

As Introduced

136th General Assembly

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H. B. No. 236

Representative Williams

To amend sections 2152.17, 2911.21, 2917.02, and 1
2929.14 and to enact sections 2917.10 and 2
2941.1427 of the Revised Code to prohibit masked 3
harassment and masked trespassing, to modify the 4
offense of aggravated riot when the offender is 5
wearing a mask or disguise or is otherwise 6
concealing or attempting to conceal the 7
offender's face, and to require an additional 8
prison term of one year for an offender who is 9
convicted of or pleads guilty to a felony if the 10
offender is convicted of or pleads guilty to a 11
specification that the offender wore a mask or 12
disguise or otherwise concealed or attempted to 13
conceal the offender's face in commission of the 14
offense. 15

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

Section 1. That sections 2152.17, 2911.21, 2917.02, and 16
2929.14 be amended and sections 2917.10 and 2941.1427 of the 17
Revised Code be enacted to read as follows: 18

Sec. 2152.17. (A) Subject to division (D) of this section, 19
if a child is adjudicated a delinquent child for committing an 20
act, other than a violation of section 2923.12 of the Revised 21

Code, that would be a felony if committed by an adult and if the
court determines that, if the child was an adult, the child
would be guilty of a specification of the type set forth in
section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412,
2941.1414, ~~or~~ 2941.1415, or 2941.1427 of the Revised Code, in
addition to any commitment or other disposition the court
imposes for the underlying delinquent act, all of the following
apply:

(1) If the court determines that the child would be guilty
of a specification of the type set forth in section 2941.141 or
2941.1427 of the Revised Code, the court may commit the child to
the department of youth services for the specification for a
definite period of up to one year.

(2) If the court determines that the child would be guilty
of a specification of the type set forth in section 2941.145 of
the Revised Code or if the delinquent act is a violation of
division (A)(1) or (2) of section 2903.06 of the Revised Code
and the court determines that the child would be guilty of a
specification of the type set forth in section 2941.1415 of the
Revised Code, the court shall commit the child to the department
of youth services for the specification for a definite period of
not less than one and not more than three years, and the court
also shall commit the child to the department for the underlying
delinquent act under sections 2152.11 to 2152.16 of the Revised
Code.

(3) If the court determines that the child would be guilty
of a specification of the type set forth in section 2941.144,
2941.146, or 2941.1412 of the Revised Code or if the delinquent
act is a violation of division (A)(1) or (2) of section 2903.06
of the Revised Code and the court determines that the child

would be guilty of a specification of the type set forth in 52
section 2941.1414 of the Revised Code, the court shall commit 53
the child to the department of youth services for the 54
specification for a definite period of not less than one and not 55
more than five years, and the court also shall commit the child 56
to the department for the underlying delinquent act under 57
sections 2152.11 to 2152.16 of the Revised Code. 58

(B) (1) If a child is adjudicated a delinquent child for 59
committing an act, other than a violation of section 2923.12 of 60
the Revised Code, that would be a felony if committed by an 61
adult, if the court determines that the child is complicit in 62
another person's conduct that is of such a nature that the other 63
person would be guilty of a specification of the type set forth 64
in section 2941.141, 2941.144, 2941.145, or 2941.146 of the 65
Revised Code if the other person was an adult, if the other 66
person's conduct relates to the child's underlying delinquent 67
act, and if the child did not furnish, use, or dispose of any 68
firearm that was involved with the underlying delinquent act or 69
with the other person's specification-related conduct, in 70
addition to any other disposition the court imposes for the 71
underlying delinquent act, the court may commit the child to the 72
department of youth services for the specification for a 73
definite period of not more than one year, subject to division 74
(D) (2) of this section. 75

(2) Except as provided in division (B) (1) of this section, 76
division (A) of this section also applies to a child who is an 77
accomplice regarding a specification of the type set forth in 78
section 2941.1412, 2941.1414, ~~or~~ 2941.1415, or 2941.1427 of the 79
Revised Code to the same extent the specifications would apply 80
to an adult accomplice in a criminal proceeding. 81

(C) If a child is adjudicated a delinquent child for 82
committing an act that would be aggravated murder, murder, or a 83
first, second, or third degree felony offense of violence if 84
committed by an adult and if the court determines that, if the 85
child was an adult, the child would be guilty of a specification 86
of the type set forth in section 2941.142 of the Revised Code in 87
relation to the act for which the child was adjudicated a 88
delinquent child, the court shall commit the child for the 89
specification to the legal custody of the department of youth 90
services for institutionalization in a secure facility for a 91
definite period of not less than one and not more than three 92
years, subject to division (D) (2) of this section, and the court 93
also shall commit the child to the department for the underlying 94
delinquent act. 95

(D) (1) If the child is adjudicated a delinquent child for 96
committing an act that would be an offense of violence that is a 97
felony if committed by an adult and is committed to the legal 98
custody of the department of youth services pursuant to division 99
(A) (1) of section 2152.16 of the Revised Code and if the court 100
determines that the child, if the child was an adult, would be 101
guilty of a specification of the type set forth in section 102
2941.1411 of the Revised Code in relation to the act for which 103
the child was adjudicated a delinquent child, the court may 104
commit the child to the custody of the department of youth 105
services for institutionalization in a secure facility for up to 106
two years, subject to division (D) (2) of this section. 107

(2) A court that imposes a period of commitment under 108
division (A) of this section is not precluded from imposing an 109
additional period of commitment under division (C) or (D) (1) of 110
this section, a court that imposes a period of commitment under 111
division (C) of this section is not precluded from imposing an 112

additional period of commitment under division (A) or (D) (1) of 113
this section, and a court that imposes a period of commitment 114
under division (D) (1) of this section is not precluded from 115
imposing an additional period of commitment under division (A) 116
or (C) of this section. 117

(E) The court shall not commit a child to the legal 118
custody of the department of youth services for a specification 119
pursuant to this section for a period that exceeds five years 120
for any one delinquent act. Any commitment imposed pursuant to 121
division (A), (B), (C), or (D) (1) of this section shall be in 122
addition to, and shall be served consecutively with and prior 123
to, a period of commitment ordered under this chapter for the 124
underlying delinquent act, and each commitment imposed pursuant 125
to division (A), (B), (C), or (D) (1) of this section shall be in 126
addition to, and shall be served consecutively with, any other 127
period of commitment imposed under those divisions. If a 128
commitment is imposed under division (A) or (B) of this section 129
and a commitment also is imposed under division (C) of this 130
section, the period imposed under division (A) or (B) of this 131
section shall be served prior to the period imposed under 132
division (C) of this section. 133

In each case in which a court makes a disposition under 134
this section, the court retains control over the commitment for 135
the entire period of the commitment. 136

The total of all the periods of commitment imposed for any 137
specification under this section and for the underlying offense 138
shall not exceed the child's attainment of twenty-one years of 139
age. 140

(F) If a child is adjudicated a delinquent child for 141
committing two or more acts that would be felonies if committed 142

by an adult and if the court entering the delinquent child 143
adjudication orders the commitment of the child for two or more 144
of those acts to the legal custody of the department of youth 145
services for institutionalization in a secure facility pursuant 146
to section 2152.13 or 2152.16 of the Revised Code, the court may 147
order that all of the periods of commitment imposed under those 148
sections for those acts be served consecutively in the legal 149
custody of the department of youth services, provided that those 150
periods of commitment shall be in addition to and commence 151
immediately following the expiration of a period of commitment 152
that the court imposes pursuant to division (A), (B), (C), or 153
(D) (1) of this section. A court shall not commit a delinquent 154
child to the legal custody of the department of youth services 155
under this division for a period that exceeds the child's 156
attainment of twenty-one years of age. 157

Sec. 2911.21. (A) No person, without privilege to do so, 158
shall do any of the following: 159

(1) Knowingly enter or remain on the land or premises of 160
another; 161

(2) Knowingly enter or remain on the land or premises of 162
another, the use of which is lawfully restricted to certain 163
persons, purposes, modes, or hours, when the offender knows the 164
offender is in violation of any such restriction or is reckless 165
in that regard; 166

