonment 869
without parole, any felony of the first degree that is an 870
offense of violence and the court does not impose a sentence of 871
life imprisonment without parole, or any felony of the second 872
degree that is an offense of violence and the trier of fact 873
finds that the offense involved an attempt to cause or a threat 874
to cause serious physical harm to a person or resulted in 875
serious physical harm to a person. 876

(iii) The court imposes the longest prison term for the 877
offense or the longest minimum prison term for the offense, 878
whichever is applicable, that is not life imprisonment without 879
parole. 880

(iv) The court finds that the prison terms imposed 881
pursuant to division (B) (2) (a) (iii) of this section and, if 882
applicable, division (B) (1) or (3) of this section are 883
inadequate to punish the offender and protect the public from 884
future crime, because the applicable factors under section 885
2929.12 of the Revised Code indicating a greater likelihood of 886
recidivism outweigh the applicable factors under that section 887
indicating a lesser likelihood of recidivism. 888

(v) The court finds that the prison terms imposed pursuant 889
to division (B) (2) (a) (iii) of this section and, if applicable, 890
division (B) (1) or (3) of this section are demeaning to the 891
seriousness of the offense, because one or more of the factors 892
under section 2929.12 of the Revised Code indicating that the 893
offender's conduct is more serious than conduct normally 894

constituting the offense are present, and they outweigh the 895
applicable factors under that section indicating that the 896
offender's conduct is less serious than conduct normally 897
constituting the offense. 898

(b) The court shall impose on an offender the longest 899
prison term authorized or required for the offense or, for 900
offenses for which division (A) (1) (a) or (2) (a) of this section 901
applies, the longest minimum prison term authorized or required 902
for the offense, and shall impose on the offender an additional 903
definite prison term of one, two, three, four, five, six, seven, 904
eight, nine, or ten years if all of the following criteria are 905
met: 906

(i) The offender is convicted of or pleads guilty to a 907
specification of the type described in section 2941.149 of the 908
Revised Code that the offender is a repeat violent offender. 909

(ii) The offender within the preceding twenty years has 910
been convicted of or pleaded guilty to three or more offenses 911
described in division (CC) (1) of section 2929.01 of the Revised 912
Code, including all offenses described in that division of which 913
the offender is convicted or to which the offender pleads guilty 914
in the current prosecution and all offenses described in that 915
division of which the offender previously has been convicted or 916
to which the offender previously pleaded guilty, whether 917
prosecuted together or separately. 918

(iii) The offense or offenses of which the offender 919
currently is convicted or to which the offender currently pleads 920
guilty is aggravated murder and the court does not impose a 921
sentence of death or life imprisonment without parole, murder, 922
terrorism and the court does not impose a sentence of life 923
imprisonment without parole, any felony of the first degree that 924

is an offense of violence and the court does not impose a 925
sentence of life imprisonment without parole, or any felony of 926
the second degree that is an offense of violence and the trier 927
of fact finds that the offense involved an attempt to cause or a 928
threat to cause serious physical harm to a person or resulted in 929
serious physical harm to a person. 930

(c) For purposes of division (B) (2) (b) of this section, 931
two or more offenses committed at the same time or as part of 932
the same act or event shall be considered one offense, and that 933
one offense shall be the offense with the greatest penalty. 934

(d) A sentence imposed under division (B) (2) (a) or (b) of 935
this section shall not be reduced pursuant to section 2929.20, 936
section 2967.19, or section 2967.193, or any other provision of 937
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 938
shall serve an additional prison term imposed under division (B) 939
(2) (a) or (b) of this section consecutively to and prior to the 940
prison term imposed for the underlying offense. 941

(e) When imposing a sentence pursuant to division (B) (2) 942
(a) or (b) of this section, the court shall state its findings 943
explaining the imposed sentence. 944

(3) Except when an offender commits a violation of section 945
2903.01 or 2907.02 of the Revised Code and the penalty imposed 946
for the violation is life imprisonment or commits a violation of 947
section 2903.02 of the Revised Code, if the offender commits a 948
violation of section 2925.03 or 2925.11 of the Revised Code and 949
that section classifies the offender as a major drug offender, 950
if the offender commits a violation of section 2925.05 of the 951
Revised Code and division (E) (1) of that section classifies the 952
offender as a major drug offender, if the offender commits a 953
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 954

