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Sub. H. B. No. 56

Representatives Plummer, White

Cosponsors: Representatives Williams, Miller, K., Abrams, Brennan, Carruthers, Claggett, Creech, Cross, Cutrona, Dell'Aquila, Dobos, Hall, Hillyer, Holmes, John, Johnson, Jones, LaRe, Mathews, Mohamed, Oelslager, Patton, Pavliga, Peterson, Richardson, Robb Blasdel, Santucci, Schmidt, Seitz, Stein, Thomas, C., Troy, Willis, Young, T.

A BILL

To amend sections 2921.331, 2929.14, 2935.031, 1
2981.02, 4510.036, and 4511.251 of the Revised 2
Code to require law enforcement entities to 3
train officers related to the pursuit of a motor 4
vehicle and to increase penalties for fleeing 5
from law enforcement and forms of stunt driving. 6

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

Section 1. That sections 2921.331, 2929.14, 2935.031, 7
2981.02, 4510.036, and 4511.251 of the Revised Code be amended 8
to read as follows: 9

Sec. 2921.331. (A) No person shall fail to comply with any 10
lawful order or direction of any police officer invested with 11
authority to direct, control, or regulate traffic. 12

(B) No person shall operate a motor vehicle so as 13
willfully to elude or flee a police officer after receiving a 14
visible or audible signal from a police officer to bring the 15

person's motor vehicle to a stop. 16

(C) (1) Whoever violates this section is guilty of failure 17
to comply with an order or signal of a police officer. 18

(2) A violation of division (A) of this section is a 19
misdemeanor of the first degree. 20

(3) Except as provided in divisions (C) (4) and (5) of this 21
section, a violation of division (B) of this section is a 22
~~misdemeanor~~ felony of the ~~first~~ fourth degree. 23

(4) ~~Except as provided in division (C) (5) of this section,~~ 24
~~a~~ A violation of division (B) of this section is a felony of the 25
~~fourth~~ third degree if the jury or judge as trier of fact finds 26
by proof beyond a reasonable doubt that, in committing the 27
offense, the offender was fleeing immediately after the 28
commission of a felony. 29

(5) (a) A violation of division (B) of this section is a 30
felony of the third degree if the jury or judge as trier of fact 31
finds any of the following by proof beyond a reasonable doubt: 32

(i) The operation of the motor vehicle by the offender was 33
a proximate cause of serious physical harm to persons or 34
property. 35

(ii) The operation of the motor vehicle by the offender 36
caused a substantial risk of serious physical harm to persons or 37
property. 38

(b) If a police officer pursues an offender who is 39
violating division (B) of this section and division (C) (5) (a) of 40
this section applies, the sentencing court, in determining the 41
seriousness of an offender's conduct for purposes of sentencing 42
the offender for a violation of division (B) of this section, 43

shall consider, along with the factors set forth in sections 44
2929.12 and 2929.13 of the Revised Code that are required to be 45
considered, all of the following: 46

- (i) The duration of the pursuit; 47
- (ii) The distance of the pursuit; 48
- (iii) The rate of speed at which the offender operated the 49
motor vehicle during the pursuit; 50
- (iv) Whether the offender failed to stop for traffic 51
lights or stop signs during the pursuit; 52
- (v) The number of traffic lights or stop signs for which 53
the offender failed to stop during the pursuit; 54
- (vi) Whether the offender operated the motor vehicle 55
during the pursuit without lighted lights during a time when 56
lighted lights are required; 57
- (vii) Whether the offender committed a moving violation 58
during the pursuit; 59
- (viii) The number of moving violations the offender 60
committed during the pursuit; 61
- (ix) Any other relevant factors indicating that the 62
offender's conduct is more serious than conduct normally 63
constituting the offense. 64

(D) If an offender is sentenced ~~pursuant to division (C)~~ 65
~~(4) or (5) of this section for a violation of division (B) of~~ 66
~~this section, and if the offender is sentenced to a prison term~~ 67
~~for that a violation of division (B) of this section, the~~ 68
offender shall serve the prison term consecutively to any other 69
prison term or mandatory prison term imposed upon the offender. 70

(E) In addition to any other sanction imposed for a ~~felony~~ 71
violation of division (B) of this section, the court shall 72
impose a class two suspension from the range specified in 73
division (A) (2) of section 4510.02 of the Revised Code. In 74
addition to any other sanction imposed for a violation of 75
division (A) of this section ~~or a misdemeanor violation of~~ 76
~~division (B) of this section~~, the court shall impose a class 77
five suspension from the range specified in division (A) (5) of 78
section 4510.02 of the Revised Code. If the offender previously 79
has been found guilty of an offense under this section, in 80
addition to any other sanction imposed for the offense, the 81
court shall impose a class one suspension as described in 82
division (A) (1) of that section. The court shall not grant 83
limited driving privileges to the offender on a suspension 84
imposed for a felony violation of this section. The court may 85
grant limited driving privileges to the offender on a suspension 86
imposed for a misdemeanor violation of this section as set forth 87
in section 4510.021 of the Revised Code. No judge shall suspend 88
the first three years of suspension under a class two suspension 89
of an offender's license, permit, or privilege required by this 90
division ~~en or~~ any portion of the suspension under a class one 91
suspension of an offender's license, permit, or privilege 92
required by this division. 93

(F) As used in this section: 94

(1) "Moving violation" has the same meaning as in section 95
2743.70 of the Revised Code. 96

(2) "Police officer" has the same meaning as in section 97
4511.01 of the Revised Code. 98

Sec. 2929.14. (A) Except as provided in division (B) (1), 99
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 100

(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 101
in division (D) (6) of section 2919.25 of the Revised Code and 102
except in relation to an offense for which a sentence of death 103
or life imprisonment is to be imposed, if the court imposing a 104
sentence upon an offender for a felony elects or is required to 105
impose a prison term on the offender pursuant to this chapter, 106
the court shall impose a prison term that shall be one of the 107
following: 108

(1) (a) For a felony of the first degree committed on or 109
after March 22, 2019, the prison term shall be an indefinite 110
prison term with a stated minimum term selected by the court of 111
three, four, five, six, seven, eight, nine, ten, or eleven years 112
and a maximum term that is determined pursuant to section 113
2929.144 of the Revised Code, except that if the section that 114
criminalizes the conduct constituting the felony specifies a 115
different minimum term or penalty for the offense, the specific 116
language of that section shall control in determining the 117
minimum term or otherwise sentencing the offender but the 118
minimum term or sentence imposed under that specific language 119
shall be considered for purposes of the Revised Code as if it 120
had been imposed under this division. 121

(b) For a felony of the first degree committed prior to 122
March 22, 2019, the prison term shall be a definite prison term 123
of three, four, five, six, seven, eight, nine, ten, or eleven 124
years. 125

(2) (a) For a felony of the second degree committed on or 126
after March 22, 2019, the prison term shall be an indefinite 127
prison term with a stated minimum term selected by the court of 128
two, three, four, five, six, seven, or eight years and a maximum 129
term that is determined pursuant to section 2929.144 of the 130

Revised Code, except that if the section that criminalizes the 131
conduct constituting the felony specifies a different minimum 132
term or penalty for the offense, the specific language of that 133
section shall control in determining the minimum term or 134
otherwise sentencing the offender but the minimum term or 135
sentence imposed under that specific language shall be 136
considered for purposes of the Revised Code as if it had been 137
imposed under this division. 138

(b) For a felony of the second degree committed prior to 139
March 22, 2019, the prison term shall be a definite term of two, 140
three, four, five, six, seven, or eight years. 141

(3) (a) For a felony of the third degree that is a 142
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 143
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 144
Code, that is a violation of division (A) of section 4511.19 of 145
the Revised Code if the offender previously has been convicted 146
of or pleaded guilty to a violation of division (A) of that 147
section that was a felony, ~~or~~ that is a violation of section 148
2911.02 or 2911.12 of the Revised Code if the offender 149
previously has been convicted of or pleaded guilty in two or 150
more separate proceedings to two or more violations of section 151
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 152
that is a violation of division (B) of section 2921.331 of the 153
Revised Code if division (C)(5) of that section applies, the 154
prison term shall be a definite term of twelve, eighteen, 155
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 156
four, or sixty months. 157