(3) Recklessly enter or remain on the land or premises of 167
another, as to which notice against unauthorized access or 168
presence is given by actual communication to the offender, or in 169
a manner prescribed by law, or by posting in a manner reasonably 170
calculated to come to the attention of potential intruders, or 171
by fencing or other enclosure manifestly designed to restrict 172

access; 173

(4) Being on the land or premises of another, negligently 174
fail or refuse to leave upon being notified by signage posted in 175
a conspicuous place or otherwise being notified to do so by the 176
owner or occupant, or the agent or servant of either; 177

(5) Knowingly enter or remain on a critical infrastructure 178
facility; 179

(6) Knowingly enter or remain on the land or premises of 180
another, with the purpose to harass, intimidate, abuse, 181
threaten, or cause mental distress to any person or group of 182
persons on the premises. 183

(B) It is no defense to a charge under this section that 184
the land or premises involved was owned, controlled, or in 185
custody of a public agency. 186

(C) It is no defense to a charge under this section that 187
the offender was authorized to enter or remain on the land or 188
premises involved, when such authorization was secured by 189
deception. 190

(D) (1) Whoever violates this section is guilty of criminal 191
trespass. Criminal trespass in violation of division (A) (1), 192
(2), (3), or (4) of this section is a misdemeanor of the fourth 193
degree. Criminal trespass in violation of division (A) (5) or (6) 194
of this section is a misdemeanor of the first degree. 195

(2) Notwithstanding section 2929.28 of the Revised Code, 196
if the person, in committing the violation of this section, used 197
a snowmobile, off-highway motorcycle, or all-purpose vehicle, 198
the court shall impose a fine of two times the usual amount 199
imposed for the violation. 200

(3) If an offender previously has been convicted of or 201
pleaded guilty to two or more violations of this section or a 202
substantially equivalent municipal ordinance, and the offender, 203
in committing each violation, used a snowmobile, off-highway 204
motorcycle, or all-purpose vehicle, the court, in addition to or 205
independent of all other penalties imposed for the violation, 206
may impound the certificate of registration of that snowmobile 207
or off-highway motorcycle or the certificate of registration and 208
license plate of that all-purpose vehicle for not less than 209
sixty days. In such a case, section 4519.47 of the Revised Code 210
applies. 211

(E) Notwithstanding any provision of the Revised Code, if 212
the offender, in committing the violation of this section, used 213
an all-purpose vehicle, the clerk of the court shall pay the 214
fine imposed pursuant to this section to the state recreational 215
vehicle fund created by section 4519.11 of the Revised Code. 216

(F) As used in this section: 217

(1) "All-purpose vehicle," "off-highway motorcycle," and 218
"snowmobile" have the same meanings as in section 4519.01 of the 219
Revised Code. 220

(2) "Land or premises" includes any land, building, 221
structure, or place belonging to, controlled by, or in custody 222
of another, and any separate enclosure or room, or portion 223
thereof. 224

(3) "Production operation," "well," and "well pad" have 225
the same meanings as in section 1509.01 of the Revised Code. 226

(4) "Critical infrastructure facility" means: 227

(a) One of the following, if completely enclosed by a 228
fence or other physical barrier that is obviously designed to 229

exclude intruders, or if clearly marked with signs that are 230
reasonably likely to come to the attention of potential 231
intruders and that indicate entry is forbidden without site 232
authorization: 233

(i) A petroleum or alumina refinery; 234

(ii) An electric generating facility, substation, 235
switching station, electrical control center, or electric 236
transmission and distribution lines and associated equipment; 237

(iii) A chemical, polymer, or rubber manufacturing 238
facility; 239

(iv) A water intake structure, water treatment facility, 240
waste water facility, drainage facility, water management 241
facility, or any similar water or sewage treatment system and 242
its water and sewage piping; 243

(v) A natural gas company facility or interstate natural 244
gas pipeline, including a pipeline interconnection, a natural 245
gas compressor station and associated facilities, city gate or 246
town border station, metering station, above-ground piping, 247
regulator station, valve site, delivery station, fabricated 248
assembly, or any other part of a natural gas storage facility 249
involved in the gathering, storage, transmission, or 250
distribution of gas; 251

(vi) A telecommunications central switching office or 252
remote switching facility or an equivalent network facility that 253
serves a similar purpose; 254

(vii) Wireline or wireless telecommunications 255
infrastructure, including telecommunications towers and 256
telephone poles and lines, including fiber optic lines; 257

(viii) A port, trucking terminal, or other freight transportation facility;	258 259
(ix) A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids;	260 261 262
(x) A transmission facility used by a federally licensed radio or television station;	263 264
(xi) A steel-making facility that uses an electric arc furnace to make steel;	265 266
(xii) A facility identified and regulated by the United States department of homeland security's chemical facility anti-terrorism standards program under 6 C.F.R. part 27;	267 268 269
(xiii) A dam that is regulated by the state or federal government;	270 271
(xiv) A crude oil or refined products storage and distribution facility, including valve sites, pipeline interconnections, pump station, metering station, below- or above-ground pipeline, or piping and truck loading or off-loading facility;	272 273 274 275 276
(xv) A video service network and broadband infrastructure, including associated buildings and facilities, video service headends, towers, utility poles, and utility lines such as fiber optic lines. As used in this division, "video service network" has the same meaning as in section 1332.21 of the Revised Code.	277 278 279 280 281
(xvi) Any above-ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, or other storage facility;	282 283
(xvii) Any above-ground portion of a well, well pad, or production operation;	284 285

(xviii) A laydown area or construction site for pipe and	286
other equipment intended for use on an interstate or intrastate	287
natural gas or crude oil pipeline;	288
(xix) Any mining operation, including any processing	289
equipment, batching operation, or support facility for that	290
mining operation.	291
(b) With respect to a video service network or broadband	292
or wireless telecommunications infrastructure, the above-ground	293
portion of a facility installed in a public right-of-way on a	294
utility pole or in a conduit;	295
(c) Any railroad property;	296
(d) An electronic asset of any of the following:	297
(i) An electric light company that is a public utility	298
under section 4905.02 of the Revised Code;	299
(ii) An electric cooperative, as defined in section	300
4928.01 of the Revised Code;	301
(iii) A municipal electric utility, as defined in section	302
4928.01 of the Revised Code;	303
(iv) A natural gas company that is a public utility under	304
section 4905.02 of the Revised Code;	305
(v) A telephone company that is a public utility under	306
section 4905.02 of the Revised Code;	307
(vi) A video service provider, including a cable operator,	308
as those terms are defined in section 1332.21 of the Revised	309
Code.	310
(5) "Electronic asset" includes, but is not limited to,	311
the hardware, software, and data of a programmable electronic	312

device; all communications, operations, and customer data 313
networks; and the contents of those data networks. 314

Sec. 2917.02. (A) No person shall participate with four or 315
more others in a course of disorderly conduct in violation of 316
section 2917.11 of the Revised Code: 317

(1) With purpose to commit or facilitate the commission of 318
a felony; 319

(2) With purpose to commit or facilitate the commission of 320
any offense of violence; 321

(3) When the offender or any participant to the knowledge 322
of the offender has on or about the offender's or participant's 323
person or under the offender's or participant's control, uses, 324
or intends to use a deadly weapon or dangerous ordnance, as 325
defined in section 2923.11 of the Revised Code. 326

(B) (1) No person, being an inmate in a detention facility, 327
shall violate division (A) (1) or (3) of this section. 328

(2) No person, being an inmate in a detention facility, 329
shall violate division (A) (2) of this section or section 2917.03 330
of the Revised Code. 331

~~(C)~~ (C) (1) No person shall participate with four or more 332
others in a course of disorderly conduct in violation of 333
division (A) (4) of section 2917.11 of the Revised Code while 334
wearing a mask or other disguise or while otherwise concealing 335
or attempting to conceal the person's face. 336

