

**As Reported by the House Criminal Justice Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 139**

**Representatives Roemer, Miller, J.**

**Cosponsors: Representatives Bird, Brennan, Johnson, McNally, Miller, A.,  
Plummer, Seitz, Troy, Williams, Miller, K.**

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**A BILL**

To amend sections 2903.13 and 2929.13 of the 1  
Revised Code to increase the penalties for 2  
assault if the victim is acting as a sports 3  
official or the assault is committed in 4  
retaliation for the victim's actions as a sports 5  
official. 6

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

**Section 1.** That sections 2903.13 and 2929.13 of the 7  
Revised Code be amended to read as follows: 8

**Sec. 2903.13.** (A) No person shall knowingly cause or 9  
attempt to cause physical harm to another or to another's 10  
unborn. 11

(B) No person shall recklessly cause serious physical harm 12  
to another or to another's unborn. 13

(C) (1) Whoever violates this section is guilty of assault, 14  
and the court shall sentence the offender as provided in this 15  
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 16  
(8), (9), ~~and (10)~~, and (11) of this section. Except as 17

otherwise provided in division (C) (2), (3), (4), (5), (6), (7), 18  
(8), or (9) of this section, assault is a misdemeanor of the 19  
first degree. 20

(2) Except as otherwise provided in this division, if the 21  
offense is committed by a caretaker against a person with a 22  
functional impairment under the caretaker's care, assault is a 23  
felony of the fourth degree. If the offense is committed by a 24  
caretaker against a person with a functional impairment under 25  
the caretaker's care, if the offender previously has been 26  
convicted of or pleaded guilty to a violation of this section or 27  
section 2903.11 or 2903.16 of the Revised Code, and if in 28  
relation to the previous conviction the offender was a caretaker 29  
and the victim was a person with a functional impairment under 30  
the offender's care, assault is a felony of the third degree. 31

(3) If the offense occurs in or on the grounds of a state 32  
correctional institution or an institution of the department of 33  
youth services, the victim of the offense is an employee of the 34  
department of rehabilitation and correction or the department of 35  
youth services, and the offense is committed by a person 36  
incarcerated in the state correctional institution or by a 37  
person institutionalized in the department of youth services 38  
institution pursuant to a commitment to the department of youth 39  
services, assault is a felony of the third degree. 40

(4) If the offense is committed in any of the following 41  
circumstances, assault is a felony of the fifth degree: 42

(a) The offense occurs in or on the grounds of a local 43  
correctional facility, the victim of the offense is an employee 44  
of the local correctional facility or a probation department or 45  
is on the premises of the facility for business purposes or as a 46  
visitor, and the offense is committed by a person who is under 47

custody in the facility subsequent to the person's arrest for 48  
any crime or delinquent act, subsequent to the person's being 49  
charged with or convicted of any crime, or subsequent to the 50  
person's being alleged to be or adjudicated a delinquent child. 51

(b) The offense occurs off the grounds of a state 52  
correctional institution and off the grounds of an institution 53  
of the department of youth services, the victim of the offense 54  
is an employee of the department of rehabilitation and 55  
correction, the department of youth services, or a probation 56  
department, the offense occurs during the employee's official 57  
work hours and while the employee is engaged in official work 58  
responsibilities, and the offense is committed by a person 59  
incarcerated in a state correctional institution or 60  
institutionalized in the department of youth services who 61  
temporarily is outside of the institution for any purpose, by a 62  
parolee, by an offender under transitional control, under a 63  
community control sanction, or on an escorted visit, by a person 64  
under post-release control, or by an offender under any other 65  
type of supervision by a government agency. 66

(c) The offense occurs off the grounds of a local 67  
correctional facility, the victim of the offense is an employee 68  
of the local correctional facility or a probation department, 69  
the offense occurs during the employee's official work hours and 70  
while the employee is engaged in official work responsibilities, 71  
and the offense is committed by a person who is under custody in 72  
the facility subsequent to the person's arrest for any crime or 73  
delinquent act, subsequent to the person being charged with or 74  
convicted of any crime, or subsequent to the person being 75  
alleged to be or adjudicated a delinquent child and who 76  
temporarily is outside of the facility for any purpose or by a 77  
parolee, by an offender under transitional control, under a 78

community control sanction, or on an escorted visit, by a person 79  
under post-release control, or by an offender under any other 80  
type of supervision by a government agency. 81

(d) The victim of the offense is a school teacher or 82  
administrator or a school bus operator, and the offense occurs 83  
in a school, on school premises, in a school building, on a 84  
school bus, or while the victim is outside of school premises or 85  
a school bus and is engaged in duties or official 86  
responsibilities associated with the victim's employment or 87  
position as a school teacher or administrator or a school bus 88  
operator, including, but not limited to, driving, accompanying, 89  
or chaperoning students at or on class or field trips, athletic 90  
events, or other school extracurricular activities or functions 91  
outside of school premises. 92

(e) All of the following apply: 93

(i) The victim of the offense is a sports official and the 94  
offense occurs while the victim is engaged in the victim's 95  
official duties at a sports event or immediately before or after 96  
the sports event. 97

(ii) The offender previously has been convicted of or 98  
pleaded guilty to a violation of this section under the 99  
circumstances specified in division (C)(4)(e)(i) or (C)(4)(f)(i) 100  
of this section. 101

(f) All of the following apply: 102

(i) The victim of the offense is a sports official and the 103  
offense is committed in retaliation for an action taken by the 104  
victim while the victim was engaged in the victim's official 105  
duties at a sports event. 106

(ii) The offender previously has been convicted of or 107

pleaded guilty to a violation of this section under the 108  
circumstances specified in division (C) (4) (e) (i) or (C) (4) (f) (i) 109  
of this section. 110

