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136th General Assembly
Regular Session
2025-2026

Sub. H. B. No. 338

—
To amend sections 121.03, 2903.01, 2903.11, 1
2903.13, 2921.36, 2921.38, 2929.03, 2929.14, and 2
5120.01 and to enact sections 2941.1427, 3
5120.012, 5120.361, 5120.491, and 5120.85 of the 4
Revised Code to enact Andy's Law to increase the 5
penalty for assaulting or causing the death of 6
specified victims at state or local correctional 7
institutions and to make changes to department 8
of rehabilitation and correction policies and 9
procedures. 10

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

Section 1. That sections 121.03, 2903.01, 2903.11, 11
2903.13, 2921.36, 2921.38, 2929.03, 2929.14, and 5120.01 be 12
amended and sections 2941.1427, 5120.012, 5120.361, 5120.491, 13
and 5120.85 of the Revised Code be enacted to read as follows: 14

Sec. 121.03. The following administrative department heads 15
shall be appointed by the governor, with the advice and consent 16
of the senate, and shall hold their offices during the term of 17
the appointing governor, and are subject to removal at the 18
pleasure of the governor. 19



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(A) The director of budget and management;	20
(B) The director of commerce;	21
(C) The director of transportation;	22
(D) The director of agriculture;	23
(E) The director of job and family services;	24
(F) The director of children and youth;	25
(G) The director of public safety;	26
(H) The superintendent of insurance;	27
(I) The director of development;	28
(J) The tax commissioner;	29
(K) The director of administrative services;	30
(L) The director of natural resources;	31
(M) The director of behavioral health;	32
(N) The director of developmental disabilities;	33
(O) The director of health;	34
(P) The director of youth services;	35
(Q) The director of rehabilitation and correction <u>who</u> <u>meets the qualifications required under section 5120.01 of the</u> <u>Revised Code;</u>	36 37 38
(R) The director of environmental protection;	39
(S) The director of aging;	40
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	41 42 43

(U) The director of veterans services who meets the	44
qualifications required under section 5902.01 of the Revised	45
Code;	46
(V) The chancellor of higher education;	47
(W) The medicaid director;	48
(X) The director of education and workforce.	49
Sec. 2903.01. (A) No person shall purposely, and with	50
prior calculation and design, cause the death of another or the	51
unlawful termination of another's pregnancy.	52
(B) No person shall purposely cause the death of another	53
or the unlawful termination of another's pregnancy while	54
committing or attempting to commit, or while fleeing immediately	55
after committing or attempting to commit, kidnapping, rape,	56
aggravated arson, arson, aggravated robbery, robbery, aggravated	57
burglary, burglary, trespass in a habitation when a person is	58
present or likely to be present, terrorism, or escape.	59
(C) No person shall purposely cause the death of another	60
who is under thirteen years of age at the time of the commission	61
of the offense.	62
(D) No person who is under detention as a result of having	63
been found guilty of or having pleaded guilty to a felony or who	64
breaks that detention shall purposely cause the death of	65
another.	66
(E) No person shall purposely cause the death of a law	67
enforcement officer, <u>a visitor, volunteer, or person on the</u>	68
<u>grounds of a state correctional institution or local</u>	69
<u>correctional facility, an employee of the department of</u>	70
<u>rehabilitation and correction, the department of youth services,</u>	71

or a probation department, or a contractor providing services to 72
the department of rehabilitation and correction or the 73
department of youth services, whom the offender knows or has 74
reasonable cause to know is a law enforcement officer, a 75
visitor, volunteer, or person on the grounds of a state 76
correctional institution or local correctional facility, an 77
employee of the department of rehabilitation and correction, the 78
department of youth services, or a probation department, or a 79
contractor providing services to the department of 80
rehabilitation and correction or the department of youth 81
services when either of the following applies: 82

(1) The victim, at the time of the commission of the 83
offense, is engaged in the victim's duties or is a visitor, 84
volunteer, or person on the grounds of a state correctional 85
institution or local correctional facility. 86

(2) It is the offender's specific purpose to kill a law 87
enforcement officer, a visitor, volunteer, or person on the 88
grounds of a state correctional institution or local 89
correctional facility, an employee of the department of 90
rehabilitation and correction, the department of youth services, 91
or a probation department, or a contractor providing services to 92
the department of rehabilitation and correction or the 93
department of youth services. 94

(F) No person shall purposely cause the death of a first 95
responder or military member whom the offender knows or has 96
reasonable cause to know is a first responder or military member 97
when it is the offender's specific purpose to kill a first 98
responder or military member. 99

(G) Whoever violates this section is guilty of aggravated 100
murder, and shall be punished as provided in section 2929.02 of 101

the Revised Code.	102
(H) As used in this section:	103
(1) "Detention" has the same meaning as in section 2921.01 of the Revised Code.	104
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(2) "Law enforcement officer" has the same meaning as in section 2911.01 of the Revised Code and also includes any federal law enforcement officer as defined in section 2921.51 of the Revised Code and anyone who has previously served as a law enforcement officer or federal law enforcement officer.	106
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(3) "First responder" means an emergency medical service provider, a firefighter, or any other emergency response personnel, or anyone who has previously served as a first responder.	111
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(4) "Military member" means a member of the armed forces of the United States, reserves, or Ohio national guard, a participant in ROTC, JROTC, or any similar military training program, or anyone who has previously served in the military.	115
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Sec. 2903.11. (A) No person shall knowingly do either of the following:	119
(1) Cause serious physical harm to another or to another's unborn;	121
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(2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.	123
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(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall knowingly do any of the following:	126
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(1) Engage in sexual conduct with another person without disclosing that knowledge to the other person prior to engaging in the sexual conduct;	130 131 132
(2) Engage in sexual conduct with a person whom the offender knows or has reasonable cause to believe lacks the mental capacity to appreciate the significance of the knowledge that the offender has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome;	133 134 135 136 137
(3) Engage in sexual conduct with a person under eighteen years of age who is not the spouse of the offender.	138 139
(C) The prosecution of a person under this section does not preclude prosecution of that person under section 2907.02 of the Revised Code.	140 141 142
(D) (1) (a) Whoever violates this section is guilty of felonious assault. Except as otherwise provided in this division or division (D) (1) (b) of this section, felonious assault is a felony of the second degree. If the victim of a violation of division (A) of this section is a peace officer or an investigator of the bureau of criminal identification and investigation, felonious assault is a felony of the first degree.	143 144 145 146 147 148 149 150
(b) Regardless of whether the felonious assault is a felony of the first or second degree under division (D) (1) (a) of this section, if the offender also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as otherwise provided in this division or unless a longer prison term is required under any other provision of law, the court	151 152 153 154 155 156 157 158

shall sentence the offender to a mandatory prison term as 159
provided in division (B) (8) of section 2929.14 of the Revised 160
Code. If the victim of the offense is a peace officer or an 161
investigator of the bureau of criminal identification and 162
investigation, and if the victim suffered serious physical harm 163
as a result of the commission of the offense, felonious assault 164
is a felony of the first degree, and the court, pursuant to 165
division (F) of section 2929.13 of the Revised Code, shall 166
impose as a mandatory prison term one of the definite prison 167
terms prescribed for a felony of the first degree in division 168
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 169
the violation is committed on or after ~~the effective date of~~ 170
~~this amendment~~ March 22, 2019, the court shall impose as the 171
minimum prison term for the offense a mandatory prison term that 172
is one of the minimum terms prescribed for a felony of the first 173
degree in division (A) (1) (a) of section 2929.14 of the Revised 174
Code. 175

(2) In addition to any other sanctions imposed pursuant to 176
division (D) (1) of this section for felonious assault committed 177
in violation of division (A) (1) or (2) of this section, if the 178
offender also is convicted of or pleads guilty to a 179
specification of the type described in section 2941.1425 of the 180
Revised Code that was included in the indictment, count in the 181
indictment, or information charging the offense, the court shall 182
sentence the offender to a mandatory prison term under division 183
(B) (9) of section 2929.14 of the Revised Code. 184

(3) If the victim of a felonious assault committed in 185
violation of division (A) of this section is a child under ten 186
years of age and if the offender also is convicted of or pleads 187
guilty to a specification of the type described in section 188
2941.1426 of the Revised Code that was included in the 189

indictment, count in the indictment, or information charging the offense, in addition to any other sanctions imposed pursuant to division (D) (1) of this section, the court shall sentence the offender to a mandatory prison term pursuant to division (B) (10) of section 2929.14 of the Revised Code. 190
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(4) In addition to any other sanctions imposed pursuant to division (D) (1) of this section for felonious assault committed in violation of division (A) (2) of this section, if the deadly weapon used in the commission of the violation is a motor vehicle, the court shall impose upon the offender a class two suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege as specified in division (A) (2) of section 4510.02 of the Revised Code. 195
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(5) If the victim of the offense is a visitor, volunteer, 204
or person on the grounds of a state correctional institution or 205
local correctional facility, an employee of the department of 206
rehabilitation and correction, the department of youth services, 207
or a probation department, or a contractor providing services to 208
the department of rehabilitation and correction or the 209
department of youth services, and the offense is committed by a 210
person incarcerated in the state correctional institution or by 211
a person institutionalized in the department of youth services 212
institution pursuant to a commitment to the department of youth 213
services, and if the offender also is convicted of or pleads 214
guilty to a specification of the type described in section 215
2941.1427 of the Revised Code that was included in the 216
indictment, count in the indictment, or information charging the 217
offense, in addition to any other sanctions imposed pursuant to 218
division (D) (1) of this section, the court shall sentence the 219
offender to a mandatory prison term pursuant to division (B) (12) 220

<u>of section 2929.14 of the Revised Code.</u>	221
(E) As used in this section:	222
(1) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.	223 224
(2) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.	225 226
(3) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	227 228
(4) "Sexual conduct" has the same meaning as in section 2907.01 of the Revised Code, except that, as used in this section, it does not include the insertion of an instrument, apparatus, or other object that is not a part of the body into the vaginal or anal opening of another, unless the offender knew at the time of the insertion that the instrument, apparatus, or other object carried the offender's bodily fluid.	229 230 231 232 233 234 235
(5) "Investigator of the bureau of criminal identification and investigation" means an investigator of the bureau of criminal identification and investigation who is commissioned by the superintendent of the bureau as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace officers pursuant to authority granted under section 109.541 of the Revised Code.	236 237 238 239 240 241 242
(6) "Investigator" has the same meaning as in section 109.541 of the Revised Code.	243 244
(F) The provisions of division (D) (2) of this section and of division (F) (20) of section 2929.13, divisions (B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."	245 246 247 248

Sec. 2903.13. (A) No person shall knowingly cause or 249
attempt to cause physical harm to another or to another's 250
unborn. 251

(B) No person shall recklessly cause serious physical harm 252
to another or to another's unborn. 253

(C) (1) Whoever violates this section is guilty of assault, 254
and the court shall sentence the offender as provided in this 255
division and divisions (C)(1), (2), (3), (4), (5), (6), (7), 256
(8), (9), and (10) of this section. Except as otherwise provided 257
in division (C)(2), (3), (4), (5), (6), (7), (8), or (9) of this 258
section, assault is a misdemeanor of the first degree. 259

(2) Except as otherwise provided in this division, if the 260
offense is committed by a caretaker against a person with a 261
functional impairment under the caretaker's care, assault is a 262
felony of the fourth degree. If the offense is committed by a 263
caretaker against a person with a functional impairment under 264
the caretaker's care, if the offender previously has been 265
convicted of or pleaded guilty to a violation of this section or 266
section 2903.11 or 2903.16 of the Revised Code, and if in 267
relation to the previous conviction the offender was a caretaker 268
and the victim was a person with a functional impairment under 269
the offender's care, assault is a felony of the third degree. 270

(3) If the offense is committed in any of the following 271
circumstances, assault is a felony of the third degree and there 272
is a presumption for a prison term for the offense: 273

(a) The offense occurs in or on the grounds of a state 274
correctional institution or an institution of the department of 275
youth services, the victim of the offense is an employee of the 276
department of rehabilitation and correction or the department of 277

youth services, and the offense is committed by a person 278
incarcerated in the state correctional institution or by a 279
person institutionalized in the department of youth services 280
institution pursuant to a commitment to the department of youth 281
services, ~~assault is a felony of the third degree.~~ 282

~~(4) If the offense is committed in any of the following~~ 283
~~circumstances, assault is a felony of the fifth degree:~~ 284

~~(a)~~(b) The offense occurs in or on the grounds of a local 285
correctional facility, the victim of the offense is an employee 286
of the local correctional facility or a probation department or 287
is on the premises of the facility for business purposes or as a 288
visitor, and the offense is committed by a person who is under 289
custody in the facility subsequent to the person's arrest for 290
any crime or delinquent act, subsequent to the person's being 291
charged with or convicted of any crime, or subsequent to the 292
person's being alleged to be or adjudicated a delinquent child. 293