(2) No person shall participate with four or more others 337
in a course of disorderly conduct in violation of division (A) 338
(4) of section 2917.11 of the Revised Code with purpose to 339
commit or facilitate an offense of violence while wearing a mask 340

or other disguise or while otherwise concealing or attempting to 341
conceal the person's face. 342

(D) Whoever violates this section is guilty of aggravated 343
riot. A violation of division (A) (1) or (3) or (C) (1) of this 344
section is a felony of the fifth degree. A violation of division 345
(A) (2) or (B) (1) of this section is a felony of the fourth 346
degree. A violation of division (B) (2) or (C) (2) of this section 347
is a felony of the third degree. 348

~~(D)~~ (E) As used in this section, "detention facility" has 349
the same meaning as in section 2921.01 of the Revised Code. 350

Sec. 2917.10. (A) No person shall purposely harass, 351
intimidate, abuse, or threaten another person while wearing a 352
mask or other device that hides or conceals the person's face or 353
identity of the person for the purpose of placing another person 354
or group in reasonable fear of physical harm or mental distress. 355

(B) Whoever violates this section is guilty of masked 356
harassment, a misdemeanor of the first degree. 357

Sec. 2929.14. (A) Except as provided in division (B) (1), 358
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 359
(B) (10), (B) (11), (B) (12), (E), (G), (H), (J), or (K) of this 360
section or in division (D) (6) of section 2919.25 of the Revised 361
Code and except in relation to an offense for which a sentence 362
of death or life imprisonment is to be imposed, if the court 363
imposing a sentence upon an offender for a felony elects or is 364
required to impose a prison term on the offender pursuant to 365
this chapter, the court shall impose a prison term that shall be 366
one of the following: 367

(1) (a) For a felony of the first degree committed on or 368
after March 22, 2019, the prison term shall be an indefinite 369

prison term with a stated minimum term selected by the court of 370
three, four, five, six, seven, eight, nine, ten, or eleven years 371
and a maximum term that is determined pursuant to section 372
2929.144 of the Revised Code, except that if the section that 373
criminalizes the conduct constituting the felony specifies a 374
different minimum term or penalty for the offense, the specific 375
language of that section shall control in determining the 376
minimum term or otherwise sentencing the offender but the 377
minimum term or sentence imposed under that specific language 378
shall be considered for purposes of the Revised Code as if it 379
had been imposed under this division. 380

(b) For a felony of the first degree committed prior to 381
March 22, 2019, the prison term shall be a definite prison term 382
of three, four, five, six, seven, eight, nine, ten, or eleven 383
years. 384

(2) (a) For a felony of the second degree committed on or 385
after March 22, 2019, the prison term shall be an indefinite 386
prison term with a stated minimum term selected by the court of 387
two, three, four, five, six, seven, or eight years and a maximum 388
term that is determined pursuant to section 2929.144 of the 389
Revised Code, except that if the section that criminalizes the 390
conduct constituting the felony specifies a different minimum 391
term or penalty for the offense, the specific language of that 392
section shall control in determining the minimum term or 393
otherwise sentencing the offender but the minimum term or 394
sentence imposed under that specific language shall be 395
considered for purposes of the Revised Code as if it had been 396
imposed under this division. 397

(b) For a felony of the second degree committed prior to 398
March 22, 2019, the prison term shall be a definite term of two, 399

three, four, five, six, seven, or eight years. 400

(3) (a) For a felony of the third degree that is a 401
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 402
2907.05, 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of 403
the Revised Code, that is a violation of division (A) of section 404
4511.19 of the Revised Code if the offender previously has been 405
convicted of or pleaded guilty to a violation of division (A) of 406
that section that was a felony, that is a violation of section 407
2911.02 or 2911.12 of the Revised Code if the offender 408
previously has been convicted of or pleaded guilty in two or 409
more separate proceedings to two or more violations of section 410
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 411
that is a violation of division (B) of section 2921.331 of the 412
Revised Code if division (C) (5) of that section applies, the 413
prison term shall be a definite term of twelve, eighteen, 414
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 415
four, or sixty months. 416

(b) For a felony of the third degree that is not an 417
offense for which division (A) (3) (a) of this section applies, 418
the prison term shall be a definite term of nine, twelve, 419
eighteen, twenty-four, thirty, or thirty-six months. 420

(4) For a felony of the fourth degree, the prison term 421
shall be a definite term of six, seven, eight, nine, ten, 422
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 423
or eighteen months. 424

(5) For a felony of the fifth degree, the prison term 425
shall be a definite term of six, seven, eight, nine, ten, 426
eleven, or twelve months. 427

(B) (1) (a) Except as provided in division (B) (1) (e) of this 428

section, if an offender who is convicted of or pleads guilty to 429
a felony also is convicted of or pleads guilty to a 430
specification of the type described in section 2941.141, 431
2941.144, or 2941.145 of the Revised Code, the court shall 432
impose on the offender one of the following prison terms: 433

(i) A prison term of six years if the specification is of 434
the type described in division (A) of section 2941.144 of the 435
Revised Code that charges the offender with having a firearm 436
that is an automatic firearm or that was equipped with a firearm 437
muffler or suppressor on or about the offender's person or under 438
the offender's control while committing the offense; 439

(ii) A prison term of three years if the specification is 440
of the type described in division (A) of section 2941.145 of the 441
Revised Code that charges the offender with having a firearm on 442
or about the offender's person or under the offender's control 443
while committing the offense and displaying the firearm, 444
brandishing the firearm, indicating that the offender possessed 445
the firearm, or using it to facilitate the offense; 446

(iii) A prison term of one year if the specification is of 447
the type described in division (A) of section 2941.141 of the 448
Revised Code that charges the offender with having a firearm on 449
or about the offender's person or under the offender's control 450
while committing the offense; 451

(iv) A prison term of nine years if the specification is 452
of the type described in division (D) of section 2941.144 of the 453
Revised Code that charges the offender with having a firearm 454
that is an automatic firearm or that was equipped with a firearm 455
muffler or suppressor on or about the offender's person or under 456
the offender's control while committing the offense and 457
specifies that the offender previously has been convicted of or 458

pleaded guilty to a specification of the type described in 459
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 460
the Revised Code; 461

(v) A prison term of fifty-four months if the 462
specification is of the type described in division (D) of 463
section 2941.145 of the Revised Code that charges the offender 464
with having a firearm on or about the offender's person or under 465
the offender's control while committing the offense and 466
displaying the firearm, brandishing the firearm, indicating that 467
the offender possessed the firearm, or using the firearm to 468
facilitate the offense and that the offender previously has been 469
convicted of or pleaded guilty to a specification of the type 470
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 471
2941.1412 of the Revised Code; 472

(vi) A prison term of eighteen months if the specification 473
is of the type described in division (D) of section 2941.141 of 474
the Revised Code that charges the offender with having a firearm 475
on or about the offender's person or under the offender's 476
control while committing the offense and that the offender 477
previously has been convicted of or pleaded guilty to a 478
specification of the type described in section 2941.141, 479
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 480

(b) If a court imposes a prison term on an offender under 481
division (B)(1)(a) of this section, the prison term shall not be 482
reduced pursuant to section 2929.20, division (A)(2) or (3) of 483
section 2967.193 or 2967.194, or any other provision of Chapter 484
2967. or Chapter 5120. of the Revised Code. Except as provided 485
in division (B)(1)(g) of this section, a court shall not impose 486
more than one prison term on an offender under division (B)(1) 487
(a) of this section for felonies committed as part of the same 488

act or transaction. 489

(c) (i) Except as provided in division (B) (1) (e) of this 490
section, if an offender who is convicted of or pleads guilty to 491
a violation of section 2923.161 of the Revised Code or to a 492
felony that includes, as an essential element, purposely or 493
knowingly causing or attempting to cause the death of or 494
physical harm to another, also is convicted of or pleads guilty 495
to a specification of the type described in division (A) of 496
section 2941.146 of the Revised Code that charges the offender 497
with committing the offense by discharging a firearm from a 498
motor vehicle other than a manufactured home, the court, after 499
imposing a prison term on the offender for the violation of 500
section 2923.161 of the Revised Code or for the other felony 501
offense under division (A), (B) (2), or (B) (3) of this section, 502
shall impose an additional prison term of five years upon the 503
offender that shall not be reduced pursuant to section 2929.20, 504
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 505
other provision of Chapter 2967. or Chapter 5120. of the Revised 506
Code. 507