(5) If the assault is committed in any of the following 111  
circumstances, assault is a felony of the fourth degree: 112

(a) The victim of the offense is a peace officer or an 113  
investigator of the bureau of criminal identification and 114  
investigation, a firefighter, or a person performing emergency 115  
medical service, while in the performance of the officer's, 116  
investigator's, firefighter's, or person's official duties. 117

(b) The victim of the offense is an emergency service 118  
responder, the offender knows or reasonably should know that the 119  
victim is an emergency service responder, and it is the 120  
offender's specific purpose to commit the offense against an 121  
emergency service responder. 122

(c) The victim of the offense is a family or household 123  
member or co-worker of a person who is an emergency service 124  
responder, the offender knows or reasonably should know that the 125  
victim is a family or household member or co-worker of an 126  
emergency service responder, and it is the offender's specific 127  
purpose to commit the offense against a family or household 128  
member or co-worker of an emergency service responder. 129

(6) If the offense is a felony of the fourth degree under 130  
division (C) (5) (a) of this section, if the victim of the offense 131  
is a peace officer or an investigator of the bureau of criminal 132  
identification and investigation, and if the victim suffered 133  
serious physical harm as a result of the commission of the 134  
offense, the court, pursuant to division (F) of section 2929.13 135  
of the Revised Code, shall impose as a mandatory prison term one 136

of the prison terms prescribed for a felony of the fourth degree 137  
that is at least twelve months in duration. 138

(7) If the victim of the offense is an officer or employee 139  
of a public children services agency or a private child placing 140  
agency and the offense relates to the officer's or employee's 141  
performance or anticipated performance of official 142  
responsibilities or duties, assault is either a felony of the 143  
fifth degree or, if the offender previously has been convicted 144  
of or pleaded guilty to an offense of violence, the victim of 145  
that prior offense was an officer or employee of a public 146  
children services agency or private child placing agency, and 147  
that prior offense related to the officer's or employee's 148  
performance or anticipated performance of official 149  
responsibilities or duties, a felony of the fourth degree. 150

(8) If the victim of the offense is a health care 151  
professional of a hospital, a health care worker of a hospital, 152  
or a security officer of a hospital whom the offender knows or 153  
has reasonable cause to know is a health care professional of a 154  
hospital, a health care worker of a hospital, or a security 155  
officer of a hospital, if the victim is engaged in the 156  
performance of the victim's duties, and if the hospital offers 157  
de-escalation or crisis intervention training for such 158  
professionals, workers, or officers, assault is one of the 159  
following: 160

(a) Except as otherwise provided in division (C) (8) (b) of 161  
this section, assault committed in the specified circumstances 162  
is a misdemeanor of the first degree. Notwithstanding the fine 163  
specified in division (A) (2) (a) of section 2929.28 of the 164  
Revised Code for a misdemeanor of the first degree, in 165  
sentencing the offender under this division and if the court 166

decides to impose a fine, the court may impose upon the offender 167  
a fine of not more than five thousand dollars. 168

(b) If the offender previously has been convicted of or 169  
pleaded guilty to one or more assault or homicide offenses 170  
committed against hospital personnel, assault committed in the 171  
specified circumstances is a felony of the fifth degree. 172

(9) If the victim of the offense is a judge, magistrate, 173  
prosecutor, or court official or employee whom the offender 174  
knows or has reasonable cause to know is a judge, magistrate, 175  
prosecutor, or court official or employee, and if the victim is 176  
engaged in the performance of the victim's duties, assault is 177  
one of the following: 178

(a) Except as otherwise provided in division (C) (9) (b) of 179  
this section, assault committed in the specified circumstances 180  
is a misdemeanor of the first degree. In sentencing the offender 181  
under this division, if the court decides to impose a fine, 182  
notwithstanding the fine specified in division (A) (2) (a) of 183  
section 2929.28 of the Revised Code for a misdemeanor of the 184  
first degree, the court may impose upon the offender a fine of 185  
not more than five thousand dollars. 186

(b) If the offender previously has been convicted of or 187  
pleaded guilty to one or more assault or homicide offenses 188  
committed against justice system personnel, assault committed in 189  
the specified circumstances is a felony of the fifth degree. 190

(10) If an offender who is convicted of or pleads guilty 191  
to assault when it is a misdemeanor also is convicted of or 192  
pleads guilty to a specification as described in section 193  
2941.1423 of the Revised Code that was included in the 194  
indictment, count in the indictment, or information charging the 195

offense, the court shall sentence the offender to a mandatory 196  
jail term as provided in division (F) of section 2929.24 of the 197  
Revised Code. 198

If an offender who is convicted of or pleads guilty to 199  
assault when it is a felony also is convicted of or pleads 200  
guilty to a specification as described in section 2941.1423 of 201  
the Revised Code that was included in the indictment, count in 202  
the indictment, or information charging the offense, except as 203  
otherwise provided in division (C) (6) of this section, the court 204  
shall sentence the offender to a mandatory prison term as 205  
provided in division (B) (8) of section 2929.14 of the Revised 206  
Code. 207

(11) If an offender is convicted of or pleads guilty to 208  
assault when it is a misdemeanor of the first degree, in 209  
addition to the sentence for that misdemeanor, the court shall 210  
impose a mandatory fine of one thousand five hundred dollars, 211  
notwithstanding the fine specified in division (A) (2) (a) of 212  
section 2929.28 of the Revised Code for a misdemeanor of the 213  
first degree, and shall impose forty hours of community service 214  
if either of the following applies: 215

(a) The victim of the offense is a sports official and the 216  
offense occurs while the victim is engaged in the victim's 217  
official duties at a sports event or immediately before or after 218  
the sports event. 219

(b) The victim of the offense is a sports official and the 220  
offense is committed in retaliation for an action taken by the 221  
victim while the victim was engaged in the victim's official 222  
duties at a sports event. 223