(b) For a felony of the third degree that is not an 158
offense for which division (A) (3) (a) of this section applies, 159
the prison term shall be a definite term of nine, twelve, 160

eighteen, twenty-four, thirty, or thirty-six months. 161

(4) For a felony of the fourth degree, the prison term 162
shall be a definite term of six, seven, eight, nine, ten, 163
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 164
or eighteen months. 165

(5) For a felony of the fifth degree, the prison term 166
shall be a definite term of six, seven, eight, nine, ten, 167
eleven, or twelve months. 168

(B) (1) (a) Except as provided in division (B) (1) (e) of this 169
section, if an offender who is convicted of or pleads guilty to 170
a felony also is convicted of or pleads guilty to a 171
specification of the type described in section 2941.141, 172
2941.144, or 2941.145 of the Revised Code, the court shall 173
impose on the offender one of the following prison terms: 174

(i) A prison term of six years if the specification is of 175
the type described in division (A) of section 2941.144 of the 176
Revised Code that charges the offender with having a firearm 177
that is an automatic firearm or that was equipped with a firearm 178
muffler or suppressor on or about the offender's person or under 179
the offender's control while committing the offense; 180

(ii) A prison term of three years if the specification is 181
of the type described in division (A) of section 2941.145 of the 182
Revised Code that charges the offender with having a firearm on 183
or about the offender's person or under the offender's control 184
while committing the offense and displaying the firearm, 185
brandishing the firearm, indicating that the offender possessed 186
the firearm, or using it to facilitate the offense; 187

(iii) A prison term of one year if the specification is of 188
the type described in division (A) of section 2941.141 of the 189

Revised Code that charges the offender with having a firearm on 190
or about the offender's person or under the offender's control 191
while committing the offense; 192

(iv) A prison term of nine years if the specification is 193
of the type described in division (D) of section 2941.144 of the 194
Revised Code that charges the offender with having a firearm 195
that is an automatic firearm or that was equipped with a firearm 196
muffler or suppressor on or about the offender's person or under 197
the offender's control while committing the offense and 198
specifies that the offender previously has been convicted of or 199
pleaded guilty to a specification of the type described in 200
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 201
the Revised Code; 202

(v) A prison term of fifty-four months if the 203
specification is of the type described in division (D) of 204
section 2941.145 of the Revised Code that charges the offender 205
with having a firearm on or about the offender's person or under 206
the offender's control while committing the offense and 207
displaying the firearm, brandishing the firearm, indicating that 208
the offender possessed the firearm, or using the firearm to 209
facilitate the offense and that the offender previously has been 210
convicted of or pleaded guilty to a specification of the type 211
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 212
2941.1412 of the Revised Code; 213

(vi) A prison term of eighteen months if the specification 214
is of the type described in division (D) of section 2941.141 of 215
the Revised Code that charges the offender with having a firearm 216
on or about the offender's person or under the offender's 217
control while committing the offense and that the offender 218
previously has been convicted of or pleaded guilty to a 219

specification of the type described in section 2941.141, 220
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 221

(b) If a court imposes a prison term on an offender under 222
division (B)(1)(a) of this section, the prison term shall not be 223
reduced pursuant to section 2929.20, division (A)(2) or (3) of 224
section 2967.193 or 2967.194, or any other provision of Chapter 225
2967. or Chapter 5120. of the Revised Code. Except as provided 226
in division (B)(1)(g) of this section, a court shall not impose 227
more than one prison term on an offender under division (B)(1) 228
(a) of this section for felonies committed as part of the same 229
act or transaction. 230

(c)(i) Except as provided in division (B)(1)(e) of this 231
section, if an offender who is convicted of or pleads guilty to 232
a violation of section 2923.161 of the Revised Code or to a 233
felony that includes, as an essential element, purposely or 234
knowingly causing or attempting to cause the death of or 235
physical harm to another, also is convicted of or pleads guilty 236
to a specification of the type described in division (A) of 237
section 2941.146 of the Revised Code that charges the offender 238
with committing the offense by discharging a firearm from a 239
motor vehicle other than a manufactured home, the court, after 240
imposing a prison term on the offender for the violation of 241
section 2923.161 of the Revised Code or for the other felony 242
offense under division (A), (B)(2), or (B)(3) of this section, 243
shall impose an additional prison term of five years upon the 244
offender that shall not be reduced pursuant to section 2929.20, 245
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 246
other provision of Chapter 2967. or Chapter 5120. of the Revised 247
Code. 248

(ii) Except as provided in division (B)(1)(e) of this 249

section, if an offender who is convicted of or pleads guilty to 250
a violation of section 2923.161 of the Revised Code or to a 251
felony that includes, as an essential element, purposely or 252
knowingly causing or attempting to cause the death of or 253
physical harm to another, also is convicted of or pleads guilty 254
to a specification of the type described in division (C) of 255
section 2941.146 of the Revised Code that charges the offender 256
with committing the offense by discharging a firearm from a 257
motor vehicle other than a manufactured home and that the 258
offender previously has been convicted of or pleaded guilty to a 259
specification of the type described in section 2941.141, 260
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 261
the court, after imposing a prison term on the offender for the 262
violation of section 2923.161 of the Revised Code or for the 263
other felony offense under division (A), (B) (2), or (3) of this 264
section, shall impose an additional prison term of ninety months 265
upon the offender that shall not be reduced pursuant to section 266
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 267
or any other provision of Chapter 2967. or Chapter 5120. of the 268
Revised Code. 269

(iii) A court shall not impose more than one additional 270
prison term on an offender under division (B) (1) (c) of this 271
section for felonies committed as part of the same act or 272
transaction. If a court imposes an additional prison term on an 273
offender under division (B) (1) (c) of this section relative to an 274
offense, the court also shall impose a prison term under 275
division (B) (1) (a) of this section relative to the same offense, 276
provided the criteria specified in that division for imposing an 277
additional prison term are satisfied relative to the offender 278
and the offense. 279

(d) If an offender who is convicted of or pleads guilty to 280

an offense of violence that is a felony also is convicted of or 281
pleads guilty to a specification of the type described in 282
section 2941.1411 of the Revised Code that charges the offender 283
with wearing or carrying body armor while committing the felony 284
offense of violence, the court shall impose on the offender an 285
additional prison term of two years. The prison term so imposed 286
shall not be reduced pursuant to section 2929.20, division (A) 287
(2) or (3) of section 2967.193 or 2967.194, or any other 288
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 289
A court shall not impose more than one prison term on an 290
offender under division (B) (1) (d) of this section for felonies 291
committed as part of the same act or transaction. If a court 292
imposes an additional prison term under division (B) (1) (a) or 293
(c) of this section, the court is not precluded from imposing an 294
additional prison term under division (B) (1) (d) of this section. 295

(e) The court shall not impose any of the prison terms 296
described in division (B) (1) (a) of this section or any of the 297
additional prison terms described in division (B) (1) (c) of this 298
section upon an offender for a violation of section 2923.12 or 299
2923.123 of the Revised Code. The court shall not impose any of 300
the prison terms described in division (B) (1) (a) or (b) of this 301
section upon an offender for a violation of section 2923.122 302
that involves a deadly weapon that is a firearm other than a 303
dangerous ordnance, section 2923.16, or section 2923.121 of the 304
Revised Code. The court shall not impose any of the prison terms 305
described in division (B) (1) (a) of this section or any of the 306
additional prison terms described in division (B) (1) (c) of this 307
section upon an offender for a violation of section 2923.13 of 308
the Revised Code unless all of the following apply: 309

(i) The offender previously has been convicted of 310
aggravated murder, murder, or any felony of the first or second 311

degree. 312

(ii) Less than five years have passed since the offender 313
was released from prison or post-release control, whichever is 314
later, for the prior offense. 315

(f) (i) If an offender is convicted of or pleads guilty to 316
a felony that includes, as an essential element, causing or 317
attempting to cause the death of or physical harm to another and 318
also is convicted of or pleads guilty to a specification of the 319
type described in division (A) of section 2941.1412 of the 320
Revised Code that charges the offender with committing the 321
offense by discharging a firearm at a peace officer as defined 322
in section 2935.01 of the Revised Code or a corrections officer, 323
as defined in section 2941.1412 of the Revised Code, the court, 324
after imposing a prison term on the offender for the felony 325
offense under division (A), (B) (2), or (B) (3) of this section, 326
shall impose an additional prison term of seven years upon the 327
offender that shall not be reduced pursuant to section 2929.20, 328
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 329
other provision of Chapter 2967. or Chapter 5120. of the Revised 330
Code. 331