~~(b)~~(c) The offense occurs off the grounds of a state 294
correctional institution and off the grounds of an institution 295
of the department of youth services, the victim of the offense 296
is an employee of the department of rehabilitation and 297
correction, the department of youth services, or a probation 298
department, the offense occurs during the employee's official 299
work hours and while the employee is engaged in official work 300
responsibilities, and the offense is committed by a person 301
incarcerated in a state correctional institution or 302
institutionalized in the department of youth services who 303
temporarily is outside of the institution for any purpose, by a 304
parolee, by an offender under transitional control, under a 305
community control sanction, or on an escorted visit, by a person 306
under post-release control, or by an offender under any other 307

type of supervision by a government agency. 308

~~(e)~~(d) The offense occurs off the grounds of a local 309
correctional facility, the victim of the offense is an employee 310
of the local correctional facility or a probation department, 311
the offense occurs during the employee's official work hours and 312
while the employee is engaged in official work responsibilities, 313
and the offense is committed by a person who is under custody in 314
the facility subsequent to the person's arrest for any crime or 315
delinquent act, subsequent to the person being charged with or 316
convicted of any crime, or subsequent to the person being 317
alleged to be or adjudicated a delinquent child and who 318
temporarily is outside of the facility for any purpose or by a 319
parolee, by an offender under transitional control, under a 320
community control sanction, or on an escorted visit, by a person 321
under post-release control, or by an offender under any other 322
type of supervision by a government agency. 323

~~(d)~~(4) The victim of the offense is a school teacher or 324
administrator or a school bus operator, and the offense occurs 325
in a school, on school premises, in a school building, on a 326
school bus, or while the victim is outside of school premises or 327
a school bus and is engaged in duties or official 328
responsibilities associated with the victim's employment or 329
position as a school teacher or administrator or a school bus 330
operator, including, but not limited to, driving, accompanying, 331
or chaperoning students at or on class or field trips, athletic 332
events, or other school extracurricular activities or functions 333
outside of school premises. 334

(5) If the assault is committed in any of the following 335
circumstances, assault is a felony of the fourth degree: 336

(a) The victim of the offense is a peace officer or an 337

investigator of the bureau of criminal identification and investigation, a firefighter, or a person performing emergency medical service, while in the performance of the officer's, investigator's, firefighter's, or person's official duties.	338 339 340 341
(b) The victim of the offense is an emergency service responder, the offender knows or reasonably should know that the victim is an emergency service responder, and it is the offender's specific purpose to commit the offense against an emergency service responder.	342 343 344 345 346
(c) The victim of the offense is a family or household member or co-worker of a person who is an emergency service responder, the offender knows or reasonably should know that the victim is a family or household member or co-worker of an emergency service responder, and it is the offender's specific purpose to commit the offense against a family or household member or co-worker of an emergency service responder.	347 348 349 350 351 352 353
(6) If the offense is a felony of the fourth degree under division (C) (5) (a) of this section, if the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation, and if the victim suffered serious physical harm as a result of the commission of the offense, the court, pursuant to division (F) of section 2929.13 of the Revised Code, shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the fourth degree that is at least twelve months in duration.	354 355 356 357 358 359 360 361 362
(7) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, assault is either a felony of the	363 364 365 366 367

fifth degree or, if the offender previously has been convicted 368
of or pleaded guilty to an offense of violence, the victim of 369
that prior offense was an officer or employee of a public 370
children services agency or private child placing agency, and 371
that prior offense related to the officer's or employee's 372
performance or anticipated performance of official 373
responsibilities or duties, a felony of the fourth degree. 374

(8) If the victim of the offense is a health care 375
professional of a hospital, a health care worker of a hospital, 376
or a security officer of a hospital whom the offender knows or 377
has reasonable cause to know is a health care professional of a 378
hospital, a health care worker of a hospital, or a security 379
officer of a hospital, if the victim is engaged in the 380
performance of the victim's duties, and if the hospital offers 381
de-escalation or crisis intervention training for such 382
professionals, workers, or officers, assault is one of the 383
following: 384

(a) Except as otherwise provided in division (C) (8) (b) of 385
this section, assault committed in the specified circumstances 386
is a misdemeanor of the first degree. Notwithstanding the fine 387
specified in division (A) (2) (a) of section 2929.28 of the 388
Revised Code for a misdemeanor of the first degree, in 389
sentencing the offender under this division and if the court 390
decides to impose a fine, the court may impose upon the offender 391
a fine of not more than five thousand dollars. 392

(b) If the offender previously has been convicted of or 393
pleaded guilty to one or more assault or homicide offenses 394
committed against hospital personnel, assault committed in the 395
specified circumstances is a felony of the fifth degree. 396

(9) If the victim of the offense is a judge, magistrate, 397

prosecutor, or court official or employee whom the offender 398
knows or has reasonable cause to know is a judge, magistrate, 399
prosecutor, or court official or employee, and if the victim is 400
engaged in the performance of the victim's duties, assault is 401
one of the following: 402

 (a) Except as otherwise provided in division (C) (9) (b) of 403
this section, assault committed in the specified circumstances 404
is a misdemeanor of the first degree. In sentencing the offender 405
under this division, if the court decides to impose a fine, 406
notwithstanding the fine specified in division (A) (2) (a) of 407
section 2929.28 of the Revised Code for a misdemeanor of the 408
first degree, the court may impose upon the offender a fine of 409
not more than five thousand dollars. 410

 (b) If the offender previously has been convicted of or 411
pleaded guilty to one or more assault or homicide offenses 412
committed against justice system personnel, assault committed in 413
the specified circumstances is a felony of the fifth degree. 414

 (10) If an offender who is convicted of or pleads guilty 415
to assault when it is a misdemeanor also is convicted of or 416
pleads guilty to a specification as described in section 417
2941.1423 of the Revised Code that was included in the 418
indictment, count in the indictment, or information charging the 419
offense, the court shall sentence the offender to a mandatory 420
jail term as provided in division (F) of section 2929.24 of the 421
Revised Code. 422

 If an offender who is convicted of or pleads guilty to 423
assault when it is a felony also is convicted of or pleads 424
guilty to a specification as described in section 2941.1423 of 425
the Revised Code that was included in the indictment, count in 426
the indictment, or information charging the offense, except as 427

otherwise provided in division (C) (6) of this section, the court 428
shall sentence the offender to a mandatory prison term as 429
provided in division (B) (8) of section 2929.14 of the Revised 430
Code. 431

If an offender who is convicted of or pleads guilty to a 432
violation of division (C) (3) of this section also is convicted 433
of or pleads guilty to a specification as described in section 434
2941.1427 of the Revised Code that was included in the 435
indictment, count in the indictment, or information charging the 436
offense, the court shall sentence the offender to a mandatory 437
prison term as provided in division (B) (12) of section 2929.14 438
of the Revised Code. 439

(D) A prosecution for a violation of this section does not 440
preclude a prosecution of a violation of any other section of 441
the Revised Code. One or more acts, a series of acts, or a 442
course of behavior that can be prosecuted under this section or 443
any other section of the Revised Code may be prosecuted under 444
this section, the other section of the Revised Code, or both 445
sections. However, if an offender is convicted of or pleads 446
guilty to a violation of this section and also is convicted of 447
or pleads guilty to a violation of section 2903.22 of the 448
Revised Code based on the same conduct involving the same victim 449
that was the basis of the violation of this section, the two 450
offenses are allied offenses of similar import under section 451
2941.25 of the Revised Code. 452

(E) As used in this section: 453

(1) "Peace officer" has the same meaning as in section 454
2935.01 of the Revised Code. 455

(2) "Firefighter" means any person who is a firefighter as 456

defined in section 3937.41 of the Revised Code and, for purposes of division (E)(21) of this section, also includes a member of a fire department as defined in section 742.01 of the Revised Code. 457
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(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code. 461
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(4) "Local correctional facility" means a county, multiconty, municipal, municipal-county, or multiconty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multiconty, municipal, municipal-county, or multiconty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child. 463
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(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility. 472
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(6) "School teacher or administrator" means either of the following: 477
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(a) A person who is employed in the public schools of the state under a contract described in section 3311.77 or 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code. 479
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(b) A person who is employed by a nonpublic school for which the director of education and workforce prescribes minimum 484
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standards under section 3301.07 of the Revised Code and who is certificated in accordance with section 3301.071 of the Revised Code.	486 487 488
(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	489 490
(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.	491 492
(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.	493 494
(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.	495 496 497
(11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.	498 499 500
(12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which all of the following apply:	501 502 503 504 505
(a) The victim of the offense was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.	506 507 508
(b) The offender knew or had reasonable cause to know that the victim was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.	509 510 511 512
(c) The victim was engaged in the performance of the	513

victim's duties.	514
(d) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers.	515 516 517
(13) "De-escalation or crisis intervention training" means de-escalation or crisis intervention training for health care professionals of a hospital, health care workers of a hospital, and security officers of a hospital to facilitate interaction with patients, members of a patient's family, and visitors, including those with mental impairments.	518 519 520 521 522 523
(14) "Assault or homicide offense committed against justice system personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which the victim of the offense was a judge, magistrate, prosecutor, or court official or employee whom the offender knew or had reasonable cause to know was a judge, magistrate, prosecutor, or court official or employee, and the victim was engaged in the performance of the victim's duties.	524 525 526 527 528 529 530 531 532
(15) "Court official or employee" means any official or employee of a court created under the constitution or statutes of this state or of a United States court located in this state.	533 534 535
(16) "Judge" means a judge of a court created under the constitution or statutes of this state or of a United States court located in this state.	536 537 538
(17) "Magistrate" means an individual who is appointed by a court of record of this state and who has the powers and may perform the functions specified in Civil Rule 53, Criminal Rule 19, or Juvenile Rule 40, or an individual who is appointed by a	539 540 541 542

United States court located in this state who has similar powers and functions.	543 544
(18) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.	545 546
(19) (a) "Hospital" means, subject to division (E) (19) (b) of this section, an institution classified as a hospital under section 3701.01 of the Revised Code in which are provided to patients diagnostic, medical, surgical, obstetrical, psychiatric, or rehabilitation care or a hospital operated by a health maintenance organization.	547 548 549 550 551 552
(b) "Hospital" does not include any of the following:	553
(i) A facility licensed under Chapter 3721. of the Revised Code, a health care facility operated by the department of mental health and addiction services or the department of developmental disabilities, a health maintenance organization that does not operate a hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice;	554 555 556 557 558 559 560
(ii) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.	561 562 563 564 565 566 567 568 569 570
(20) "Health maintenance organization" has the same	571

meaning as in section 3727.01 of the Revised Code. 572

(21) "Emergency service responder" means any law 573
enforcement officer, first responder, emergency medical 574
technician-basic, emergency medical technician-intermediate, 575
emergency medical technician-paramedic, firefighter, or 576
volunteer firefighter. 577

(22) "Family or household member" means any of the 578
following: 579

(a) Any of the following who is residing or has resided 580
with a person who is employed as an emergency service responder: 581

(i) A spouse, a person living as a spouse, or a former 582
spouse of a person who is employed as an emergency service 583
responder; 584

(ii) A parent, a foster parent, or a child of a person who 585
is employed as an emergency service responder, or another person 586
related by consanguinity or affinity to a person who is employed 587
as an emergency service responder; 588

(iii) A parent or a child of a spouse, person living as a 589
spouse, or former spouse of a person who is employed as an 590
emergency service responder, or another person related by 591
consanguinity or affinity to a spouse, person living as a 592
spouse, or former spouse of a person who is employed as an 593
emergency service responder. 594

(b) The natural parent of any child of whom a person who 595
is employed as an emergency service responder is the other 596
natural parent or is the putative other natural parent. 597

(23) "First responder," "emergency medical technician- 598
basic," "emergency medical technician-intermediate," and 599

"emergency medical technician-paramedic" have the same meanings	600
as in section 4765.01 of the Revised Code.	601
(24) "Volunteer firefighter" has the same meaning as in	602
section 146.01 of the Revised Code.	603
(25) "Person living as a spouse" means a person who is	604
living or has lived with a person who is employed as an	605
emergency service responder in a common law marital	606
relationship, who otherwise is cohabiting with a person who is	607
employed as an emergency service responder, or who otherwise has	608
cohabited with a person who is employed as an emergency service	609
responder within five years prior to the date of the alleged	610
commission of the act in question.	611
(26) "Co-worker" means a person who is employed by the	612
organization or entity that is served by a person who is	613
employed as an emergency service responder.	614
Sec. 2921.36. (A) No person shall knowingly convey, or	615
attempt to convey, onto the grounds of a detention facility or	616
of an institution, office building, or other place that is under	617
the control of the department of mental health and addiction	618
services <u>behavioral</u> health, the department of developmental	619
disabilities, the department of youth services, or the	620
department of rehabilitation and correction any of the following	621
items:	622
(1) Any deadly weapon or dangerous ordnance, as defined in	623
section 2923.11 of the Revised Code, or any part of or	624
ammunition for use in such a deadly weapon or dangerous	625
ordnance;	626
(2) Any drug of abuse, as defined in section 3719.011 of	627
the Revised Code;	628

(3) Any intoxicating liquor, as defined in section 4301.01 of the Revised Code, except for small amounts of wine for sacramental purposes when the person engaging in the specified conduct is a cleric, as defined in section 2317.02 of the Revised Code. 629
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(B) Division (A) of this section does not apply to any person who conveys or attempts to convey an item onto the grounds of a detention facility or of an institution, office building, or other place under the control of the department of ~~mental health and addiction services~~behavioral health, the department of developmental disabilities, the department of youth services, or the department of rehabilitation and correction pursuant to the written authorization of the person in charge of the detention facility or the institution, office building, or other place and in accordance with the written rules of the detention facility or the institution, office building, or other place. 634
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(C) No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, to a prisoner who is temporarily released from confinement for a work assignment, or to any patient in an institution under the control of the department of ~~mental health and addiction services~~behavioral health or the department of developmental disabilities any item listed in division (A)(1), (2), or (3) of this section. 646
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(D) No person shall knowingly deliver, or attempt to deliver, cash to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is temporarily released from confinement for a 655
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work assignment. 659

