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Am. H. B. No. 111

Representatives LaRe, Miller, K.

Cosponsors: Representatives Troy, Creech, Carruthers, Johnson, Schmidt, Abrams, Williams, Galonski, Abdullahi, Brennan, Brown, Cross, Dell'Aquila, Dobos, Grim, Gross, Hall, Humphrey, Jarrells, John, Jones, Kick, Mathews, Merrin, Miller, J., Miranda, Mohamed, Oelslager, Patton, Pavliga, Plummer, Ray, Richardson, Rogers, Russo, Sweeney, Thomas, C., White, Willis, Young, T.

A BILL

To amend sections 2903.215, 2919.25, and 2929.14 of
the Revised Code to increase the sentencing
range for third degree felony domestic violence
and to create a presumption in favor of a prison
term for the offense.

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

Section 1. That sections 2903.215, 2919.25, and 2929.14 of
the Revised Code be amended to read as follows:

Sec. 2903.215. (A) As used in this section, "organization"
includes an entity that is a governmental employer.

(B) A corporation, association, or other organization that
employs two or more alleged victims of a violation of section
2903.21, ~~2923.211~~2903.211, or 2903.22 of the Revised Code or to
which two or more alleged victims of a violation of section
2903.21, ~~2923.211~~2903.211, or 2903.22 of the Revised Code belong
may file a motion for a temporary protection order pursuant to

section 2903.213 of the Revised Code on behalf of the 16
corporation, association, or other organization if the violation 17
is based on words or conduct of the offender that are directed 18
at or identify the corporation, association, or other 19
organization. 20

(C) A corporation, association, or other organization that 21
employs two or more alleged victims of a violation of section 22
~~2923.211~~2903.211 of the Revised Code or to which two or more 23
alleged victims of a violation of section ~~2923.211~~2903.211 of 24
the Revised Code belong may file a petition for a protection 25
order pursuant to section 2903.214 of the Revised Code on behalf 26
of the corporation, association, or other organization if the 27
violation is based on words or conduct of the offender that are 28
directed at or identify the corporation, association, or other 29
organization. 30

(D) An attorney who is licensed to practice law in this 31
state, on behalf of the corporation, association, or other 32
organization, may file an affidavit to provide sufficient 33
evidentiary support for the issuance of a temporary protection 34
order pursuant to section 2903.213 of the Revised Code or a 35
protection order pursuant to section 2903.214 of the Revised 36
Code. 37

(E) Any temporary protection order issued pursuant to 38
section 2903.213 of the Revised Code or any protection order 39
issued pursuant to section 2903.214 of the Revised Code shall 40
specify with particularity the location or persons to be 41
protected by the temporary protection order or the protection 42
order. 43

Sec. 2919.25. (A) No person shall knowingly cause or 44
attempt to cause physical harm to a family or household member. 45

(B) No person shall recklessly cause serious physical harm to a family or household member. 46
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(C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member. 48
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(D) (1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided in divisions (D) (2) to (6) of this section. 51
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(2) Except as otherwise provided in divisions (D) (3) to (5) of this section, a violation of division (C) of this section is a misdemeanor of the fourth degree, and a violation of division (A) or (B) of this section is a misdemeanor of the first degree. 54
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(3) Except as otherwise provided in division (D) (4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of division (A) or (B) of this section is a felony of the fourth degree, and, if the offender knew that the 59
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victim of the violation was pregnant at the time of the 76
violation, the court shall impose a mandatory prison term on the 77
offender pursuant to division (D)(6) of this section, and a 78
violation of division (C) of this section is a misdemeanor of 79
the second degree. 80

(4) If the offender previously has pleaded guilty to or 81
been convicted of two or more offenses of domestic violence or 82
two or more violations or offenses of the type described in 83
division (D)(3) of this section involving a person who was a 84
family or household member at the time of the violations or 85
offenses, a violation of division (A) or (B) of this section is 86
a felony of the third degree, and, if and there is a presumption 87
for a prison term for the offense, and a violation of division 88
(C) of this section is a misdemeanor of the first degree. If the 89
offender previously has pleaded guilty to or been convicted of 90
two or more offenses of domestic violence or two or more 91
violations or offenses of the type described in division (D)(3) 92
of this section involving a person who was a family or household 93
member at the time of the violations or offenses, and the 94
offender knew that the victim of the violation was pregnant at 95
the time of the violation, a violation of division (A) or (B) of 96
this section is a felony of the third degree, and the court 97
shall impose a mandatory prison term on the offender pursuant to 98
division (D)(6) of this section, ~~and a violation of division (C)~~ 99
~~of this section is a misdemeanor of the first degree.~~ 100

(5) Except as otherwise provided in division (D)(3) or (4) 101
of this section, if the offender knew that the victim of the 102
violation was pregnant at the time of the violation, a violation 103
of division (A) or (B) of this section is a felony of the fifth 104
degree, and the court shall impose a mandatory prison term on 105
the offender pursuant to division (D)(6) of this section, and a 106

violation of division (C) of this section is a misdemeanor of 107
the third degree. 108

(6) If division (D) (3), (4), or (5) of this section 109
requires the court that sentences an offender for a violation of 110
division (A) or (B) of this section to impose a mandatory prison 111
term on the offender pursuant to this division, the court shall 112
impose the mandatory prison term as follows: 113

(a) If the violation of division (A) or (B) of this 114
section is a felony of the fourth or fifth degree, except as 115
otherwise provided in division (D) (6) (b) or (c) of this section, 116
the court shall impose a mandatory prison term on the offender 117
of at least six months. 118

(b) If the violation of division (A) or (B) of this 119
section is a felony of the fifth degree and the offender, in 120
committing the violation, caused serious physical harm to the 121
pregnant woman's unborn or caused the termination of the 122
pregnant woman's pregnancy, the court shall impose a mandatory 123
prison term on the offender of twelve months. 124

(c) If the violation of division (A) or (B) of this 125
section is a felony of the fourth degree and the offender, in 126
committing the violation, caused serious physical harm to the 127
pregnant woman's unborn or caused the termination of the 128
pregnant woman's pregnancy, the court shall impose a mandatory 129
prison term on the offender of at least twelve months. 130

(d) If the violation of division (A) or (B) of this 131
section is a felony of the third degree and the offender knew 132
that the victim of the violation was pregnant at the time of the 133
violation, except as otherwise provided in division (D) (6) (e) of 134
this section and notwithstanding the range of definite prison 135

terms prescribed in division (A) (3) of section 2929.14 of the Revised Code for a felony of the third degree, the court shall impose a mandatory prison term on the offender of either a definite term of ~~six~~ twelve months or one of the prison terms prescribed in division ~~(A) (3) (b)~~ (A) (3) (a) of section 2929.14 of the Revised Code for felonies of the third degree.