3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 955
division (C) or (D) of section 3719.172, division (E) of section 956
4729.51, or division (J) of section 4729.54 of the Revised Code 957
that includes the sale, offer to sell, or possession of a 958
schedule I or II controlled substance, with the exception of 959
marihuana, and the court imposing sentence upon the offender 960
finds that the offender is guilty of a specification of the type 961
described in division (A) of section 2941.1410 of the Revised 962
Code charging that the offender is a major drug offender, if the 963
court imposing sentence upon an offender for a felony finds that 964
the offender is guilty of corrupt activity with the most serious 965
offense in the pattern of corrupt activity being a felony of the 966
first degree, or if the offender is guilty of an attempted 967
violation of section 2907.02 of the Revised Code and, had the 968
offender completed the violation of section 2907.02 of the 969
Revised Code that was attempted, the offender would have been 970
subject to a sentence of life imprisonment or life imprisonment 971
without parole for the violation of section 2907.02 of the 972
Revised Code, the court shall impose upon the offender for the 973
felony violation a mandatory prison term determined as described 974
in this division that, subject to divisions (C) to (I) of 975
section 2967.19 of the Revised Code, cannot be reduced pursuant 976
to section 2929.20, section 2967.19, or any other provision of 977
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 978
term shall be the maximum definite prison term prescribed in 979
division (A) (1) (b) of this section for a felony of the first 980
degree, except that for offenses for which division (A) (1) (a) of 981
this section applies, the mandatory prison term shall be the 982
longest minimum prison term prescribed in that division for the 983
offense. 984

(4) If the offender is being sentenced for a third or 985

fourth degree felony OVI offense under division (G) (2) of 986
section 2929.13 of the Revised Code, the sentencing court shall 987
impose upon the offender a mandatory prison term in accordance 988
with that division. In addition to the mandatory prison term, if 989
the offender is being sentenced for a fourth degree felony OVI 990
offense, the court, notwithstanding division (A) (4) of this 991
section, may sentence the offender to a definite prison term of 992
not less than six months and not more than thirty months, and if 993
the offender is being sentenced for a third degree felony OVI 994
offense, the sentencing court may sentence the offender to an 995
additional prison term of any duration specified in division (A) 996
(3) of this section. In either case, the additional prison term 997
imposed shall be reduced by the sixty or one hundred twenty days 998
imposed upon the offender as the mandatory prison term. The 999
total of the additional prison term imposed under division (B) 1000
(4) of this section plus the sixty or one hundred twenty days 1001
imposed as the mandatory prison term shall equal a definite term 1002
in the range of six months to thirty months for a fourth degree 1003
felony OVI offense and shall equal one of the authorized prison 1004
terms specified in division (A) (3) of this section for a third 1005
degree felony OVI offense. If the court imposes an additional 1006
prison term under division (B) (4) of this section, the offender 1007
shall serve the additional prison term after the offender has 1008
served the mandatory prison term required for the offense. In 1009
addition to the mandatory prison term or mandatory and 1010
additional prison term imposed as described in division (B) (4) 1011
of this section, the court also may sentence the offender to a 1012
community control sanction under section 2929.16 or 2929.17 of 1013
the Revised Code, but the offender shall serve all of the prison 1014
terms so imposed prior to serving the community control 1015
sanction. 1016

If the offender is being sentenced for a fourth degree 1017
felony OVI offense under division (G) (1) of section 2929.13 of 1018
the Revised Code and the court imposes a mandatory term of local 1019
incarceration, the court may impose a prison term as described 1020
in division (A) (1) of that section. 1021

(5) If an offender is convicted of or pleads guilty to a 1022
violation of division (A) (1) or (2) of section 2903.06 of the 1023
Revised Code and also is convicted of or pleads guilty to a 1024
specification of the type described in section 2941.1414 of the 1025
Revised Code that charges that the victim of the offense is a 1026
peace officer, as defined in section 2935.01 of the Revised 1027
Code, or an investigator of the bureau of criminal 1028
identification and investigation, as defined in section 2903.11 1029
of the Revised Code, the court shall impose on the offender a 1030
prison term of five years. If a court imposes a prison term on 1031
an offender under division (B) (5) of this section, the prison 1032
term, subject to divisions (C) to (I) of section 2967.19 of the 1033
Revised Code, shall not be reduced pursuant to section 2929.20, 1034
section 2967.19, section 2967.193, or any other provision of 1035
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1036
shall not impose more than one prison term on an offender under 1037
division (B) (5) of this section for felonies committed as part 1038
of the same act. 1039