(D) A prosecution for a violation of this section does not 224



preclude a prosecution of a violation of any other section of 225  
the Revised Code. One or more acts, a series of acts, or a 226  
course of behavior that can be prosecuted under this section or 227  
any other section of the Revised Code may be prosecuted under 228  
this section, the other section of the Revised Code, or both 229  
sections. However, if an offender is convicted of or pleads 230  
guilty to a violation of this section and also is convicted of 231  
or pleads guilty to a violation of section 2903.22 of the 232  
Revised Code based on the same conduct involving the same victim 233  
that was the basis of the violation of this section, the two 234  
offenses are allied offenses of similar import under section 235  
2941.25 of the Revised Code. 236

(E) Nothing in division (C) (4) (e) or (f) of this section 237  
prevents an offender from being prosecuted for a violation of 238  
section 2903.11 or 2903.12 of the Revised Code if the elements 239  
of the offense under either of those sections are present, the 240  
victim of the offense is a sports official, and the offense 241  
occurs while the victim is engaged in the victim's official 242  
duties at a sports event or immediately before or after the 243  
sports event. 244

(F) As used in this section: 245

(1) "Peace officer" has the same meaning as in section 246  
2935.01 of the Revised Code. 247

(2) "Firefighter" means any person who is a firefighter as 248  
defined in section 3937.41 of the Revised Code and, for purposes 249  
of division ~~(E) (21)~~ (F) (21) of this section, also includes a 250  
member of a fire department as defined in section 742.01 of the 251  
Revised Code. 252

(3) "Emergency medical service" has the same meaning as in 253

section 4765.01 of the Revised Code.	254
(4) "Local correctional facility" means a county,	255
multicounty, municipal, municipal-county, or multicounty-	256
municipal jail or workhouse, a minimum security jail established	257
under section 341.23 or 753.21 of the Revised Code, or another	258
county, multicounty, municipal, municipal-county, or	259
multicounty-municipal facility used for the custody of persons	260
arrested for any crime or delinquent act, persons charged with	261
or convicted of any crime, or persons alleged to be or	262
adjudicated a delinquent child.	263
(5) "Employee of a local correctional facility" means a	264
person who is an employee of the political subdivision or of one	265
or more of the affiliated political subdivisions that operates	266
the local correctional facility and who operates or assists in	267
the operation of the facility.	268
(6) "School teacher or administrator" means either of the	269
following:	270
(a) A person who is employed in the public schools of the	271
state under a contract described in section 3311.77 or 3319.08	272
of the Revised Code in a position in which the person is	273
required to have a certificate issued pursuant to sections	274
3319.22 to 3319.311 of the Revised Code.	275
(b) A person who is employed by a nonpublic school for	276
which the state board of education prescribes minimum standards	277
under section 3301.07 of the Revised Code and who is	278
certificated in accordance with section 3301.071 of the Revised	279
Code.	280
(7) "Community control sanction" has the same meaning as	281
in section 2929.01 of the Revised Code.	282

(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.	283 284
(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.	285 286
(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.	287 288 289
(11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.	290 291 292
(12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which all of the following apply:	293 294 295 296 297
(a) The victim of the offense was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.	298 299 300
(b) The offender knew or had reasonable cause to know that the victim was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.	301 302 303 304
(c) The victim was engaged in the performance of the victim's duties.	305 306
(d) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers.	307 308 309
(13) "De-escalation or crisis intervention training" means	310

de-escalation or crisis intervention training for health care 311  
professionals of a hospital, health care workers of a hospital, 312  
and security officers of a hospital to facilitate interaction 313  
with patients, members of a patient's family, and visitors, 314  
including those with mental impairments. 315

(14) "Assault or homicide offense committed against 316  
justice system personnel" means a violation of this section or 317  
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 318  
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 319  
circumstances in which the victim of the offense was a judge, 320  
magistrate, prosecutor, or court official or employee whom the 321  
offender knew or had reasonable cause to know was a judge, 322  
magistrate, prosecutor, or court official or employee, and the 323  
victim was engaged in the performance of the victim's duties. 324

(15) "Court official or employee" means any official or 325  
employee of a court created under the constitution or statutes 326  
of this state or of a United States court located in this state. 327

(16) "Judge" means a judge of a court created under the 328  
constitution or statutes of this state or of a United States 329  
court located in this state. 330

(17) "Magistrate" means an individual who is appointed by 331  
a court of record of this state and who has the powers and may 332  
perform the functions specified in Civil Rule 53, Criminal Rule 333  
19, or Juvenile Rule 40, or an individual who is appointed by a 334  
United States court located in this state who has similar powers 335  
and functions. 336

(18) "Prosecutor" has the same meaning as in section 337  
2935.01 of the Revised Code. 338

(19) (a) "Hospital" means, subject to division ~~(E) (19) (b)~~ 339

(F) (19) (b) of this section, an institution classified as a 340  
hospital under section 3701.01 of the Revised Code in which are 341  
provided to patients diagnostic, medical, surgical, obstetrical, 342  
psychiatric, or rehabilitation care or a hospital operated by a 343  
health maintenance organization. 344

(b) "Hospital" does not include any of the following: 345

(i) A facility licensed under Chapter 3721. of the Revised 346  
Code, a health care facility operated by the department of 347  
mental health and addiction services or the department of 348  
developmental disabilities, a health maintenance organization 349  
that does not operate a hospital, or the office of any private, 350  
licensed health care professional, whether organized for 351  
individual or group practice; 352