(e) If the violation of division (A) or (B) of this section is a felony of the third degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, notwithstanding the range of definite prison terms prescribed in division (A) (3) of section 2929.14 of the Revised Code for a felony of the third degree, the court shall impose a mandatory prison term on the offender of either a definite term of ~~one year~~ eighteen months or one of the prison terms prescribed in division ~~(A) (3) (b)~~ (A) (3) (a) of section 2929.14 of the Revised Code for felonies of the third degree.

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

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

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

(a) Any of the following who is residing or has resided with the offender:	165 166
(i) A spouse, a person living as a spouse, or a former spouse of the offender;	167 168
(ii) A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender;	169 170 171
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.	172 173 174 175
(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.	176 177 178
(2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.	179 180 181 182 183 184
(3) "Pregnant woman's unborn" has the same meaning as "such other person's unborn," as set forth in section 2903.09 of the Revised Code, as it relates to the pregnant woman. Division (C) of that section applies regarding the use of the term in this section, except that the second and third sentences of division (C)(1) of that section shall be construed for purposes of this section as if they included a reference to this section in the listing of Revised Code sections they contain.	185 186 187 188 189 190 191 192
(4) "Termination of the pregnant woman's pregnancy" has	193

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

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

(1) (a) For a felony of the first degree committed on or after March 22, 2019, the prison term shall be an indefinite prison term with a stated minimum term selected by the court of three, four, five, six, seven, eight, nine, ten, or eleven years and a maximum term that is determined pursuant to section 2929.144 of the Revised Code, except that if the section that criminalizes the conduct constituting the felony specifies a different minimum term or penalty for the offense, the specific language of that section shall control in determining the minimum term or otherwise sentencing the offender but the minimum term or sentence imposed under that specific language shall be considered for purposes of the Revised Code as if it had been imposed under this division.

(b) For a felony of the first degree committed prior to 225
March 22, 2019, the prison term shall be a definite prison term 226
of three, four, five, six, seven, eight, nine, ten, or eleven 227
years. 228

(2) (a) For a felony of the second degree committed on or 229
after March 22, 2019, the prison term shall be an indefinite 230
prison term with a stated minimum term selected by the court of 231
two, three, four, five, six, seven, or eight years and a maximum 232
term that is determined pursuant to section 2929.144 of the 233
Revised Code, except that if the section that criminalizes the 234
conduct constituting the felony specifies a different minimum 235
term or penalty for the offense, the specific language of that 236
section shall control in determining the minimum term or 237
otherwise sentencing the offender but the minimum term or 238
sentence imposed under that specific language shall be 239
considered for purposes of the Revised Code as if it had been 240
imposed under this division. 241

(b) For a felony of the second degree committed prior to 242
March 22, 2019, the prison term shall be a definite term of two, 243
three, four, five, six, seven, or eight years. 244

(3) (a) For a felony of the third degree that is a 245
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 246
2907.05, 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of 247
the Revised Code, that is a violation of division (A) of section 248
4511.19 of the Revised Code if the offender previously has been 249
convicted of or pleaded guilty to a violation of division (A) of 250
that section that was a felony, or that is a violation of 251
section 2911.02 or 2911.12 of the Revised Code if the offender 252
previously has been convicted of or pleaded guilty in two or 253
more separate proceedings to two or more violations of section 254

2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 255
prison term shall be a definite term of twelve, eighteen, 256
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 257
four, or sixty months. 258

(b) For a felony of the third degree that is not an 259
offense for which division (A) (3) (a) of this section applies, 260
the prison term shall be a definite term of nine, twelve, 261
eighteen, twenty-four, thirty, or thirty-six months. 262

(4) For a felony of the fourth degree, the prison term 263
shall be a definite term of six, seven, eight, nine, ten, 264
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 265
or eighteen months. 266

(5) For a felony of the fifth degree, the prison term 267
shall be a definite term of six, seven, eight, nine, ten, 268
eleven, or twelve months. 269

(B) (1) (a) Except as provided in division (B) (1) (e) of this 270
section, if an offender who is convicted of or pleads guilty to 271
a felony also is convicted of or pleads guilty to a 272
specification of the type described in section 2941.141, 273
2941.144, or 2941.145 of the Revised Code, the court shall 274
impose on the offender one of the following prison terms: 275

(i) A prison term of six years if the specification is of 276
the type described in division (A) of section 2941.144 of the 277
Revised Code that charges the offender with having a firearm 278
that is an automatic firearm or that was equipped with a firearm 279
muffler or suppressor on or about the offender's person or under 280
the offender's control while committing the offense; 281

(ii) A prison term of three years if the specification is 282
of the type described in division (A) of section 2941.145 of the 283

Revised Code that charges the offender with having a firearm on 284
or about the offender's person or under the offender's control 285
while committing the offense and displaying the firearm, 286
brandishing the firearm, indicating that the offender possessed 287
the firearm, or using it to facilitate the offense; 288

(iii) A prison term of one year if the specification is of 289
the type described in division (A) of section 2941.141 of the 290
Revised Code that charges the offender with having a firearm on 291
or about the offender's person or under the offender's control 292
while committing the offense; 293

(iv) A prison term of nine years if the specification is 294
of the type described in division (D) of section 2941.144 of the 295
Revised Code that charges the offender with having a firearm 296
that is an automatic firearm or that was equipped with a firearm 297
muffler or suppressor on or about the offender's person or under 298
the offender's control while committing the offense and 299
specifies that the offender previously has been convicted of or 300
pleaded guilty to a specification of the type described in 301
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 302
the Revised Code; 303

(v) A prison term of fifty-four months if the 304
specification is of the type described in division (D) of 305
section 2941.145 of the Revised Code that charges the offender 306
with having a firearm on or about the offender's person or under 307
the offender's control while committing the offense and 308
displaying the firearm, brandishing the firearm, indicating that 309
the offender possessed the firearm, or using the firearm to 310
facilitate the offense and that the offender previously has been 311
convicted of or pleaded guilty to a specification of the type 312
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 313

2941.1412 of the Revised Code; 314

(vi) A prison term of eighteen months if the specification 315
is of the type described in division (D) of section 2941.141 of 316
the Revised Code that charges the offender with having a firearm 317
on or about the offender's person or under the offender's 318
control while committing the offense and that the offender 319
previously has been convicted of or pleaded guilty to a 320
specification of the type described in section 2941.141, 321
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 322

(b) If a court imposes a prison term on an offender under 323
division (B) (1) (a) of this section, the prison term shall not be 324
reduced pursuant to section 2929.20, division (A) (2) or (3) of 325
section 2967.193 or 2967.194, or any other provision of Chapter 326
2967. or Chapter 5120. of the Revised Code. Except as provided 327
in division (B) (1) (g) of this section, a court shall not impose 328
more than one prison term on an offender under division (B) (1) 329
(a) of this section for felonies committed as part of the same 330
act or transaction. 331