(ii) If an offender is convicted of or pleads guilty to a 332
felony that includes, as an essential element, causing or 333
attempting to cause the death of or physical harm to another and 334
also is convicted of or pleads guilty to a specification of the 335
type described in division (B) of section 2941.1412 of the 336
Revised Code that charges the offender with committing the 337
offense by discharging a firearm at a peace officer, as defined 338
in section 2935.01 of the Revised Code, or a corrections 339
officer, as defined in section 2941.1412 of the Revised Code, 340
and that the offender previously has been convicted of or 341

pleaded guilty to a specification of the type described in 342
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 343
the Revised Code, the court, after imposing a prison term on the 344
offender for the felony offense under division (A), (B) (2), or 345
(3) of this section, shall impose an additional prison term of 346
one hundred twenty-six months upon the offender that shall not 347
be reduced pursuant to section 2929.20, division (A) (2) or (3) 348
of section 2967.193 or 2967.194, or any other provision of 349
Chapter 2967. or 5120. of the Revised Code. 350

(iii) If an offender is convicted of or pleads guilty to 351
two or more felonies that include, as an essential element, 352
causing or attempting to cause the death or physical harm to 353
another and also is convicted of or pleads guilty to a 354
specification of the type described under division (B) (1) (f) of 355
this section in connection with two or more of the felonies of 356
which the offender is convicted or to which the offender pleads 357
guilty, the sentencing court shall impose on the offender the 358
prison term specified under division (B) (1) (f) of this section 359
for each of two of the specifications of which the offender is 360
convicted or to which the offender pleads guilty and, in its 361
discretion, also may impose on the offender the prison term 362
specified under that division for any or all of the remaining 363
specifications. If a court imposes an additional prison term on 364
an offender under division (B) (1) (f) of this section relative to 365
an offense, the court shall not impose a prison term under 366
division (B) (1) (a) or (c) of this section relative to the same 367
offense. 368

(g) If an offender is convicted of or pleads guilty to two 369
or more felonies, if one or more of those felonies are 370
aggravated murder, murder, attempted aggravated murder, 371
attempted murder, aggravated robbery, felonious assault, or 372

rape, and if the offender is convicted of or pleads guilty to a 373
specification of the type described under division (B)(1)(a) of 374
this section in connection with two or more of the felonies, the 375
sentencing court shall impose on the offender the prison term 376
specified under division (B)(1)(a) of this section for each of 377
the two most serious specifications of which the offender is 378
convicted or to which the offender pleads guilty and, in its 379
discretion, also may impose on the offender the prison term 380
specified under that division for any or all of the remaining 381
specifications. 382

(2)(a) If division (B)(2)(b) of this section does not 383
apply, the court may impose on an offender, in addition to the 384
longest prison term authorized or required for the offense or, 385
for offenses for which division (A)(1)(a) or (2)(a) of this 386
section applies, in addition to the longest minimum prison term 387
authorized or required for the offense, an additional definite 388
prison term of one, two, three, four, five, six, seven, eight, 389
nine, or ten years if all of the following criteria are met: 390

(i) The offender is convicted of or pleads guilty to a 391
specification of the type described in section 2941.149 of the 392
Revised Code that the offender is a repeat violent offender. 393

(ii) The offense of which the offender currently is 394
convicted or to which the offender currently pleads guilty is 395
aggravated murder and the court does not impose a sentence of 396
death or life imprisonment without parole, murder, terrorism and 397
the court does not impose a sentence of life imprisonment 398
without parole, any felony of the first degree that is an 399
offense of violence and the court does not impose a sentence of 400
life imprisonment without parole, or any felony of the second 401
degree that is an offense of violence and the trier of fact 402

finds that the offense involved an attempt to cause or a threat 403
to cause serious physical harm to a person or resulted in 404
serious physical harm to a person. 405

(iii) The court imposes the longest prison term for the 406
offense or the longest minimum prison term for the offense, 407
whichever is applicable, that is not life imprisonment without 408
parole. 409

(iv) The court finds that the prison terms imposed 410
pursuant to division (B) (2) (a) (iii) of this section and, if 411
applicable, division (B) (1) or (3) of this section are 412
inadequate to punish the offender and protect the public from 413
future crime, because the applicable factors under section 414
2929.12 of the Revised Code indicating a greater likelihood of 415
recidivism outweigh the applicable factors under that section 416
indicating a lesser likelihood of recidivism. 417

(v) The court finds that the prison terms imposed pursuant 418
to division (B) (2) (a) (iii) of this section and, if applicable, 419
division (B) (1) or (3) of this section are demeaning to the 420
seriousness of the offense, because one or more of the factors 421
under section 2929.12 of the Revised Code indicating that the 422
offender's conduct is more serious than conduct normally 423
constituting the offense are present, and they outweigh the 424
applicable factors under that section indicating that the 425
offender's conduct is less serious than conduct normally 426
constituting the offense. 427

(b) The court shall impose on an offender the longest 428
prison term authorized or required for the offense or, for 429
offenses for which division (A) (1) (a) or (2) (a) of this section 430
applies, the longest minimum prison term authorized or required 431
for the offense, and shall impose on the offender an additional 432

definite prison term of one, two, three, four, five, six, seven, 433
eight, nine, or ten years if all of the following criteria are 434
met: 435

(i) The offender is convicted of or pleads guilty to a 436
specification of the type described in section 2941.149 of the 437
Revised Code that the offender is a repeat violent offender. 438

(ii) The offender within the preceding twenty years has 439
been convicted of or pleaded guilty to three or more offenses 440
described in division (CC)(1) of section 2929.01 of the Revised 441
Code, including all offenses described in that division of which 442
the offender is convicted or to which the offender pleads guilty 443
in the current prosecution and all offenses described in that 444
division of which the offender previously has been convicted or 445
to which the offender previously pleaded guilty, whether 446
prosecuted together or separately. 447

(iii) The offense or offenses of which the offender 448
currently is convicted or to which the offender currently pleads 449
guilty is aggravated murder and the court does not impose a 450
sentence of death or life imprisonment without parole, murder, 451
terrorism and the court does not impose a sentence of life 452
imprisonment without parole, any felony of the first degree that 453
is an offense of violence and the court does not impose a 454
sentence of life imprisonment without parole, or any felony of 455
the second degree that is an offense of violence and the trier 456
of fact finds that the offense involved an attempt to cause or a 457
threat to cause serious physical harm to a person or resulted in 458
serious physical harm to a person. 459

(c) For purposes of division (B)(2)(b) of this section, 460
two or more offenses committed at the same time or as part of 461
the same act or event shall be considered one offense, and that 462

one offense shall be the offense with the greatest penalty. 463

(d) A sentence imposed under division (B)(2)(a) or (b) of 464
this section shall not be reduced pursuant to section 2929.20, 465
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 466
other provision of Chapter 2967. or Chapter 5120. of the Revised 467
Code. The offender shall serve an additional prison term imposed 468
under division (B)(2)(a) or (b) of this section consecutively to 469
and prior to the prison term imposed for the underlying offense. 470

(e) When imposing a sentence pursuant to division (B)(2) 471
(a) or (b) of this section, the court shall state its findings 472
explaining the imposed sentence. 473