(ii) Except as provided in division (B) (1) (e) of this 508
section, if an offender who is convicted of or pleads guilty to 509
a violation of section 2923.161 of the Revised Code or to a 510
felony that includes, as an essential element, purposely or 511
knowingly causing or attempting to cause the death of or 512
physical harm to another, also is convicted of or pleads guilty 513
to a specification of the type described in division (C) of 514
section 2941.146 of the Revised Code that charges the offender 515
with committing the offense by discharging a firearm from a 516
motor vehicle other than a manufactured home and that the 517
offender previously has been convicted of or pleaded guilty to a 518
specification of the type described in section 2941.141, 519

2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 520
the court, after imposing a prison term on the offender for the 521
violation of section 2923.161 of the Revised Code or for the 522
other felony offense under division (A), (B) (2), or (3) of this 523
section, shall impose an additional prison term of ninety months 524
upon the offender that shall not be reduced pursuant to section 525
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 526
or any other provision of Chapter 2967. or Chapter 5120. of the 527
Revised Code. 528

(iii) A court shall not impose more than one additional 529
prison term on an offender under division (B) (1) (c) of this 530
section for felonies committed as part of the same act or 531
transaction. If a court imposes an additional prison term on an 532
offender under division (B) (1) (c) of this section relative to an 533
offense, the court also shall impose a prison term under 534
division (B) (1) (a) of this section relative to the same offense, 535
provided the criteria specified in that division for imposing an 536
additional prison term are satisfied relative to the offender 537
and the offense. 538

(d) If an offender who is convicted of or pleads guilty to 539
an offense of violence that is a felony also is convicted of or 540
pleads guilty to a specification of the type described in 541
section 2941.1411 of the Revised Code that charges the offender 542
with wearing or carrying body armor while committing the felony 543
offense of violence, the court shall impose on the offender an 544
additional prison term of two years. The prison term so imposed 545
shall not be reduced pursuant to section 2929.20, division (A) 546
(2) or (3) of section 2967.193 or 2967.194, or any other 547
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 548
A court shall not impose more than one prison term on an 549
offender under division (B) (1) (d) of this section for felonies 550

committed as part of the same act or transaction. If a court 551
imposes an additional prison term under division (B) (1) (a) or 552
(c) of this section, the court is not precluded from imposing an 553
additional prison term under division (B) (1) (d) of this section. 554

(e) The court shall not impose any of the prison terms 555
described in division (B) (1) (a) of this section or any of the 556
additional prison terms described in division (B) (1) (c) of this 557
section upon an offender for a violation of section 2923.12 or 558
2923.123 of the Revised Code. The court shall not impose any of 559
the prison terms described in division (B) (1) (a) or (b) of this 560
section upon an offender for a violation of section 2923.122 561
that involves a deadly weapon that is a firearm other than a 562
dangerous ordnance, section 2923.16, or section 2923.121 of the 563
Revised Code. The court shall not impose any of the prison terms 564
described in division (B) (1) (a) of this section or any of the 565
additional prison terms described in division (B) (1) (c) of this 566
section upon an offender for a violation of section 2923.13 of 567
the Revised Code unless all of the following apply: 568

(i) The offender previously has been convicted of 569
aggravated murder, murder, or any felony of the first or second 570
degree. 571

(ii) Less than five years have passed since the offender 572
was released from prison or post-release control, whichever is 573
later, for the prior offense. 574

(f) (i) If an offender is convicted of or pleads guilty to 575
a felony that includes, as an essential element, causing or 576
attempting to cause the death of or physical harm to another and 577
also is convicted of or pleads guilty to a specification of the 578
type described in division (A) of section 2941.1412 of the 579
Revised Code that charges the offender with committing the 580

offense by discharging a firearm at a peace officer as defined 581
in section 2935.01 of the Revised Code or a corrections officer, 582
as defined in section 2941.1412 of the Revised Code, the court, 583
after imposing a prison term on the offender for the felony 584
offense under division (A), (B) (2), or (B) (3) of this section, 585
shall impose an additional prison term of seven years upon the 586
offender that shall not be reduced pursuant to section 2929.20, 587
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 588
other provision of Chapter 2967. or Chapter 5120. of the Revised 589
Code. 590

(ii) If an offender is convicted of or pleads guilty to a 591
felony that includes, as an essential element, causing or 592
attempting to cause the death of or physical harm to another and 593
also is convicted of or pleads guilty to a specification of the 594
type described in division (B) of section 2941.1412 of the 595
Revised Code that charges the offender with committing the 596
offense by discharging a firearm at a peace officer, as defined 597
in section 2935.01 of the Revised Code, or a corrections 598
officer, as defined in section 2941.1412 of the Revised Code, 599
and that the offender previously has been convicted of or 600
pleaded guilty to a specification of the type described in 601
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 602
the Revised Code, the court, after imposing a prison term on the 603
offender for the felony offense under division (A), (B) (2), or 604
(3) of this section, shall impose an additional prison term of 605
one hundred twenty-six months upon the offender that shall not 606
be reduced pursuant to section 2929.20, division (A) (2) or (3) 607
of section 2967.193 or 2967.194, or any other provision of 608
Chapter 2967. or 5120. of the Revised Code. 609

(iii) If an offender is convicted of or pleads guilty to 610
two or more felonies that include, as an essential element, 611

causing or attempting to cause the death or physical harm to 612
another and also is convicted of or pleads guilty to a 613
specification of the type described under division (B) (1) (f) of 614
this section in connection with two or more of the felonies of 615
which the offender is convicted or to which the offender pleads 616
guilty, the sentencing court shall impose on the offender the 617
prison term specified under division (B) (1) (f) of this section 618
for each of two of the specifications of which the offender is 619
convicted or to which the offender pleads guilty and, in its 620
discretion, also may impose on the offender the prison term 621
specified under that division for any or all of the remaining 622
specifications. If a court imposes an additional prison term on 623
an offender under division (B) (1) (f) of this section relative to 624
an offense, the court shall not impose a prison term under 625
division (B) (1) (a) or (c) of this section relative to the same 626
offense. 627

(g) If an offender is convicted of or pleads guilty to two 628
or more felonies, if one or more of those felonies are 629
aggravated murder, murder, attempted aggravated murder, 630
attempted murder, aggravated robbery, felonious assault, or 631
rape, and if the offender is convicted of or pleads guilty to a 632
specification of the type described under division (B) (1) (a) of 633
this section in connection with two or more of the felonies, the 634
sentencing court shall impose on the offender the prison term 635
specified under division (B) (1) (a) of this section for each of 636
the two most serious specifications of which the offender is 637
convicted or to which the offender pleads guilty and, in its 638
discretion, also may impose on the offender the prison term 639
specified under that division for any or all of the remaining 640
specifications. 641

(2) (a) If division (B) (2) (b) of this section does not 642

apply, the court may impose on an offender, in addition to the 643
longest prison term authorized or required for the offense or, 644
for offenses for which division (A) (1) (a) or (2) (a) of this 645
section applies, in addition to the longest minimum prison term 646
authorized or required for the offense, an additional definite 647
prison term of one, two, three, four, five, six, seven, eight, 648
nine, or ten years if all of the following criteria are met: 649

(i) The offender is convicted of or pleads guilty to a 650
specification of the type described in section 2941.149 of the 651
Revised Code that the offender is a repeat violent offender. 652

(ii) The offense of which the offender currently is 653
convicted or to which the offender currently pleads guilty is 654
aggravated murder and the court does not impose a sentence of 655
death or life imprisonment without parole, murder, terrorism and 656
the court does not impose a sentence of life imprisonment 657
without parole, any felony of the first degree that is an 658
offense of violence and the court does not impose a sentence of 659
life imprisonment without parole, or any felony of the second 660
degree that is an offense of violence and the trier of fact 661
finds that the offense involved an attempt to cause or a threat 662
to cause serious physical harm to a person or resulted in 663
serious physical harm to a person. 664