(c) (i) Except as provided in division (B) (1) (e) of this 332
section, if an offender who is convicted of or pleads guilty to 333
a violation of section 2923.161 of the Revised Code or to a 334
felony that includes, as an essential element, purposely or 335
knowingly causing or attempting to cause the death of or 336
physical harm to another, also is convicted of or pleads guilty 337
to a specification of the type described in division (A) of 338
section 2941.146 of the Revised Code that charges the offender 339
with committing the offense by discharging a firearm from a 340
motor vehicle other than a manufactured home, the court, after 341
imposing a prison term on the offender for the violation of 342
section 2923.161 of the Revised Code or for the other felony 343

offense under division (A), (B) (2), or (B) (3) of this section, 344
shall impose an additional prison term of five years upon the 345
offender that shall not be reduced pursuant to section 2929.20, 346
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 347
other provision of Chapter 2967. or Chapter 5120. of the Revised 348
Code. 349

(ii) Except as provided in division (B) (1) (e) of this 350
section, if an offender who is convicted of or pleads guilty to 351
a violation of section 2923.161 of the Revised Code or to a 352
felony that includes, as an essential element, purposely or 353
knowingly causing or attempting to cause the death of or 354
physical harm to another, also is convicted of or pleads guilty 355
to a specification of the type described in division (C) of 356
section 2941.146 of the Revised Code that charges the offender 357
with committing the offense by discharging a firearm from a 358
motor vehicle other than a manufactured home and that the 359
offender previously has been convicted of or pleaded guilty to a 360
specification of the type described in section 2941.141, 361
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 362
the court, after imposing a prison term on the offender for the 363
violation of section 2923.161 of the Revised Code or for the 364
other felony offense under division (A), (B) (2), or (3) of this 365
section, shall impose an additional prison term of ninety months 366
upon the offender that shall not be reduced pursuant to section 367
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 368
or any other provision of Chapter 2967. or Chapter 5120. of the 369
Revised Code. 370

(iii) A court shall not impose more than one additional 371
prison term on an offender under division (B) (1) (c) of this 372
section for felonies committed as part of the same act or 373
transaction. If a court imposes an additional prison term on an 374

offender under division (B) (1) (c) of this section relative to an 375
offense, the court also shall impose a prison term under 376
division (B) (1) (a) of this section relative to the same offense, 377
provided the criteria specified in that division for imposing an 378
additional prison term are satisfied relative to the offender 379
and the offense. 380

(d) If an offender who is convicted of or pleads guilty to 381
an offense of violence that is a felony also is convicted of or 382
pleads guilty to a specification of the type described in 383
section 2941.1411 of the Revised Code that charges the offender 384
with wearing or carrying body armor while committing the felony 385
offense of violence, the court shall impose on the offender an 386
additional prison term of two years. The prison term so imposed 387
shall not be reduced pursuant to section 2929.20, division (A) 388
(2) or (3) of section 2967.193 or 2967.194, or any other 389
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 390
A court shall not impose more than one prison term on an 391
offender under division (B) (1) (d) of this section for felonies 392
committed as part of the same act or transaction. If a court 393
imposes an additional prison term under division (B) (1) (a) or 394
(c) of this section, the court is not precluded from imposing an 395
additional prison term under division (B) (1) (d) of this section. 396

(e) The court shall not impose any of the prison terms 397
described in division (B) (1) (a) of this section or any of the 398
additional prison terms described in division (B) (1) (c) of this 399
section upon an offender for a violation of section 2923.12 or 400
2923.123 of the Revised Code. The court shall not impose any of 401
the prison terms described in division (B) (1) (a) or (b) of this 402
section upon an offender for a violation of section 2923.122 403
that involves a deadly weapon that is a firearm other than a 404
dangerous ordnance, section 2923.16, or section 2923.121 of the 405

Revised Code. The court shall not impose any of the prison terms 406
described in division (B) (1) (a) of this section or any of the 407
additional prison terms described in division (B) (1) (c) of this 408
section upon an offender for a violation of section 2923.13 of 409
the Revised Code unless all of the following apply: 410

(i) The offender previously has been convicted of 411
aggravated murder, murder, or any felony of the first or second 412
degree. 413

(ii) Less than five years have passed since the offender 414
was released from prison or post-release control, whichever is 415
later, for the prior offense. 416

(f) (i) If an offender is convicted of or pleads guilty to 417
a felony that includes, as an essential element, causing or 418
attempting to cause the death of or physical harm to another and 419
also is convicted of or pleads guilty to a specification of the 420
type described in division (A) of section 2941.1412 of the 421
Revised Code that charges the offender with committing the 422
offense by discharging a firearm at a peace officer as defined 423
in section 2935.01 of the Revised Code or a corrections officer, 424
as defined in section 2941.1412 of the Revised Code, the court, 425
after imposing a prison term on the offender for the felony 426
offense under division (A), (B) (2), or (B) (3) of this section, 427
shall impose an additional prison term of seven years upon the 428
offender that shall not be reduced pursuant to section 2929.20, 429
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 430
other provision of Chapter 2967. or Chapter 5120. of the Revised 431
Code. 432

(ii) If an offender is convicted of or pleads guilty to a 433
felony that includes, as an essential element, causing or 434
attempting to cause the death of or physical harm to another and 435

also is convicted of or pleads guilty to a specification of the 436
type described in division (B) of section 2941.1412 of the 437
Revised Code that charges the offender with committing the 438
offense by discharging a firearm at a peace officer, as defined 439
in section 2935.01 of the Revised Code, or a corrections 440
officer, as defined in section 2941.1412 of the Revised Code, 441
and that the offender previously has been convicted of or 442
pleaded guilty to a specification of the type described in 443
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 444
the Revised Code, the court, after imposing a prison term on the 445
offender for the felony offense under division (A), (B) (2), or 446
(3) of this section, shall impose an additional prison term of 447
one hundred twenty-six months upon the offender that shall not 448
be reduced pursuant to section 2929.20, division (A) (2) or (3) 449
of section 2967.193 or 2967.194, or any other provision of 450
Chapter 2967. or 5120. of the Revised Code. 451

(iii) If an offender is convicted of or pleads guilty to 452
two or more felonies that include, as an essential element, 453
causing or attempting to cause the death or physical harm to 454
another and also is convicted of or pleads guilty to a 455
specification of the type described under division (B) (1) (f) of 456
this section in connection with two or more of the felonies of 457
which the offender is convicted or to which the offender pleads 458
guilty, the sentencing court shall impose on the offender the 459
prison term specified under division (B) (1) (f) of this section 460
for each of two of the specifications of which the offender is 461
convicted or to which the offender pleads guilty and, in its 462
discretion, also may impose on the offender the prison term 463
specified under that division for any or all of the remaining 464
specifications. If a court imposes an additional prison term on 465
an offender under division (B) (1) (f) of this section relative to 466

an offense, the court shall not impose a prison term under 467
division (B) (1) (a) or (c) of this section relative to the same 468
offense. 469