(ii) An institution for the sick that is operated 353  
exclusively for patients who use spiritual means for healing and 354  
for whom the acceptance of medical care is inconsistent with 355  
their religious beliefs, accredited by a national accrediting 356  
organization, exempt from federal income taxation under section 357  
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 358  
U.S.C. 1, as amended, and providing twenty-four-hour nursing 359  
care pursuant to the exemption in division (E) of section 360  
4723.32 of the Revised Code from the licensing requirements of 361  
Chapter 4723. of the Revised Code. 362

(20) "Health maintenance organization" has the same 363  
meaning as in section 3727.01 of the Revised Code. 364

(21) "Emergency service responder" means any law 365  
enforcement officer, first responder, emergency medical 366  
technician-basic, emergency medical technician-intermediate, 367  
emergency medical technician-paramedic, firefighter, or 368

volunteer firefighter.	369
(22) "Family or household member" means any of the	370
following:	371
(a) Any of the following who is residing or has resided	372
with a person who is employed as an emergency service responder:	373
(i) A spouse, a person living as a spouse, or a former	374
spouse of a person who is employed as an emergency service	375
responder;	376
(ii) A parent, a foster parent, or a child of a person who	377
is employed as an emergency service responder, or another person	378
related by consanguinity or affinity to a person who is employed	379
as an emergency service responder;	380
(iii) A parent or a child of a spouse, person living as a	381
spouse, or former spouse of a person who is employed as an	382
emergency service responder, or another person related by	383
consanguinity or affinity to a spouse, person living as a	384
spouse, or former spouse of a person who is employed as an	385
emergency service responder.	386
(b) The natural parent of any child of whom a person who	387
is employed as an emergency service responder is the other	388
natural parent or is the putative other natural parent.	389
(23) "First responder," "emergency medical technician-	390
basic," "emergency medical technician-intermediate," and	391
"emergency medical technician-paramedic" have the same meanings	392
as in section 4765.01 of the Revised Code.	393
(24) "Volunteer firefighter" has the same meaning as in	394
section 146.01 of the Revised Code.	395
(25) "Person living as a spouse" means a person who is	396

living or has lived with a person who is employed as an 397  
emergency service responder in a common law marital 398  
relationship, who otherwise is cohabiting with a person who is 399  
employed as an emergency service responder, or who otherwise has 400  
cohabited with a person who is employed as an emergency service 401  
responder within five years prior to the date of the alleged 402  
commission of the act in question. 403

(26) "Co-worker" means a person who is employed by the 404  
organization or entity that is served by a person who is 405  
employed as an emergency service responder. 406

(27) "Sports official" means any person who is paid or 407  
volunteers to enforce the rules of a sports event as a referee, 408  
umpire, linesperson, timer, scorekeeper, or in a similar 409  
capacity. 410

(28) "Sports event" includes all of the following: 411

(a) Any interscholastic or intramural athletic event or 412  
athletic activity at an elementary or secondary school, college, 413  
or university or in which an elementary or secondary school, 414  
college, or university participates; 415

(b) Any organized athletic activity, including an 416  
organized athletic activity that is sponsored by a community, 417  
business, or nonprofit organization; 418

(c) Any athletic activity that is a professional or 419  
semiprofessional event. 420

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 421  
or (G) of this section and unless a specific sanction is 422  
required to be imposed or is precluded from being imposed 423  
pursuant to law, a court that imposes a sentence upon an 424  
offender for a felony may impose any sanction or combination of 425

sanctions on the offender that are provided in sections 2929.14 426  
to 2929.18 of the Revised Code. 427

If the offender is eligible to be sentenced to community 428  
control sanctions, the court shall consider the appropriateness 429  
of imposing a financial sanction pursuant to section 2929.18 of 430  
the Revised Code or a sanction of community service pursuant to 431  
section 2929.17 of the Revised Code as the sole sanction for the 432  
offense. Except as otherwise provided in this division, if the 433  
court is required to impose a mandatory prison term for the 434  
offense for which sentence is being imposed, the court also 435  
shall impose any financial sanction pursuant to section 2929.18 436  
of the Revised Code that is required for the offense and may 437  
impose any other financial sanction pursuant to that section but 438  
may not impose any additional sanction or combination of 439  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 440

If the offender is being sentenced for a fourth degree 441  
felony OVI offense or for a third degree felony OVI offense, in 442  
addition to the mandatory term of local incarceration or the 443  
mandatory prison term required for the offense by division (G) 444  
(1) or (2) of this section, the court shall impose upon the 445  
offender a mandatory fine in accordance with division (B) (3) of 446  
section 2929.18 of the Revised Code and may impose whichever of 447  
the following is applicable: 448

(1) For a fourth degree felony OVI offense for which 449  
sentence is imposed under division (G) (1) of this section, an 450  
additional community control sanction or combination of 451  
community control sanctions under section 2929.16 or 2929.17 of 452  
the Revised Code. If the court imposes upon the offender a 453  
community control sanction and the offender violates any 454  
condition of the community control sanction, the court may take 455



any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

(2) For a third or fourth degree felony OVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (B)(4) of section 2929.14 of the Revised Code or a community control sanction as described in division (G)(2) of this section.

(B)(1)(a) Except as provided in division (B)(1)(b) of this section, if an offender is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense, the court shall sentence the offender to a community control sanction or combination of community control sanctions if all of the following apply:

(i) The offender previously has not been convicted of or pleaded guilty to a felony offense.

(ii) The most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree.

(iii) The offender previously has not been convicted of or pleaded guilty to a misdemeanor offense of violence that the offender committed within two years prior to the offense for which sentence is being imposed.