(6) If an offender is convicted of or pleads guilty to a 1040
violation of division (A) (1) or (2) of section 2903.06 of the 1041
Revised Code and also is convicted of or pleads guilty to a 1042
specification of the type described in section 2941.1415 of the 1043
Revised Code that charges that the offender previously has been 1044
convicted of or pleaded guilty to three or more violations of 1045
division (A) or (B) of section 4511.19 of the Revised Code or an 1046
equivalent offense, as defined in section 2941.1415 of the 1047

Revised Code, or three or more violations of any combination of 1048
those divisions and offenses, the court shall impose on the 1049
offender a prison term of three years. If a court imposes a 1050
prison term on an offender under division (B) (6) of this 1051
section, the prison term, subject to divisions (C) to (I) of 1052
section 2967.19 of the Revised Code, shall not be reduced 1053
pursuant to section 2929.20, section 2967.19, section 2967.193, 1054
or any other provision of Chapter 2967. or Chapter 5120. of the 1055
Revised Code. A court shall not impose more than one prison term 1056
on an offender under division (B) (6) of this section for 1057
felonies committed as part of the same act. 1058

(7) (a) If an offender is convicted of or pleads guilty to 1059
a felony violation of section 2905.01, 2905.02, 2907.21, 1060
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1061
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1062
section 2919.22 of the Revised Code and also is convicted of or 1063
pleads guilty to a specification of the type described in 1064
section 2941.1422 of the Revised Code that charges that the 1065
offender knowingly committed the offense in furtherance of human 1066
trafficking, the court shall impose on the offender a mandatory 1067
prison term that is one of the following: 1068

(i) If the offense is a felony of the first degree, a 1069
definite prison term of not less than five years and not greater 1070
than eleven years, except that if the offense is a felony of the 1071
first degree committed on or after the effective date of this 1072
amendment, the court shall impose as the minimum prison term a 1073
mandatory term of not less than five years and not greater than 1074
eleven years; 1075

(ii) If the offense is a felony of the second or third 1076
degree, a definite prison term of not less than three years and 1077

not greater than the maximum prison term allowed for the offense 1078
by division (A) (2) (b) or (3) of this section, except that if the 1079
offense is a felony of the second degree committed on or after 1080
the effective date of this amendment, the court shall impose as 1081
the minimum prison term a mandatory term of not less than three 1082
years and not greater than eight years; 1083

(iii) If the offense is a felony of the fourth or fifth 1084
degree, a definite prison term that is the maximum prison term 1085
allowed for the offense by division (A) of section 2929.14 of 1086
the Revised Code. 1087

(b) Subject to divisions (C) to (I) of section 2967.19 of 1088
the Revised Code, the prison term imposed under division (B) (7) 1089
(a) of this section shall not be reduced pursuant to section 1090
2929.20, section 2967.19, section 2967.193, or any other 1091
provision of Chapter 2967. of the Revised Code. A court shall 1092
not impose more than one prison term on an offender under 1093
division (B) (7) (a) of this section for felonies committed as 1094
part of the same act, scheme, or plan. 1095

(8) If an offender is convicted of or pleads guilty to a 1096
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1097
Revised Code and also is convicted of or pleads guilty to a 1098
specification of the type described in section 2941.1423 of the 1099
Revised Code that charges that the victim of the violation was a 1100
woman whom the offender knew was pregnant at the time of the 1101
violation, notwithstanding the range prescribed in division (A) 1102
of this section as the definite prison term or minimum prison 1103
term for felonies of the same degree as the violation, the court 1104
shall impose on the offender a mandatory prison term that is 1105
either a definite prison term of six months or one of the prison 1106
terms prescribed in division (A) of this section for felonies of 1107

the same degree as the violation, except that if the violation 1108
is a felony of the first or second degree committed on or after 1109
the effective date of this amendment, the court shall impose as 1110
the minimum prison term under division (A) (1) (a) or (2) (a) of 1111
this section a mandatory term that is one of the terms 1112
prescribed in that division, whichever is applicable, for the 1113
offense. 1114

(9) (a) If an offender is convicted of or pleads guilty to 1115
a violation of division (A) (1) or (2) of section 2903.11 of the 1116
Revised Code and also is convicted of or pleads guilty to a 1117
specification of the type described in section 2941.1425 of the 1118
Revised Code, the court shall impose on the offender a mandatory 1119
prison term of six years if either of the following applies: 1120

(i) The violation is a violation of division (A) (1) of 1121
section 2903.11 of the Revised Code and the specification 1122
charges that the offender used an accelerant in committing the 1123
violation and the serious physical harm to another or to 1124
another's unborn caused by the violation resulted in a 1125
permanent, serious disfigurement or permanent, substantial 1126
incapacity; 1127