(g) If an offender is convicted of or pleads guilty to two 470
or more felonies, if one or more of those felonies are 471
aggravated murder, murder, attempted aggravated murder, 472
attempted murder, aggravated robbery, felonious assault, or 473
rape, and if the offender is convicted of or pleads guilty to a 474
specification of the type described under division (B) (1) (a) of 475
this section in connection with two or more of the felonies, the 476
sentencing court shall impose on the offender the prison term 477
specified under division (B) (1) (a) of this section for each of 478
the two most serious specifications of which the offender is 479
convicted or to which the offender pleads guilty and, in its 480
discretion, also may impose on the offender the prison term 481
specified under that division for any or all of the remaining 482
specifications. 483

(2) (a) If division (B) (2) (b) of this section does not 484
apply, the court may impose on an offender, in addition to the 485
longest prison term authorized or required for the offense or, 486
for offenses for which division (A) (1) (a) or (2) (a) of this 487
section applies, in addition to the longest minimum prison term 488
authorized or required for the offense, an additional definite 489
prison term of one, two, three, four, five, six, seven, eight, 490
nine, or ten years if all of the following criteria are met: 491

(i) The offender is convicted of or pleads guilty to a 492
specification of the type described in section 2941.149 of the 493
Revised Code that the offender is a repeat violent offender. 494

(ii) The offense of which the offender currently is 495
convicted or to which the offender currently pleads guilty is 496

aggravated murder and the court does not impose a sentence of 497
death or life imprisonment without parole, murder, terrorism and 498
the court does not impose a sentence of life imprisonment 499
without parole, any felony of the first degree that is an 500
offense of violence and the court does not impose a sentence of 501
life imprisonment without parole, or any felony of the second 502
degree that is an offense of violence and the trier of fact 503
finds that the offense involved an attempt to cause or a threat 504
to cause serious physical harm to a person or resulted in 505
serious physical harm to a person. 506

(iii) The court imposes the longest prison term for the 507
offense or the longest minimum prison term for the offense, 508
whichever is applicable, that is not life imprisonment without 509
parole. 510

(iv) The court finds that the prison terms imposed 511
pursuant to division (B) (2) (a) (iii) of this section and, if 512
applicable, division (B) (1) or (3) of this section are 513
inadequate to punish the offender and protect the public from 514
future crime, because the applicable factors under section 515
2929.12 of the Revised Code indicating a greater likelihood of 516
recidivism outweigh the applicable factors under that section 517
indicating a lesser likelihood of recidivism. 518

(v) The court finds that the prison terms imposed pursuant 519
to division (B) (2) (a) (iii) of this section and, if applicable, 520
division (B) (1) or (3) of this section are demeaning to the 521
seriousness of the offense, because one or more of the factors 522
under section 2929.12 of the Revised Code indicating that the 523
offender's conduct is more serious than conduct normally 524
constituting the offense are present, and they outweigh the 525
applicable factors under that section indicating that the 526

offender's conduct is less serious than conduct normally 527
constituting the offense. 528

(b) The court shall impose on an offender the longest 529
prison term authorized or required for the offense or, for 530
offenses for which division (A)(1)(a) or (2)(a) of this section 531
applies, the longest minimum prison term authorized or required 532
for the offense, and shall impose on the offender an additional 533
definite prison term of one, two, three, four, five, six, seven, 534
eight, nine, or ten years if all of the following criteria are 535
met: 536

(i) The offender is convicted of or pleads guilty to a 537
specification of the type described in section 2941.149 of the 538
Revised Code that the offender is a repeat violent offender. 539

(ii) The offender within the preceding twenty years has 540
been convicted of or pleaded guilty to three or more offenses 541
described in division (CC)(1) of section 2929.01 of the Revised 542
Code, including all offenses described in that division of which 543
the offender is convicted or to which the offender pleads guilty 544
in the current prosecution and all offenses described in that 545
division of which the offender previously has been convicted or 546
to which the offender previously pleaded guilty, whether 547
prosecuted together or separately. 548

(iii) The offense or offenses of which the offender 549
currently is convicted or to which the offender currently pleads 550
guilty is aggravated murder and the court does not impose a 551
sentence of death or life imprisonment without parole, murder, 552
terrorism and the court does not impose a sentence of life 553
imprisonment without parole, any felony of the first degree that 554
is an offense of violence and the court does not impose a 555
sentence of life imprisonment without parole, or any felony of 556

the second degree that is an offense of violence and the trier 557
of fact finds that the offense involved an attempt to cause or a 558
threat to cause serious physical harm to a person or resulted in 559
serious physical harm to a person. 560

(c) For purposes of division (B)(2)(b) of this section, 561
two or more offenses committed at the same time or as part of 562
the same act or event shall be considered one offense, and that 563
one offense shall be the offense with the greatest penalty. 564

(d) A sentence imposed under division (B)(2)(a) or (b) of 565
this section shall not be reduced pursuant to section 2929.20, 566
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 567
other provision of Chapter 2967. or Chapter 5120. of the Revised 568
Code. The offender shall serve an additional prison term imposed 569
under division (B)(2)(a) or (b) of this section consecutively to 570
and prior to the prison term imposed for the underlying offense. 571

(e) When imposing a sentence pursuant to division (B)(2) 572
(a) or (b) of this section, the court shall state its findings 573
explaining the imposed sentence. 574

(3) Except when an offender commits a violation of section 575
2903.01 or 2907.02 of the Revised Code and the penalty imposed 576
for the violation is life imprisonment or commits a violation of 577
section 2903.02 of the Revised Code, if the offender commits a 578
violation of section 2925.03 or 2925.11 of the Revised Code and 579
that section classifies the offender as a major drug offender, 580
if the offender commits a violation of section 2925.05 of the 581
Revised Code and division (E)(1) of that section classifies the 582
offender as a major drug offender, if the offender commits a 583
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 584
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 585
division (C) or (D) of section 3719.172, division (E) of section 586

4729.51, or division (J) of section 4729.54 of the Revised Code 587
that includes the sale, offer to sell, or possession of a 588
schedule I or II controlled substance, with the exception of 589
marihuana, and the court imposing sentence upon the offender 590
finds that the offender is guilty of a specification of the type 591
described in division (A) of section 2941.1410 of the Revised 592
Code charging that the offender is a major drug offender, if the 593
court imposing sentence upon an offender for a felony finds that 594
the offender is guilty of corrupt activity with the most serious 595
offense in the pattern of corrupt activity being a felony of the 596
first degree, or if the offender is guilty of an attempted 597
violation of section 2907.02 of the Revised Code and, had the 598
offender completed the violation of section 2907.02 of the 599
Revised Code that was attempted, the offender would have been 600
subject to a sentence of life imprisonment or life imprisonment 601
without parole for the violation of section 2907.02 of the 602
Revised Code, the court shall impose upon the offender for the 603
felony violation a mandatory prison term determined as described 604
in this division that cannot be reduced pursuant to section 605
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 606
or any other provision of Chapter 2967. or 5120. of the Revised 607
Code. The mandatory prison term shall be the maximum definite 608
prison term prescribed in division (A) (1) (b) of this section for 609
a felony of the first degree, except that for offenses for which 610
division (A) (1) (a) of this section applies, the mandatory prison 611
term shall be the longest minimum prison term prescribed in that 612
division for the offense. 613