(iii) The court imposes the longest prison term for the 665
offense or the longest minimum prison term for the offense, 666
whichever is applicable, that is not life imprisonment without 667
parole. 668

(iv) The court finds that the prison terms imposed 669
pursuant to division (B) (2) (a) (iii) of this section and, if 670
applicable, division (B) (1) or (3) of this section are 671
inadequate to punish the offender and protect the public from 672

future crime, because the applicable factors under section 673
2929.12 of the Revised Code indicating a greater likelihood of 674
recidivism outweigh the applicable factors under that section 675
indicating a lesser likelihood of recidivism. 676

(v) The court finds that the prison terms imposed pursuant 677
to division (B)(2)(a)(iii) of this section and, if applicable, 678
division (B)(1) or (3) of this section are demeaning to the 679
seriousness of the offense, because one or more of the factors 680
under section 2929.12 of the Revised Code indicating that the 681
offender's conduct is more serious than conduct normally 682
constituting the offense are present, and they outweigh the 683
applicable factors under that section indicating that the 684
offender's conduct is less serious than conduct normally 685
constituting the offense. 686

(b) The court shall impose on an offender the longest 687
prison term authorized or required for the offense or, for 688
offenses for which division (A)(1)(a) or (2)(a) of this section 689
applies, the longest minimum prison term authorized or required 690
for the offense, and shall impose on the offender an additional 691
definite prison term of one, two, three, four, five, six, seven, 692
eight, nine, or ten years if all of the following criteria are 693
met: 694

(i) The offender is convicted of or pleads guilty to a 695
specification of the type described in section 2941.149 of the 696
Revised Code that the offender is a repeat violent offender. 697

(ii) The offender within the preceding twenty years has 698
been convicted of or pleaded guilty to three or more offenses 699
described in division (CC)(1) of section 2929.01 of the Revised 700
Code, including all offenses described in that division of which 701
the offender is convicted or to which the offender pleads guilty 702

in the current prosecution and all offenses described in that 703
division of which the offender previously has been convicted or 704
to which the offender previously pleaded guilty, whether 705
prosecuted together or separately. 706

(iii) The offense or offenses of which the offender 707
currently is convicted or to which the offender currently pleads 708
guilty is aggravated murder and the court does not impose a 709
sentence of death or life imprisonment without parole, murder, 710
terrorism and the court does not impose a sentence of life 711
imprisonment without parole, any felony of the first degree that 712
is an offense of violence and the court does not impose a 713
sentence of life imprisonment without parole, or any felony of 714
the second degree that is an offense of violence and the trier 715
of fact finds that the offense involved an attempt to cause or a 716
threat to cause serious physical harm to a person or resulted in 717
serious physical harm to a person. 718

(c) For purposes of division (B)(2)(b) of this section, 719
two or more offenses committed at the same time or as part of 720
the same act or event shall be considered one offense, and that 721
one offense shall be the offense with the greatest penalty. 722

(d) A sentence imposed under division (B)(2)(a) or (b) of 723
this section shall not be reduced pursuant to section 2929.20, 724
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 725
other provision of Chapter 2967. or Chapter 5120. of the Revised 726
Code. The offender shall serve an additional prison term imposed 727
under division (B)(2)(a) or (b) of this section consecutively to 728
and prior to the prison term imposed for the underlying offense. 729

(e) When imposing a sentence pursuant to division (B)(2) 730
(a) or (b) of this section, the court shall state its findings 731
explaining the imposed sentence. 732

(3) Except when an offender commits a violation of section 733
2903.01 or 2907.02 of the Revised Code and the penalty imposed 734
for the violation is life imprisonment or commits a violation of 735
section 2903.02 of the Revised Code, if the offender commits a 736
violation of section 2925.03 or 2925.11 of the Revised Code and 737
that section classifies the offender as a major drug offender, 738
if the offender commits a violation of section 2925.05 of the 739
Revised Code and division (E)(1) of that section classifies the 740
offender as a major drug offender, if the offender commits a 741
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 742
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 743
division (C) or (D) of section 3719.172, division (E) of section 744
4729.51, or division (J) of section 4729.54 of the Revised Code 745
that includes the sale, offer to sell, or possession of a 746
schedule I or II controlled substance, with the exception of 747
marihuana, and the court imposing sentence upon the offender 748
finds that the offender is guilty of a specification of the type 749
described in division (A) of section 2941.1410 of the Revised 750
Code charging that the offender is a major drug offender, if the 751
court imposing sentence upon an offender for a felony finds that 752
the offender is guilty of corrupt activity with the most serious 753
offense in the pattern of corrupt activity being a felony of the 754
first degree, or if the offender is guilty of an attempted 755
violation of section 2907.02 of the Revised Code and, had the 756
offender completed the violation of section 2907.02 of the 757
Revised Code that was attempted, the offender would have been 758
subject to a sentence of life imprisonment or life imprisonment 759
without parole for the violation of section 2907.02 of the 760
Revised Code, the court shall impose upon the offender for the 761
felony violation a mandatory prison term determined as described 762
in this division that cannot be reduced pursuant to section 763
2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 764

or any other provision of Chapter 2967. or 5120. of the Revised 765
Code. The mandatory prison term shall be the maximum definite 766
prison term prescribed in division (A) (1) (b) of this section for 767
a felony of the first degree, except that for offenses for which 768
division (A) (1) (a) of this section applies, the mandatory prison 769
term shall be the longest minimum prison term prescribed in that 770
division for the offense. 771

(4) If the offender is being sentenced for a third or 772
fourth degree felony OVI offense under division (G) (2) of 773
section 2929.13 of the Revised Code, the sentencing court shall 774
impose upon the offender a mandatory prison term in accordance 775
with that division. In addition to the mandatory prison term, if 776
the offender is being sentenced for a fourth degree felony OVI 777
offense, the court, notwithstanding division (A) (4) of this 778
section, may sentence the offender to a definite prison term of 779
not less than six months and not more than thirty months, and if 780
the offender is being sentenced for a third degree felony OVI 781
offense, the sentencing court may sentence the offender to an 782
additional prison term of any duration specified in division (A) 783
(3) of this section. In either case, the additional prison term 784
imposed shall be reduced by the sixty or one hundred twenty days 785
imposed upon the offender as the mandatory prison term. The 786
total of the additional prison term imposed under division (B) 787
(4) of this section plus the sixty or one hundred twenty days 788
imposed as the mandatory prison term shall equal a definite term 789
in the range of six months to thirty months for a fourth degree 790
felony OVI offense and shall equal one of the authorized prison 791
terms specified in division (A) (3) of this section for a third 792
degree felony OVI offense. If the court imposes an additional 793
prison term under division (B) (4) of this section, the offender 794
shall serve the additional prison term after the offender has 795

served the mandatory prison term required for the offense. In 796
addition to the mandatory prison term or mandatory and 797
additional prison term imposed as described in division (B) (4) 798
of this section, the court also may sentence the offender to a 799
community control sanction under section 2929.16 or 2929.17 of 800
the Revised Code, but the offender shall serve all of the prison 801
terms so imposed prior to serving the community control 802
sanction. 803

If the offender is being sentenced for a fourth degree 804
felony OVI offense under division (G) (1) of section 2929.13 of 805
the Revised Code and the court imposes a mandatory term of local 806
incarceration, the court may impose a prison term as described 807
in division (A) (1) of that section. 808

(5) If an offender is convicted of or pleads guilty to a 809
violation of division (A) (1) or (2) of section 2903.06 of the 810
Revised Code and also is convicted of or pleads guilty to a 811
specification of the type described in section 2941.1414 of the 812
Revised Code that charges that the victim of the offense is a 813
peace officer, as defined in section 2935.01 of the Revised 814
Code, an investigator of the bureau of criminal identification 815
and investigation, as defined in section 2903.11 of the Revised 816
Code, or a firefighter or emergency medical worker, both as 817
defined in section 2941.1414 of the Revised Code, the court 818
shall impose on the offender a prison term of five years. If a 819
court imposes a prison term on an offender under division (B) (5) 820
of this section, the prison term shall not be reduced pursuant 821
to section 2929.20, division (A) (2) or (3) of section 2967.193 822
or 2967.194, or any other provision of Chapter 2967. or Chapter 823
5120. of the Revised Code. A court shall not impose more than 824
one prison term on an offender under division (B) (5) of this 825
section for felonies committed as part of the same act. 826

