

As Introduced

136th General Assembly

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H. B. No. 338

Representatives Johnson, Plummer

**Cosponsors: Representatives Schmidt, Robb Blasdel, Thomas, D., Hall, T.,
Newman, Kishman**

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
3923.283, 5120.012, 5120.361, 5120.491, and 4
5120.85 of the Revised Code to enact Andy's Law 5
to increase the penalty for assaulting or 6
causing the death of specified victims at state 7
or local correctional institutions and to make 8
changes to department of rehabilitation and 9
correction policies and 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, 3923.283, 5120.012, 5120.361, 13
5120.491, and 5120.85 of the Revised Code be enacted to read as 14
follows: 15

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

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

the qualifications required under division (A) of section 43
4121.121 of the Revised Code; 44

(U) The director of veterans services who meets the 45
qualifications required under section 5902.01 of the Revised 46
Code; 47

(V) The chancellor of higher education; 48

(W) The medicaid director; 49

(X) The director of education and workforce. 50

Sec. 2903.01. (A) No person shall purposely, and with 51
prior calculation and design, cause the death of another or the 52
unlawful termination of another's pregnancy. 53

(B) No person shall purposely cause the death of another 54
or the unlawful termination of another's pregnancy while 55
committing or attempting to commit, or while fleeing immediately 56
after committing or attempting to commit, kidnapping, rape, 57
aggravated arson, arson, aggravated robbery, robbery, aggravated 58
burglary, burglary, trespass in a habitation when a person is 59
present or likely to be present, terrorism, or escape. 60

(C) No person shall purposely cause the death of another 61
who is under thirteen years of age at the time of the commission 62
of the offense. 63

(D) No person who is under detention as a result of having 64
been found guilty of or having pleaded guilty to a felony or who 65
breaks that detention shall purposely cause the death of 66
another. 67

(E) No person shall purposely cause the death of a law 68
enforcement officer, a visitor, volunteer, or person on the 69
grounds of a state correctional institution or local 70

correctional facility, an employee of the department of 71
rehabilitation and correction, the department of youth services, 72
or a probation department, or a contractor providing services to 73
the department of rehabilitation and correction or the 74
department of youth services, whom the offender knows or has 75
reasonable cause to know is a law enforcement officer, a 76
visitor, volunteer, or person on the grounds of a state 77
correctional institution or local correctional facility, an 78
employee of the department of rehabilitation and correction, the 79
department of youth services, or a probation department, or a 80
contractor providing services to the department of 81
rehabilitation and correction or the department of youth 82
services when either of the following applies: 83

(1) The victim, at the time of the commission of the 84
offense, is engaged in the victim's duties or is a visitor, 85
volunteer, or person on the grounds of a state correctional 86
institution or local correctional facility. 87

(2) It is the offender's specific purpose to kill a law 88
enforcement officer, a visitor, volunteer, or person on the 89
grounds of a state correctional institution or local 90
correctional facility, an employee of the department of 91
rehabilitation and correction, the department of youth services, 92
or a probation department, or a contractor providing services to 93
the department of rehabilitation and correction or the 94
department of youth services. 95

(F) No person shall purposely cause the death of a first 96
responder or military member whom the offender knows or has 97
reasonable cause to know is a first responder or military member 98
when it is the offender's specific purpose to kill a first 99
responder or military member. 100

(G) Whoever violates this section is guilty of aggravated murder, and shall be punished as provided in section 2929.02 of the Revised Code.

(H) As used in this section:

(1) "Detention" has the same meaning as in section 2921.01 of the Revised Code.

(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.

(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.

(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.

Sec. 2903.11. (A) No person shall knowingly do either of the following:

(1) Cause serious physical harm to another or to another's unborn;

(2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.

(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 129
following: 130

(1) Engage in sexual conduct with another person without 131
disclosing that knowledge to the other person prior to engaging 132
in the sexual conduct; 133

(2) Engage in sexual conduct with a person whom the 134
offender knows or has reasonable cause to believe lacks the 135
mental capacity to appreciate the significance of the knowledge 136
that the offender has tested positive as a carrier of a virus 137
that causes acquired immunodeficiency syndrome; 138

(3) Engage in sexual conduct with a person under eighteen 139
years of age who is not the spouse of the offender. 140

(C) The prosecution of a person under this section does 141
not preclude prosecution of that person under section 2907.02 of 142
the Revised Code. 143

(D) (1) (a) Whoever violates this section is guilty of 144
felonious assault. Except as otherwise provided in this division 145
or division (D) (1) (b) of this section, felonious assault is a 146
felony of the second degree. If the victim of a violation of 147
division (A) of this section is a peace officer or an 148
investigator of the bureau of criminal identification and 149
investigation, felonious assault is a felony of the first 150
degree. 151