(b) The court has discretion to impose a prison term upon an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense if any of the following apply:

(i) The offender committed the offense while having a

firearm on or about the offender's person or under the 485  
offender's control. 486

(ii) If the offense is a qualifying assault offense, the 487  
offender caused serious physical harm to another person while 488  
committing the offense, and, if the offense is not a qualifying 489  
assault offense, the offender caused physical harm to another 490  
person while committing the offense. 491

(iii) The offender violated a term of the conditions of 492  
bond as set by the court. 493

(iv) The offense is a sex offense that is a fourth or 494  
fifth degree felony violation of any provision of Chapter 2907. 495  
of the Revised Code. 496

(v) In committing the offense, the offender attempted to 497  
cause or made an actual threat of physical harm to a person with 498  
a deadly weapon. 499

(vi) In committing the offense, the offender attempted to 500  
cause or made an actual threat of physical harm to a person, and 501  
the offender previously was convicted of an offense that caused 502  
physical harm to a person. 503

(vii) The offender held a public office or position of 504  
trust, and the offense related to that office or position; the 505  
offender's position obliged the offender to prevent the offense 506  
or to bring those committing it to justice; or the offender's 507  
professional reputation or position facilitated the offense or 508  
was likely to influence the future conduct of others. 509

(viii) The offender committed the offense for hire or as 510  
part of an organized criminal activity. 511

(ix) The offender at the time of the offense was serving, 512

or the offender previously had served, a prison term. 513

(x) The offender committed the offense while under a 514  
community control sanction, while on probation, or while 515  
released from custody on a bond or personal recognizance. 516

(c) A sentencing court may impose an additional penalty 517  
under division (B) of section 2929.15 of the Revised Code upon 518  
an offender sentenced to a community control sanction under 519  
division (B)(1)(a) of this section if the offender violates the 520  
conditions of the community control sanction, violates a law, or 521  
leaves the state without the permission of the court or the 522  
offender's probation officer. 523

(2) If division (B)(1) of this section does not apply, 524  
except as provided in division (E), (F), or (G) of this section, 525  
in determining whether to impose a prison term as a sanction for 526  
a felony of the fourth or fifth degree, the sentencing court 527  
shall comply with the purposes and principles of sentencing 528  
under section 2929.11 of the Revised Code and with section 529  
2929.12 of the Revised Code. 530

(C) Except as provided in division (D), (E), (F), or (G) 531  
of this section, in determining whether to impose a prison term 532  
as a sanction for a felony of the third degree or a felony drug 533  
offense that is a violation of a provision of Chapter 2925. of 534  
the Revised Code and that is specified as being subject to this 535  
division for purposes of sentencing, the sentencing court shall 536  
comply with the purposes and principles of sentencing under 537  
section 2929.11 of the Revised Code and with section 2929.12 of 538  
the Revised Code. 539

(D)(1) Except as provided in division (E) or (F) of this 540  
section, for a felony of the first or second degree, for a 541

felony drug offense that is a violation of any provision of 542  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 543  
presumption in favor of a prison term is specified as being 544  
applicable, and for a violation of division (A) (4) or (B) of 545  
section 2907.05 of the Revised Code for which a presumption in 546  
favor of a prison term is specified as being applicable, it is 547  
presumed that a prison term is necessary in order to comply with 548  
the purposes and principles of sentencing under section 2929.11 549  
of the Revised Code. Division (D) (2) of this section does not 550  
apply to a presumption established under this division for a 551  
violation of division (A) (4) of section 2907.05 of the Revised 552  
Code. 553

(2) Notwithstanding the presumption established under 554  
division (D) (1) of this section for the offenses listed in that 555  
division other than a violation of division (A) (4) or (B) of 556  
section 2907.05 of the Revised Code, the sentencing court may 557  
impose a community control sanction or a combination of 558  
community control sanctions instead of a prison term on an 559  
offender for a felony of the first or second degree or for a 560  
felony drug offense that is a violation of any provision of 561  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 562  
presumption in favor of a prison term is specified as being 563  
applicable if it makes both of the following findings: 564

(a) A community control sanction or a combination of 565  
community control sanctions would adequately punish the offender 566  
and protect the public from future crime, because the applicable 567  
factors under section 2929.12 of the Revised Code indicating a 568  
lesser likelihood of recidivism outweigh the applicable factors 569  
under that section indicating a greater likelihood of 570  
recidivism. 571

(b) A community control sanction or a combination of 572  
community control sanctions would not demean the seriousness of 573  
the offense, because one or more factors under section 2929.12 574  
of the Revised Code that indicate that the offender's conduct 575  
was less serious than conduct normally constituting the offense 576  
are applicable, and they outweigh the applicable factors under 577  
that section that indicate that the offender's conduct was more 578  
serious than conduct normally constituting the offense. 579

(E) (1) Except as provided in division (F) of this section, 580  
for any drug offense that is a violation of any provision of 581  
Chapter 2925. of the Revised Code and that is a felony of the 582  
third, fourth, or fifth degree, the applicability of a 583  
presumption under division (D) of this section in favor of a 584  
prison term or of division (B) or (C) of this section in 585  
determining whether to impose a prison term for the offense 586  
shall be determined as specified in section 2925.02, 2925.03, 587  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 588  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 589  
regarding the violation. 590

(2) If an offender who was convicted of or pleaded guilty 591  
to a felony violates the conditions of a community control 592  
sanction imposed for the offense solely by reason of producing 593  
positive results on a drug test, the court, as punishment for 594  
the violation of the sanction, shall not order that the offender 595  
be imprisoned unless the court determines on the record either 596  
of the following: 597

(a) The offender had been ordered as a sanction for the 598  
felony to participate in a drug treatment program, in a drug 599  
education program, or in narcotics anonymous or a similar 600  
program, and the offender continued to use illegal drugs after a 601

reasonable period of participation in the program. 602

(b) The imprisonment of the offender for the violation is 603  
consistent with the purposes and principles of sentencing set 604  
forth in section 2929.11 of the Revised Code. 605