(E) No person shall knowingly deliver, or attempt to 660
deliver, to any person who is confined in a detention facility, 661
to a child confined in a youth services facility, or to a 662
prisoner who is temporarily released from confinement for a work 663
assignment a cellular telephone, two-way radio, or other 664
electronic communications device. 665

(F) (1) It is an affirmative defense to a charge under 666
division (A) (1) of this section that the weapon or dangerous 667
ordnance in question was being transported in a motor vehicle 668
for any lawful purpose, that it was not on the actor's person, 669
and, if the weapon or dangerous ordnance in question was a 670
firearm, that it was unloaded and was being carried in a closed 671
package, box, or case or in a compartment that can be reached 672
only by leaving the vehicle. 673

(2) It is an affirmative defense to a charge under 674
division (C) of this section that the actor was not otherwise 675
prohibited by law from delivering the item to the confined 676
person, the child, the prisoner, or the patient and that either 677
of the following applies: 678

(a) The actor was permitted by the written rules of the 679
detention facility or the institution, office building, or other 680
place to deliver the item to the confined person or the patient. 681

(b) The actor was given written authorization by the 682
person in charge of the detention facility or the institution, 683
office building, or other place to deliver the item to the 684
confined person or the patient. 685

(G) (1) Whoever violates division (A) (1) of this section or 686
commits a violation of division (C) of this section involving an 687

item listed in division (A) (1) of this section is guilty of 688
illegal conveyance of weapons onto the grounds of a specified 689
governmental facility, a felony of the third degree. If the 690
offender is an officer or employee of the department of 691
rehabilitation and correction, the court shall impose a 692
mandatory prison term from the range of definite prison terms 693
prescribed in division (A) (3) (b) of section 2929.14 of the 694
Revised Code for a felony of the third degree. 695

(2) Whoever (2) (a) Except as provided in division (G) (2) 696
(b) of this section, whoever violates division (A) (2) of this 697
section or commits a violation of division (C) of this section 698
involving any drug of abuse is guilty of illegal conveyance of 699
drugs of abuse onto the grounds of a specified governmental 700
facility, a felony of the third degree. 701

(b) If the offender is a visitor, volunteer, or person on 702
the grounds of a state correctional institution or local 703
correctional facility, an officer or employee of the department 704
of rehabilitation and correction or of the department of youth 705
services, or a contractor providing services to the department 706
of rehabilitation and correction or the department of youth 707
services, a violation of division (A) (2) of this section is a 708
felony of the first degree and the court shall impose a 709
mandatory prison term from the range of definite prison terms 710
prescribed in division (A) (3) (b) (A) (1) (a) of section 2929.14 of 711
the Revised Code for a felony of the third-first degree. 712

(3) Whoever violates division (A) (3) of this section or 713
commits a violation of division (C) of this section involving 714
any intoxicating liquor is guilty of illegal conveyance of 715
intoxicating liquor onto the grounds of a specified governmental 716
facility, a misdemeanor of the second degree. 717

(4) Whoever violates division (D) of this section is
guilty of illegal conveyance of cash onto the grounds of a
detention facility, a misdemeanor of the first degree. If the
offender previously has been convicted of or pleaded guilty to a
violation of division (D) of this section, illegal conveyance of
cash onto the grounds of a detention facility is a felony of the
fifth degree. 718
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(5) (a) Except as provided in division (G) (5) (b) of this
section, whoever violates division (E) of this section is guilty
of illegal conveyance of a communications device onto the
grounds of a specified governmental facility, a misdemeanor of
the first degree, or if the offender previously has been
convicted of or pleaded guilty to a violation of division (E) of
this section, a felony of the fifth degree. 725
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(b) If the offender is a visitor, volunteer, or person on
the grounds of a state correctional institution or local
correctional facility, an officer or employee of the department
of rehabilitation and correction or the department of youth
services, or a contractor or employee of a contractor providing
services to the department of rehabilitation and correction or
the department of youth services, a violation of division (E) of
this section is a felony of the ~~third~~first degree, and the
court shall impose a mandatory prison term from the range of
definite prison terms prescribed in division ~~(A) (3) (b) (A) (1) (a)~~
of section 2929.14 of the Revised Code for a felony of the ~~third~~
first degree. 732
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Sec. 2921.38. (A) No person who is confined in a detention
facility, with intent to harass, annoy, threaten, or alarm
another person, shall cause or attempt to cause the other person
to come into contact with blood, semen, urine, feces, or another 744
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bodily substance by throwing the bodily substance at the other person, by expelling the bodily substance upon the other person, or in any other manner. 748
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(B) No person, with intent to harass, annoy, threaten, or alarm a law enforcement officer, shall cause or attempt to cause the law enforcement officer to come into contact with blood, semen, urine, feces, or another bodily substance by throwing the bodily substance at the law enforcement officer, by expelling the bodily substance upon the law enforcement officer, or in any other manner. 751
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(C) No person, with knowledge that the person is a carrier of the virus that causes acquired immunodeficiency syndrome, is a carrier of a hepatitis virus, or is infected with tuberculosis and with intent to harass, annoy, threaten, or alarm another person, shall cause or attempt to cause the other person to come into contact with blood, semen, urine, feces, or another bodily substance by throwing the bodily substance at the other person, by expelling the bodily substance upon the other person, or in any other manner. 758
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(D) Whoever violates this section is guilty of harassment with a bodily substance. A violation of division (A) or (B) of this section is a felony of the fifth degree and, 767
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notwithstanding section 2929.14 of the Revised Code, the court 770
shall impose a mandatory prison term on the offender of at least 771
three years but no more than four years. A violation of division 772
(C) of this section is a felony of the third degree and, 773
notwithstanding section 2929.14 of the Revised Code, the court 774
shall impose a mandatory prison term on the offender of at least 775
three years but no more than six years. 776

(E) (1) The court, on request of the prosecutor, or the law 777

enforcement authority responsible for the investigation of the
violation, shall cause a person who allegedly has committed a
violation of this section to submit to one or more appropriate
tests to determine if the person is a carrier of the virus that
causes acquired immunodeficiency syndrome, is a carrier of a
hepatitis virus, or is infected with tuberculosis.

(2) The court shall charge the offender with the costs of
the test or tests ordered under division (E)(1) of this section
unless the court determines that the accused is unable to pay,
in which case the costs shall be charged to the entity that
operates the detention facility in which the alleged offense
occurred.

(F) This section does not apply to a person who is
hospitalized, institutionalized, or confined in a facility
operated by the department of ~~mental health and addiction~~
~~services-behavioral health~~ or the department of developmental
disabilities.

Sec. 2929.03. (A) If the indictment or count in the
indictment charging aggravated murder does not contain one or
more specifications of aggravating circumstances listed in
division (A) of section 2929.04 of the Revised Code, then,
following a verdict of guilty of the charge of aggravated
murder, the trial court shall impose sentence on the offender as
follows:

(1) Except as provided in division (A)(2) or (H) of this
section, the trial court shall impose one of the following
sentences on the offender:

(a) Life imprisonment without parole;

(b) Subject to ~~division~~divisions (A)(1)(e) and (f) of

this section, life imprisonment with parole eligibility after
serving twenty years of imprisonment;

(c) Subject to divisiondivisions (A) (1) (e) and (f) of
this section, life imprisonment with parole eligibility after
serving twenty-five full years of imprisonment;

(d) Subject to divisiondivisions (A) (1) (e) and (f) of
this section, life imprisonment with parole eligibility after
serving thirty full years of imprisonment;

(e) If the victim of the aggravated murder was less than
thirteen years of age, the offender also is convicted of or
pleads guilty to a sexual motivation specification that was
included in the indictment, count in the indictment, or
information charging the offense, and the trial court does not
impose a sentence of life imprisonment without parole on the
offender pursuant to division (A) (1) (a) of this section, the
trial court shall sentence the offender pursuant to division (B)
(3) of section 2971.03 of the Revised Code to an indefinite term
consisting of a minimum term of thirty years and a maximum term
of life imprisonment that shall be served pursuant to that
section.

(f) If the victim of aggravated murder was a visitor,
volunteer, or person on the grounds of a state correctional
institution or local correctional facility, an employee of the
department of rehabilitation and correction or a probation
department, or a contractor providing services to the department
of rehabilitation and correction, the trial court shall impose a
sentence of life imprisonment without parole on the offender and
the offender shall serve the sentence at a high security prison
for at least ten years.

(2) If the offender also is convicted of or pleads guilty 836
to a sexual motivation specification and a sexually violent 837
predator specification that are included in the indictment, 838
count in the indictment, or information that charged the 839
aggravated murder, except as provided in division (H) of this 840
section, the trial court shall impose upon the offender a 841
sentence of life imprisonment without parole that shall be 842
served pursuant to section 2971.03 of the Revised Code. 843

(B) If the indictment or count in the indictment charging 844
aggravated murder contains one or more specifications of 845
aggravating circumstances listed in division (A) of section 846
2929.04 of the Revised Code, the verdict shall separately state 847
whether the accused is found guilty or not guilty of the 848
principal charge and, if guilty of the principal charge, whether 849
the offender was eighteen years of age or older at the time of 850
the commission of the offense, if the matter of age was raised 851
by the offender pursuant to section 2929.023 of the Revised 852
Code, and whether the offender is guilty or not guilty of each 853
specification. The jury shall be instructed on its duties in 854
this regard. The instruction to the jury shall include an 855
instruction that a specification shall be proved beyond a 856
reasonable doubt in order to support a guilty verdict on the 857
specification, but the instruction shall not mention the penalty 858
that may be the consequence of a guilty or not guilty verdict on 859
any charge or specification. 860

(C) (1) If the indictment or count in the indictment 861
charging aggravated murder contains one or more specifications 862
of aggravating circumstances listed in division (A) of section 863
2929.04 of the Revised Code, then, following a verdict of guilty 864
of the charge but not guilty of each of the specifications, and 865
regardless of whether the offender raised the matter of age 866

pursuant to section 2929.023 of the Revised Code or the matter
of serious mental illness at the time of the commission of the
offense pursuant to section 2929.025 of the Revised Code, the
trial court shall impose sentence on the offender as follows:

(a) Except as provided in division (C)(1)(b) or (H) of
this section, the trial court shall impose one of the following
sentences on the offender:

(i) Life imprisonment without parole;

(ii) Subject to division (C)(1)(a)(v) of this section,
life imprisonment with parole eligibility after serving twenty
years of imprisonment;

(iii) Subject to division (C)(1)(a)(v) of this section,
life imprisonment with parole eligibility after serving twenty-
five full years of imprisonment;

(iv) Subject to division (C)(1)(a)(v) of this section,
life imprisonment with parole eligibility after serving thirty
full years of imprisonment;

(v) If the victim of the aggravated murder was less than
thirteen years of age, the offender also is convicted of or
pleads guilty to a sexual motivation specification that was
included in the indictment, count in the indictment, or
information charging the offense, and the trial court does not
impose a sentence of life imprisonment without parole on the
offender pursuant to division (C)(1)(a)(i) of this section, the
trial court shall sentence the offender pursuant to division (B)
(3) of section 2971.03 of the Revised Code to an indefinite term
consisting of a minimum term of thirty years and a maximum term
of life imprisonment.