(4) If the offender is being sentenced for a third or 614
fourth degree felony OVI offense under division (G) (2) of 615
section 2929.13 of the Revised Code, the sentencing court shall 616
impose upon the offender a mandatory prison term in accordance 617

with that division. In addition to the mandatory prison term, if 618
the offender is being sentenced for a fourth degree felony OVI 619
offense, the court, notwithstanding division (A) (4) of this 620
section, may sentence the offender to a definite prison term of 621
not less than six months and not more than thirty months, and if 622
the offender is being sentenced for a third degree felony OVI 623
offense, the sentencing court may sentence the offender to an 624
additional prison term of any duration specified in division (A) 625
(3) of this section. In either case, the additional prison term 626
imposed shall be reduced by the sixty or one hundred twenty days 627
imposed upon the offender as the mandatory prison term. The 628
total of the additional prison term imposed under division (B) 629
(4) of this section plus the sixty or one hundred twenty days 630
imposed as the mandatory prison term shall equal a definite term 631
in the range of six months to thirty months for a fourth degree 632
felony OVI offense and shall equal one of the authorized prison 633
terms specified in division (A) (3) of this section for a third 634
degree felony OVI offense. If the court imposes an additional 635
prison term under division (B) (4) of this section, the offender 636
shall serve the additional prison term after the offender has 637
served the mandatory prison term required for the offense. In 638
addition to the mandatory prison term or mandatory and 639
additional prison term imposed as described in division (B) (4) 640
of this section, the court also may sentence the offender to a 641
community control sanction under section 2929.16 or 2929.17 of 642
the Revised Code, but the offender shall serve all of the prison 643
terms so imposed prior to serving the community control 644
sanction. 645

If the offender is being sentenced for a fourth degree 646
felony OVI offense under division (G) (1) of section 2929.13 of 647
the Revised Code and the court imposes a mandatory term of local 648

incarceration, the court may impose a prison term as described 649
in division (A) (1) of that section. 650

(5) If an offender is convicted of or pleads guilty to a 651
violation of division (A) (1) or (2) of section 2903.06 of the 652
Revised Code and also is convicted of or pleads guilty to a 653
specification of the type described in section 2941.1414 of the 654
Revised Code that charges that the victim of the offense is a 655
peace officer, as defined in section 2935.01 of the Revised 656
Code, an investigator of the bureau of criminal identification 657
and investigation, as defined in section 2903.11 of the Revised 658
Code, or a firefighter or emergency medical worker, both as 659
defined in section 4123.026 of the Revised Code, the court shall 660
impose on the offender a prison term of five years. If a court 661
imposes a prison term on an offender under division (B) (5) of 662
this section, the prison term shall not be reduced pursuant to 663
section 2929.20, division (A) (2) or (3) of section 2967.193 or 664
2967.194, or any other provision of Chapter 2967. or Chapter 665
5120. of the Revised Code. A court shall not impose more than 666
one prison term on an offender under division (B) (5) of this 667
section for felonies committed as part of the same act. 668

(6) If an offender is convicted of or pleads guilty to a 669
violation of division (A) (1) or (2) of section 2903.06 of the 670
Revised Code and also is convicted of or pleads guilty to a 671
specification of the type described in section 2941.1415 of the 672
Revised Code that charges that the offender previously has been 673
convicted of or pleaded guilty to three or more violations of 674
division (A) of section 4511.19 of the Revised Code or an 675
equivalent offense, as defined in section 2941.1415 of the 676
Revised Code, or three or more violations of any combination of 677
those offenses, the court shall impose on the offender a prison 678
term of three years. If a court imposes a prison term on an 679

offender under division (B)(6) of this section, the prison term 680
shall not be reduced pursuant to section 2929.20, division (A) 681
(2) or (3) of section 2967.193 or 2967.194, or any other 682
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 683
A court shall not impose more than one prison term on an 684
offender under division (B)(6) of this section for felonies 685
committed as part of the same act. 686

(7) (a) If an offender is convicted of or pleads guilty to 687
a felony violation of section 2905.01, 2905.02, 2907.21, 688
2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323 689
involving a minor, or division (B)(1), (2), (3), (4), or (5) of 690
section 2919.22 of the Revised Code and also is convicted of or 691
pleads guilty to a specification of the type described in 692
section 2941.1422 of the Revised Code that charges that the 693
offender knowingly committed the offense in furtherance of human 694
trafficking, the court shall impose on the offender a mandatory 695
prison term that is one of the following: 696

(i) If the offense is a felony of the first degree, a 697
definite prison term of not less than five years and not greater 698
than eleven years, except that if the offense is a felony of the 699
first degree committed on or after March 22, 2019, the court 700
shall impose as the minimum prison term a mandatory term of not 701
less than five years and not greater than eleven years; 702

(ii) If the offense is a felony of the second or third 703
degree, a definite prison term of not less than three years and 704
not greater than the maximum prison term allowed for the offense 705
by division (A)(2)(b) or (3) of this section, except that if the 706
offense is a felony of the second degree committed on or after 707
March 22, 2019, the court shall impose as the minimum prison 708
term a mandatory term of not less than three years and not 709

greater than eight years; 710

(iii) If the offense is a felony of the fourth or fifth 711
degree, a definite prison term that is the maximum prison term 712
allowed for the offense by division (A) of section 2929.14 of 713
the Revised Code. 714

(b) The prison term imposed under division (B) (7) (a) of 715
this section shall not be reduced pursuant to section 2929.20, 716
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 717
other provision of Chapter 2967. of the Revised Code. A court 718
shall not impose more than one prison term on an offender under 719
division (B) (7) (a) of this section for felonies committed as 720
part of the same act, scheme, or plan. 721

(8) If an offender is convicted of or pleads guilty to a 722
felony violation of section 2903.11, 2903.12, or 2903.13 of the 723
Revised Code and also is convicted of or pleads guilty to a 724
specification of the type described in section 2941.1423 of the 725
Revised Code that charges that the victim of the violation was a 726
woman whom the offender knew was pregnant at the time of the 727
violation, notwithstanding the range prescribed in division (A) 728
of this section as the definite prison term or minimum prison 729
term for felonies of the same degree as the violation, the court 730
shall impose on the offender a mandatory prison term that is 731
either a definite prison term of six months or one of the prison 732
terms prescribed in division (A) of this section for felonies of 733
the same degree as the violation, except that if the violation 734
is a felony of the first or second degree committed on or after 735
arch 22, 2019, the court shall impose as the minimum prison term 736
under division (A) (1) (a) or (2) (a) of this section a mandatory 737
term that is one of the terms prescribed in that division, 738
whichever is applicable, for the offense. 739

(9) (a) If an offender is convicted of or pleads guilty to 740
a violation of division (A) (1) or (2) of section 2903.11 of the 741
Revised Code and also is convicted of or pleads guilty to a 742
specification of the type described in section 2941.1425 of the 743
Revised Code, the court shall impose on the offender a mandatory 744
prison term of six years if either of the following applies: 745