(ii) The violation is a violation of division (A) (2) of 1128
section 2903.11 of the Revised Code and the specification 1129
charges that the offender used an accelerant in committing the 1130
violation, that the violation caused physical harm to another or 1131
to another's unborn, and that the physical harm resulted in a 1132
permanent, serious disfigurement or permanent, substantial 1133
incapacity. 1134

(b) If a court imposes a prison term on an offender under 1135
division (B) (9) (a) of this section, the prison term shall not be 1136
reduced pursuant to section 2929.20, section 2967.19, section 1137

2967.193, or any other provision of Chapter 2967. or Chapter 1138
5120. of the Revised Code. A court shall not impose more than 1139
one prison term on an offender under division (B) (9) of this 1140
section for felonies committed as part of the same act. 1141

(c) The provisions of divisions (B) (9) and (C) (6) of this 1142
section and of division (D) (2) of section 2903.11, division (F) 1143
(20) of section 2929.13, and section 2941.1425 of the Revised 1144
Code shall be known as "Judy's Law." 1145

(10) If an offender is convicted of or pleads guilty to a 1146
violation of division (A) of section 2903.11 of the Revised Code 1147
and also is convicted of or pleads guilty to a specification of 1148
the type described in section 2941.1426 of the Revised Code that 1149
charges that the victim of the offense suffered permanent 1150
disabling harm as a result of the offense and that the victim 1151
was under ten years of age at the time of the offense, 1152
regardless of whether the offender knew the age of the victim, 1153
the court shall impose upon the offender an additional definite 1154
prison term of six years. A prison term imposed on an offender 1155
under division (B) (10) of this section shall not be reduced 1156
pursuant to section 2929.20, section 2967.193, or any other 1157
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1158
If a court imposes an additional prison term on an offender 1159
under this division relative to a violation of division (A) of 1160
section 2903.11 of the Revised Code, the court shall not impose 1161
any other additional prison term on the offender relative to the 1162
same offense. 1163

(11) If an offender is convicted of or pleads guilty to a 1164
felony violation of section 2925.03 or 2925.05 of the Revised 1165
Code or a felony violation of section 2925.11 of the Revised 1166
Code for which division (C) (11) of that section applies in 1167

determining the sentence for the violation, if the drug involved 1168
in the violation is a fentanyl-related compound or a compound, 1169
mixture, preparation, or substance containing a fentanyl-related 1170
compound, and if the offender also is convicted of or pleads 1171
guilty to a specification of the type described in division (B) 1172
of section 2941.1410 of the Revised Code that charges that the 1173
offender is a major drug offender, in addition to any other 1174
penalty imposed for the violation, the court shall impose on the 1175
offender a mandatory prison term of three, four, five, six, 1176
seven, or eight years. If a court imposes a prison term on an 1177
offender under division (B) (11) of this section, the prison 1178
term, subject to divisions (C) to (I) of section 2967.19 of the 1179
Revised Code, shall not be reduced pursuant to section 2929.20, 1180
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1181
5120. of the Revised Code. A court shall not impose more than 1182
one prison term on an offender under division (B) (11) of this 1183
section for felonies committed as part of the same act. 1184

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1185
if a mandatory prison term is imposed upon an offender pursuant 1186
to division (B) (1) (a) of this section for having a firearm on or 1187
about the offender's person or under the offender's control 1188
while committing a felony, if a mandatory prison term is imposed 1189
upon an offender pursuant to division (B) (1) (c) of this section 1190
for committing a felony specified in that division by 1191
discharging a firearm from a motor vehicle, or if both types of 1192
mandatory prison terms are imposed, the offender shall serve any 1193
mandatory prison term imposed under either division 1194
consecutively to any other mandatory prison term imposed under 1195
either division or under division (B) (1) (d) of this section, 1196
consecutively to and prior to any prison term imposed for the 1197
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1198

this section or any other section of the Revised Code, and 1199
consecutively to any other prison term or mandatory prison term 1200
previously or subsequently imposed upon the offender. 1201

(b) If a mandatory prison term is imposed upon an offender 1202
pursuant to division (B)(1)(d) of this section for wearing or 1203
carrying body armor while committing an offense of violence that 1204
is a felony, the offender shall serve the mandatory term so 1205
imposed consecutively to any other mandatory prison term imposed 1206
under that division or under division (B)(1)(a) or (c) of this 1207
section, consecutively to and prior to any prison term imposed 1208
for the underlying felony under division (A), (B)(2), or (B)(3) 1209
of this section or any other section of the Revised Code, and 1210
consecutively to any other prison term or mandatory prison term 1211
previously or subsequently imposed upon the offender. 1212