(b) If the offender also is convicted of or pleads guilty

to a sexual motivation specification and a sexually violent predator specification that are included in the indictment, count in the indictment, or information that charged the aggravated murder, except as provided in division (H) of this section, the trial court shall impose upon the offender a sentence of life imprisonment without parole that shall be served pursuant to section 2971.03 of the Revised Code. 896
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(2) (a) If the indictment or count in the indictment contains one or more specifications of aggravating circumstances listed in division (A) of section 2929.04 of the Revised Code and if the offender is found guilty of both the charge and one or more of the specifications, the penalty to be imposed on the offender shall be one of the following: 903
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(i) Except as provided in division (C) (2) (a) (ii), (C) (2) (a) (iii), or (H) and subject to divisions (D) (1) and (E) of this section, the penalty to be imposed on the offender shall be death, life imprisonment without parole, life imprisonment with parole eligibility after serving twenty-five full years of imprisonment, or life imprisonment with parole eligibility after serving thirty full years of imprisonment. 909
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(ii) Except as provided in division (C) (2) (a) (iii) or (H) of this section, if the victim of the aggravated murder was less than thirteen years of age, the offender also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the offense, and the trial court does not impose a sentence of death or life imprisonment without parole on the offender pursuant to division (C) (2) (a) (i) of this section, the penalty to be imposed on the offender shall be an indefinite term consisting of a minimum term of thirty years and 916
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a maximum term of life imprisonment that shall be imposed	926
pursuant to division (B) (3) of section 2971.03 of the Revised	927
Code and served pursuant to that section.	928
(iii) If the offender also is convicted of or pleads	929
guilty to a sexual motivation specification and a sexually	930
violent predator specification that are included in the	931
indictment, count in the indictment, or information that charged	932
the aggravated murder, except as provided in division (H) of	933
this section, the penalty to be imposed on the offender shall be	934
death or life imprisonment without parole that shall be served	935
pursuant to section 2971.03 of the Revised Code.	936
(b) A penalty imposed pursuant to division (C) (2) (a) (i),	937
(ii), or (iii) of this section shall be determined pursuant to	938
divisions (D) and (E) of this section and shall be determined by	939
one of the following:	940
(i) By the panel of three judges that tried the offender	941
upon the offender's waiver of the right to trial by jury;	942
(ii) By the trial jury and the trial judge, if the	943
offender was tried by jury.	944
(D) (1) Death may not be imposed as a penalty for	945
aggravated murder if the offender raised the matter of age at	946
trial pursuant to section 2929.023 of the Revised Code and was	947
not found at trial to have been eighteen years of age or older	948
at the time of the commission of the offense or raised the	949
matter of the offender's serious mental illness at the time of	950
the commission of the offense pursuant to section 2929.025 of	951
the Revised Code and was found under that section to be	952
ineligible for a sentence of death due to serious mental	953
illness. When death may be imposed as a penalty for aggravated	954

murder, the court shall proceed under this division. When death 955
may be imposed as a penalty, the court, upon the request of the 956
defendant, shall require a pre-sentence investigation to be made 957
and, upon the request of the defendant, shall require a mental 958
examination to be made, and shall require reports of the 959
investigation and of any mental examination submitted to the 960
court, pursuant to section 2947.06 of the Revised Code. No 961
statement made or information provided by a defendant in a 962
mental examination or proceeding conducted pursuant to this 963
division shall be disclosed to any person, except as provided in 964
this division, or be used in evidence against the defendant on 965
the issue of guilt in any retrial. A pre-sentence investigation 966
or mental examination shall not be made except upon request of 967
the defendant. Copies of any reports prepared under this 968
division shall be furnished to the court, to the trial jury if 969
the offender was tried by a jury, to the prosecutor, and to the 970
offender or the offender's counsel for use under this division. 971
The court, and the trial jury if the offender was tried by a 972
jury, shall consider any report prepared pursuant to this 973
division and furnished to it and any evidence raised at trial 974
that is relevant to the aggravating circumstances the offender 975
was found guilty of committing or to any factors in mitigation 976
of the imposition of the sentence of death, shall hear testimony 977
and other evidence that is relevant to the nature and 978
circumstances of the aggravating circumstances the offender was 979
found guilty of committing, the mitigating factors set forth in 980
division (B) of section 2929.04 of the Revised Code, and any 981
other factors in mitigation of the imposition of the sentence of 982
death, and shall hear the statement, if any, of the offender, 983
and the arguments, if any, of counsel for the defense and 984
prosecution, that are relevant to the penalty that should be 985
imposed on the offender. The defendant shall be given great 986

latitude in the presentation of evidence of the mitigating factors set forth in division (B) of section 2929.04 of the Revised Code and of any other factors in mitigation of the imposition of the sentence of death. If the offender chooses to make a statement, the offender is subject to cross-examination only if the offender consents to make the statement under oath or affirmation.

The defendant shall have the burden of going forward with the evidence of any factors in mitigation of the imposition of the sentence of death. The prosecution shall have the burden of proving, by proof beyond a reasonable doubt, that the aggravating circumstances the defendant was found guilty of committing are sufficient to outweigh the factors in mitigation of the imposition of the sentence of death.

(2) Upon consideration of the relevant evidence raised at trial, the testimony, other evidence, statement of the offender, arguments of counsel, and, if applicable, the reports submitted pursuant to division (D)(1) of this section, the trial jury, if the offender was tried by a jury, shall determine whether the aggravating circumstances the offender was found guilty of committing are sufficient to outweigh the mitigating factors present in the case. If the trial jury unanimously finds, by proof beyond a reasonable doubt, that the aggravating circumstances the offender was found guilty of committing outweigh the mitigating factors, the trial jury shall recommend to the court that the sentence of death be imposed on the offender. Absent such a finding, the jury shall recommend that the offender be sentenced to one of the following:

(a) Except as provided in division (D)(2)(b), (D)(2)(c) or (H) of this section, to life imprisonment without parole, life

imprisonment with parole eligibility after serving twenty-five
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full years of imprisonment, or life imprisonment with parole
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eligibility after serving thirty full years of imprisonment;
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(b) Except as provided in division (D) (2) (c) or (H) of
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this section, if the victim of the aggravated murder was less
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than thirteen years of age, the offender also is convicted of or
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pleads guilty to a sexual motivation specification that was
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included in the indictment, count in the indictment, or
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information charging the offense, and the jury does not
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recommend a sentence of life imprisonment without parole
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pursuant to division (D) (2) (a) of this section, to an indefinite
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term consisting of a minimum term of thirty years and a maximum
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term of life imprisonment to be imposed pursuant to division (B)
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(3) of section 2971.03 of the Revised Code and served pursuant
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to that section.
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(c) If the offender also is convicted of or pleads guilty
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to a sexual motivation specification and a sexually violent
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predator specification that are included in the indictment,
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count in the indictment, or information that charged the
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aggravated murder, except as provided in division (H) of this
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section, to life imprisonment without parole.
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If the trial jury recommends that the offender be
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sentenced to life imprisonment without parole, life imprisonment
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with parole eligibility after serving twenty-five full years of
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imprisonment, life imprisonment with parole eligibility after
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serving thirty full years of imprisonment, or an indefinite term
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consisting of a minimum term of thirty years and a maximum term
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of life imprisonment to be imposed pursuant to division (B) (3)
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of section 2971.03 of the Revised Code, except as provided in
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division (H) of this section, the court shall impose the
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sentence recommended by the jury upon the offender. If the 1047
sentence is an indefinite term consisting of a minimum term of 1048
thirty years and a maximum term of life imprisonment imposed as 1049
described in division (D) (2) (b) of this section or a sentence of 1050
life imprisonment without parole imposed under division (D) (2) 1051
(c) of this section, the sentence shall be served pursuant to 1052
section 2971.03 of the Revised Code. If the trial jury 1053
recommends that the sentence of death be imposed upon the 1054
offender, the court shall proceed to impose sentence pursuant to 1055
division (D) (3) of this section. 1056

(3) Upon consideration of the relevant evidence raised at 1057
trial, the testimony, other evidence, statement of the offender, 1058
arguments of counsel, and, if applicable, the reports submitted 1059
to the court pursuant to division (D) (1) of this section, if, 1060
after receiving pursuant to division (D) (2) of this section the 1061
trial jury's recommendation that the sentence of death be 1062
imposed, the court finds, by proof beyond a reasonable doubt, or 1063
if the panel of three judges unanimously finds, by proof beyond 1064
a reasonable doubt, that the aggravating circumstances the 1065
offender was found guilty of committing outweigh the mitigating 1066
factors, it shall impose sentence of death on the offender. 1067
Absent such a finding by the court or panel, the court or the 1068
panel shall impose one of the following sentences on the 1069
offender: 1070

(a) Except as provided in division (D) (3) (b) or (H) of 1071
this section, one of the following: 1072

(i) Life imprisonment without parole; 1073

(ii) Subject to division (D) (3) (a) (iv) of this section, 1074
life imprisonment with parole eligibility after serving twenty- 1075
five full years of imprisonment; 1076

(iii) Subject to division (D) (3) (a) (iv) of this section, life imprisonment with parole eligibility after serving thirty full years of imprisonment;

(iv) If the victim of the aggravated murder was less than thirteen years of age, the offender also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the offense, and the trial court does not impose a sentence of life imprisonment without parole on the offender pursuant to division (D) (3) (a) (i) of this section, the court or panel shall sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code to an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment.

(b) If the offender also is convicted of or pleads guilty to a sexual motivation specification and a sexually violent predator specification that are included in the indictment, count in the indictment, or information that charged the aggravated murder, except as provided in division (H) of this section, life imprisonment without parole that shall be served pursuant to section 2971.03 of the Revised Code.

(E) (1) If the offender raised the matter of age at trial pursuant to section 2929.023 of the Revised Code, was convicted of aggravated murder and one or more specifications of an aggravating circumstance listed in division (A) of section 2929.04 of the Revised Code, and was not found at trial to have been eighteen years of age or older at the time of the commission of the offense, the court or the panel of three judges shall not impose a sentence of death on the offender. Instead, the court or panel shall impose one of the following

sentences on the offender: 1107

(a) Except as provided in division (E) (1) (b) or (H) of 1108
this section, one of the following: 1109

(i) Life imprisonment without parole; 1110

(ii) Subject to division (E) (1) (a) (iv) of this section, 1111
life imprisonment with parole eligibility after serving twenty- 1112
five full years of imprisonment; 1113

(iii) Subject to division (E) (1) (a) (iv) of this section, 1114
life imprisonment with parole eligibility after serving thirty 1115
full years of imprisonment; 1116

(iv) If the victim of the aggravated murder was less than 1117
thirteen years of age, the offender also is convicted of or 1118
pleads guilty to a sexual motivation specification that was 1119
included in the indictment, count in the indictment, or 1120
information charging the offense, and the trial court does not 1121
impose a sentence of life imprisonment without parole on the 1122
offender pursuant to division (E) (1) (a) (i) of this section, the 1123
court or panel shall sentence the offender pursuant to division 1124
(B) (3) of section 2971.03 of the Revised Code to an indefinite 1125
term consisting of a minimum term of thirty years and a maximum 1126
term of life imprisonment. 1127

(b) If the offender also is convicted of or pleads guilty 1128
to a sexual motivation specification and a sexually violent 1129
predator specification that are included in the indictment, 1130
count in the indictment, or information that charged the 1131
aggravated murder, except as provided in division (H) of this 1132
section, life imprisonment without parole that shall be served 1133
pursuant to section 2971.03 of the Revised Code. 1134

(2) If the offender raised the matter of the offender's 1135

serious mental illness at the time of the commission of the 1136
offense pursuant to section 2929.025 of the Revised Code, was 1137
found under that section to be ineligible for a sentence of 1138
death due to serious mental illness, and was convicted of 1139
aggravated murder and one or more specifications of an 1140
aggravating circumstance listed in division (A) of section 1141
2929.04 of the Revised Code, the court or panel of three judges 1142
shall not impose a sentence of death on the offender. Instead, 1143
the court or panel shall sentence the offender to life 1144
imprisonment without parole. 1145

(F) The court or the panel of three judges, when it 1146
imposes sentence of death, shall state in a separate opinion its 1147
specific findings as to the existence of any of the mitigating 1148
factors set forth in division (B) of section 2929.04 of the 1149
Revised Code, the existence of any other mitigating factors, the 1150
aggravating circumstances the offender was found guilty of 1151
committing, and the reasons why the aggravating circumstances 1152
the offender was found guilty of committing were sufficient to 1153
outweigh the mitigating factors. The court or panel, when it 1154
imposes life imprisonment or an indefinite term consisting of a 1155
minimum term of thirty years and a maximum term of life 1156
imprisonment under division (D) of this section, shall state in 1157
a separate opinion its specific findings of which of the 1158
mitigating factors set forth in division (B) of section 2929.04 1159
of the Revised Code it found to exist, what other mitigating 1160
factors it found to exist, what aggravating circumstances the 1161
offender was found guilty of committing, and why it could not 1162
find that these aggravating circumstances were sufficient to 1163
outweigh the mitigating factors. For cases in which a sentence 1164
of death is imposed for an offense committed before January 1, 1165
1995, the court or panel shall file the opinion required to be 1166

prepared by this division with the clerk of the appropriate 1167
court of appeals and with the clerk of the supreme court within 1168
fifteen days after the court or panel imposes sentence. For 1169
cases in which a sentence of death is imposed for an offense 1170
committed on or after January 1, 1995, the court or panel shall 1171
file the opinion required to be prepared by this division with 1172
the clerk of the supreme court within fifteen days after the 1173
court or panel imposes sentence. The judgment in a case in which 1174
a sentencing hearing is held pursuant to this section is not 1175
final until the opinion is filed. 1176

(G) (1) Whenever the court or a panel of three judges 1177
imposes a sentence of death for an offense committed before 1178
January 1, 1995, the clerk of the court in which the judgment is 1179
rendered shall make and retain a copy of the entire record in 1180
the case, and shall deliver the original of the entire record in 1181
the case to the appellate court. 1182

(2) Whenever the court or a panel of three judges imposes 1183
a sentence of death for an offense committed on or after January 1184
1, 1995, the clerk of the court in which the judgment is 1185
rendered shall make and retain a copy of the entire record in 1186
the case, and shall deliver the original of the entire record in 1187
the case to the supreme court. 1188

(H) A court shall not impose a sentence of life 1189
imprisonment without parole on a person under division (A) (1) or 1190
(2), (C) (1) or (2), (D) (2) or (3), or (E) (1) or (2) of this 1191
section for an offense that was committed when the person was 1192
under eighteen years of age. 1193

Sec. 2929.14. (A) Except as provided in division (B) (1), 1194
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1195
(B) (10), (B) (11), (B) (12), (E), (G), (H), (J), or (K) of this 1196

section or in division (D)(6) of section 2919.25 of the Revised 1197
Code and except in relation to an offense for which a sentence 1198
of death or life imprisonment is to be imposed, if the court 1199
imposing a sentence upon an offender for a felony elects or is 1200
required to impose a prison term on the offender pursuant to 1201
this chapter, the court shall impose a prison term that shall be 1202
one of the following: 1203