(3) A court that sentences an offender for a drug abuse 606  
offense that is a felony of the third, fourth, or fifth degree 607  
may require that the offender be assessed by a properly 608  
credentialed professional within a specified period of time. The 609  
court shall require the professional to file a written 610  
assessment of the offender with the court. If the offender is 611  
eligible for a community control sanction and after considering 612  
the written assessment, the court may impose a community control 613  
sanction that includes addiction services and recovery supports 614  
included in a community-based continuum of care established 615  
under section 340.032 of the Revised Code. If the court imposes 616  
addiction services and recovery supports as a community control 617  
sanction, the court shall direct the level and type of addiction 618  
services and recovery supports after considering the assessment 619  
and recommendation of community addiction services providers. 620

(F) Notwithstanding divisions (A) to (E) of this section, 621  
the court shall impose a prison term or terms under sections 622  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 623  
section 2971.03 of the Revised Code and except as specifically 624  
provided in section 2929.20, or section 2967.191 of the Revised 625  
Code or when parole is authorized for the offense under section 626  
2967.13 of the Revised Code shall not reduce the term or terms 627  
pursuant to section 2929.20, division (A) (2) or (3) of section 628  
2967.193 or 2967.194, or any other provision of Chapter 2967. or 629  
Chapter 5120. of the Revised Code for any of the following 630  
offenses: 631

- (1) Aggravated murder when death is not imposed or murder; 632
- (2) Any rape, regardless of whether force was involved and 633  
regardless of the age of the victim, or an attempt to commit 634  
rape if, had the offender completed the rape that was attempted, 635  
the offender would have been guilty of a violation of division 636  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 637  
sentenced under section 2971.03 of the Revised Code; 638
- (3) Gross sexual imposition or sexual battery, if the 639  
victim is less than thirteen years of age and if any of the 640  
following applies: 641
- (a) Regarding gross sexual imposition, the offender 642  
previously was convicted of or pleaded guilty to rape, the 643  
former offense of felonious sexual penetration, gross sexual 644  
imposition, or sexual battery, and the victim of the previous 645  
offense was less than thirteen years of age; 646
- (b) Regarding gross sexual imposition, the offense was 647  
committed on or after August 3, 2006, and evidence other than 648  
the testimony of the victim was admitted in the case 649  
corroborating the violation. 650
- (c) Regarding sexual battery, either of the following 651  
applies: 652
- (i) The offense was committed prior to August 3, 2006, the 653  
offender previously was convicted of or pleaded guilty to rape, 654  
the former offense of felonious sexual penetration, or sexual 655  
battery, and the victim of the previous offense was less than 656  
thirteen years of age. 657
- (ii) The offense was committed on or after August 3, 2006. 658
- (4) A felony violation of section 2903.04, 2903.06, 659

2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 660  
or 2923.132 of the Revised Code if the section requires the 661  
imposition of a prison term; 662

(5) A first, second, or third degree felony drug offense 663  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 664  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 665  
or 4729.99 of the Revised Code, whichever is applicable 666  
regarding the violation, requires the imposition of a mandatory 667  
prison term; 668

(6) Any offense that is a first or second degree felony 669  
and that is not set forth in division (F)(1), (2), (3), or (4) 670  
of this section, if the offender previously was convicted of or 671  
pleaded guilty to aggravated murder, murder, any first or second 672  
degree felony, or an offense under an existing or former law of 673  
this state, another state, or the United States that is or was 674  
substantially equivalent to one of those offenses; 675

(7) Any offense that is a third degree felony and either 676  
is a violation of section 2903.04 of the Revised Code or an 677  
attempt to commit a felony of the second degree that is an 678  
offense of violence and involved an attempt to cause serious 679  
physical harm to a person or that resulted in serious physical 680  
harm to a person if the offender previously was convicted of or 681  
pleaded guilty to any of the following offenses: 682

(a) Aggravated murder, murder, involuntary manslaughter, 683  
rape, felonious sexual penetration as it existed under section 684  
2907.12 of the Revised Code prior to September 3, 1996, a felony 685  
of the first or second degree that resulted in the death of a 686  
person or in physical harm to a person, or complicity in or an 687  
attempt to commit any of those offenses; 688



(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed in division (F) (7) (a) of this section that resulted in the death of a person or in physical harm to a person.

(8) Any offense, other than a violation of section 2923.12 of the Revised Code, that is a felony, if the offender had a firearm on or about the offender's person or under the offender's control while committing the felony, with respect to a portion of the sentence imposed pursuant to division (B) (1) (a) of section 2929.14 of the Revised Code for having the firearm;

(9) Any offense of violence that is a felony, if the offender wore or carried body armor while committing the felony offense of violence, with respect to the portion of the sentence imposed pursuant to division (B) (1) (d) of section 2929.14 of the Revised Code for wearing or carrying the body armor;

(10) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree;

(11) Any violent sex offense or designated homicide, assault, or kidnapping offense if, in relation to that offense, the offender is adjudicated a sexually violent predator;

(12) A violation of division (A) (1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A) (1) or (2) of that section, if the offender is an officer or employee of the department of rehabilitation and correction;

(13) A violation of division (A) (1) or (2) of section

2903.06 of the Revised Code if the victim of the offense is a 718  
peace officer, as defined in section 2935.01 of the Revised 719  
Code, or an investigator of the bureau of criminal 720  
identification and investigation, as defined in section 2903.11 721  
of the Revised Code, with respect to the portion of the sentence 722  
imposed pursuant to division (B) (5) of section 2929.14 of the 723  
Revised Code; 724

(14) A violation of division (A) (1) or (2) of section 725  
2903.06 of the Revised Code if the offender has been convicted 726  
of or pleaded guilty to three or more violations of division (A) 727  
of section 4511.19 of the Revised Code or an equivalent offense, 728  
as defined in section 2941.1415 of the Revised Code, or three or 729  
more violations of any combination of those offenses, with 730  
respect to the portion of the sentence imposed pursuant to 731  
division (B) (6) of section 2929.14 of the Revised Code; 732