(3) Except when an offender commits a violation of section 474
2903.01 or 2907.02 of the Revised Code and the penalty imposed 475
for the violation is life imprisonment or commits a violation of 476
section 2903.02 of the Revised Code, if the offender commits a 477
violation of section 2925.03 or 2925.11 of the Revised Code and 478
that section classifies the offender as a major drug offender, 479
if the offender commits a violation of section 2925.05 of the 480
Revised Code and division (E)(1) of that section classifies the 481
offender as a major drug offender, if the offender commits a 482
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 483
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 484
division (C) or (D) of section 3719.172, division (E) of section 485
4729.51, or division (J) of section 4729.54 of the Revised Code 486
that includes the sale, offer to sell, or possession of a 487
schedule I or II controlled substance, with the exception of 488
marihuana, and the court imposing sentence upon the offender 489
finds that the offender is guilty of a specification of the type 490
described in division (A) of section 2941.1410 of the Revised 491
Code charging that the offender is a major drug offender, if the 492

court imposing sentence upon an offender for a felony finds that 493
the offender is guilty of corrupt activity with the most serious 494
offense in the pattern of corrupt activity being a felony of the 495
first degree, or if the offender is guilty of an attempted 496
violation of section 2907.02 of the Revised Code and, had the 497
offender completed the violation of section 2907.02 of the 498
Revised Code that was attempted, the offender would have been 499
subject to a sentence of life imprisonment or life imprisonment 500
without parole for the violation of section 2907.02 of the 501
Revised Code, the court shall impose upon the offender for the 502
felony violation a mandatory prison term determined as described 503
in this division that cannot be reduced pursuant to section 504
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 505
or any other provision of Chapter 2967. or 5120. of the Revised 506
Code. The mandatory prison term shall be the maximum definite 507
prison term prescribed in division (A) (1) (b) of this section for 508
a felony of the first degree, except that for offenses for which 509
division (A) (1) (a) of this section applies, the mandatory prison 510
term shall be the longest minimum prison term prescribed in that 511
division for the offense. 512

(4) If the offender is being sentenced for a third or 513
fourth degree felony OVI offense under division (G) (2) of 514
section 2929.13 of the Revised Code, the sentencing court shall 515
impose upon the offender a mandatory prison term in accordance 516
with that division. In addition to the mandatory prison term, if 517
the offender is being sentenced for a fourth degree felony OVI 518
offense, the court, notwithstanding division (A) (4) of this 519
section, may sentence the offender to a definite prison term of 520
not less than six months and not more than thirty months, and if 521
the offender is being sentenced for a third degree felony OVI 522
offense, the sentencing court may sentence the offender to an 523

additional prison term of any duration specified in division (A) 524
(3) of this section. In either case, the additional prison term 525
imposed shall be reduced by the sixty or one hundred twenty days 526
imposed upon the offender as the mandatory prison term. The 527
total of the additional prison term imposed under division (B) 528
(4) of this section plus the sixty or one hundred twenty days 529
imposed as the mandatory prison term shall equal a definite term 530
in the range of six months to thirty months for a fourth degree 531
felony OVI offense and shall equal one of the authorized prison 532
terms specified in division (A) (3) of this section for a third 533
degree felony OVI offense. If the court imposes an additional 534
prison term under division (B) (4) of this section, the offender 535
shall serve the additional prison term after the offender has 536
served the mandatory prison term required for the offense. In 537
addition to the mandatory prison term or mandatory and 538
additional prison term imposed as described in division (B) (4) 539
of this section, the court also may sentence the offender to a 540
community control sanction under section 2929.16 or 2929.17 of 541
the Revised Code, but the offender shall serve all of the prison 542
terms so imposed prior to serving the community control 543
sanction. 544

If the offender is being sentenced for a fourth degree 545
felony OVI offense under division (G) (1) of section 2929.13 of 546
the Revised Code and the court imposes a mandatory term of local 547
incarceration, the court may impose a prison term as described 548
in division (A) (1) of that section. 549

(5) If an offender is convicted of or pleads guilty to a 550
violation of division (A) (1) or (2) of section 2903.06 of the 551
Revised Code and also is convicted of or pleads guilty to a 552
specification of the type described in section 2941.1414 of the 553
Revised Code that charges that the victim of the offense is a 554

peace officer, as defined in section 2935.01 of the Revised 555
Code, an investigator of the bureau of criminal identification 556
and investigation, as defined in section 2903.11 of the Revised 557
Code, or a firefighter or emergency medical worker, both as 558
defined in section 4123.026 of the Revised Code, the court shall 559
impose on the offender a prison term of five years. If a court 560
imposes a prison term on an offender under division (B) (5) of 561
this section, the prison term shall not be reduced pursuant to 562
section 2929.20, division (A) (2) or (3) of section 2967.193 or 563
2967.194, or any other provision of Chapter 2967. or Chapter 564
5120. of the Revised Code. A court shall not impose more than 565
one prison term on an offender under division (B) (5) of this 566
section for felonies committed as part of the same act. 567

(6) If an offender is convicted of or pleads guilty to a 568
violation of division (A) (1) or (2) of section 2903.06 of the 569
Revised Code and also is convicted of or pleads guilty to a 570
specification of the type described in section 2941.1415 of the 571
Revised Code that charges that the offender previously has been 572
convicted of or pleaded guilty to three or more violations of 573
division (A) of section 4511.19 of the Revised Code or an 574
equivalent offense, as defined in section 2941.1415 of the 575
Revised Code, or three or more violations of any combination of 576
those offenses, the court shall impose on the offender a prison 577
term of three years. If a court imposes a prison term on an 578
offender under division (B) (6) of this section, the prison term 579
shall not be reduced pursuant to section 2929.20, division (A) 580
(2) or (3) of section 2967.193 or 2967.194, or any other 581
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 582
A court shall not impose more than one prison term on an 583
offender under division (B) (6) of this section for felonies 584
committed as part of the same act. 585

(7) (a) If an offender is convicted of or pleads guilty to 586
a felony violation of section 2905.01, 2905.02, 2907.21, 587
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 588
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 589
section 2919.22 of the Revised Code and also is convicted of or 590
pleads guilty to a specification of the type described in 591
section 2941.1422 of the Revised Code that charges that the 592
offender knowingly committed the offense in furtherance of human 593
trafficking, the court shall impose on the offender a mandatory 594
prison term that is one of the following: 595

(i) If the offense is a felony of the first degree, a 596
definite prison term of not less than five years and not greater 597
than eleven years, except that if the offense is a felony of the 598
first degree committed on or after March 22, 2019, the court 599
shall impose as the minimum prison term a mandatory term of not 600
less than five years and not greater than eleven years; 601

(ii) If the offense is a felony of the second or third 602
degree, a definite prison term of not less than three years and 603
not greater than the maximum prison term allowed for the offense 604
by division (A) (2) (b) or (3) of this section, except that if the 605
offense is a felony of the second degree committed on or after 606
March 22, 2019, the court shall impose as the minimum prison 607
term a mandatory term of not less than three years and not 608
greater than eight years; 609

(iii) If the offense is a felony of the fourth or fifth 610
degree, a definite prison term that is the maximum prison term 611
allowed for the offense by division (A) of section 2929.14 of 612
the Revised Code. 613

(b) The prison term imposed under division (B) (7) (a) of 614
this section shall not be reduced pursuant to section 2929.20, 615

division (A) (2) or (3) of section 2967.193 or 2967.194, or any 616
other provision of Chapter 2967. of the Revised Code. A court 617
shall not impose more than one prison term on an offender under 618
division (B) (7) (a) of this section for felonies committed as 619
part of the same act, scheme, or plan. 620

(8) If an offender is convicted of or pleads guilty to a 621
felony violation of section 2903.11, 2903.12, or 2903.13 of the 622
Revised Code and also is convicted of or pleads guilty to a 623
specification of the type described in section 2941.1423 of the 624
Revised Code that charges that the victim of the violation was a 625
woman whom the offender knew was pregnant at the time of the 626
violation, notwithstanding the range prescribed in division (A) 627
of this section as the definite prison term or minimum prison 628
term for felonies of the same degree as the violation, the court 629
shall impose on the offender a mandatory prison term that is 630
either a definite prison term of six months or one of the prison 631
terms prescribed in division (A) of this section for felonies of 632
the same degree as the violation, except that if the violation 633
is a felony of the first or second degree committed on or after 634
March 22, 2019, the court shall impose as the minimum prison term 635
under division (A) (1) (a) or (2) (a) of this section a mandatory 636
term that is one of the terms prescribed in that division, 637
whichever is applicable, for the offense. 638

(9) (a) If an offender is convicted of or pleads guilty to 639
a violation of division (A) (1) or (2) of section 2903.11 of the 640
Revised Code and also is convicted of or pleads guilty to a 641
specification of the type described in section 2941.1425 of the 642
Revised Code, the court shall impose on the offender a mandatory 643
prison term of six years if either of the following applies: 644

(i) The violation is a violation of division (A) (1) of 645

section 2903.11 of the Revised Code and the specification 646
charges that the offender used an accelerant in committing the 647
violation and the serious physical harm to another or to 648
another's unborn caused by the violation resulted in a 649
permanent, serious disfigurement or permanent, substantial 650
incapacity; 651