(1) (a) For a felony of the first degree committed on or 1204
after March 22, 2019, the prison term shall be an indefinite 1205
prison term with a stated minimum term selected by the court of 1206
three, four, five, six, seven, eight, nine, ten, or eleven years 1207
and a maximum term that is determined pursuant to section 1208
2929.144 of the Revised Code, except that if the section that 1209
criminalizes the conduct constituting the felony specifies a 1210
different minimum term or penalty for the offense, the specific 1211
language of that section shall control in determining the 1212
minimum term or otherwise sentencing the offender but the 1213
minimum term or sentence imposed under that specific language 1214
shall be considered for purposes of the Revised Code as if it 1215
had been imposed under this division. 1216

(b) For a felony of the first degree committed prior to 1217
March 22, 2019, the prison term shall be a definite prison term 1218
of three, four, five, six, seven, eight, nine, ten, or eleven 1219
years. 1220

(2) (a) For a felony of the second degree committed on or 1221
after March 22, 2019, the prison term shall be an indefinite 1222
prison term with a stated minimum term selected by the court of 1223
two, three, four, five, six, seven, or eight years and a maximum 1224
term that is determined pursuant to section 2929.144 of the 1225
Revised Code, except that if the section that criminalizes the 1226

conduct constituting the felony specifies a different minimum term or penalty for the offense, the specific language of that section shall control in determining the minimum term or otherwise sentencing the offender but the minimum term or sentence imposed under that specific language shall be considered for purposes of the Revised Code as if it had been imposed under this division. 1227
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(b) For a felony of the second degree committed prior to March 22, 2019, the prison term shall be a definite term of two, three, four, five, six, seven, or eight years. 1234
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(3) (a) For a felony of the third degree that is a violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2907.05, 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of the Revised Code, that is a violation of division (A) of section 4511.19 of the Revised Code if the offender previously has been convicted of or pleaded guilty to a violation of division (A) of that section that was a felony, that is a violation of section 2911.02 or 2911.12 of the Revised Code if the offender previously has been convicted of or pleaded guilty in two or more separate proceedings to two or more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, that is a violation of division (C) (3) of section 2903.13 of the Revised Code, or that is a violation of division (B) of section 2921.331 of the Revised Code if division (C) (5) of that section applies, the prison term shall be a definite term of twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 1237
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(b) For a felony of the third degree that is not an offense for which division (A) (3) (a) of this section applies, the prison term shall be a definite term of nine, twelve, 1254
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eighteen, twenty-four, thirty, or thirty-six months. 1257

(4) For a felony of the fourth degree, the prison term 1258
shall be a definite term of six, seven, eight, nine, ten, 1259
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1260
or eighteen months. 1261

(5) For a felony of the fifth degree, the prison term 1262
shall be a definite term of six, seven, eight, nine, ten, 1263
eleven, or twelve months. 1264

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1265
section, if an offender who is convicted of or pleads guilty to 1266
a felony also is convicted of or pleads guilty to a 1267
specification of the type described in section 2941.141, 1268
2941.144, or 2941.145 of the Revised Code, the court shall 1269
impose on the offender one of the following prison terms: 1270

(i) A prison term of six years if the specification is of 1271
the type described in division (A) of section 2941.144 of the 1272
Revised Code that charges the offender with having a firearm 1273
that is an automatic firearm or that was equipped with a firearm 1274
muffler or suppressor on or about the offender's person or under 1275
the offender's control while committing the offense; 1276

(ii) A prison term of three years if the specification is 1277
of the type described in division (A) of section 2941.145 of the 1278
Revised Code that charges the offender with having a firearm on 1279
or about the offender's person or under the offender's control 1280
while committing the offense and displaying the firearm, 1281
brandishing the firearm, indicating that the offender possessed 1282
the firearm, or using it to facilitate the offense; 1283

(iii) A prison term of one year if the specification is of 1284
the type described in division (A) of section 2941.141 of the 1285

Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense;	1286
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(iv) A prison term of nine years if the specification is of the type described in division (D) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and specifies that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;	1289
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(v) A prison term of fifty-four months if the specification is of the type described in division (D) of section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using the firearm to facilitate the offense and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;	1299
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(vi) A prison term of eighteen months if the specification is of the type described in division (D) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and that the offender previously has been convicted of or pleaded guilty to a	1310
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specification of the type described in section 2941.141, 1316
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1317

(b) If a court imposes a prison term on an offender under 1318
division (B) (1) (a) of this section, the prison term shall not be 1319
reduced pursuant to section 2929.20, division (A) (2) or (3) of 1320
section 2967.193 or 2967.194, or any other provision of Chapter 1321
2967. or Chapter 5120. of the Revised Code. Except as provided 1322
in division (B) (1) (g) of this section, a court shall not impose 1323
more than one prison term on an offender under division (B) (1) 1324
(a) of this section for felonies committed as part of the same 1325
act or transaction. 1326

(c) (i) Except as provided in division (B) (1) (e) of this 1327
section, if an offender who is convicted of or pleads guilty to 1328
a violation of section 2923.161 of the Revised Code or to a 1329
felony that includes, as an essential element, purposely or 1330
knowingly causing or attempting to cause the death of or 1331
physical harm to another, also is convicted of or pleads guilty 1332
to a specification of the type described in division (A) of 1333
section 2941.146 of the Revised Code that charges the offender 1334
with committing the offense by discharging a firearm from a 1335
motor vehicle other than a manufactured home, the court, after 1336
imposing a prison term on the offender for the violation of 1337
section 2923.161 of the Revised Code or for the other felony 1338
offense under division (A), (B) (2), or (B) (3) of this section, 1339
shall impose an additional prison term of five years upon the 1340
offender that shall not be reduced pursuant to section 2929.20, 1341
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 1342
other provision of Chapter 2967. or Chapter 5120. of the Revised 1343
Code. 1344

(ii) Except as provided in division (B) (1) (e) of this 1345

section, if an offender who is convicted of or pleads guilty to 1346
a violation of section 2923.161 of the Revised Code or to a 1347
felony that includes, as an essential element, purposely or 1348
knowingly causing or attempting to cause the death of or 1349
physical harm to another, also is convicted of or pleads guilty 1350
to a specification of the type described in division (C) of 1351
section 2941.146 of the Revised Code that charges the offender 1352
with committing the offense by discharging a firearm from a 1353
motor vehicle other than a manufactured home and that the 1354
offender previously has been convicted of or pleaded guilty to a 1355
specification of the type described in section 2941.141, 1356
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1357
the court, after imposing a prison term on the offender for the 1358
violation of section 2923.161 of the Revised Code or for the 1359
other felony offense under division (A), (B) (2), or (3) of this 1360
section, shall impose an additional prison term of ninety months 1361
upon the offender that shall not be reduced pursuant to section 1362
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 1363
or any other provision of Chapter 2967. or Chapter 5120. of the 1364
Revised Code. 1365

(iii) A court shall not impose more than one additional 1366
prison term on an offender under division (B) (1) (c) of this 1367
section for felonies committed as part of the same act or 1368
transaction. If a court imposes an additional prison term on an 1369
offender under division (B) (1) (c) of this section relative to an 1370
offense, the court also shall impose a prison term under 1371
division (B) (1) (a) of this section relative to the same offense, 1372
provided the criteria specified in that division for imposing an 1373
additional prison term are satisfied relative to the offender 1374
and the offense. 1375

(d) If an offender who is convicted of or pleads guilty to 1376

an offense of violence that is a felony also is convicted of or 1377
pleads guilty to a specification of the type described in 1378
section 2941.1411 of the Revised Code that charges the offender 1379
with wearing or carrying body armor while committing the felony 1380
offense of violence, the court shall impose on the offender an 1381
additional prison term of two years. The prison term so imposed 1382
shall not be reduced pursuant to section 2929.20, division (A) 1383
(2) or (3) of section 2967.193 or 2967.194, or any other 1384
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1385
A court shall not impose more than one prison term on an 1386
offender under division (B)(1)(d) of this section for felonies 1387
committed as part of the same act or transaction. If a court 1388
imposes an additional prison term under division (B)(1)(a) or 1389
(c) of this section, the court is not precluded from imposing an 1390
additional prison term under division (B)(1)(d) of this section. 1391

(e) The court shall not impose any of the prison terms 1392
described in division (B)(1)(a) of this section or any of the 1393
additional prison terms described in division (B)(1)(c) of this 1394
section upon an offender for a violation of section 2923.12 or 1395
2923.123 of the Revised Code. The court shall not impose any of 1396
the prison terms described in division (B)(1)(a) or (b) of this 1397
section upon an offender for a violation of section 2923.122 1398
that involves a deadly weapon that is a firearm other than a 1399
dangerous ordnance, section 2923.16, or section 2923.121 of the 1400
Revised Code. The court shall not impose any of the prison terms 1401
described in division (B)(1)(a) of this section or any of the 1402
additional prison terms described in division (B)(1)(c) of this 1403
section upon an offender for a violation of section 2923.13 of 1404
the Revised Code unless all of the following apply: 1405

(i) The offender previously has been convicted of 1406
aggravated murder, murder, or any felony of the first or second 1407

degree.	1408
(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense.	1409 1410 1411
(f) (i) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in division (A) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B) (2), or (B) (3) of this section, shall impose an additional prison term of seven years upon the offender that 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.	1412 1413 1414 1415 1416 1417 1418 1419 1420 1421 1422 1423 1424 1425 1426 1427
(ii) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer, as defined in section 2935.01 of the Revised Code, or a corrections officer, as defined in section 2941.1412 of the Revised Code, and that the offender previously has been convicted of or	1428 1429 1430 1431 1432 1433 1434 1435 1436 1437

pleaded guilty to a specification of the type described in 1438
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1439
the Revised Code, the court, after imposing a prison term on the 1440
offender for the felony offense under division (A), (B)(2), or 1441
(3) of this section, shall impose an additional prison term of 1442
one hundred twenty-six months upon the offender that shall not 1443
be reduced pursuant to section 2929.20, division (A)(2) or (3) 1444
of section 2967.193 or 2967.194, or any other provision of 1445
Chapter 2967. or 5120. of the Revised Code. 1446

(iii) If an offender is convicted of or pleads guilty to 1447
two or more felonies that include, as an essential element, 1448
causing or attempting to cause the death or physical harm to 1449
another and also is convicted of or pleads guilty to a 1450
specification of the type described under division (B)(1)(f) of 1451
this section in connection with two or more of the felonies of 1452
which the offender is convicted or to which the offender pleads 1453
guilty, the sentencing court shall impose on the offender the 1454
prison term specified under division (B)(1)(f) of this section 1455
for each of two of the specifications of which the offender is 1456
convicted or to which the offender pleads guilty and, in its 1457
discretion, also may impose on the offender the prison term 1458
specified under that division for any or all of the remaining 1459
specifications. If a court imposes an additional prison term on 1460
an offender under division (B)(1)(f) of this section relative to 1461
an offense, the court shall not impose a prison term under 1462
division (B)(1)(a) or (c) of this section relative to the same 1463
offense. 1464

(g) If an offender is convicted of or pleads guilty to two 1465
or more felonies, if one or more of those felonies are 1466
aggravated murder, murder, attempted aggravated murder, 1467
attempted murder, aggravated robbery, felonious assault, or 1468

rape, and if the offender is convicted of or pleads guilty to a 1469
specification of the type described under division (B) (1) (a) of 1470
this section in connection with two or more of the felonies, the 1471
sentencing court shall impose on the offender the prison term 1472
specified under division (B) (1) (a) of this section for each of 1473
the two most serious specifications of which the offender is 1474
convicted or to which the offender pleads guilty and, in its 1475
discretion, also may impose on the offender the prison term 1476
specified under that division for any or all of the remaining 1477
specifications. 1478

(2) (a) If division (B) (2) (b) of this section does not 1479
apply, the court may impose on an offender, in addition to the 1480
longest prison term authorized or required for the offense or, 1481
for offenses for which division (A) (1) (a) or (2) (a) of this 1482
section applies, in addition to the longest minimum prison term 1483
authorized or required for the offense, an additional definite 1484
prison term of one, two, three, four, five, six, seven, eight, 1485
nine, or ten years if all of the following criteria are met: 1486

(i) The offender is convicted of or pleads guilty to a 1487
specification of the type described in section 2941.149 of the 1488
Revised Code that the offender is a repeat violent offender. 1489

(ii) The offense of which the offender currently is 1490
convicted or to which the offender currently pleads guilty is 1491
aggravated murder and the court does not impose a sentence of 1492
death or life imprisonment without parole, murder, terrorism and 1493
the court does not impose a sentence of life imprisonment 1494
without parole, any felony of the first degree that is an 1495
offense of violence and the court does not impose a sentence of 1496
life imprisonment without parole, or any felony of the second 1497
degree that is an offense of violence and the trier of fact 1498

finds that the offense involved an attempt to cause or a threat 1499
to cause serious physical harm to a person or resulted in 1500
serious physical harm to a person. 1501

(iii) The court imposes the longest prison term for the 1502
offense or the longest minimum prison term for the offense, 1503
whichever is applicable, that is not life imprisonment without 1504
parole. 1505

(iv) The court finds that the prison terms imposed 1506
pursuant to division (B) (2) (a) (iii) of this section and, if 1507
applicable, division (B) (1) or (3) of this section are 1508
inadequate to punish the offender and protect the public from 1509
future crime, because the applicable factors under section 1510
2929.12 of the Revised Code indicating a greater likelihood of 1511
recidivism outweigh the applicable factors under that section 1512
indicating a lesser likelihood of recidivism. 1513