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

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

(i) If the offense is a felony of the first degree, a definite prison term of not less than five years and not greater than eleven years, except that if the offense is a felony of the

first degree committed on or after March 22, 2019, the court 858
shall impose as the minimum prison term a mandatory term of not 859
less than five years and not greater than eleven years; 860

(ii) If the offense is a felony of the second or third 861
degree, a definite prison term of not less than three years and 862
not greater than the maximum prison term allowed for the offense 863
by division (A) (2) (b) or (3) of this section, except that if the 864
offense is a felony of the second degree committed on or after 865
March 22, 2019, the court shall impose as the minimum prison 866
term a mandatory term of not less than three years and not 867
greater than eight years; 868

(iii) If the offense is a felony of the fourth or fifth 869
degree, a definite prison term that is the maximum prison term 870
allowed for the offense by division (A) of section 2929.14 of 871
the Revised Code. 872

(b) The prison term imposed under division (B) (7) (a) of 873
this section shall not be reduced pursuant to section 2929.20, 874
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 875
other provision of Chapter 2967. of the Revised Code. A court 876
shall not impose more than one prison term on an offender under 877
division (B) (7) (a) of this section for felonies committed as 878
part of the same act, scheme, or plan. 879

(8) If an offender is convicted of or pleads guilty to a 880
felony violation of section 2903.11, 2903.12, or 2903.13 of the 881
Revised Code and also is convicted of or pleads guilty to a 882
specification of the type described in section 2941.1423 of the 883
Revised Code that charges that the victim of the violation was a 884
woman whom the offender knew was pregnant at the time of the 885
violation, notwithstanding the range prescribed in division (A) 886
of this section as the definite prison term or minimum prison 887

term for felonies of the same degree as the violation, the court 888
shall impose on the offender a mandatory prison term that is 889
either a definite prison term of six months or one of the prison 890
terms prescribed in division (A) of this section for felonies of 891
the same degree as the violation, except that if the violation 892
is a felony of the first or second degree committed on or after 893
March 22, 2019, the court shall impose as the minimum prison 894
term under division (A) (1) (a) or (2) (a) of this section a 895
mandatory term that is one of the terms prescribed in that 896
division, whichever is applicable, for the offense. 897

(9) (a) If an offender is convicted of or pleads guilty to 898
a violation of division (A) (1) or (2) of section 2903.11 of the 899
Revised Code and also is convicted of or pleads guilty to a 900
specification of the type described in section 2941.1425 of the 901
Revised Code, the court shall impose on the offender a mandatory 902
prison term of six years if either of the following applies: 903

(i) The violation is a violation of division (A) (1) of 904
section 2903.11 of the Revised Code and the specification 905
charges that the offender used an accelerant in committing the 906
violation and the serious physical harm to another or to 907
another's unborn caused by the violation resulted in a 908
permanent, serious disfigurement or permanent, substantial 909
incapacity; 910

(ii) The violation is a violation of division (A) (2) of 911
section 2903.11 of the Revised Code and the specification 912
charges that the offender used an accelerant in committing the 913
violation, that the violation caused physical harm to another or 914
to another's unborn, and that the physical harm resulted in a 915
permanent, serious disfigurement or permanent, substantial 916
incapacity. 917

(b) If a court imposes a prison term on an offender under 918
division (B) (9) (a) of this section, the prison term shall not be 919
reduced pursuant to section 2929.20, division (A) (2) or (3) of 920
section 2967.193 or 2967.194, or any other provision of Chapter 921
2967. or Chapter 5120. of the Revised Code. A court shall not 922
impose more than one prison term on an offender under division 923
(B) (9) of this section for felonies committed as part of the 924
same act. 925

(c) The provisions of divisions (B) (9) and (C) (6) of this 926
section and of division (D) (2) of section 2903.11, division (F) 927
(20) of section 2929.13, and section 2941.1425 of the Revised 928
Code shall be known as "Judy's Law." 929

(10) If an offender is convicted of or pleads guilty to a 930
violation of division (A) of section 2903.11 of the Revised Code 931
and also is convicted of or pleads guilty to a specification of 932
the type described in section 2941.1426 of the Revised Code that 933
charges that the victim of the offense suffered permanent 934
disabling harm as a result of the offense and that the victim 935
was under ten years of age at the time of the offense, 936
regardless of whether the offender knew the age of the victim, 937
the court shall impose upon the offender an additional definite 938
prison term of six years. A prison term imposed on an offender 939
under division (B) (10) of this section shall not be reduced 940
pursuant to section 2929.20, division (A) (2) or (3) of section 941
2967.193 or 2967.194, or any other provision of Chapter 2967. or 942
Chapter 5120. of the Revised Code. If a court imposes an 943
additional prison term on an offender under this division 944
relative to a violation of division (A) of section 2903.11 of 945
the Revised Code, the court shall not impose any other 946
additional prison term on the offender relative to the same 947
offense. 948

(11) If an offender is convicted of or pleads guilty to a 949
felony violation of section 2925.03 or 2925.05 of the Revised 950
Code or a felony violation of section 2925.11 of the Revised 951
Code for which division (C) (11) of that section applies in 952
determining the sentence for the violation, if the drug involved 953
in the violation is a fentanyl-related compound or a compound, 954
mixture, preparation, or substance containing a fentanyl-related 955
compound, and if the offender also is convicted of or pleads 956
guilty to a specification of the type described in division (B) 957
of section 2941.1410 of the Revised Code that charges that the 958
offender is a major drug offender, in addition to any other 959
penalty imposed for the violation, the court shall impose on the 960
offender a mandatory prison term of three, four, five, six, 961
seven, or eight years. If a court imposes a prison term on an 962
offender under division (B) (11) of this section, the prison term 963
shall not be reduced pursuant to section 2929.20, division (A) 964
(2) or (3) of section 2967.193 or 2967.194, or any other 965
provision of Chapter 2967. or 5120. of the Revised Code. A court 966
shall not impose more than one prison term on an offender under 967
division (B) (11) of this section for felonies committed as part 968
of the same act. 969

(12) If an offender who is convicted of or pleads guilty 970
to a felony also is convicted of or pleads guilty to a 971
specification of the type described in section 2941.1427 of the 972
Revised Code that charges the offender with wearing a mask or 973
disguise or otherwise concealing or attempting to conceal the 974
offender's face while committing the felony offense, the court 975
shall impose on the offender an additional prison term of one 976
year. The prison term so imposed shall not be reduced pursuant 977
to section 2929.20, division (A) (2) or (3) of section 2967.193 978
or 2967.194, or any other provision of Chapter 2967. or Chapter 979

5120. of the Revised Code. A court shall not impose more than 980
one prison term on an offender under division (B) (12) of this 981
section for felonies committed as part of the same act or 982
transaction. 983

(C) (1) (a) Subject to division (C) (1) (b) of this section, 984
if a mandatory prison term is imposed upon an offender pursuant 985
to division (B) (1) (a) of this section for having a firearm on or 986
about the offender's person or under the offender's control 987
while committing a felony, if a mandatory prison term is imposed 988
upon an offender pursuant to division (B) (1) (c) of this section 989
for committing a felony specified in that division by 990
discharging a firearm from a motor vehicle, or if both types of 991
mandatory prison terms are imposed, the offender shall serve any 992
mandatory prison term imposed under either division 993
consecutively to any other mandatory prison term imposed under 994
either division or under division (B) (1) (d) of this section, 995
consecutively to and prior to any prison term imposed for the 996
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 997
this section or any other section of the Revised Code, and 998
consecutively to any other prison term or mandatory prison term 999
previously or subsequently imposed upon the offender. 1000