(c) If a mandatory prison term is imposed upon an offender 1213
pursuant to division (B)(1)(f) of this section, the offender 1214
shall serve the mandatory prison term so imposed consecutively 1215
to and prior to any prison term imposed for the underlying 1216
felony under division (A), (B)(2), or (B)(3) of this section or 1217
any other section of the Revised Code, and consecutively to any 1218
other prison term or mandatory prison term previously or 1219
subsequently imposed upon the offender. 1220

(d) If a mandatory prison term is imposed upon an offender 1221
pursuant to division (B)(7) or (8) of this section, the offender 1222
shall serve the mandatory prison term so imposed consecutively 1223
to any other mandatory prison term imposed under that division 1224
or under any other provision of law and consecutively to any 1225
other prison term or mandatory prison term previously or 1226
subsequently imposed upon the offender. 1227

(e) If a mandatory prison term is imposed upon an offender 1228

pursuant to division (B)(11) of this section, the offender shall 1229
serve the mandatory prison term consecutively to any other 1230
mandatory prison term imposed under that division, consecutively 1231
to and prior to any prison term imposed for the underlying 1232
felony, and consecutively to any other prison term or mandatory 1233
prison term previously or subsequently imposed upon the 1234
offender. 1235

(2) If an offender who is an inmate in a jail, prison, or 1236
other residential detention facility violates section 2917.02, 1237
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 1238
(2) of section 2921.34 of the Revised Code, if an offender who 1239
is under detention at a detention facility commits a felony 1240
violation of section 2923.131 of the Revised Code, or if an 1241
offender who is an inmate in a jail, prison, or other 1242
residential detention facility or is under detention at a 1243
detention facility commits another felony while the offender is 1244
an escapee in violation of division (A)(1) or (2) of section 1245
2921.34 of the Revised Code, any prison term imposed upon the 1246
offender for one of those violations shall be served by the 1247
offender consecutively to the prison term or term of 1248
imprisonment the offender was serving when the offender 1249
committed that offense and to any other prison term previously 1250
or subsequently imposed upon the offender. 1251

(3) If a prison term is imposed for a violation of 1252
division (B) of section 2911.01 of the Revised Code, a violation 1253
of division (A) of section 2913.02 of the Revised Code in which 1254
the stolen property is a firearm or dangerous ordnance, or a 1255
felony violation of division (B) of section 2921.331 of the 1256
Revised Code, the offender shall serve that prison term 1257
consecutively to any other prison term or mandatory prison term 1258
previously or subsequently imposed upon the offender. 1259

(4) If multiple prison terms are imposed on an offender 1260
for convictions of multiple offenses, the court may require the 1261
offender to serve the prison terms consecutively if the court 1262
finds that the consecutive service is necessary to protect the 1263
public from future crime or to punish the offender and that 1264
consecutive sentences are not disproportionate to the 1265
seriousness of the offender's conduct and to the danger the 1266
offender poses to the public, and if the court also finds any of 1267
the following: 1268

(a) The offender committed one or more of the multiple 1269
offenses while the offender was awaiting trial or sentencing, 1270
was under a sanction imposed pursuant to section 2929.16, 1271
2929.17, or 2929.18 of the Revised Code, or was under post- 1272
release control for a prior offense. 1273

(b) At least two of the multiple offenses were committed 1274
as part of one or more courses of conduct, and the harm caused 1275
by two or more of the multiple offenses so committed was so 1276
great or unusual that no single prison term for any of the 1277
offenses committed as part of any of the courses of conduct 1278
adequately reflects the seriousness of the offender's conduct. 1279

(c) The offender's history of criminal conduct 1280
demonstrates that consecutive sentences are necessary to protect 1281
the public from future crime by the offender. 1282

(5) If a mandatory prison term is imposed upon an offender 1283
pursuant to division (B) (5) or (6) of this section, the offender 1284
shall serve the mandatory prison term consecutively to and prior 1285
to any prison term imposed for the underlying violation of 1286
division (A) (1) or (2) of section 2903.06 of the Revised Code 1287
pursuant to division (A) of this section or section 2929.142 of 1288
the Revised Code. If a mandatory prison term is imposed upon an 1289

offender pursuant to division (B) (5) of this section, and if a
mandatory prison term also is imposed upon the offender pursuant
to division (B) (6) of this section in relation to the same
violation, the offender shall serve the mandatory prison term
imposed pursuant to division (B) (5) of this section
consecutively to and prior to the mandatory prison term imposed
pursuant to division (B) (6) of this section and consecutively to
and prior to any prison term imposed for the underlying
violation of division (A) (1) or (2) of section 2903.06 of the
Revised Code pursuant to division (A) of this section or section
2929.142 of the Revised Code.