(15) Kidnapping, in the circumstances specified in section 733  
2971.03 of the Revised Code and when no other provision of 734  
division (F) of this section applies; 735

(16) Kidnapping, abduction, compelling prostitution, 736  
promoting prostitution, engaging in a pattern of corrupt 737  
activity, a violation of division (A) (1) or (2) of section 738  
2907.323 of the Revised Code that involves a minor, or 739  
endangering children in violation of division (B) (1), (2), (3), 740  
(4), or (5) of section 2919.22 of the Revised Code, if the 741  
offender is convicted of or pleads guilty to a specification as 742  
described in section 2941.1422 of the Revised Code that was 743  
included in the indictment, count in the indictment, or 744  
information charging the offense; 745

(17) A felony violation of division (A) or (B) of section 746  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 747

that section, and division (D) (6) of that section, require the 748  
imposition of a prison term; 749

(18) A felony violation of section 2903.11, 2903.12, or 750  
2903.13 of the Revised Code, if the victim of the offense was a 751  
woman that the offender knew was pregnant at the time of the 752  
violation, with respect to a portion of the sentence imposed 753  
pursuant to division (B) (8) of section 2929.14 of the Revised 754  
Code; 755

(19) (a) Any violent felony offense if the offender is a 756  
violent career criminal and had a firearm on or about the 757  
offender's person or under the offender's control during the 758  
commission of the violent felony offense and displayed or 759  
brandished the firearm, indicated that the offender possessed a 760  
firearm, or used the firearm to facilitate the offense, with 761  
respect to the portion of the sentence imposed under division 762  
(K) of section 2929.14 of the Revised Code. 763

(b) As used in division (F) (19) (a) of this section, 764  
"violent career criminal" and "violent felony offense" have the 765  
same meanings as in section 2923.132 of the Revised Code. 766

(20) Any violation of division (A) (1) of section 2903.11 767  
of the Revised Code if the offender used an accelerant in 768  
committing the violation and the serious physical harm to 769  
another or another's unborn caused by the violation resulted in 770  
a permanent, serious disfigurement or permanent, substantial 771  
incapacity or any violation of division (A) (2) of that section 772  
if the offender used an accelerant in committing the violation, 773  
the violation caused physical harm to another or another's 774  
unborn, and the physical harm resulted in a permanent, serious 775  
disfigurement or permanent, substantial incapacity, with respect 776  
to a portion of the sentence imposed pursuant to division (B) (9) 777

of section 2929.14 of the Revised Code. The provisions of this 778  
division and of division (D) (2) of section 2903.11, divisions 779  
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 780  
the Revised Code shall be known as "Judy's Law." 781

(21) Any violation of division (A) of section 2903.11 of 782  
the Revised Code if the victim of the offense suffered permanent 783  
disabling harm as a result of the offense and the victim was 784  
under ten years of age at the time of the offense, with respect 785  
to a portion of the sentence imposed pursuant to division (B) 786  
(10) of section 2929.14 of the Revised Code. 787

(22) A felony violation of section 2925.03, 2925.05, or 788  
2925.11 of the Revised Code, if the drug involved in the 789  
violation is a fentanyl-related compound or a compound, mixture, 790  
preparation, or substance containing a fentanyl-related compound 791  
and the offender is convicted of or pleads guilty to a 792  
specification of the type described in division (B) of section 793  
2941.1410 of the Revised Code that was included in the 794  
indictment, count in the indictment, or information charging the 795  
offense, with respect to the portion of the sentence imposed 796  
under division (B) (11) of section 2929.14 of the Revised Code. 797

(G) Notwithstanding divisions (A) to (E) of this section, 798  
if an offender is being sentenced for a fourth degree felony OVI 799  
offense or for a third degree felony OVI offense, the court 800  
shall impose upon the offender a mandatory term of local 801  
incarceration or a mandatory prison term in accordance with the 802  
following: 803

(1) If the offender is being sentenced for a fourth degree 804  
felony OVI offense and if the offender has not been convicted of 805  
and has not pleaded guilty to a specification of the type 806  
described in section 2941.1413 of the Revised Code, the court 807

may impose upon the offender a mandatory term of local 808  
incarceration of sixty days or one hundred twenty days as 809  
specified in division (G) (1) (d) of section 4511.19 of the 810  
Revised Code. The court shall not reduce the term pursuant to 811  
section 2929.20, division (A) (2) or (3) of section 2967.193 or 812  
2967.194, or any other provision of the Revised Code. The court 813  
that imposes a mandatory term of local incarceration under this 814  
division shall specify whether the term is to be served in a 815  
jail, a community-based correctional facility, a halfway house, 816  
or an alternative residential facility, and the offender shall 817  
serve the term in the type of facility specified by the court. A 818  
mandatory term of local incarceration imposed under division (G) 819  
(1) of this section is not subject to any other Revised Code 820  
provision that pertains to a prison term except as provided in 821  
division (A) (1) of this section. 822