(b) If a mandatory prison term is imposed upon an offender 1001
pursuant to division (B) (1) (d) of this section for wearing or 1002
carrying body armor while committing an offense of violence that 1003
is a felony, the offender shall serve the mandatory term so 1004
imposed consecutively to any other mandatory prison term imposed 1005
under that division or under division (B) (1) (a) or (c) of this 1006
section, consecutively to and prior to any prison term imposed 1007
for the underlying felony under division (A), (B) (2), or (B) (3) 1008
of this section or any other section of the Revised Code, and 1009
consecutively to any other prison term or mandatory prison term 1010

previously or subsequently imposed upon the offender. 1011

(c) If a mandatory prison term is imposed upon an offender 1012
pursuant to division (B)(1)(f) of this section, the offender 1013
shall serve the mandatory prison term so imposed consecutively 1014
to and prior to any prison term imposed for the underlying 1015
felony under division (A), (B)(2), or (B)(3) of this section or 1016
any other section of the Revised Code, and consecutively to any 1017
other prison term or mandatory prison term previously or 1018
subsequently imposed upon the offender. 1019

(d) If a mandatory prison term is imposed upon an offender 1020
pursuant to division (B)(7) or (8) of this section, the offender 1021
shall serve the mandatory prison term so imposed consecutively 1022
to any other mandatory prison term imposed under that division 1023
or under any other provision of law and consecutively to any 1024
other prison term or mandatory prison term previously or 1025
subsequently imposed upon the offender. 1026

(e) If a mandatory prison term is imposed upon an offender 1027
pursuant to division (B)(11) of this section, the offender shall 1028
serve the mandatory prison term consecutively to any other 1029
mandatory prison term imposed under that division, consecutively 1030
to and prior to any prison term imposed for the underlying 1031
felony, and consecutively to any other prison term or mandatory 1032
prison term previously or subsequently imposed upon the 1033
offender. 1034

(2) If an offender who is an inmate in a jail, prison, or 1035
other residential detention facility violates section 2917.02, 1036
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 1037
(2) of section 2921.34 of the Revised Code, if an offender who 1038
is under detention at a detention facility commits a felony 1039
violation of section 2923.131 of the Revised Code, or if an 1040

offender who is an inmate in a jail, prison, or other 1041
residential detention facility or is under detention at a 1042
detention facility commits another felony while the offender is 1043
an escapee in violation of division (A) (1) or (2) of section 1044
2921.34 of the Revised Code, any prison term imposed upon the 1045
offender for one of those violations shall be served by the 1046
offender consecutively to the prison term or term of 1047
imprisonment the offender was serving when the offender 1048
committed that offense and to any other prison term previously 1049
or subsequently imposed upon the offender. 1050

(3) If a prison term is imposed for a violation of 1051
division (B) of section 2911.01 of the Revised Code, a violation 1052
of division (A) of section 2913.02 of the Revised Code in which 1053
the stolen property is a firearm or dangerous ordnance, or a 1054
felony violation of division (B) of section 2921.331 of the 1055
Revised Code, the offender shall serve that prison term 1056
consecutively to any other prison term or mandatory prison term 1057
previously or subsequently imposed upon the offender. 1058

(4) If multiple prison terms are imposed on an offender 1059
for convictions of multiple offenses, the court may require the 1060
offender to serve the prison terms consecutively if the court 1061
finds that the consecutive service is necessary to protect the 1062
public from future crime or to punish the offender and that 1063
consecutive sentences are not disproportionate to the 1064
seriousness of the offender's conduct and to the danger the 1065
offender poses to the public, and if the court also finds any of 1066
the following: 1067

(a) The offender committed one or more of the multiple 1068
offenses while the offender was awaiting trial or sentencing, 1069
was under a sanction imposed pursuant to section 2929.16, 1070

2929.17, or 2929.18 of the Revised Code, or was under post- 1071
release control for a prior offense. 1072

(b) At least two of the multiple offenses were committed 1073
as part of one or more courses of conduct, and the harm caused 1074
by two or more of the multiple offenses so committed was so 1075
great or unusual that no single prison term for any of the 1076
offenses committed as part of any of the courses of conduct 1077
adequately reflects the seriousness of the offender's conduct. 1078

(c) The offender's history of criminal conduct 1079
demonstrates that consecutive sentences are necessary to protect 1080
the public from future crime by the offender. 1081

(5) If a mandatory prison term is imposed upon an offender 1082
pursuant to division (B) (5) or (6) of this section, the offender 1083
shall serve the mandatory prison term consecutively to and prior 1084
to any prison term imposed for the underlying violation of 1085
division (A) (1) or (2) of section 2903.06 of the Revised Code 1086
pursuant to division (A) of this section or section 2929.142 of 1087
the Revised Code. If a mandatory prison term is imposed upon an 1088
offender pursuant to division (B) (5) of this section, and if a 1089
mandatory prison term also is imposed upon the offender pursuant 1090
to division (B) (6) of this section in relation to the same 1091
violation, the offender shall serve the mandatory prison term 1092
imposed pursuant to division (B) (5) of this section 1093
consecutively to and prior to the mandatory prison term imposed 1094
pursuant to division (B) (6) of this section and consecutively to 1095
and prior to any prison term imposed for the underlying 1096
violation of division (A) (1) or (2) of section 2903.06 of the 1097
Revised Code pursuant to division (A) of this section or section 1098
2929.142 of the Revised Code. 1099

(6) If a mandatory prison term is imposed on an offender 1100

pursuant to division (B)(9) of this section, the offender shall 1101
serve the mandatory prison term consecutively to and prior to 1102
any prison term imposed for the underlying violation of division 1103
(A)(1) or (2) of section 2903.11 of the Revised Code and 1104
consecutively to and prior to any other prison term or mandatory 1105
prison term previously or subsequently imposed on the offender. 1106

(7) If a mandatory prison term is imposed on an offender 1107
pursuant to division (B)(10) of this section, the offender shall 1108
serve that mandatory prison term consecutively to and prior to 1109
any prison term imposed for the underlying felonious assault. 1110
Except as otherwise provided in division (C) of this section, 1111
any other prison term or mandatory prison term previously or 1112
subsequently imposed upon the offender may be served 1113
concurrently with, or consecutively to, the prison term imposed 1114
pursuant to division (B)(10) of this section. 1115

(8) Any prison term imposed for a violation of section 1116
2903.04 of the Revised Code that is based on a violation of 1117
section 2925.03 or 2925.11 of the Revised Code or on a violation 1118
of section 2925.05 of the Revised Code that is not funding of 1119
marihuana trafficking shall run consecutively to any prison term 1120
imposed for the violation of section 2925.03 or 2925.11 of the 1121
Revised Code or for the violation of section 2925.05 of the 1122
Revised Code that is not funding of marihuana trafficking. 1123

(9) When consecutive prison terms are imposed pursuant to 1124
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 1125
division (H)(1) or (2) of this section, subject to division (C) 1126
(10) of this section, the term to be served is the aggregate of 1127
all of the terms so imposed. 1128

(10) When a court sentences an offender to a non-life 1129
felony indefinite prison term, any definite prison term or 1130

mandatory definite prison term previously or subsequently 1131
imposed on the offender in addition to that indefinite sentence 1132
that is required to be served consecutively to that indefinite 1133
sentence shall be served prior to the indefinite sentence. 1134

(11) If a court is sentencing an offender for a felony of 1135
the first or second degree, if division (A) (1) (a) or (2) (a) of 1136
this section applies with respect to the sentencing for the 1137
offense, and if the court is required under the Revised Code 1138
section that sets forth the offense or any other Revised Code 1139
provision to impose a mandatory prison term for the offense, the 1140
court shall impose the required mandatory prison term as the 1141
minimum term imposed under division (A) (1) (a) or (2) (a) of this 1142
section, whichever is applicable. 1143