(i) The violation is a violation of division (A) (1) of 746
section 2903.11 of the Revised Code and the specification 747
charges that the offender used an accelerant in committing the 748
violation and the serious physical harm to another or to 749
another's unborn caused by the violation resulted in a 750
permanent, serious disfigurement or permanent, substantial 751
incapacity; 752

(ii) The violation is a violation of division (A) (2) of 753
section 2903.11 of the Revised Code and the specification 754
charges that the offender used an accelerant in committing the 755
violation, that the violation caused physical harm to another or 756
to another's unborn, and that the physical harm resulted in a 757
permanent, serious disfigurement or permanent, substantial 758
incapacity. 759

(b) If a court imposes a prison term on an offender under 760
division (B) (9) (a) of this section, the prison term shall not be 761
reduced pursuant to section 2929.20, division (A) (2) or (3) of 762
section 2967.193 or 2967.194, or any other provision of Chapter 763
2967. or Chapter 5120. of the Revised Code. A court shall not 764
impose more than one prison term on an offender under division 765
(B) (9) of this section for felonies committed as part of the 766
same act. 767

(c) The provisions of divisions (B) (9) and (C) (6) of this 768
section and of division (D) (2) of section 2903.11, division (F) 769

(20) of section 2929.13, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

(10) If an offender is convicted of or pleads guilty to a violation of division (A) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1426 of the Revised Code that charges that the victim of the offense suffered permanent disabling harm as a result of the offense and that the victim was under ten years of age at the time of the offense, regardless of whether the offender knew the age of the victim, the court shall impose upon the offender an additional definite prison term of six years. A prison term imposed on an offender under division (B)(10) of this section shall not be reduced pursuant to section 2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If a court imposes an additional prison term on an offender under this division relative to a violation of division (A) of section 2903.11 of the Revised Code, the court shall not impose any other additional prison term on the offender relative to the same offense.

(11) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division (C)(11) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that charges that the

offender is a major drug offender, in addition to any other 801
penalty imposed for the violation, the court shall impose on the 802
offender a mandatory prison term of three, four, five, six, 803
seven, or eight years. If a court imposes a prison term on an 804
offender under division (B)(11) of this section, the prison term 805
shall not be reduced pursuant to section 2929.20, division (A) 806
(2) or (3) of section 2967.193 or 2967.194, or any other 807
provision of Chapter 2967. or 5120. of the Revised Code. A court 808
shall not impose more than one prison term on an offender under 809
division (B)(11) of this section for felonies committed as part 810
of the same act. 811

(C)(1)(a) Subject to division (C)(1)(b) of this section, 812
if a mandatory prison term is imposed upon an offender pursuant 813
to division (B)(1)(a) of this section for having a firearm on or 814
about the offender's person or under the offender's control 815
while committing a felony, if a mandatory prison term is imposed 816
upon an offender pursuant to division (B)(1)(c) of this section 817
for committing a felony specified in that division by 818
discharging a firearm from a motor vehicle, or if both types of 819
mandatory prison terms are imposed, the offender shall serve any 820
mandatory prison term imposed under either division 821
consecutively to any other mandatory prison term imposed under 822
either division or under division (B)(1)(d) of this section, 823
consecutively to and prior to any prison term imposed for the 824
underlying felony pursuant to division (A), (B)(2), or (B)(3) of 825
this section or any other section of the Revised Code, and 826
consecutively to any other prison term or mandatory prison term 827
previously or subsequently imposed upon the offender. 828

(b) If a mandatory prison term is imposed upon an offender 829
pursuant to division (B)(1)(d) of this section for wearing or 830
carrying body armor while committing an offense of violence that 831

is a felony, the offender shall serve the mandatory term so 832
imposed consecutively to any other mandatory prison term imposed 833
under that division or under division (B) (1) (a) or (c) of this 834
section, consecutively to and prior to any prison term imposed 835
for the underlying felony under division (A), (B) (2), or (B) (3) 836
of this section or any other section of the Revised Code, and 837
consecutively to any other prison term or mandatory prison term 838
previously or subsequently imposed upon the offender. 839

(c) If a mandatory prison term is imposed upon an offender 840
pursuant to division (B) (1) (f) of this section, the offender 841
shall serve the mandatory prison term so imposed consecutively 842
to and prior to any prison term imposed for the underlying 843
felony under division (A), (B) (2), or (B) (3) of this section or 844
any other section of the Revised Code, and consecutively to any 845
other prison term or mandatory prison term previously or 846
subsequently imposed upon the offender. 847

(d) If a mandatory prison term is imposed upon an offender 848
pursuant to division (B) (7) or (8) of this section, the offender 849
shall serve the mandatory prison term so imposed consecutively 850
to any other mandatory prison term imposed under that division 851
or under any other provision of law and consecutively to any 852
other prison term or mandatory prison term previously or 853
subsequently imposed upon the offender. 854

(e) If a mandatory prison term is imposed upon an offender 855
pursuant to division (B) (11) of this section, the offender shall 856
serve the mandatory prison term consecutively to any other 857
mandatory prison term imposed under that division, consecutively 858
to and prior to any prison term imposed for the underlying 859
felony, and consecutively to any other prison term or mandatory 860
prison term previously or subsequently imposed upon the 861

offender. 862

(2) If an offender who is an inmate in a jail, prison, or 863
other residential detention facility violates section 2917.02, 864
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 865
(2) of section 2921.34 of the Revised Code, if an offender who 866
is under detention at a detention facility commits a felony 867
violation of section 2923.131 of the Revised Code, or if an 868
offender who is an inmate in a jail, prison, or other 869
residential detention facility or is under detention at a 870
detention facility commits another felony while the offender is 871
an escapee in violation of division (A) (1) or (2) of section 872
2921.34 of the Revised Code, any prison term imposed upon the 873
offender for one of those violations shall be served by the 874
offender consecutively to the prison term or term of 875
imprisonment the offender was serving when the offender 876
committed that offense and to any other prison term previously 877
or subsequently imposed upon the offender. 878

(3) If a prison term is imposed for a violation of 879
division (B) of section 2911.01 of the Revised Code, a violation 880
of division (A) of section 2913.02 of the Revised Code in which 881
the stolen property is a firearm or dangerous ordnance, or a 882
felony violation of division (B) of section 2921.331 of the 883
Revised Code, the offender shall serve that prison term 884
consecutively to any other prison term or mandatory prison term 885
previously or subsequently imposed upon the offender. 886

(4) If multiple prison terms are imposed on an offender 887
for convictions of multiple offenses, the court may require the 888
offender to serve the prison terms consecutively if the court 889
finds that the consecutive service is necessary to protect the 890
public from future crime or to punish the offender and that 891

consecutive sentences are not disproportionate to the 892
seriousness of the offender's conduct and to the danger the 893
offender poses to the public, and if the court also finds any of 894
the following: 895