(ii) The violation is a violation of division (A) (2) of 652
section 2903.11 of the Revised Code and the specification 653
charges that the offender used an accelerant in committing the 654
violation, that the violation caused physical harm to another or 655
to another's unborn, and that the physical harm resulted in a 656
permanent, serious disfigurement or permanent, substantial 657
incapacity. 658

(b) If a court imposes a prison term on an offender under 659
division (B) (9) (a) of this section, the prison term shall not be 660
reduced pursuant to section 2929.20, division (A) (2) or (3) of 661
section 2967.193 or 2967.194, or any other provision of Chapter 662
2967. or Chapter 5120. of the Revised Code. A court shall not 663
impose more than one prison term on an offender under division 664
(B) (9) of this section for felonies committed as part of the 665
same act. 666

(c) The provisions of divisions (B) (9) and (C) (6) of this 667
section and of division (D) (2) of section 2903.11, division (F) 668
(20) of section 2929.13, and section 2941.1425 of the Revised 669
Code shall be known as "Judy's Law." 670

(10) If an offender is convicted of or pleads guilty to a 671
violation of division (A) of section 2903.11 of the Revised Code 672
and also is convicted of or pleads guilty to a specification of 673
the type described in section 2941.1426 of the Revised Code that 674
charges that the victim of the offense suffered permanent 675

disabling harm as a result of the offense and that the victim 676
was under ten years of age at the time of the offense, 677
regardless of whether the offender knew the age of the victim, 678
the court shall impose upon the offender an additional definite 679
prison term of six years. A prison term imposed on an offender 680
under division (B) (10) of this section shall not be reduced 681
pursuant to section 2929.20, division (A) (2) or (3) of section 682
2967.193 or 2967.194, or any other provision of Chapter 2967. or 683
Chapter 5120. of the Revised Code. If a court imposes an 684
additional prison term on an offender under this division 685
relative to a violation of division (A) of section 2903.11 of 686
the Revised Code, the court shall not impose any other 687
additional prison term on the offender relative to the same 688
offense. 689

(11) If an offender is convicted of or pleads guilty to a 690
felony violation of section 2925.03 or 2925.05 of the Revised 691
Code or a felony violation of section 2925.11 of the Revised 692
Code for which division (C) (11) of that section applies in 693
determining the sentence for the violation, if the drug involved 694
in the violation is a fentanyl-related compound or a compound, 695
mixture, preparation, or substance containing a fentanyl-related 696
compound, and if the offender also is convicted of or pleads 697
guilty to a specification of the type described in division (B) 698
of section 2941.1410 of the Revised Code that charges that the 699
offender is a major drug offender, in addition to any other 700
penalty imposed for the violation, the court shall impose on the 701
offender a mandatory prison term of three, four, five, six, 702
seven, or eight years. If a court imposes a prison term on an 703
offender under division (B) (11) of this section, the prison term 704
shall not be reduced pursuant to section 2929.20, division (A) 705
(2) or (3) of section 2967.193 or 2967.194, or any other 706

provision of Chapter 2967. or 5120. of the Revised Code. A court 707
shall not impose more than one prison term on an offender under 708
division (B) (11) of this section for felonies committed as part 709
of the same act. 710

(C) (1) (a) Subject to division (C) (1) (b) of this section, 711
if a mandatory prison term is imposed upon an offender pursuant 712
to division (B) (1) (a) of this section for having a firearm on or 713
about the offender's person or under the offender's control 714
while committing a felony, if a mandatory prison term is imposed 715
upon an offender pursuant to division (B) (1) (c) of this section 716
for committing a felony specified in that division by 717
discharging a firearm from a motor vehicle, or if both types of 718
mandatory prison terms are imposed, the offender shall serve any 719
mandatory prison term imposed under either division 720
consecutively to any other mandatory prison term imposed under 721
either division or under division (B) (1) (d) of this section, 722
consecutively to and prior to any prison term imposed for the 723
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 724
this section or any other section of the Revised Code, and 725
consecutively to any other prison term or mandatory prison term 726
previously or subsequently imposed upon the offender. 727

(b) If a mandatory prison term is imposed upon an offender 728
pursuant to division (B) (1) (d) of this section for wearing or 729
carrying body armor while committing an offense of violence that 730
is a felony, the offender shall serve the mandatory term so 731
imposed consecutively to any other mandatory prison term imposed 732
under that division or under division (B) (1) (a) or (c) of this 733
section, consecutively to and prior to any prison term imposed 734
for the underlying felony under division (A), (B) (2), or (B) (3) 735
of this section or any other section of the Revised Code, and 736
consecutively to any other prison term or mandatory prison term 737

previously or subsequently imposed upon the offender. 738

(c) If a mandatory prison term is imposed upon an offender 739
pursuant to division (B)(1)(f) of this section, the offender 740
shall serve the mandatory prison term so imposed consecutively 741
to and prior to any prison term imposed for the underlying 742
felony under division (A), (B)(2), or (B)(3) of this section or 743
any other section of the Revised Code, and consecutively to any 744
other prison term or mandatory prison term previously or 745
subsequently imposed upon the offender. 746

(d) If a mandatory prison term is imposed upon an offender 747
pursuant to division (B)(7) or (8) of this section, the offender 748
shall serve the mandatory prison term so imposed consecutively 749
to any other mandatory prison term imposed under that division 750
or under any other provision of law and consecutively to any 751
other prison term or mandatory prison term previously or 752
subsequently imposed upon the offender. 753

(e) If a mandatory prison term is imposed upon an offender 754
pursuant to division (B)(11) of this section, the offender shall 755
serve the mandatory prison term consecutively to any other 756
mandatory prison term imposed under that division, consecutively 757
to and prior to any prison term imposed for the underlying 758
felony, and consecutively to any other prison term or mandatory 759
prison term previously or subsequently imposed upon the 760
offender. 761

(2) If an offender who is an inmate in a jail, prison, or 762
other residential detention facility violates section 2917.02, 763
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 764
(2) of section 2921.34 of the Revised Code, if an offender who 765
is under detention at a detention facility commits a felony 766
violation of section 2923.131 of the Revised Code, or if an 767

offender who is an inmate in a jail, prison, or other 768
residential detention facility or is under detention at a 769
detention facility commits another felony while the offender is 770
an escapee in violation of division (A) (1) or (2) of section 771
2921.34 of the Revised Code, any prison term imposed upon the 772
offender for one of those violations shall be served by the 773
offender consecutively to the prison term or term of 774
imprisonment the offender was serving when the offender 775
committed that offense and to any other prison term previously 776
or subsequently imposed upon the offender. 777

(3) If a prison term is imposed for a violation of 778
division (B) of section 2911.01 of the Revised Code, a violation 779
of division (A) of section 2913.02 of the Revised Code in which 780
the stolen property is a firearm or dangerous ordnance, or a 781
felony violation of division (B) of section 2921.331 of the 782
Revised Code, the offender shall serve that prison term 783
consecutively to any other prison term or mandatory prison term 784
previously or subsequently imposed upon the offender. 785

(4) If multiple prison terms are imposed on an offender 786
for convictions of multiple offenses, the court may require the 787
offender to serve the prison terms consecutively if the court 788
finds that the consecutive service is necessary to protect the 789
public from future crime or to punish the offender and that 790
consecutive sentences are not disproportionate to the 791
seriousness of the offender's conduct and to the danger the 792
offender poses to the public, and if the court also finds any of 793
the following: 794

(a) The offender committed one or more of the multiple 795
offenses while the offender was awaiting trial or sentencing, 796
was under a sanction imposed pursuant to section 2929.16, 797

2929.17, or 2929.18 of the Revised Code, or was under post- 798
release control for a prior offense. 799

(b) At least two of the multiple offenses were committed 800
as part of one or more courses of conduct, and the harm caused 801
by two or more of the multiple offenses so committed was so 802
great or unusual that no single prison term for any of the 803
offenses committed as part of any of the courses of conduct 804
adequately reflects the seriousness of the offender's conduct. 805

(c) The offender's history of criminal conduct 806
demonstrates that consecutive sentences are necessary to protect 807
the public from future crime by the offender. 808