(D) (1) If a court imposes a prison term, other than a term 1144
of life imprisonment, for a felony of the first degree, for a 1145
felony of the second degree, for a felony sex offense, or for a 1146
felony of the third degree that is an offense of violence and 1147
that is not a felony sex offense, it shall include in the 1148
sentence a requirement that the offender be subject to a period 1149
of post-release control after the offender's release from 1150
imprisonment, in accordance with section 2967.28 of the Revised 1151
Code. If a court imposes a sentence including a prison term of a 1152
type described in this division on or after July 11, 2006, the 1153
failure of a court to include a post-release control requirement 1154
in the sentence pursuant to this division does not negate, 1155
limit, or otherwise affect the mandatory period of post-release 1156
control that is required for the offender under division (B) of 1157
section 2967.28 of the Revised Code. Section 2929.191 of the 1158
Revised Code applies if, prior to July 11, 2006, a court imposed 1159
a sentence including a prison term of a type described in this 1160
division and failed to include in the sentence pursuant to this 1161

division a statement regarding post-release control. 1162

(2) If a court imposes a prison term for a felony of the 1163
third, fourth, or fifth degree that is not subject to division 1164
(D) (1) of this section, it shall include in the sentence a 1165
requirement that the offender be subject to a period of post- 1166
release control after the offender's release from imprisonment, 1167
in accordance with that division, if the parole board determines 1168
that a period of post-release control is necessary. Section 1169
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1170
a court imposed a sentence including a prison term of a type 1171
described in this division and failed to include in the sentence 1172
pursuant to this division a statement regarding post-release 1173
control. 1174

(E) The court shall impose sentence upon the offender in 1175
accordance with section 2971.03 of the Revised Code, and Chapter 1176
2971. of the Revised Code applies regarding the prison term or 1177
term of life imprisonment without parole imposed upon the 1178
offender and the service of that term of imprisonment if any of 1179
the following apply: 1180

(1) A person is convicted of or pleads guilty to a violent 1181
sex offense or a designated homicide, assault, or kidnapping 1182
offense, and, in relation to that offense, the offender is 1183
adjudicated a sexually violent predator. 1184

(2) A person is convicted of or pleads guilty to a 1185
violation of division (A) (1) (b) of section 2907.02 of the 1186
Revised Code committed on or after January 2, 2007, and either 1187
the court does not impose a sentence of life without parole when 1188
authorized pursuant to division (B) of section 2907.02 of the 1189
Revised Code, or division (B) of section 2907.02 of the Revised 1190
Code provides that the court shall not sentence the offender 1191

pursuant to section 2971.03 of the Revised Code. 1192

(3) A person is convicted of or pleads guilty to attempted 1193
rape committed on or after January 2, 2007, and a specification 1194
of the type described in section 2941.1418, 2941.1419, or 1195
2941.1420 of the Revised Code. 1196

(4) A person is convicted of or pleads guilty to a 1197
violation of section 2905.01 of the Revised Code committed on or 1198
after January 1, 2008, and that section requires the court to 1199
sentence the offender pursuant to section 2971.03 of the Revised 1200
Code. 1201

(5) A person is convicted of or pleads guilty to 1202
aggravated murder committed on or after January 1, 2008, and 1203
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1204
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1205
(a) (iv) of section 2929.03, or division (A) or (B) of section 1206
2929.06 of the Revised Code requires the court to sentence the 1207
offender pursuant to division (B) (3) of section 2971.03 of the 1208
Revised Code. 1209

(6) A person is convicted of or pleads guilty to murder 1210
committed on or after January 1, 2008, and division (B) (2) of 1211
section 2929.02 of the Revised Code requires the court to 1212
sentence the offender pursuant to section 2971.03 of the Revised 1213
Code. 1214

(F) If a person who has been convicted of or pleaded 1215
guilty to a felony is sentenced to a prison term or term of 1216
imprisonment under this section, sections 2929.02 to 2929.06 of 1217
the Revised Code, section 2929.142 of the Revised Code, section 1218
2971.03 of the Revised Code, or any other provision of law, 1219
section 5120.163 of the Revised Code applies regarding the 1220

person while the person is confined in a state correctional 1221
institution. 1222

(G) If an offender who is convicted of or pleads guilty to 1223
a felony that is an offense of violence also is convicted of or 1224
pleads guilty to a specification of the type described in 1225
section 2941.142 of the Revised Code that charges the offender 1226
with having committed the felony while participating in a 1227
criminal gang, the court shall impose upon the offender an 1228
additional prison term of one, two, or three years. 1229

(H) (1) If an offender who is convicted of or pleads guilty 1230
to aggravated murder, murder, or a felony of the first, second, 1231
or third degree that is an offense of violence also is convicted 1232
of or pleads guilty to a specification of the type described in 1233
section 2941.143 of the Revised Code that charges the offender 1234
with having committed the offense in a school safety zone or 1235
towards a person in a school safety zone, the court shall impose 1236
upon the offender an additional prison term of two years. The 1237
offender shall serve the additional two years consecutively to 1238
and prior to the prison term imposed for the underlying offense. 1239

(2) (a) If an offender is convicted of or pleads guilty to 1240
a felony violation of section 2907.22, 2907.24, 2907.241, or 1241
2907.25 of the Revised Code and to a specification of the type 1242
described in section 2941.1421 of the Revised Code and if the 1243
court imposes a prison term on the offender for the felony 1244
violation, the court may impose upon the offender an additional 1245
prison term as follows: 1246

(i) Subject to division (H) (2) (a) (ii) of this section, an 1247
additional prison term of one, two, three, four, five, or six 1248
months; 1249

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

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

(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) or
(d) 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 1342
shall not be reduced pursuant to section 2929.20, division (A) 1343
(2) or (3) of section 2967.193 or 2967.194, or any other 1344
provision of Chapter 2967. or 5120. of the Revised Code. A court 1345
may not impose more than one sentence under division (B) (2) (a) 1346
of this section and this division for acts committed as part of 1347
the same act or transaction. 1348

(2) As used in division (K) (1) of this section, "violent 1349
career criminal" and "violent felony offense" have the same 1350
meanings as in section 2923.132 of the Revised Code. 1351

(L) If an offender receives or received a sentence of life 1352
imprisonment without parole, a sentence of life imprisonment, a 1353
definite sentence, or a sentence to an indefinite prison term 1354
under this chapter for a felony offense that was committed when 1355
the offender was under eighteen years of age, the offender's 1356
parole eligibility shall be determined under section 2967.132 of 1357
the Revised Code. 1358

Sec. 2941.1427. (A) Imposition of a one-year mandatory 1359
prison term upon an offender under division (B) (12) of section 1360
2929.14 of the Revised Code is precluded unless the indictment, 1361
count in the indictment, or information charging the offense 1362
specifies that the offender wore a mask or other disguise or 1363
otherwise concealed or attempted to conceal the offender's face 1364
while committing the offense and that the offense is a felony. 1365
The specification shall be stated at the end of the body of the 1366
indictment, count, or information and shall be stated in 1367
substantially the following form: 1368

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1369
Grand Jurors (or insert the person's or the prosecuting 1370
attorney's name when appropriate) further find and specify that 1371

(set forth that the offender wore a mask or disguise or 1372
otherwise concealed or attempted to conceal the offender's face 1373
while committing the specified offense and that the specified 1374
offense is a felony)." 1375

(B) The specification described in division (A) of this 1376
section may be used in a delinquent child proceeding in the 1377
manner and for the purpose described in section 2152.17 of the 1378
Revised Code. 1379

Section 2. That existing sections 2152.17, 2911.21, 1380
2917.02, and 2929.14 of the Revised Code are hereby repealed. 1381

Section 3. Section 2929.14 of the Revised Code is 1382
presented in this act as a composite of the section as amended 1383
by H.B. 37, H.B. 56, H.B. 111, and S.B. 106, all of the 135th 1384
General Assembly. The General Assembly, applying the principle 1385
stated in division (B) of section 1.52 of the Revised Code that 1386
amendments are to be harmonized if reasonably capable of 1387
simultaneous operation, finds that the composite is the 1388
resulting version of the section in effect prior to the 1389
effective date of the section as presented in this act. 1390