(a) The offender committed one or more of the multiple 896
offenses while the offender was awaiting trial or sentencing, 897
was under a sanction imposed pursuant to section 2929.16, 898
2929.17, or 2929.18 of the Revised Code, or was under post- 899
release control for a prior offense. 900

(b) At least two of the multiple offenses were committed 901
as part of one or more courses of conduct, and the harm caused 902
by two or more of the multiple offenses so committed was so 903
great or unusual that no single prison term for any of the 904
offenses committed as part of any of the courses of conduct 905
adequately reflects the seriousness of the offender's conduct. 906

(c) The offender's history of criminal conduct 907
demonstrates that consecutive sentences are necessary to protect 908
the public from future crime by the offender. 909

(5) If a mandatory prison term is imposed upon an offender 910
pursuant to division (B) (5) or (6) of this section, the offender 911
shall serve the mandatory prison term consecutively to and prior 912
to any prison term imposed for the underlying violation of 913
division (A) (1) or (2) of section 2903.06 of the Revised Code 914
pursuant to division (A) of this section or section 2929.142 of 915
the Revised Code. If a mandatory prison term is imposed upon an 916
offender pursuant to division (B) (5) of this section, and if a 917
mandatory prison term also is imposed upon the offender pursuant 918
to division (B) (6) of this section in relation to the same 919
violation, the offender shall serve the mandatory prison term 920
imposed pursuant to division (B) (5) of this section 921

consecutively to and prior to the mandatory prison term imposed 922
pursuant to division (B) (6) of this section and consecutively to 923
and prior to any prison term imposed for the underlying 924
violation of division (A) (1) or (2) of section 2903.06 of the 925
Revised Code pursuant to division (A) of this section or section 926
2929.142 of the Revised Code. 927

(6) If a mandatory prison term is imposed on an offender 928
pursuant to division (B) (9) of this section, the offender shall 929
serve the mandatory prison term consecutively to and prior to 930
any prison term imposed for the underlying violation of division 931
(A) (1) or (2) of section 2903.11 of the Revised Code and 932
consecutively to and prior to any other prison term or mandatory 933
prison term previously or subsequently imposed on the offender. 934

(7) If a mandatory prison term is imposed on an offender 935
pursuant to division (B) (10) of this section, the offender shall 936
serve that mandatory prison term consecutively to and prior to 937
any prison term imposed for the underlying felonious assault. 938
Except as otherwise provided in division (C) of this section, 939
any other prison term or mandatory prison term previously or 940
subsequently imposed upon the offender may be served 941
concurrently with, or consecutively to, the prison term imposed 942
pursuant to division (B) (10) of this section. 943

(8) Any prison term imposed for a violation of section 944
2903.04 of the Revised Code that is based on a violation of 945
section 2925.03 or 2925.11 of the Revised Code or on a violation 946
of section 2925.05 of the Revised Code that is not funding of 947
marihuana trafficking shall run consecutively to any prison term 948
imposed for the violation of section 2925.03 or 2925.11 of the 949
Revised Code or for the violation of section 2925.05 of the 950
Revised Code that is not funding of marihuana trafficking. 951

(9) When consecutive prison terms are imposed pursuant to 952
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 953
division (H) (1) or (2) of this section, subject to division (C) 954
(10) of this section, the term to be served is the aggregate of 955
all of the terms so imposed. 956

(10) When a court sentences an offender to a non-life 957
felony indefinite prison term, any definite prison term or 958
mandatory definite prison term previously or subsequently 959
imposed on the offender in addition to that indefinite sentence 960
that is required to be served consecutively to that indefinite 961
sentence shall be served prior to the indefinite sentence. 962

(11) If a court is sentencing an offender for a felony of 963
the first or second degree, if division (A) (1) (a) or (2) (a) of 964
this section applies with respect to the sentencing for the 965
offense, and if the court is required under the Revised Code 966
section that sets forth the offense or any other Revised Code 967
provision to impose a mandatory prison term for the offense, the 968
court shall impose the required mandatory prison term as the 969
minimum term imposed under division (A) (1) (a) or (2) (a) of this 970
section, whichever is applicable. 971

(D) (1) If a court imposes a prison term, other than a term 972
of life imprisonment, for a felony of the first degree, for a 973
felony of the second degree, for a felony sex offense, or for a 974
felony of the third degree that is an offense of violence and 975
that is not a felony sex offense, it shall include in the 976
sentence a requirement that the offender be subject to a period 977
of post-release control after the offender's release from 978
imprisonment, in accordance with section 2967.28 of the Revised 979
Code. If a court imposes a sentence including a prison term of a 980
type described in this division on or after July 11, 2006, the 981

failure of a court to include a post-release control requirement 982
in the sentence pursuant to this division does not negate, 983
limit, or otherwise affect the mandatory period of post-release 984
control that is required for the offender under division (B) of 985
section 2967.28 of the Revised Code. Section 2929.191 of the 986
Revised Code applies if, prior to July 11, 2006, a court imposed 987
a sentence including a prison term of a type described in this 988
division and failed to include in the sentence pursuant to this 989
division a statement regarding post-release control. 990

(2) If a court imposes a prison term for a felony of the 991
third, fourth, or fifth degree that is not subject to division 992
(D)(1) of this section, it shall include in the sentence a 993
requirement that the offender be subject to a period of post- 994
release control after the offender's release from imprisonment, 995
in accordance with that division, if the parole board determines 996
that a period of post-release control is necessary. Section 997
2929.191 of the Revised Code applies if, prior to July 11, 2006, 998
a court imposed a sentence including a prison term of a type 999
described in this division and failed to include in the sentence 1000
pursuant to this division a statement regarding post-release 1001
control. 1002

(E) The court shall impose sentence upon the offender in 1003
accordance with section 2971.03 of the Revised Code, and Chapter 1004
2971. of the Revised Code applies regarding the prison term or 1005
term of life imprisonment without parole imposed upon the 1006
offender and the service of that term of imprisonment if any of 1007
the following apply: 1008

(1) A person is convicted of or pleads guilty to a violent 1009
sex offense or a designated homicide, assault, or kidnapping 1010
offense, and, in relation to that offense, the offender is 1011

adjudicated a sexually violent predator. 1012

(2) A person is convicted of or pleads guilty to a 1013
violation of division (A) (1) (b) of section 2907.02 of the 1014
Revised Code committed on or after January 2, 2007, and either 1015
the court does not impose a sentence of life without parole when 1016
authorized pursuant to division (B) of section 2907.02 of the 1017
Revised Code, or division (B) of section 2907.02 of the Revised 1018
Code provides that the court shall not sentence the offender 1019
pursuant to section 2971.03 of the Revised Code. 1020

(3) A person is convicted of or pleads guilty to attempted 1021
rape committed on or after January 2, 2007, and a specification 1022
of the type described in section 2941.1418, 2941.1419, or 1023
2941.1420 of the Revised Code. 1024