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

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

(8) Any prison term imposed for a violation of section
2903.04 of the Revised Code that is based on a violation of
section 2925.03 or 2925.11 of the Revised Code or on a violation

of section 2925.05 of the Revised Code that is not funding of 1320
marihuana trafficking shall run consecutively to any prison term 1321
imposed for the violation of section 2925.03 or 2925.11 of the 1322
Revised Code or for the violation of section 2925.05 of the 1323
Revised Code that is not funding of marihuana trafficking. 1324

(9) When consecutive prison terms are imposed pursuant to 1325
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 1326
division (H) (1) or (2) of this section, subject to division (C) 1327
(10) of this section, the term to be served is the aggregate of 1328
all of the terms so imposed. 1329

(10) When a court sentences an offender to a non-life 1330
felony indefinite prison term, any definite prison term or 1331
mandatory definite prison term previously or subsequently 1332
imposed on the offender in addition to that indefinite sentence 1333
that is required to be served consecutively to that indefinite 1334
sentence shall be served prior to the indefinite sentence. 1335

(11) If a court is sentencing an offender for a felony of 1336
the first or second degree, if division (A) (1) (a) or (2) (a) of 1337
this section applies with respect to the sentencing for the 1338
offense, and if the court is required under the Revised Code 1339
section that sets forth the offense or any other Revised Code 1340
provision to impose a mandatory prison term for the offense, the 1341
court shall impose the required mandatory prison term as the 1342
minimum term imposed under division (A) (1) (a) or (2) (a) of this 1343
section, whichever is applicable. 1344

(D) (1) If a court imposes a prison term, other than a term 1345
of life imprisonment, for a felony of the first degree, for a 1346
felony of the second degree, for a felony sex offense, or for a 1347
felony of the third degree that is an offense of violence and 1348
that is not a felony sex offense, it shall include in the 1349

sentence a requirement that the offender be subject to a period 1350
of post-release control after the offender's release from 1351
imprisonment, in accordance with section 2967.28 of the Revised 1352
Code. If a court imposes a sentence including a prison term of a 1353
type described in this division on or after July 11, 2006, the 1354
failure of a court to include a post-release control requirement 1355
in the sentence pursuant to this division does not negate, 1356
limit, or otherwise affect the mandatory period of post-release 1357
control that is required for the offender under division (B) of 1358
section 2967.28 of the Revised Code. Section 2929.191 of the 1359
Revised Code applies if, prior to July 11, 2006, a court imposed 1360
a sentence including a prison term of a type described in this 1361
division and failed to include in the sentence pursuant to this 1362
division a statement regarding post-release control. 1363

(2) If a court imposes a prison term for a felony of the 1364
third, fourth, or fifth degree that is not subject to division 1365
(D) (1) of this section, it shall include in the sentence a 1366
requirement that the offender be subject to a period of post- 1367
release control after the offender's release from imprisonment, 1368
in accordance with that division, if the parole board determines 1369
that a period of post-release control is necessary. Section 1370
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1371
a court imposed a sentence including a prison term of a type 1372
described in this division and failed to include in the sentence 1373
pursuant to this division a statement regarding post-release 1374
control. 1375

(E) The court shall impose sentence upon the offender in 1376
accordance with section 2971.03 of the Revised Code, and Chapter 1377
2971. of the Revised Code applies regarding the prison term or 1378
term of life imprisonment without parole imposed upon the 1379
offender and the service of that term of imprisonment if any of 1380

the following apply: 1381

(1) A person is convicted of or pleads guilty to a violent 1382
sex offense or a designated homicide, assault, or kidnapping 1383
offense, and, in relation to that offense, the offender is 1384
adjudicated a sexually violent predator. 1385

(2) A person is convicted of or pleads guilty to a 1386
violation of division (A) (1) (b) of section 2907.02 of the 1387
Revised Code committed on or after January 2, 2007, and either 1388
the court does not impose a sentence of life without parole when 1389
authorized pursuant to division (B) of section 2907.02 of the 1390
Revised Code, or division (B) of section 2907.02 of the Revised 1391
Code provides that the court shall not sentence the offender 1392
pursuant to section 2971.03 of the Revised Code. 1393