(v) The court finds that the prison terms imposed pursuant 1514
to division (B) (2) (a) (iii) of this section and, if applicable, 1515
division (B) (1) or (3) of this section are demeaning to the 1516
seriousness of the offense, because one or more of the factors 1517
under section 2929.12 of the Revised Code indicating that the 1518
offender's conduct is more serious than conduct normally 1519
constituting the offense are present, and they outweigh the 1520
applicable factors under that section indicating that the 1521
offender's conduct is less serious than conduct normally 1522
constituting the offense. 1523

(b) The court shall impose on an offender the longest 1524
prison term authorized or required for the offense or, for 1525
offenses for which division (A) (1) (a) or (2) (a) of this section 1526
applies, the longest minimum prison term authorized or required 1527
for the offense, and shall impose on the offender an additional 1528

definite prison term of one, two, three, four, five, six, seven, 1529
eight, nine, or ten years if all of the following criteria are 1530
met: 1531

(i) The offender is convicted of or pleads guilty to a 1532
specification of the type described in section 2941.149 of the 1533
Revised Code that the offender is a repeat violent offender. 1534

(ii) The offender within the preceding twenty years has 1535
been convicted of or pleaded guilty to three or more offenses 1536
described in division (CC)(1) of section 2929.01 of the Revised 1537
Code, including all offenses described in that division of which 1538
the offender is convicted or to which the offender pleads guilty 1539
in the current prosecution and all offenses described in that 1540
division of which the offender previously has been convicted or 1541
to which the offender previously pleaded guilty, whether 1542
prosecuted together or separately. 1543

(iii) The offense or offenses of which the offender 1544
currently is convicted or to which the offender currently pleads 1545
guilty is aggravated murder and the court does not impose a 1546
sentence of death or life imprisonment without parole, murder, 1547
terrorism and the court does not impose a sentence of life 1548
imprisonment without parole, any felony of the first degree that 1549
is an offense of violence and the court does not impose a 1550
sentence of life imprisonment without parole, or any felony of 1551
the second degree that is an offense of violence and the trier 1552
of fact finds that the offense involved an attempt to cause or a 1553
threat to cause serious physical harm to a person or resulted in 1554
serious physical harm to a person. 1555

(c) For purposes of division (B)(2)(b) of this section, 1556
two or more offenses committed at the same time or as part of 1557
the same act or event shall be considered one offense, and that 1558

one offense shall be the offense with the greatest penalty. 1559

(d) A sentence imposed under division (B) (2) (a) or (b) of 1560
this section shall not be reduced pursuant to section 2929.20, 1561
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 1562
other provision of Chapter 2967. or Chapter 5120. of the Revised 1563
Code. The offender shall serve an additional prison term imposed 1564
under division (B) (2) (a) or (b) of this section consecutively to 1565
and prior to the prison term imposed for the underlying offense. 1566

(e) When imposing a sentence pursuant to division (B) (2) 1567
(a) or (b) of this section, the court shall state its findings 1568
explaining the imposed sentence. 1569

(3) Except when an offender commits a violation of section 1570
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1571
for the violation is life imprisonment or commits a violation of 1572
section 2903.02 of the Revised Code, if the offender commits a 1573
violation of section 2925.03 or 2925.11 of the Revised Code and 1574
that section classifies the offender as a major drug offender, 1575
if the offender commits a violation of section 2925.05 of the 1576
Revised Code and division (E) (1) of that section classifies the 1577
offender as a major drug offender, if the offender commits a 1578
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1579
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1580
division (C) or (D) of section 3719.172, division (E) of section 1581
4729.51, or division (J) of section 4729.54 of the Revised Code 1582
that includes the sale, offer to sell, or possession of a 1583
schedule I or II controlled substance, with the exception of 1584
marijuana, and the court imposing sentence upon the offender 1585
finds that the offender is guilty of a specification of the type 1586
described in division (A) of section 2941.1410 of the Revised 1587
Code charging that the offender is a major drug offender, if the 1588

court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code and, had the offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term determined as described in this division that cannot 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 5120. of the Revised Code. The mandatory prison term shall be the maximum definite prison term prescribed in division (A)(1)(b) of this section for a felony of the first degree, except that for offenses for which division (A)(1)(a) of this section applies, the mandatory prison term shall be the longest minimum prison term prescribed in that division for the offense.

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

additional prison term of any duration specified in division (A) 1620
(3) of this section. In either case, the additional prison term 1621
imposed shall be reduced by the sixty or one hundred twenty days 1622
imposed upon the offender as the mandatory prison term. The 1623
total of the additional prison term imposed under division (B) 1624
(4) of this section plus the sixty or one hundred twenty days 1625
imposed as the mandatory prison term shall equal a definite term 1626
in the range of six months to thirty months for a fourth degree 1627
felony OVI offense and shall equal one of the authorized prison 1628
terms specified in division (A)(3) of this section for a third 1629
degree felony OVI offense. If the court imposes an additional 1630
prison term under division (B)(4) of this section, the offender 1631
shall serve the additional prison term after the offender has 1632
served the mandatory prison term required for the offense. In 1633
addition to the mandatory prison term or mandatory and 1634
additional prison term imposed as described in division (B)(4) 1635
of this section, the court also may sentence the offender to a 1636
community control sanction under section 2929.16 or 2929.17 of 1637
the Revised Code, but the offender shall serve all of the prison 1638
terms so imposed prior to serving the community control 1639
sanction. 1640

If the offender is being sentenced for a fourth degree 1641
felony OVI offense under division (G)(1) of section 2929.13 of 1642
the Revised Code and the court imposes a mandatory term of local 1643
incarceration, the court may impose a prison term as described 1644
in division (A)(1) of that section. 1645

(5) If an offender is convicted of or pleads guilty to a 1646
violation of division (A)(1) or (2) of section 2903.06 of the 1647
Revised Code and also is convicted of or pleads guilty to a 1648
specification of the type described in section 2941.1414 of the 1649
Revised Code that charges that the victim of the offense is a 1650

peace officer, as defined in section 2935.01 of the Revised 1651
Code, an investigator of the bureau of criminal identification 1652
and investigation, as defined in section 2903.11 of the Revised 1653
Code, or a firefighter or emergency medical worker, both as 1654
defined in section 2941.1414 of the Revised Code, the court 1655
shall impose on the offender a prison term of five years. If a 1656
court imposes a prison term on an offender under division (B) (5) 1657
of this section, the prison term shall not be reduced pursuant 1658
to section 2929.20, division (A) (2) or (3) of section 2967.193 1659
or 2967.194, or any other provision of Chapter 2967. or Chapter 1660
5120. of the Revised Code. A court shall not impose more than 1661
one prison term on an offender under division (B) (5) of this 1662
section for felonies committed as part of the same act. 1663

(6) If an offender is convicted of or pleads guilty to a 1664
violation of division (A) (1) or (2) of section 2903.06 of the 1665
Revised Code and also is convicted of or pleads guilty to a 1666
specification of the type described in section 2941.1415 of the 1667
Revised Code that charges that the offender previously has been 1668
convicted of or pleaded guilty to three or more violations of 1669
division (A) of section 4511.19 of the Revised Code or an 1670
equivalent offense, as defined in section 2941.1415 of the 1671
Revised Code, or three or more violations of any combination of 1672
those offenses, the court shall impose on the offender a prison 1673
term of three years. If a court imposes a prison term on an 1674
offender under division (B) (6) of this section, the prison term 1675
shall not be reduced pursuant to section 2929.20, division (A) 1676
(2) or (3) of section 2967.193 or 2967.194, or any other 1677
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1678
A court shall not impose more than one prison term on an 1679
offender under division (B) (6) of this section for felonies 1680
committed as part of the same act. 1681

(7) (a) If an offender is convicted of or pleads guilty to 1682
a felony violation of section 2905.01, 2905.02, 2907.21, 1683
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1684
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1685
section 2919.22 of the Revised Code and also is convicted of or 1686
pleads guilty to a specification of the type described in 1687
section 2941.1422 of the Revised Code that charges that the 1688
offender knowingly committed the offense in furtherance of human 1689
trafficking, the court shall impose on the offender a mandatory 1690
prison term that is one of the following: 1691

(i) If the offense is a felony of the first degree, a 1692
definite prison term of not less than five years and not greater 1693
than eleven years, except that if the offense is a felony of the 1694
first degree committed on or after March 22, 2019, the court 1695
shall impose as the minimum prison term a mandatory term of not 1696
less than five years and not greater than eleven years; 1697

(ii) If the offense is a felony of the second or third 1698
degree, a definite prison term of not less than three years and 1699
not greater than the maximum prison term allowed for the offense 1700
by division (A) (2) (b) or (3) of this section, except that if the 1701
offense is a felony of the second degree committed on or after 1702
March 22, 2019, the court shall impose as the minimum prison 1703
term a mandatory term of not less than three years and not 1704
greater than eight years; 1705

(iii) If the offense is a felony of the fourth or fifth 1706
degree, a definite prison term that is the maximum prison term 1707
allowed for the offense by division (A) of section 2929.14 of 1708
the Revised Code. 1709

(b) The prison term imposed under division (B) (7) (a) of 1710
this section shall not be reduced pursuant to section 2929.20, 1711

division (A) (2) or (3) of section 2967.193 or 2967.194, or any
other provision of Chapter 2967. of the Revised Code. A court
shall not impose more than one prison term on an offender under
division (B) (7)(a) of this section for felonies committed as
part of the same act, scheme, or plan. 1712
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(8) If an offender is convicted of or pleads guilty to a
felony violation of section 2903.11, 2903.12, or 2903.13 of the
Revised Code and also is convicted of or pleads guilty to a
specification of the type described in section 2941.1423 of the
Revised Code that charges that the victim of the violation was a
woman whom the offender knew was pregnant at the time of the
violation, notwithstanding the range prescribed in division (A)
of this section as the definite prison term or minimum prison
term for felonies of the same degree as the violation, the court
shall impose on the offender a mandatory prison term that is
either a definite prison term of six months or one of the prison
terms prescribed in division (A) of this section for felonies of
the same degree as the violation, except that if the violation
is a felony of the first or second degree committed on or after
March 22, 2019, the court shall impose as the minimum prison
term under division (A)(1)(a) or (2)(a) of this section a
mandatory term that is one of the terms prescribed in that
division, whichever is applicable, for the offense. 1717
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(9) (a) If an offender is convicted of or pleads guilty to
a violation of division (A)(1) or (2) of section 2903.11 of the
Revised Code and also is convicted of or pleads guilty to a
specification of the type described in section 2941.1425 of the
Revised Code, the court shall impose on the offender a mandatory
prison term of six years if either of the following applies: 1735
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(i) The violation is a violation of division (A)(1) of 1741

section 2903.11 of the Revised Code and the specification 1742
charges that the offender used an accelerant in committing the 1743
violation and the serious physical harm to another or to 1744
another's unborn caused by the violation resulted in a 1745
permanent, serious disfigurement or permanent, substantial 1746
incapacity; 1747

(ii) The violation is a violation of division (A) (2) of 1748
section 2903.11 of the Revised Code and the specification 1749
charges that the offender used an accelerant in committing the 1750
violation, that the violation caused physical harm to another or 1751
to another's unborn, and that the physical harm resulted in a 1752
permanent, serious disfigurement or permanent, substantial 1753
incapacity. 1754

(b) If a court imposes a prison term on an offender under 1755
division (B) (9) (a) of this section, the prison term shall not be 1756
reduced pursuant to section 2929.20, division (A) (2) or (3) of 1757
section 2967.193 or 2967.194, or any other provision of Chapter 1758
2967. or Chapter 5120. of the Revised Code. A court shall not 1759
impose more than one prison term on an offender under division 1760
(B) (9) of this section for felonies committed as part of the 1761
same act. 1762

(c) The provisions of divisions (B) (9) and (C) (6) of this 1763
section and of division (D) (2) of section 2903.11, division (F) 1764
(20) of section 2929.13, and section 2941.1425 of the Revised 1765
Code shall be known as "Judy's Law." 1766

(10) If an offender is convicted of or pleads guilty to a 1767
violation of division (A) of section 2903.11 of the Revised Code 1768
and also is convicted of or pleads guilty to a specification of 1769
the type described in section 2941.1426 of the Revised Code that 1770
charges that the victim of the offense suffered permanent 1771

disabling harm as a result of the offense and that the victim 1772
was under ten years of age at the time of the offense, 1773
regardless of whether the offender knew the age of the victim, 1774
the court shall impose upon the offender an additional definite 1775
prison term of six years. A prison term imposed on an offender 1776
under division (B) (10) of this section shall not be reduced 1777
pursuant to section 2929.20, division (A) (2) or (3) of section 1778
2967.193 or 2967.194, or any other provision of Chapter 2967. or 1779
Chapter 5120. of the Revised Code. If a court imposes an 1780
additional prison term on an offender under this division 1781
relative to a violation of division (A) of section 2903.11 of 1782
the Revised Code, the court shall not impose any other 1783
additional prison term on the offender relative to the same 1784
offense. 1785