(4) A person is convicted of or pleads guilty to a 1025
violation of section 2905.01 of the Revised Code committed on or 1026
after January 1, 2008, and that section requires the court to 1027
sentence the offender pursuant to section 2971.03 of the Revised 1028
Code. 1029

(5) A person is convicted of or pleads guilty to 1030
aggravated murder committed on or after January 1, 2008, and 1031
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1032
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1033
(a) (iv) of section 2929.03, or division (A) or (B) of section 1034
2929.06 of the Revised Code requires the court to sentence the 1035
offender pursuant to division (B) (3) of section 2971.03 of the 1036
Revised Code. 1037

(6) A person is convicted of or pleads guilty to murder 1038
committed on or after January 1, 2008, and division (B) (2) of 1039
section 2929.02 of the Revised Code requires the court to 1040

sentence the offender pursuant to section 2971.03 of the Revised Code. 1041
1042

(F) If a person who has been convicted of or pleaded 1043
guilty to a felony is sentenced to a prison term or term of 1044
imprisonment under this section, sections 2929.02 to 2929.06 of 1045
the Revised Code, section 2929.142 of the Revised Code, section 1046
2971.03 of the Revised Code, or any other provision of law, 1047
section 5120.163 of the Revised Code applies regarding the 1048
person while the person is confined in a state correctional 1049
institution. 1050

(G) If an offender who is convicted of or pleads guilty to 1051
a felony that is an offense of violence also is convicted of or 1052
pleads guilty to a specification of the type described in 1053
section 2941.142 of the Revised Code that charges the offender 1054
with having committed the felony while participating in a 1055
criminal gang, the court shall impose upon the offender an 1056
additional prison term of one, two, or three years. 1057

(H) (1) If an offender who is convicted of or pleads guilty 1058
to aggravated murder, murder, or a felony of the first, second, 1059
or third degree that is an offense of violence also is convicted 1060
of or pleads guilty to a specification of the type described in 1061
section 2941.143 of the Revised Code that charges the offender 1062
with having committed the offense in a school safety zone or 1063
towards a person in a school safety zone, the court shall impose 1064
upon the offender an additional prison term of two years. The 1065
offender shall serve the additional two years consecutively to 1066
and prior to the prison term imposed for the underlying offense. 1067

(2) (a) If an offender is convicted of or pleads guilty to 1068
a felony violation of section 2907.22, 2907.24, 2907.241, or 1069
2907.25 of the Revised Code and to a specification of the type 1070

described in section 2941.1421 of the Revised Code and if the 1071
court imposes a prison term on the offender for the felony 1072
violation, the court may impose upon the offender an additional 1073
prison term as follows: 1074

(i) Subject to division (H) (2) (a) (ii) of this section, an 1075
additional prison term of one, two, three, four, five, or six 1076
months; 1077

(ii) If the offender previously has been convicted of or 1078
pleaded guilty to one or more felony or misdemeanor violations 1079
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1080
the Revised Code and also was convicted of or pleaded guilty to 1081
a specification of the type described in section 2941.1421 of 1082
the Revised Code regarding one or more of those violations, an 1083
additional prison term of one, two, three, four, five, six, 1084
seven, eight, nine, ten, eleven, or twelve months. 1085

(b) In lieu of imposing an additional prison term under 1086
division (H) (2) (a) of this section, the court may directly 1087
impose on the offender a sanction that requires the offender to 1088
wear a real-time processing, continual tracking electronic 1089
monitoring device during the period of time specified by the 1090
court. The period of time specified by the court shall equal the 1091
duration of an additional prison term that the court could have 1092
imposed upon the offender under division (H) (2) (a) of this 1093
section. A sanction imposed under this division shall commence 1094
on the date specified by the court, provided that the sanction 1095
shall not commence until after the offender has served the 1096
prison term imposed for the felony violation of section 2907.22, 1097
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1098
residential sanction imposed for the violation under section 1099
2929.16 of the Revised Code. A sanction imposed under this 1100

division shall be considered to be a community control sanction 1101
for purposes of section 2929.15 of the Revised Code, and all 1102
provisions of the Revised Code that pertain to community control 1103
sanctions shall apply to a sanction imposed under this division, 1104
except to the extent that they would by their nature be clearly 1105
inapplicable. The offender shall pay all costs associated with a 1106
sanction imposed under this division, including the cost of the 1107
use of the monitoring device. 1108

(I) At the time of sentencing, the court may recommend the 1109
offender for placement in a program of shock incarceration under 1110
section 5120.031 of the Revised Code or for placement in an 1111
intensive program prison under section 5120.032 of the Revised 1112
Code, disapprove placement of the offender in a program of shock 1113
incarceration or an intensive program prison of that nature, or 1114
make no recommendation on placement of the offender. In no case 1115
shall the department of rehabilitation and correction place the 1116
offender in a program or prison of that nature unless the 1117
department determines as specified in section 5120.031 or 1118
5120.032 of the Revised Code, whichever is applicable, that the 1119
offender is eligible for the placement. 1120

If the court disapproves placement of the offender in a 1121
program or prison of that nature, the department of 1122
rehabilitation and correction shall not place the offender in 1123
any program of shock incarceration or intensive program prison. 1124

If the court recommends placement of the offender in a 1125
program of shock incarceration or in an intensive program 1126
prison, and if the offender is subsequently placed in the 1127
recommended program or prison, the department shall notify the 1128
court of the placement and shall include with the notice a brief 1129
description of the placement. 1130

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

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

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

(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also

is convicted of or pleads guilty to a specification of the type 1161
described in section 2941.1424 of the Revised Code that charges 1162
that the offender is a violent career criminal and had a firearm 1163
on or about the offender's person or under the offender's 1164
control while committing the presently charged violent felony 1165
offense and displayed or brandished the firearm, indicated that 1166
the offender possessed a firearm, or used the firearm to 1167
facilitate the offense. The offender shall serve the prison term 1168
imposed under this division consecutively to and prior to the 1169
prison term imposed for the underlying offense. The prison term 1170
shall not be reduced pursuant to section 2929.20, division (A) 1171
(2) or (3) of section 2967.193 or 2967.194, or any other 1172
provision of Chapter 2967. or 5120. of the Revised Code. A court 1173
may not impose more than one sentence under division (B) (2) (a) 1174
of this section and this division for acts committed as part of 1175
the same act or transaction. 1176

(2) As used in division (K) (1) of this section, "violent 1177
career criminal" and "violent felony offense" have the same 1178
meanings as in section 2923.132 of the Revised Code. 1179

(L) If an offender receives or received a sentence of life 1180
imprisonment without parole, a sentence of life imprisonment, a 1181
definite sentence, or a sentence to an indefinite prison term 1182
under this chapter for a felony offense that was committed when 1183
the offender was under eighteen years of age, the offender's 1184
parole eligibility shall be determined under section 2967.132 of 1185
the Revised Code. 1186

Section 2. That existing sections 2903.215, 2919.25, and 1187
2929.14 of the Revised Code are hereby repealed. 1188