(5) If a mandatory prison term is imposed upon an offender 809
pursuant to division (B) (5) or (6) of this section, the offender 810
shall serve the mandatory prison term consecutively to and prior 811
to any prison term imposed for the underlying violation of 812
division (A) (1) or (2) of section 2903.06 of the Revised Code 813
pursuant to division (A) of this section or section 2929.142 of 814
the Revised Code. If a mandatory prison term is imposed upon an 815
offender pursuant to division (B) (5) of this section, and if a 816
mandatory prison term also is imposed upon the offender pursuant 817
to division (B) (6) of this section in relation to the same 818
violation, the offender shall serve the mandatory prison term 819
imposed pursuant to division (B) (5) of this section 820
consecutively to and prior to the mandatory prison term imposed 821
pursuant to division (B) (6) of this section and consecutively to 822
and prior to any prison term imposed for the underlying 823
violation of division (A) (1) or (2) of section 2903.06 of the 824
Revised Code pursuant to division (A) of this section or section 825
2929.142 of the Revised Code. 826

(6) If a mandatory prison term is imposed on an offender 827

pursuant to division (B)(9) of this section, the offender shall 828
serve the mandatory prison term consecutively to and prior to 829
any prison term imposed for the underlying violation of division 830
(A)(1) or (2) of section 2903.11 of the Revised Code and 831
consecutively to and prior to any other prison term or mandatory 832
prison term previously or subsequently imposed on the offender. 833

(7) If a mandatory prison term is imposed on an offender 834
pursuant to division (B)(10) of this section, the offender shall 835
serve that mandatory prison term consecutively to and prior to 836
any prison term imposed for the underlying felonious assault. 837
Except as otherwise provided in division (C) of this section, 838
any other prison term or mandatory prison term previously or 839
subsequently imposed upon the offender may be served 840
concurrently with, or consecutively to, the prison term imposed 841
pursuant to division (B)(10) of this section. 842

(8) Any prison term imposed for a violation of section 843
2903.04 of the Revised Code that is based on a violation of 844
section 2925.03 or 2925.11 of the Revised Code or on a violation 845
of section 2925.05 of the Revised Code that is not funding of 846
marihuana trafficking shall run consecutively to any prison term 847
imposed for the violation of section 2925.03 or 2925.11 of the 848
Revised Code or for the violation of section 2925.05 of the 849
Revised Code that is not funding of marihuana trafficking. 850

(9) When consecutive prison terms are imposed pursuant to 851
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 852
division (H)(1) or (2) of this section, subject to division (C) 853
(10) of this section, the term to be served is the aggregate of 854
all of the terms so imposed. 855

(10) When a court sentences an offender to a non-life 856
felony indefinite prison term, any definite prison term or 857

mandatory definite prison term previously or subsequently 858
imposed on the offender in addition to that indefinite sentence 859
that is required to be served consecutively to that indefinite 860
sentence shall be served prior to the indefinite sentence. 861

(11) If a court is sentencing an offender for a felony of 862
the first or second degree, if division (A) (1) (a) or (2) (a) of 863
this section applies with respect to the sentencing for the 864
offense, and if the court is required under the Revised Code 865
section that sets forth the offense or any other Revised Code 866
provision to impose a mandatory prison term for the offense, the 867
court shall impose the required mandatory prison term as the 868
minimum term imposed under division (A) (1) (a) or (2) (a) of this 869
section, whichever is applicable. 870

(D) (1) If a court imposes a prison term, other than a term 871
of life imprisonment, for a felony of the first degree, for a 872
felony of the second degree, for a felony sex offense, or for a 873
felony of the third degree that is an offense of violence and 874
that is not a felony sex offense, it shall include in the 875
sentence a requirement that the offender be subject to a period 876
of post-release control after the offender's release from 877
imprisonment, in accordance with section 2967.28 of the Revised 878
Code. If a court imposes a sentence including a prison term of a 879
type described in this division on or after July 11, 2006, the 880
failure of a court to include a post-release control requirement 881
in the sentence pursuant to this division does not negate, 882
limit, or otherwise affect the mandatory period of post-release 883
control that is required for the offender under division (B) of 884
section 2967.28 of the Revised Code. Section 2929.191 of the 885
Revised Code applies if, prior to July 11, 2006, a court imposed 886
a sentence including a prison term of a type described in this 887
division and failed to include in the sentence pursuant to this 888

division a statement regarding post-release control. 889

(2) If a court imposes a prison term for a felony of the 890
third, fourth, or fifth degree that is not subject to division 891
(D)(1) of this section, it shall include in the sentence a 892
requirement that the offender be subject to a period of post- 893
release control after the offender's release from imprisonment, 894
in accordance with that division, if the parole board determines 895
that a period of post-release control is necessary. Section 896
2929.191 of the Revised Code applies if, prior to July 11, 2006, 897
a court imposed a sentence including a prison term of a type 898
described in this division and failed to include in the sentence 899
pursuant to this division a statement regarding post-release 900
control. 901

(E) The court shall impose sentence upon the offender in 902
accordance with section 2971.03 of the Revised Code, and Chapter 903
2971. of the Revised Code applies regarding the prison term or 904
term of life imprisonment without parole imposed upon the 905
offender and the service of that term of imprisonment if any of 906
the following apply: 907

(1) A person is convicted of or pleads guilty to a violent 908
sex offense or a designated homicide, assault, or kidnapping 909
offense, and, in relation to that offense, the offender is 910
adjudicated a sexually violent predator. 911

(2) A person is convicted of or pleads guilty to a 912
violation of division (A)(1)(b) of section 2907.02 of the 913
Revised Code committed on or after January 2, 2007, and either 914
the court does not impose a sentence of life without parole when 915
authorized pursuant to division (B) of section 2907.02 of the 916
Revised Code, or division (B) of section 2907.02 of the Revised 917
Code provides that the court shall not sentence the offender 918

pursuant to section 2971.03 of the Revised Code. 919

(3) A person is convicted of or pleads guilty to attempted 920
rape committed on or after January 2, 2007, and a specification 921
of the type described in section 2941.1418, 2941.1419, or 922
2941.1420 of the Revised Code. 923

(4) A person is convicted of or pleads guilty to a 924
violation of section 2905.01 of the Revised Code committed on or 925
after January 1, 2008, and that section requires the court to 926
sentence the offender pursuant to section 2971.03 of the Revised 927
Code. 928

(5) A person is convicted of or pleads guilty to 929
aggravated murder committed on or after January 1, 2008, and 930
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 931
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 932
(a) (iv) of section 2929.03, or division (A) or (B) of section 933
2929.06 of the Revised Code requires the court to sentence the 934
offender pursuant to division (B) (3) of section 2971.03 of the 935
Revised Code. 936

(6) A person is convicted of or pleads guilty to murder 937
committed on or after January 1, 2008, and division (B) (2) of 938
section 2929.02 of the Revised Code requires the court to 939
sentence the offender pursuant to section 2971.03 of the Revised 940
Code. 941

(F) If a person who has been convicted of or pleaded 942
guilty to a felony is sentenced to a prison term or term of 943
imprisonment under this section, sections 2929.02 to 2929.06 of 944
the Revised Code, section 2929.142 of the Revised Code, section 945
2971.03 of the Revised Code, or any other provision of law, 946
section 5120.163 of the Revised Code applies regarding the 947

person while the person is confined in a state correctional 948
institution. 949

(G) If an offender who is convicted of or pleads guilty to 950
a felony that is an offense of violence also is convicted of or 951
pleads guilty to a specification of the type described in 952
section 2941.142 of the Revised Code that charges the offender 953
with having committed the felony while participating in a 954
criminal gang, the court shall impose upon the offender an 955
additional prison term of one, two, or three years. 956

(H) (1) If an offender who is convicted of or pleads guilty 957
to aggravated murder, murder, or a felony of the first, second, 958
or third degree that is an offense of violence also is convicted 959
of or pleads guilty to a specification of the type described in 960
section 2941.143 of the Revised Code that charges the offender 961
with having committed the offense in a school safety zone or 962
towards a person in a school safety zone, the court shall impose 963
upon the offender an additional prison term of two years. The 964
offender shall serve the additional two years consecutively to 965
and prior to the prison term imposed for the underlying offense. 966