(11) If an offender is convicted of or pleads guilty to a 1786
felony violation of section 2925.03 or 2925.05 of the Revised 1787
Code or a felony violation of section 2925.11 of the Revised 1788
Code for which division (C) (11) of that section applies in 1789
determining the sentence for the violation, if the drug involved 1790
in the violation is a fentanyl-related compound or a compound, 1791
mixture, preparation, or substance containing a fentanyl-related 1792
compound, and if the offender also is convicted of or pleads 1793
guilty to a specification of the type described in division (B) 1794
of section 2941.1410 of the Revised Code that charges that the 1795
offender is a major drug offender, in addition to any other 1796
penalty imposed for the violation, the court shall impose on the 1797
offender a mandatory prison term of three, four, five, six, 1798
seven, or eight years. If a court imposes a prison term on an 1799
offender under division (B) (11) of this section, the prison term 1800
shall not be reduced pursuant to section 2929.20, division (A) 1801
(2) or (3) of section 2967.193 or 2967.194, or any other 1802

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

(12) If an offender is convicted of or pleads guilty to a 1807
violation of division (C) (3) of section 2903.13 or division (D) 1808
(5) of section 2903.11 of the Revised Code and also is convicted 1809
of or pleads guilty to a specification of the type described in 1810
section 2941.1427 of the Revised Code that charges that the 1811
victim of the offense was a person described in division (C) (3) 1812
of section 2903.13 or division (D) (5) of section 2903.11 of the 1813
Revised Code, the court shall impose upon the offender an 1814
additional definite prison term of seven years. 1815

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1816
if a mandatory prison term is imposed upon an offender pursuant 1817
to division (B) (1) (a) of this section for having a firearm on or 1818
about the offender's person or under the offender's control 1819
while committing a felony, if a mandatory prison term is imposed 1820
upon an offender pursuant to division (B) (1) (c) of this section 1821
for committing a felony specified in that division by 1822
discharging a firearm from a motor vehicle, or if both types of 1823
mandatory prison terms are imposed, the offender shall serve any 1824
mandatory prison term imposed under either division 1825
consecutively to any other mandatory prison term imposed under 1826
either division or under division (B) (1) (d) of this section, 1827
consecutively to and prior to any prison term imposed for the 1828
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1829
this section or any other section of the Revised Code, and 1830
consecutively to any other prison term or mandatory prison term 1831
previously or subsequently imposed upon the offender. 1832

(b) If a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (d) of this section for wearing or carrying body armor while committing an offense of violence that is a felony, the offender shall serve the mandatory term so imposed consecutively to any other mandatory prison term imposed under that division or under division (B) (1) (a) or (c) of this section, consecutively to and prior to any prison term imposed for the underlying felony under division (A), (B) (2), or (B) (3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender. 1833
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(c) If a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (f) of this section, the offender shall serve the mandatory prison term so imposed consecutively to and prior to any prison term imposed for the underlying felony under division (A), (B) (2), or (B) (3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender. 1844
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(d) If a mandatory prison term is imposed upon an offender pursuant to division (B) (7) or (8) of this section, the offender shall serve the mandatory prison term so imposed consecutively to any other mandatory prison term imposed under that division or under any other provision of law and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender. 1852
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(e) If a mandatory prison term is imposed upon an offender pursuant to division (B) (11) of this section, the offender shall serve the mandatory prison term consecutively to any other mandatory prison term imposed under that division, consecutively 1859
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to and prior to any prison term imposed for the underlying 1863
felony, and consecutively to any other prison term or mandatory 1864
prison term previously or subsequently imposed upon the 1865
offender. 1866

(2) If an offender who is an inmate in a jail, prison, or 1867
other residential detention facility violates section 2917.02, 1868
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 1869
(2) of section 2921.34 of the Revised Code, if an offender who 1870
is under detention at a detention facility commits a felony 1871
violation of section 2923.131 of the Revised Code, or if an 1872
offender who is an inmate in a jail, prison, or other 1873
residential detention facility or is under detention at a 1874
detention facility commits another felony while the offender is 1875
an escapee in violation of division (A)(1) or (2) of section 1876
2921.34 of the Revised Code, any prison term imposed upon the 1877
offender for one of those violations shall be served by the 1878
offender consecutively to the prison term or term of 1879
imprisonment the offender was serving when the offender 1880
committed that offense and to any other prison term previously 1881
or subsequently imposed upon the offender. 1882

(3) If a prison term is imposed for a violation of 1883
division (B) of section 2911.01 of the Revised Code, a violation 1884
of division (A) of section 2913.02 of the Revised Code in which 1885
the stolen property is a firearm or dangerous ordnance, or a 1886
felony violation of division (B) of section 2921.331 of the 1887
Revised Code, the offender shall serve that prison term 1888
consecutively to any other prison term or mandatory prison term 1889
previously or subsequently imposed upon the offender. 1890

(4) If multiple prison terms are imposed on an offender 1891
for convictions of multiple offenses, the court may require the 1892

offender to serve the prison terms consecutively if the court 1893
finds that the consecutive service is necessary to protect the 1894
public from future crime or to punish the offender and that 1895
consecutive sentences are not disproportionate to the 1896
seriousness of the offender's conduct and to the danger the 1897
offender poses to the public, and if the court also finds any of 1898
the following: 1899

(a) The offender committed one or more of the multiple 1900
offenses while the offender was awaiting trial or sentencing, 1901
was under a sanction imposed pursuant to section 2929.16, 1902
2929.17, or 2929.18 of the Revised Code, or was under post- 1903
release control for a prior offense. 1904

(b) At least two of the multiple offenses were committed 1905
as part of one or more courses of conduct, and the harm caused 1906
by two or more of the multiple offenses so committed was so 1907
great or unusual that no single prison term for any of the 1908
offenses committed as part of any of the courses of conduct 1909
adequately reflects the seriousness of the offender's conduct. 1910

(c) The offender's history of criminal conduct 1911
demonstrates that consecutive sentences are necessary to protect 1912
the public from future crime by the offender. 1913

(5) If a mandatory prison term is imposed upon an offender 1914
pursuant to division (B) (5) or (6) of this section, the offender 1915
shall serve the mandatory prison term consecutively to and prior 1916
to any prison term imposed for the underlying violation of 1917
division (A) (1) or (2) of section 2903.06 of the Revised Code 1918
pursuant to division (A) of this section or section 2929.142 of 1919
the Revised Code. If a mandatory prison term is imposed upon an 1920
offender pursuant to division (B) (5) of this section, and if a 1921
mandatory prison term also is imposed upon the offender pursuant 1922

to division (B)(6) of this section in relation to the same	1923
violation, the offender shall serve the mandatory prison term	1924
imposed pursuant to division (B)(5) of this section	1925
consecutively to and prior to the mandatory prison term imposed	1926
pursuant to division (B)(6) of this section and consecutively to	1927
and prior to any prison term imposed for the underlying	1928
violation of division (A)(1) or (2) of section 2903.06 of the	1929
Revised Code pursuant to division (A) of this section or section	1930
2929.142 of the Revised Code.	1931
(6) If a mandatory prison term is imposed on an offender	1932
pursuant to division (B)(9) of this section, the offender shall	1933
serve the mandatory prison term consecutively to and prior to	1934
any prison term imposed for the underlying violation of division	1935
(A)(1) or (2) of section 2903.11 of the Revised Code and	1936
consecutively to and prior to any other prison term or mandatory	1937
prison term previously or subsequently imposed on the offender.	1938
(7) If a mandatory prison term is imposed on an offender	1939
pursuant to division (B)(10) of this section, the offender shall	1940
serve that mandatory prison term consecutively to and prior to	1941
any prison term imposed for the underlying felonious assault.	1942
Except as otherwise provided in division (C) of this section,	1943
any other prison term or mandatory prison term previously or	1944
subsequently imposed upon the offender may be served	1945
concurrently with, or consecutively to, the prison term imposed	1946
pursuant to division (B)(10) of this section.	1947
(8) Any prison term imposed for a violation of section	1948
2903.04 of the Revised Code that is based on a violation of	1949
section 2925.03 or 2925.11 of the Revised Code or on a violation	1950
of section 2925.05 of the Revised Code that is not funding of	1951
marijuana trafficking shall run consecutively to any prison term	1952

imposed for the violation of section 2925.03 or 2925.11 of the
Revised Code or for the violation of section 2925.05 of the
Revised Code that is not funding of marihuana trafficking. 1953
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(9) If a mandatory prison term is imposed on an offender 1956
pursuant to division (B) (12) of this section, the offender shall 1957
serve that mandatory prison term consecutively to and prior to 1958
any prison term imposed for the underlying violation of division 1959
(C) (3) of section 2903.13 or division (D) (5) of section 2903.11 1960
of the Revised Code. Except as otherwise provided in division 1961
(C) of this section, any other prison term or mandatory prison 1962
term previously or subsequently imposed upon the offender shall 1963
be served consecutively to the prison term imposed pursuant to 1964
division (B) (12) of this section. 1965

(10) When consecutive prison terms are imposed pursuant to 1966
division (C) (1), (2), (3), (4), (5), (6), (7), or (9) or 1967
division (H) (1) or (2) of this section, subject to division (C) 1968
(10) of this section, the term to be served is the aggregate of 1969
all of the terms so imposed. 1970

(10)-(11) When a court sentences an offender to a non-life 1971
felony indefinite prison term, any definite prison term or 1972
mandatory definite prison term previously or subsequently 1973
imposed on the offender in addition to that indefinite sentence 1974
that is required to be served consecutively to that indefinite 1975
sentence shall be served prior to the indefinite sentence. 1976

(11)-(12) If a court is sentencing an offender for a felony 1977
of the first or second degree, if division (A) (1) (a) or (2) (a) 1978
of this section applies with respect to the sentencing for the 1979
offense, and if the court is required under the Revised Code 1980
section that sets forth the offense or any other Revised Code 1981
provision to impose a mandatory prison term for the offense, the 1982

court shall impose the required mandatory prison term as the minimum term imposed under division (A) (1) (a) or (2) (a) of this section, whichever is applicable. 1983
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(D) (1) If a court imposes a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and that is not a felony sex offense, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with section 2967.28 of the Revised Code. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a court to include a post-release control requirement in the sentence pursuant to this division does not negate, limit, or otherwise affect the mandatory period of post-release control that is required for the offender under division (B) of section 2967.28 of the Revised Code. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control. 1986
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(2) If a court imposes a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (D) (1) of this section, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division, if the parole board determines that a period of post-release control is necessary. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type 2005
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described in this division and failed to include in the sentence 2014
pursuant to this division a statement regarding post-release 2015
control. 2016

(E) The court shall impose sentence upon the offender in 2017
accordance with section 2971.03 of the Revised Code, and Chapter 2018
2971. of the Revised Code applies regarding the prison term or 2019
term of life imprisonment without parole imposed upon the 2020
offender and the service of that term of imprisonment if any of 2021
the following apply: 2022

(1) A person is convicted of or pleads guilty to a violent 2023
sex offense or a designated homicide, assault, or kidnapping 2024
offense, and, in relation to that offense, the offender is 2025
adjudicated a sexually violent predator. 2026

(2) A person is convicted of or pleads guilty to a 2027
violation of division (A) (1) (b) of section 2907.02 of the 2028
Revised Code committed on or after January 2, 2007, and either 2029
the court does not impose a sentence of life without parole when 2030
authorized pursuant to division (B) of section 2907.02 of the 2031
Revised Code, or division (B) of section 2907.02 of the Revised 2032
Code provides that the court shall not sentence the offender 2033
pursuant to section 2971.03 of the Revised Code. 2034

(3) A person is convicted of or pleads guilty to attempted 2035
rape committed on or after January 2, 2007, and a specification 2036
of the type described in section 2941.1418, 2941.1419, or 2037
2941.1420 of the Revised Code. 2038

(4) A person is convicted of or pleads guilty to a 2039
violation of section 2905.01 of the Revised Code committed on or 2040
after January 1, 2008, and that section requires the court to 2041
sentence the offender pursuant to section 2971.03 of the Revised 2042

Code. 2043

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

(6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B)(2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code. 2052
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(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution. 2057
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(G) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.142 of the Revised Code that charges the offender with having committed the felony while participating in a criminal gang, the court shall impose upon the offender an additional prison term of one, two, or three years.

(H) (1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense. 2072
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(2) (a) If an offender is convicted of or pleads guilty to a felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and to a specification of the type described in section 2941.1421 of the Revised Code and if the court imposes a prison term on the offender for the felony violation, the court may impose upon the offender an additional prison term as follows: 2082
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(i) Subject to division (H) (2) (a) (ii) of this section, an additional prison term of one, two, three, four, five, or six months; 2089
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(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. 2092
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(b) In lieu of imposing an additional prison term under division (H) (2) (a) of this section, the court may directly 2100
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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 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 5120. of the Revised Code. A court may not impose more than one sentence under division (B) (2) (a) of this section and this division for acts committed as part of the same act or transaction.

(2) As used in division (K)(1) of this section, "violent career criminal" and "violent felony offense" have the same

meanings as in section 2923.132 of the Revised Code.

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

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Sec. 2941.1427. (A) As used in this section, "visitor, volunteer, or person on the grounds of a state correctional institution or local correctional facility, employee of the department of rehabilitation and correction, the department of youth services, or a probation department, or a contractor providing services to the department of rehabilitation and correction or the department of youth services" means a victim described in division (C) (3) of section 2903.13 or division (D) (5) of section 2903.11 of the Revised Code.