(3) A person is convicted of or pleads guilty to attempted 1394
rape committed on or after January 2, 2007, and a specification 1395
of the type described in section 2941.1418, 2941.1419, or 1396
2941.1420 of the Revised Code. 1397

(4) A person is convicted of or pleads guilty to a 1398
violation of section 2905.01 of the Revised Code committed on or 1399
after January 1, 2008, and that section requires the court to 1400
sentence the offender pursuant to section 2971.03 of the Revised 1401
Code. 1402

(5) A person is convicted of or pleads guilty to 1403
aggravated murder committed on or after January 1, 2008, and 1404
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1405
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1406
(d) of section 2929.03, or division (A) or (B) of section 1407
2929.06 of the Revised Code requires the court to sentence the 1408
offender pursuant to division (B) (3) of section 2971.03 of the 1409

Revised Code. 1410

(6) A person is convicted of or pleads guilty to murder 1411
committed on or after January 1, 2008, and division (B) (2) of 1412
section 2929.02 of the Revised Code requires the court to 1413
sentence the offender pursuant to section 2971.03 of the Revised 1414
Code. 1415

(F) If a person who has been convicted of or pleaded 1416
guilty to a felony is sentenced to a prison term or term of 1417
imprisonment under this section, sections 2929.02 to 2929.06 of 1418
the Revised Code, section 2929.142 of the Revised Code, section 1419
2971.03 of the Revised Code, or any other provision of law, 1420
section 5120.163 of the Revised Code applies regarding the 1421
person while the person is confined in a state correctional 1422
institution. 1423

(G) If an offender who is convicted of or pleads guilty to 1424
a felony that is an offense of violence also is convicted of or 1425
pleads guilty to a specification of the type described in 1426
section 2941.142 of the Revised Code that charges the offender 1427
with having committed the felony while participating in a 1428
criminal gang, the court shall impose upon the offender an 1429
additional prison term of one, two, or three years. 1430

(H) (1) If an offender who is convicted of or pleads guilty 1431
to aggravated murder, murder, or a felony of the first, second, 1432
or third degree that is an offense of violence also is convicted 1433
of or pleads guilty to a specification of the type described in 1434
section 2941.143 of the Revised Code that charges the offender 1435
with having committed the offense in a school safety zone or 1436
towards a person in a school safety zone, the court shall impose 1437
upon the offender an additional prison term of two years. The 1438
offender shall serve the additional two years consecutively to 1439

and prior to the prison term imposed for the underlying offense. 1440

(2) (a) If an offender is convicted of or pleads guilty to 1441
a felony violation of section 2907.22, 2907.24, 2907.241, or 1442
2907.25 of the Revised Code and to a specification of the type 1443
described in section 2941.1421 of the Revised Code and if the 1444
court imposes a prison term on the offender for the felony 1445
violation, the court may impose upon the offender an additional 1446
prison term as follows: 1447

(i) Subject to division (H) (2) (a) (ii) of this section, an 1448
additional prison term of one, two, three, four, five, or six 1449
months; 1450

(ii) If the offender previously has been convicted of or 1451
pleaded guilty to one or more felony or misdemeanor violations 1452
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1453
the Revised Code and also was convicted of or pleaded guilty to 1454
a specification of the type described in section 2941.1421 of 1455
the Revised Code regarding one or more of those violations, an 1456
additional prison term of one, two, three, four, five, six, 1457
seven, eight, nine, ten, eleven, or twelve months. 1458

(b) In lieu of imposing an additional prison term under 1459
division (H) (2) (a) of this section, the court may directly 1460
impose on the offender a sanction that requires the offender to 1461
wear a real-time processing, continual tracking electronic 1462
monitoring device during the period of time specified by the 1463
court. The period of time specified by the court shall equal the 1464
duration of an additional prison term that the court could have 1465
imposed upon the offender under division (H) (2) (a) of this 1466
section. A sanction imposed under this division shall commence 1467
on the date specified by the court, provided that the sanction 1468
shall not commence until after the offender has served the 1469

prison term imposed for the felony violation of section 2907.22, 1470
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1471
residential sanction imposed for the violation under section 1472
2929.16 of the Revised Code. A sanction imposed under this 1473
division shall be considered to be a community control sanction 1474
for purposes of section 2929.15 of the Revised Code, and all 1475
provisions of the Revised Code that pertain to community control 1476
sanctions shall apply to a sanction imposed under this division, 1477
except to the extent that they would by their nature be clearly 1478
inapplicable. The offender shall pay all costs associated with a 1479
sanction imposed under this division, including the cost of the 1480
use of the monitoring device. 1481