(2) (a) If an offender is convicted of or pleads guilty to 967
a felony violation of section 2907.22, 2907.24, 2907.241, or 968
2907.25 of the Revised Code and to a specification of the type 969
described in section 2941.1421 of the Revised Code and if the 970
court imposes a prison term on the offender for the felony 971
violation, the court may impose upon the offender an additional 972
prison term as follows: 973

(i) Subject to division (H) (2) (a) (ii) of this section, an 974
additional prison term of one, two, three, four, five, or six 975
months; 976

(ii) If the offender previously has been convicted of or 977
pleaded guilty to one or more felony or misdemeanor violations 978
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 979
the Revised Code and also was convicted of or pleaded guilty to 980
a specification of the type described in section 2941.1421 of 981
the Revised Code regarding one or more of those violations, an 982
additional prison term of one, two, three, four, five, six, 983
seven, eight, nine, ten, eleven, or twelve months. 984

(b) In lieu of imposing an additional prison term under 985
division (H) (2) (a) of this section, the court may directly 986
impose on the offender a sanction that requires the offender to 987
wear a real-time processing, continual tracking electronic 988
monitoring device during the period of time specified by the 989
court. The period of time specified by the court shall equal the 990
duration of an additional prison term that the court could have 991
imposed upon the offender under division (H) (2) (a) of this 992
section. A sanction imposed under this division shall commence 993
on the date specified by the court, provided that the sanction 994
shall not commence until after the offender has served the 995
prison term imposed for the felony violation of section 2907.22, 996
2907.24, 2907.241, or 2907.25 of the Revised Code and any 997
residential sanction imposed for the violation under section 998
2929.16 of the Revised Code. A sanction imposed under this 999
division shall be considered to be a community control sanction 1000
for purposes of section 2929.15 of the Revised Code, and all 1001
provisions of the Revised Code that pertain to community control 1002
sanctions shall apply to a sanction imposed under this division, 1003
except to the extent that they would by their nature be clearly 1004
inapplicable. The offender shall pay all costs associated with a 1005
sanction imposed under this division, including the cost of the 1006
use of the monitoring device. 1007

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

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

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

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

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

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

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

(K)(1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1424 of the Revised Code that charges that the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control while committing the presently charged violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense. The offender shall serve the prison term imposed under this division consecutively to and prior to the

prison term imposed for the underlying offense. The prison term 1069
shall not be reduced pursuant to section 2929.20, division (A) 1070
(2) or (3) of section 2967.193 or 2967.194, or any other 1071
provision of Chapter 2967. or 5120. of the Revised Code. A court 1072
may not impose more than one sentence under division (B) (2) (a) 1073
of this section and this division for acts committed as part of 1074
the same act or transaction. 1075

(2) As used in division (K) (1) of this section, "violent 1076
career criminal" and "violent felony offense" have the same 1077
meanings as in section 2923.132 of the Revised Code. 1078

(L) If an offender receives or received a sentence of life 1079
imprisonment without parole, a sentence of life imprisonment, a 1080
definite sentence, or a sentence to an indefinite prison term 1081
under this chapter for a felony offense that was committed when 1082
the offender was under eighteen years of age, the offender's 1083
parole eligibility shall be determined under section 2967.132 of 1084
the Revised Code. 1085

Sec. 2935.031. ~~Any~~ (A) As used in this section, "law 1086
enforcement entity" means an agency, instrumentality, or 1087
political subdivision of the state that employs a sheriff, 1088
deputy sheriff, constable, marshal, deputy marshal, police 1089
officer, member of a metropolitan housing authority police 1090
force, state university law enforcement officer, or veterans' 1091
home police officer with arrest authority under section 2935.03 1092
of the Revised Code or that employs other persons with arrest 1093
authority under the Revised Code~~r.~~ 1094

(B) Each law enforcement entity shall adopt a written 1095
policy for the pursuit in a motor vehicle of any person who 1096
violates a law of this state or an ordinance of a municipal 1097
corporation. In developing its policy, each law enforcement 1098

entity shall consider pursuit policy standards and best-practice 1099
recommendations as established by the Ohio collaborative 1100
community-police advisory board or a similar law enforcement 1101
accrediting entity. The chief law enforcement officer or other 1102
chief official of the ~~agency, instrumentality, or political~~ 1103
~~subdivision~~ law enforcement entity shall formally advise and 1104
train each peace officer or other person with arrest authority 1105
~~it the entity employs of the on each~~ pursuit policy adopted by 1106
~~that agency, instrumentality, or political subdivision~~ entity 1107
pursuant to this section. 1108

Sec. 2981.02. (A) (1) The following property is subject to 1109
forfeiture to the state or a political subdivision under either 1110
the criminal or delinquency process in section 2981.04 of the 1111
Revised Code or the civil process in section 2981.05 of the 1112
Revised Code: 1113

(a) Contraband involved in an offense; 1114

(b) Proceeds derived from or acquired through the 1115
commission of an offense; 1116

(c) An instrumentality that is used in or intended to be 1117
used in the commission or facilitation of any of the following 1118
offenses when the use or intended use, consistent with division 1119
(B) of this section, is sufficient to warrant forfeiture under 1120
this chapter: 1121

(i) A felony; 1122

(ii) A misdemeanor, when forfeiture is specifically 1123
authorized by a section of the Revised Code or by a municipal 1124
ordinance that creates the offense or sets forth its penalties; 1125

(iii) An attempt to commit, complicity in committing, or a 1126
conspiracy to commit an offense of the type described in 1127

divisions (A) (3) (a) and (b) of this section. 1128

(2) In determining whether an alleged instrumentality was 1129
used in or was intended to be used in the commission or 1130
facilitation of an offense or an attempt, complicity, or 1131
conspiracy to commit an offense in a manner sufficient to 1132
warrant its forfeiture, the trier of fact shall consider the 1133
following factors the trier of fact determines are relevant: 1134

(a) Whether the offense could not have been committed or 1135
attempted but for the presence of the instrumentality; 1136

(b) Whether the primary purpose in using the 1137
instrumentality was to commit or attempt to commit the offense; 1138

(c) The extent to which the instrumentality furthered the 1139
commission of, or attempt to commit, the offense. 1140

(B) The property described in division (F) (2) of section 1141
2917.211 of the Revised Code is subject to forfeiture under the 1142
criminal or delinquency process in section 2981.04 of the 1143
Revised Code, if the forfeiture is ordered by the court imposing 1144
sentence or an order of disposition. 1145

(C) ~~This~~ Except as provided by section 4511.251 of the 1146
Revised Code, this chapter does not apply to or limit 1147
forfeitures under Title XLV of the Revised Code, including 1148
forfeitures relating to section 2903.06 or 2903.08 of the 1149
Revised Code. 1150

Sec. 4510.036. (A) The bureau of motor vehicles shall 1151
record within ten days of conviction or bail forfeiture and 1152
shall keep at its main office, all abstracts received under this 1153
section or section 4510.03, 4510.031, 4510.032, or 4510.034 of 1154
the Revised Code and shall maintain records of convictions and 1155
bond forfeitures for any violation of a state law or a municipal 1156

ordinance regulating the operation of vehicles, streetcars, and 1157
trackless trolleys on highways and streets, except a violation 1158
related to parking a motor vehicle. 1159

(B) Every court of record or mayor's court before which a 1160
person is charged with a violation for which points are 1161
chargeable by this section shall assess and transcribe to the 1162
abstract of conviction that is furnished by the bureau to the 1163
court the number of points chargeable by this section in the 1164
correct space assigned on the reporting form. A United States 1165
district court that has jurisdiction within this state and 1166
before which a person is charged with a violation for which 1167
points are chargeable by this section may assess and transcribe 1168
to the abstract of conviction report that is furnished by the 1169
bureau the number of points chargeable by this section in the 1170
correct space assigned on the reporting form. If the federal 1171
court so assesses and transcribes the points chargeable for the 1172
offense and furnishes the report to the bureau, the bureau shall 1173
record the points in the same manner as those assessed and 1174
transcribed by a court of record or mayor's court. 1175

(C) A court shall assess the following points for an 1176
offense based on the following formula: 1177

(1) Aggravated vehicular homicide, vehicular homicide, 1178
vehicular manslaughter, aggravated vehicular assault, or 1179
vehicular assault when the offense involves the operation of a 1180
vehicle, streetcar, or trackless trolley on a highway or street 1181
_____ 6 points 1182