(2) If the offender is being sentenced for a third degree 823  
felony OVI offense, or if the offender is being sentenced for a 824  
fourth degree felony OVI offense and the court does not impose a 825  
mandatory term of local incarceration under division (G) (1) of 826  
this section, the court shall impose upon the offender a 827  
mandatory prison term of one, two, three, four, or five years if 828  
the offender also is convicted of or also pleads guilty to a 829  
specification of the type described in section 2941.1413 of the 830  
Revised Code or shall impose upon the offender a mandatory 831  
prison term of sixty days or one hundred twenty days as 832  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 833  
Revised Code if the offender has not been convicted of and has 834  
not pleaded guilty to a specification of that type. The court 835  
shall not reduce the term pursuant to section 2929.20, division 836  
(A) (2) or (3) of section 2967.193 or 2967.194, or any other 837  
provision of the Revised Code. The offender shall serve the 838

one-, two-, three-, four-, or five-year mandatory prison term 839  
consecutively to and prior to the prison term imposed for the 840  
underlying offense and consecutively to any other mandatory 841  
prison term imposed in relation to the offense. In no case shall 842  
an offender who once has been sentenced to a mandatory term of 843  
local incarceration pursuant to division (G)(1) of this section 844  
for a fourth degree felony OVI offense be sentenced to another 845  
mandatory term of local incarceration under that division for 846  
any violation of division (A) of section 4511.19 of the Revised 847  
Code. In addition to the mandatory prison term described in 848  
division (G)(2) of this section, the court may sentence the 849  
offender to a community control sanction under section 2929.16 850  
or 2929.17 of the Revised Code, but the offender shall serve the 851  
prison term prior to serving the community control sanction. The 852  
department of rehabilitation and correction may place an 853  
offender sentenced to a mandatory prison term under this 854  
division in an intensive program prison established pursuant to 855  
section 5120.033 of the Revised Code if the department gave the 856  
sentencing judge prior notice of its intent to place the 857  
offender in an intensive program prison established under that 858  
section and if the judge did not notify the department that the 859  
judge disapproved the placement. Upon the establishment of the 860  
initial intensive program prison pursuant to section 5120.033 of 861  
the Revised Code that is privately operated and managed by a 862  
contractor pursuant to a contract entered into under section 863  
9.06 of the Revised Code, both of the following apply: 864

(a) The department of rehabilitation and correction shall 865  
make a reasonable effort to ensure that a sufficient number of 866  
offenders sentenced to a mandatory prison term under this 867  
division are placed in the privately operated and managed prison 868  
so that the privately operated and managed prison has full 869

occupancy. 870

(b) Unless the privately operated and managed prison has 871  
full occupancy, the department of rehabilitation and correction 872  
shall not place any offender sentenced to a mandatory prison 873  
term under this division in any intensive program prison 874  
established pursuant to section 5120.033 of the Revised Code 875  
other than the privately operated and managed prison. 876

(H) If an offender is being sentenced for a sexually 877  
oriented offense or child-victim oriented offense that is a 878  
felony committed on or after January 1, 1997, the judge shall 879  
require the offender to submit to a DNA specimen collection 880  
procedure pursuant to section 2901.07 of the Revised Code. 881

(I) If an offender is being sentenced for a sexually 882  
oriented offense or a child-victim oriented offense committed on 883  
or after January 1, 1997, the judge shall include in the 884  
sentence a summary of the offender's duties imposed under 885  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 886  
Code and the duration of the duties. The judge shall inform the 887  
offender, at the time of sentencing, of those duties and of 888  
their duration. If required under division (A) (2) of section 889  
2950.03 of the Revised Code, the judge shall perform the duties 890  
specified in that section, or, if required under division (A) (6) 891  
of section 2950.03 of the Revised Code, the judge shall perform 892  
the duties specified in that division. 893

(J) (1) Except as provided in division (J) (2) of this 894  
section, when considering sentencing factors under this section 895  
in relation to an offender who is convicted of or pleads guilty 896  
to an attempt to commit an offense in violation of section 897  
2923.02 of the Revised Code, the sentencing court shall consider 898  
the factors applicable to the felony category of the violation 899

of section 2923.02 of the Revised Code instead of the factors 900  
applicable to the felony category of the offense attempted. 901

(2) When considering sentencing factors under this section 902  
in relation to an offender who is convicted of or pleads guilty 903  
to an attempt to commit a drug abuse offense for which the 904  
penalty is determined by the amount or number of unit doses of 905  
the controlled substance involved in the drug abuse offense, the 906  
sentencing court shall consider the factors applicable to the 907  
felony category that the drug abuse offense attempted would be 908  
if that drug abuse offense had been committed and had involved 909  
an amount or number of unit doses of the controlled substance 910  
that is within the next lower range of controlled substance 911  
amounts than was involved in the attempt. 912

(K) As used in this section: 913

(1) "Community addiction services provider" has the same 914  
meaning as in section 5119.01 of the Revised Code. 915

(2) "Drug abuse offense" has the same meaning as in 916  
section 2925.01 of the Revised Code. 917

(3) "Minor drug possession offense" has the same meaning 918  
as in section 2925.11 of the Revised Code. 919

(4) "Qualifying assault offense" means a violation of 920  
section 2903.13 of the Revised Code for which the penalty 921  
provision in division (C) (4) (e), (C) (4) (f), (C) (8) (b), or (C) (9) 922  
(b) of that section applies. 923

(L) At the time of sentencing an offender for any sexually 924  
oriented offense, if the offender is a tier III sex 925  
offender/child-victim offender relative to that offense and the 926  
offender does not serve a prison term or jail term, the court 927  
may require that the offender be monitored by means of a global 928



positioning device. If the court requires such monitoring, the 929  
cost of monitoring shall be borne by the offender. If the 930  
offender is indigent, the cost of compliance shall be paid by 931  
the crime victims reparations fund. 932

**Section 2.** That existing sections 2903.13 and 2929.13 of 933  
the Revised Code are hereby repealed. 934

**Section 3.** Section 2903.13 of the Revised Code is 935  
presented in this act as a composite of the section as amended 936  
by H.B. 281, S.B. 16 and S.B. 288, all of the 134th General 937  
Assembly. The General Assembly, applying the principle stated in 938  
division (B) of section 1.52 of the Revised Code that amendments 939  
are to be harmonized if reasonably capable of simultaneous 940  
operation, finds that the composite is the resulting version of 941  
the section in effect prior to the effective date of the section 942  
as presented in this act. 943