(I) At the time of sentencing, the court may recommend the 1482
offender for placement in a program of shock incarceration under 1483
section 5120.031 of the Revised Code or for placement in an 1484
intensive program prison under section 5120.032 of the Revised 1485
Code, disapprove placement of the offender in a program of shock 1486
incarceration or an intensive program prison of that nature, or 1487
make no recommendation on placement of the offender. In no case 1488
shall the department of rehabilitation and correction place the 1489
offender in a program or prison of that nature unless the 1490
department determines as specified in section 5120.031 or 1491
5120.032 of the Revised Code, whichever is applicable, that the 1492
offender is eligible for the placement. 1493

If the court disapproves placement of the offender in a 1494
program or prison of that nature, the department of 1495
rehabilitation and correction shall not place the offender in 1496
any program of shock incarceration or intensive program prison. 1497

If the court recommends placement of the offender in a 1498
program of shock incarceration or in an intensive program 1499

prison, and if the offender is subsequently placed in the 1500
recommended program or prison, the department shall notify the 1501
court of the placement and shall include with the notice a brief 1502
description of the placement. 1503

If the court recommends placement of the offender in a 1504
program of shock incarceration or in an intensive program prison 1505
and the department does not subsequently place the offender in 1506
the recommended program or prison, the department shall send a 1507
notice to the court indicating why the offender was not placed 1508
in the recommended program or prison. 1509

If the court does not make a recommendation under this 1510
division with respect to an offender and if the department 1511
determines as specified in section 5120.031 or 5120.032 of the 1512
Revised Code, whichever is applicable, that the offender is 1513
eligible for placement in a program or prison of that nature, 1514
the department shall screen the offender and determine if there 1515
is an available program of shock incarceration or an intensive 1516
program prison for which the offender is suited. If there is an 1517
available program of shock incarceration or an intensive program 1518
prison for which the offender is suited, the department shall 1519
notify the court of the proposed placement of the offender as 1520
specified in section 5120.031 or 5120.032 of the Revised Code 1521
and shall include with the notice a brief description of the 1522
placement. The court shall have ten days from receipt of the 1523
notice to disapprove the placement. 1524

(J) If a person is convicted of or pleads guilty to 1525
aggravated vehicular homicide in violation of division (A) (1) of 1526
section 2903.06 of the Revised Code and division (B) (2) (c) of 1527
that section applies, the person shall be sentenced pursuant to 1528
section 2929.142 of the Revised Code. 1529

(K) (1) The court shall impose an additional mandatory 1530
prison term of two, three, four, five, six, seven, eight, nine, 1531
ten, or eleven years on an offender who is convicted of or 1532
pleads guilty to a violent felony offense if the offender also 1533
is convicted of or pleads guilty to a specification of the type 1534
described in section 2941.1424 of the Revised Code that charges 1535
that the offender is a violent career criminal and had a firearm 1536
on or about the offender's person or under the offender's 1537
control while committing the presently charged violent felony 1538
offense and displayed or brandished the firearm, indicated that 1539
the offender possessed a firearm, or used the firearm to 1540
facilitate the offense. The offender shall serve the prison term 1541
imposed under this division consecutively to and prior to the 1542
prison term imposed for the underlying offense. The prison term 1543
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1544
any other provision of Chapter 2967. or 5120. of the Revised 1545
Code. A court may not impose more than one sentence under 1546
division (B) (2) (a) of this section and this division for acts 1547
committed as part of the same act or transaction. 1548

(2) As used in division (K) (1) of this section, "violent 1549
career criminal" and "violent felony offense" have the same 1550
meanings as in section 2923.132 of the Revised Code. 1551

Section 2. That existing sections 2909.05, 2917.02, 1552
2917.03, 2917.11, 2923.31, and 2929.14 of the Revised Code are 1553
hereby repealed. 1554

Section 3. The General Assembly, applying the principle 1555
stated in division (B) of section 1.52 of the Revised Code that 1556
amendments are to be harmonized if reasonably capable of 1557
simultaneous operation, finds that the following sections, 1558
presented in this act as composites of the sections as amended 1559

by the acts indicated, are the resulting versions of the 1560
sections in effect prior to the effective date of the sections 1561
as presented in this act: 1562

Section 2923.31 of the Revised Code as amended by both 1563
H.B. 199 and H.B. 405 of the 132nd General Assembly. 1564

Section 2929.14 of the Revised Code as amended by H.B. 63, 1565
S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General 1566
Assembly. 1567