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(B) Imposition of a mandatory seven-year prison term under division (B) (12) of section 2929.14 of the Revised Code is precluded unless the offender is convicted of or pleads guilty to a violation of division (C) (3) of section 2903.13 or division (D) (5) of section 2903.11 of the Revised Code and unless the indictment, count in the indictment, or information charging the offense specifies the victim of the offense was a visitor, volunteer, or person on the grounds of a state correctional institution or local correctional facility, an employee of the department of rehabilitation and correction, the department of youth services, or a probation department, or a contractor providing services to the department of rehabilitation and correction or the department of youth services. The

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specification shall be stated at the end of the body of the 2223
indictment, count, or information and shall be stated in 2224
substantially the following form: 2225

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2226
Grand Jurors (or insert the person's or prosecuting attorney's 2227
name when appropriate) further find and specify that (set forth 2228
that the victim of the offense was a visitor, volunteer, or 2229
person on the grounds of a state correctional institution or 2230
local correctional facility, an employee of the department of 2231
rehabilitation and correction, the department of youth services, 2232
or a probation department, or a contractor providing services to 2233
the department of rehabilitation and correction or the 2234
department of youth services)." 2235

Sec. 5120.01. The director of rehabilitation and 2236
correction is the executive head of the department of 2237
rehabilitation and correction. All duties conferred on the 2238
various divisions and institutions of the department by law or 2239
by order of the director shall be performed under the rules and 2240
regulations that the director prescribes and shall be under the 2241
director's control. Inmates committed to the department of 2242
rehabilitation and correction shall be under the legal custody 2243
of the director or the director's designee, and the director or 2244
the director's designee shall have power to control transfers of 2245
inmates between the several state institutions included under 2246
section 5120.05 of the Revised Code. 2247

The person appointed to the position of director of 2248
rehabilitation and correction shall have an employment history 2249
that includes being employed in a corrections role at any level 2250
of security for at least five years or at a high security 2251
correctional institution for at least three years. 2252

Sec. 5120.012. The director of rehabilitation and 2253
correction shall adopt rules in accordance with Chapter 119. of 2254
the Revised Code that do all of the following: 2255

(A) Require all state correctional institutions to utilize 2256
a police dog, as defined in section 2921.321 of the Revised 2257
Code, to identify contraband in visitation and housing units. On 2258
and after the effective date of this section, any police dog 2259
that is so assigned and that is trained for the purpose of 2260
identifying contraband shall be assigned exclusively to a single 2261
state correctional institution and shall belong to a breed 2262
within a list provided by the state highway patrol. The list 2263
shall be provided to the department of rehabilitation and 2264
correction within sixty days of the effective date of this 2265
section. 2266

The assignment of each police dog to high security 2267
correctional facilities shall be completed within two years of 2268
the effective date of this section and the department shall 2269
utilize the state highway patrol dog handling training and 2270
services and may contract for or provide those services if more 2271
police dog training is needed. 2272

(B) Require the entrance and exiting of contractual food 2273
workers to and from a state correctional institution be limited 2274
at the same rate and time allowed for correctional officers; 2275

(C) (1) Require all visitors, upon entering the grounds of 2276
any state correctional institution, to complete a screening that 2277
includes the following: 2278

(a) Removal of coats and jackets; 2279
(b) Storage of coats and jackets in a location not readily 2280
accessible to inmates; 2281

<u>(c) Entrance only after walking through a security screening system.</u>	2282
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<u>(2) Require that all visitation at high security institutions be no contact.</u>	2284
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<u>(D) (1) Require the corrections training academy to train all incoming correctional officers to detain a contractor, visitor, or other person entering or seeking to enter a state correctional institution while in possession of contraband;</u>	2286
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<u>(2) Require the department to allow certified correctional officers trained through the department of rehabilitation and correction training academy to detain a contractor, visitor, or person otherwise entering or attempting to enter a state correctional institution when items are discovered on the person that are prohibited inside the state correctional institution until the state highway patrol takes custody of the person.</u>	2290
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<u>(E) Require state correctional institution operations to be managed in accordance with what is necessary for the inmate population that is assigned to the institution.</u>	2297
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<u>It is the intent of the general assembly that the department not change the security classification system to meet the capacities of current facilities but instead manage the bed space to align with the established capacity guidelines of the security classification system.</u>	2300
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<u>(F) Require the elimination of all higher education programs at high security state correctional institutions;</u>	2305
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<u>(G) (1) (a) Require adherence with any sanctions imposed by the department's rules infraction board;</u>	2307
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<u>(b) Require that inmates who violate the department's</u>	2309

<u>rules of behavior imposed by the department's rules infraction</u>	2310
<u>board, including rules prohibiting offenses of violence,</u>	2311
<u>threats, sexual misconduct, gang activity, and disturbances,</u>	2312
<u>resisting authority, disrespect, unauthorized relationships,</u>	2313
<u>escape and related conduct, weapons, drugs, and other related</u>	2314
<u>matters, shall forfeit the inmate's assigned tablet for a</u>	2315
<u>minimum of thirty days;</u>	2316
<u>(c) Require that inmates at high security institutions</u>	2317
<u>shall not be assigned a tablet for personal use. Inmates who are</u>	2318
<u>at high security institutions may only use tablets during</u>	2319
<u>limited time frames and on a shared basis.</u>	2320
<u>(d) Require that inmates at a state correctional</u>	2321
<u>institution who have been remanded to restrictive housing shall</u>	2322
<u>not be assigned a tablet for personal use. Inmates who have been</u>	2323
<u>remanded to restrictive housing may only use tablets during</u>	2324
<u>limited time frames and on a shared basis.</u>	2325
<u>(2) It is the intent of the general assembly to prohibit a</u>	2326
<u>reduction of sanctions on an inmate imposed by the rules</u>	2327
<u>infraction board due to limitations of space in restrictive</u>	2328
<u>housing or limited privilege housing.</u>	2329
<u>(H) Require the department to publish a detailed annual</u>	2330
<u>report listing every instance where the department extends an</u>	2331
<u>offender's incarceration under section 2967.271 of the Revised</u>	2332
<u>Code in each calendar year.</u>	2333
<u>The report shall be sent to the office of the attorney</u>	2334
<u>general by the first day of March of each year.</u>	2335
<u>(I) Require all persons appointed to the position of</u>	2336
<u>warden to have an employment history that includes being</u>	2337
<u>employed in a security or custody role for at least three years</u>	2338

<u>at the department of rehabilitation and correction;</u>	2339
<u>(J) (1) Require that high security state correctional</u>	2340
<u>institutions only offer vocational programming to the following</u>	2341
<u>inmates:</u>	2342
<u>(a) Inmates who have not committed a serious violation of</u>	2343
<u>the inmate rules of conduct during the six months immediately</u>	2344
<u>prior to the beginning of the program, if the inmate has been</u>	2345
<u>incarcerated six consecutive months or longer;</u>	2346
<u>(b) Inmates who have not committed a serious violation of</u>	2347
<u>the inmate rules of conduct since being taken into custody for</u>	2348
<u>the inmate's current period of incarceration, if the inmate has</u>	2349
<u>been incarcerated for less than six months.</u>	2350
<u>(2) Require the department to draft internal policies</u>	2351
<u>determining which violations are to be considered "serious</u>	2352
<u>violations" for purposes of this section, which shall include</u>	2353
<u>all violations of the inmate rules of conduct that are violent</u>	2354
<u>or of a sexual nature;</u>	2355
<u>(3) Require that inmates who join a program shall refrain</u>	2356
<u>from committing a serious violation of the inmate rules of</u>	2357
<u>conduct for the duration of the program or be automatically</u>	2358
<u>removed from the program;</u>	2359
<u>(4) Require the department to perform a cost-benefit</u>	2360
<u>analysis of vocational programs at all high security</u>	2361
<u>institutions. The analysis shall be submitted to the office of</u>	2362
<u>the attorney general by July 30, 2026.</u>	2363
<u>(K) (1) Require the department of rehabilitation and</u>	2364
<u>correction and the department of youth services to respond to</u>	2365
<u>requests for information by cooperating with the office of the</u>	2366
<u>attorney general to the fullest extent possible;</u>	2367

(2) Require the department of rehabilitation and 2368
correction and the department of youth services to allow the 2369
office of the attorney general to obtain and view all requested 2370
documents. 2371

(L) Require the department of rehabilitation and 2372
correction and the department of youth services to post a notice 2373
in a conspicuous location within juvenile and adult correctional 2374
facilities informing juvenile offenders and inmates of mandatory 2375
minimum prison terms for assaulting or harassing correctional 2376
officers in all facilities and to update the notice as needed. 2377

Sec. 5120.361. (A) The department of rehabilitation and 2378
correction may retain a third-party consultant firm as is 2379
reasonably necessary to assist the department in improving 2380
hiring and staff retention methods. 2381

(B) The department shall enter into a contract with each 2382
firm it hires under this section. Each contract shall include 2383
terms requiring that the firm agrees to provide a specified 2384
scope of services to the department for a specified number of 2385
hours per week for a specified number of years. 2386

Sec. 5120.491. (A) The director of rehabilitation and 2387
correction shall establish and maintain a department of 2388
rehabilitation and correction registry of sex offenders, listing 2389
inmates who violate the department's rules of behavior for 2390
sexual offenses. 2391

(B) The director shall supervise the registry and the 2392
collection and dissemination of data included in the registry. 2393
The director may enter into contracts or other agreements as 2394
necessary to maintain the registry, including data sharing 2395
contracts with data reporting entities. The director shall 2396

publish and make the data collected by the registry available to 2397
the public online for ten years after an inmate's final 2398
discharge. 2399

(C) Each employee of the department who in good faith 2400
submits a report to the registry is not liable in any cause of 2401
action arising from the submission of the report. 2402

(D) The director shall publish the reporting requirements 2403
established by this section on the department of rehabilitation 2404
and correction's web site. 2405

Sec. 5120.85. (A) As used in this section: 2406

(1) "Correction officer" means a correction officer, 2407
corporal, sergeant, lieutenant, or captain, and the equivalents 2408
of all such persons, at an institution under the control of the 2409
department of rehabilitation and correction. 2410

(2) "Killed in the line of duty" has the same meaning as 2411
in section 742.63 of the Revised Code. 2412

(B) (1) The director of rehabilitation and correction shall 2413
notify the director of administrative services when a correction 2414
officer is killed in the line of duty. On receiving the notice, 2415
the director of administrative services shall enroll the 2416
surviving spouse of the deceased correction officer in any 2417
health, medical, hospital, dental, surgical, or vision benefit 2418
the department of administrative services contracts for under 2419
section 124.82 of the Revised Code or otherwise provides for the 2420
benefit of state employees who are paid directly by warrant of 2421
the director of budget and management. Receiving benefits under 2422
this section does not make the surviving spouse a state 2423
employee. 2424

(2) A surviving spouse is ineligible to participate in a 2425

<u>health, medical, hospital, dental, surgical, or vision benefit</u>	2426
<u>under division (B) (1) of this section if the spouse is either of</u>	2427
<u>the following:</u>	2428
(a) <u>An employee paid directly by warrant of the director</u>	2429
<u>of budget and management who is eligible to participate in those</u>	2430
<u>benefits pursuant to section 124.82 of the Revised Code;</u>	2431
(b) <u>Eligible to enroll in the medicare program established</u>	2432
<u>by Title XVIII of the "Social Security Act," 42 U.S.C. 1395c.</u>	2433
(C) <u>The department of rehabilitation and correction shall</u>	2434
<u>pay the department of administrative services for the total cost</u>	2435
<u>of a surviving spouse's health, medical, hospital, dental,</u>	2436
<u>surgical, or vision benefit under division (B) (1) of this</u>	2437
<u>section, plus any applicable administrative costs.</u>	2438
(D) <u>A surviving spouse who is receiving a health, medical,</u>	2439
<u>hospital, dental, surgical, or vision benefit under division (B)</u>	2440
<u>(1) of this section shall apply to the director of</u>	2441
<u>administrative services to participate in any health, medical,</u>	2442
<u>hospital, dental, surgical, or vision benefit available under</u>	2443
<u>section 124.824 of the Revised Code as soon as practicable after</u>	2444
<u>the spouse's application for a death benefit paid under section</u>	2445
<u>742.63 of the Revised Code is approved by the board of trustees</u>	2446
<u>of the Ohio police and fire pension fund.</u>	2447
Section 2. <u>That existing sections 121.03, 2903.01,</u>	2448
<u>2903.11, 2903.13, 2921.36, 2921.38, 2929.03, 2929.14, and</u>	2449
<u>5120.01 of the Revised Code are hereby repealed.</u>	2450
Section 3. <u>This act shall be known as Andy's Law.</u>	2451
Section 4. <u>The General Assembly, applying the principle</u>	2452
<u>stated in division (B) of section 1.52 of the Revised Code that</u>	2453
<u>amendments are to be harmonized if reasonably capable of</u>	2454

simultaneous operation, finds that the following sections, 2455
presented in this act as composites of the sections as amended 2456
by the acts indicated, are the resulting versions of the 2457
sections in effect prior to the effective date of the sections 2458
as presented in this act: 2459

Section 2903.11 of the Revised Code as amended by both 2460
S.B. 20 and S.B. 201 of the 132nd General Assembly. 2461

Section 2929.03 of the Revised Code as amended by both 2462
H.B. 136 and S.B. 256 of the 133rd General Assembly. 2463

Section 2929.14 of the Revised Code as amended by H.B. 37, 2464
H.B. 56, H.B. 111, and S.B. 106, all of the 135th General 2465
Assembly. 2466