(2) A violation of section 2921.331 of the Revised Code or 1183
any ordinance prohibiting the willful fleeing or eluding of a 1184
law enforcement officer _____ 6 points 1185

(3) A violation of section 4549.02 or 4549.021 of the Revised Code or any ordinance requiring the driver of a vehicle to stop and disclose identity at the scene of an accident _____ 6 points

(4) A violation of section 4511.251 of the Revised Code or any ordinance prohibiting street racing, stunt driving, or street takeover _____ 6 points

(5) A violation of section 4510.037 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle while the driver's or commercial driver's license is under a twelve-point suspension _____ 6 points

(6) A violation of section 4510.14 of the Revised Code, or any ordinance prohibiting the operation of a motor vehicle upon the public roads or highways within this state while the driver's or commercial driver's license of the person is under suspension and the suspension was imposed under section 4511.19, 4511.191, or 4511.196 of the Revised Code or section 4510.07 of the Revised Code due to a conviction for a violation of a municipal OVI ordinance or any ordinance prohibiting the operation of a motor vehicle while the driver's or commercial driver's license is under suspension for an OVI offense _____ 6 points

(7) A violation of division (A) of section 4511.19 of the Revised Code, any ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or any ordinance substantially equivalent to division (A) of section 4511.19 of the Revised Code prohibiting the operation of a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood

serum or plasma, breath, or urine _____ 6 points	1216
(8) A violation of section 2913.03 of the Revised Code	1217
that does not involve an aircraft or motorboat or any ordinance	1218
prohibiting the operation of a vehicle without the consent of	1219
the owner _____ 6 points	1220
(9) Any offense under the motor vehicle laws of this state	1221
that is a felony, or any other felony in the commission of which	1222
a motor vehicle was used _____ 6 points	1223
(10) A violation of division (B) of section 4511.19 of the	1224
Revised Code or any ordinance substantially equivalent to that	1225
division prohibiting the operation of a vehicle with a	1226
prohibited concentration of alcohol in the whole blood, blood	1227
serum or plasma, breath, or urine _____ 4 points	1228
(11) A violation of section 4511.20 of the Revised Code or	1229
any ordinance prohibiting the operation of a motor vehicle in	1230
willful or wanton disregard of the safety of persons or property	1231
_____ 4 points	1232
(12) A violation of any law or ordinance pertaining to	1233
speed:	1234
(a) Notwithstanding divisions (C) (12) (b) and (c) of this	1235
section, when the speed exceeds the lawful speed limit by thirty	1236
miles per hour or more _____ 4 points	1237
(b) When the speed exceeds the lawful speed limit of	1238
fifty-five miles per hour or more by more than ten miles per	1239
hour _____ 2 points	1240
(c) When the speed exceeds the lawful speed limit of less	1241
than fifty-five miles per hour by more than five miles per hour	1242
_____ 2 points	1243

(d) When the speed does not exceed the amounts set forth	1244
in divisions (C) (12) (a), (b), or (c) of this section _____	1245
0 points	1246
(13) A violation of division (A) of section 4511.204 of	1247
the Revised Code or any substantially similar municipal	1248
ordinance:	1249
(a) For a first offense within any two-year period	1250
_____ 2 points	1251
(b) For a second offense within any two-year period	1252
_____ 3 points	1253
(c) For a third or subsequent offense within any two-year	1254
period _____ 4 points.	1255
(14) Operating a motor vehicle in violation of a	1256
restriction imposed by the registrar _____ 2 points	1257
(15) A violation of section 4510.11, 4510.111, 4510.16, or	1258
4510.21 of the Revised Code or any ordinance prohibiting the	1259
operation of a motor vehicle while the driver's or commercial	1260
driver's license is under suspension _____ 2 points	1261
(16) With the exception of violations under section	1262
4510.12 of the Revised Code where no points shall be assessed,	1263
all other moving violations reported under this section	1264
_____ 2 points	1265
(D) Upon receiving notification from the proper court,	1266
including a United States district court that has jurisdiction	1267
within this state, the bureau shall delete any points entered	1268
for a bond forfeiture if the driver is acquitted of the offense	1269
for which bond was posted.	1270
(E) If a person is convicted of or forfeits bail for two	1271

or more offenses arising out of the same facts and points are 1272
chargeable for each of the offenses, points shall be charged for 1273
only the conviction or bond forfeiture for which the greater 1274
number of points is chargeable, and, if the number of points 1275
chargeable for each offense is equal, only one offense shall be 1276
recorded, and points shall be charged only for that offense. 1277

Sec. 4511.251. (A) As used in this section and section 1278
4510.036 of the Revised Code, ~~"street-:~~ 1279

(1) "Street racing" means the operation of two or more 1280
vehicles from a point side by side at accelerating speeds in a 1281
competitive attempt to out-distance each other or the operation 1282
of one or more vehicles over a common selected course, from the 1283
same point to the same point, wherein timing is made of the 1284
participating vehicles involving competitive accelerations or 1285
speeds. ~~Persons rendering assistance in any manner to such-~~ 1286
~~competitive use of vehicles shall be equally charged as the-~~ 1287
~~participants.~~ The operation of two or more vehicles side by side 1288
either at speeds in excess of prima-facie lawful speeds 1289
established by divisions (B) (1) (a) to (B) (9) of section 4511.21 1290
of the Revised Code or rapidly accelerating from a common 1291
starting point to a speed in excess of such prima-facie lawful 1292
speeds shall be prima-facie evidence of street racing. 1293

(2) "Burnout" means a maneuver performed while operating a 1294
vehicle whereby the vehicle is kept in a stationary position, 1295
but the wheels of the vehicle are spun, which may cause the 1296
tires of the vehicle to become heated and emit smoke from the 1297
friction. 1298

(3) "Doughnut" means a maneuver performed while operating 1299
a vehicle whereby the front or rear of the vehicle is rotated 1300
around the opposite set of wheels in a continuous motion, which 1301

may cause a circular skid-mark pattern of rubber on the driving surface, or the tires of the vehicle to become heated and emit smoke from the friction, or both. 1302
1303
1304

(4) "Drifting" means a maneuver performed while operating a vehicle whereby the vehicle is driven in a manner that causes a controlled, sideways skid during a turn, with the front wheels pointing in a direction that is the opposite of the direction of the turn. 1305
1306
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(5) "Wheelie" means a maneuver performed while operating a vehicle whereby the front wheel or wheels of the vehicle are raised off of the ground or whereby two wheels that are on the same side of the vehicle are raised off of the ground. 1310
1311
1312
1313

(6) "Stunt driving" means performing or engaging in burnouts, doughnuts, drifting, or wheelies, causing vehicle tires to squeal, or allowing a passenger to ride either partially or fully outside of the vehicle while operating that vehicle. 1314
1315
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(7) "Street takeover" means blocking or impeding the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving. 1319
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1321
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(8) "Instrumentality" has the same meaning as in section 2981.01 of the Revised Code. 1324
1325

(B) No person shall knowingly participate in street racing, stunt driving, or street takeover upon any public road, street, or highway-in this state, or on private property that is open to the general public. 1326
1327
1328
1329

(C) Whoever violates this section is guilty of street 1330

1331 racing, stunt driving, or street takeover, a misdemeanor of the
1332 first degree. In addition to any other sanctions, the court
1333 shall suspend the offender's driver's license, commercial
1334 driver's license, temporary instruction permit, probationary
1335 license, or nonresident operating privilege for not less than
1336 thirty days or more than three years. No judge shall suspend the
1337 first thirty days of any suspension of an offender's license,
1338 permit, or privilege imposed under this division.

1339 (D) In addition to any other penalties imposed by law, a
1340 vehicle used in a violation of division (B) of this section is
1341 contraband and is an instrumentality, that is subject to seizure
1342 and forfeiture under Chapter 2981. of the Revised Code.

1343 (E) Persons rendering assistance in any manner to street
1344 racing, stunt driving, or street takeover shall be equally
1345 charged as the participants.

1346 (F) This section does not apply to the competitive
1347 operation of vehicles on public or private property when the
1348 political subdivision with jurisdiction of the location or owner
1349 of the property knowingly permits such operation thereon.

1350 **Section 2.** That existing sections 2921.331, 2929.14,
1351 2935.031, 2981.02, 4510.036, and 4511.251 of the Revised Code
1352 are hereby repealed.