(b) Regardless of whether the felonious assault is a 152
felony of the first or second degree under division (D) (1) (a) of 153
this section, if the offender also is convicted of or pleads 154
guilty to a specification as described in section 2941.1423 of 155
the Revised Code that was included in the indictment, count in 156
the indictment, or information charging the offense, except as 157

otherwise provided in this division or unless a longer prison 158
term is required under any other provision of law, the court 159
shall sentence the offender to a mandatory prison term as 160
provided in division (B) (8) of section 2929.14 of the Revised 161
Code. If the victim of the offense is a peace officer or an 162
investigator of the bureau of criminal identification and 163
investigation, and if the victim suffered serious physical harm 164
as a result of the commission of the offense, felonious assault 165
is a felony of the first degree, and the court, pursuant to 166
division (F) of section 2929.13 of the Revised Code, shall 167
impose as a mandatory prison term one of the definite prison 168
terms prescribed for a felony of the first degree in division 169
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 170
the violation is committed on or after ~~the effective date of~~ 171
~~this amendment~~ March 22, 2019, the court shall impose as the 172
minimum prison term for the offense a mandatory prison term that 173
is one of the minimum terms prescribed for a felony of the first 174
degree in division (A) (1) (a) of section 2929.14 of the Revised 175
Code. 176

(2) In addition to any other sanctions imposed pursuant to 177
division (D) (1) of this section for felonious assault committed 178
in violation of division (A) (1) or (2) of this section, if the 179
offender also is convicted of or pleads guilty to a 180
specification of the type described in section 2941.1425 of the 181
Revised Code that was included in the indictment, count in the 182
indictment, or information charging the offense, the court shall 183
sentence the offender to a mandatory prison term under division 184
(B) (9) of section 2929.14 of the Revised Code. 185

(3) If the victim of a felonious assault committed in 186
violation of division (A) of this section is a child under ten 187
years of age and if the offender also is convicted of or pleads 188

guilty to a specification of the type described in section 189
2941.1426 of the Revised Code that was included in the 190
indictment, count in the indictment, or information charging the 191
offense, in addition to any other sanctions imposed pursuant to 192
division (D) (1) of this section, the court shall sentence the 193
offender to a mandatory prison term pursuant to division (B) (10) 194
of section 2929.14 of the Revised Code. 195

(4) In addition to any other sanctions imposed pursuant to 196
division (D) (1) of this section for felonious assault committed 197
in violation of division (A) (2) of this section, if the deadly 198
weapon used in the commission of the violation is a motor 199
vehicle, the court shall impose upon the offender a class two 200
suspension of the offender's driver's license, commercial 201
driver's license, temporary instruction permit, probationary 202
license, or nonresident operating privilege as specified in 203
division (A) (2) of section 4510.02 of the Revised Code. 204

(5) If the victim of the offense is a visitor, volunteer, 205
or person on the grounds of a state correctional institution or 206
local correctional facility, an employee of the department of 207
rehabilitation and correction, the department of youth services, 208
or a probation department, or a contractor providing services to 209
the department of rehabilitation and correction or the 210
department of youth services, and the offense is committed by a 211
person incarcerated in the state correctional institution or by 212
a person institutionalized in the department of youth services 213
institution pursuant to a commitment to the department of youth 214
services, and if the offender also is convicted of or pleads 215
guilty to a specification of the type described in section 216
2941.1427 of the Revised Code that was included in the 217
indictment, count in the indictment, or information charging the 218
offense, in addition to any other sanctions imposed pursuant to 219

division (D) (1) of this section, the court shall sentence the 220
offender to a mandatory prison term pursuant to division (B) (12) 221
of section 2929.14 of the Revised Code. 222

(E) As used in this section: 223

(1) "Deadly weapon" and "dangerous ordnance" have the same 224
meanings as in section 2923.11 of the Revised Code. 225

(2) "Motor vehicle" has the same meaning as in section 226
4501.01 of the Revised Code. 227

(3) "Peace officer" has the same meaning as in section 228
2935.01 of the Revised Code. 229

(4) "Sexual conduct" has the same meaning as in section 230
2907.01 of the Revised Code, except that, as used in this 231
section, it does not include the insertion of an instrument, 232
apparatus, or other object that is not a part of the body into 233
the vaginal or anal opening of another, unless the offender knew 234
at the time of the insertion that the instrument, apparatus, or 235
other object carried the offender's bodily fluid. 236

(5) "Investigator of the bureau of criminal identification 237
and investigation" means an investigator of the bureau of 238
criminal identification and investigation who is commissioned by 239
the superintendent of the bureau as a special agent for the 240
purpose of assisting law enforcement officers or providing 241
emergency assistance to peace officers pursuant to authority 242
granted under section 109.541 of the Revised Code. 243

(6) "Investigator" has the same meaning as in section 244
109.541 of the Revised Code. 245

(F) The provisions of division (D) (2) of this section and 246
of division (F) (20) of section 2929.13, divisions (B) (9) and (C) 247

(6) of section 2929.14, and section 2941.1425 of the Revised 248
Code shall be known as "Judy's Law." 249

Sec. 2903.13. (A) No person shall knowingly cause or 250
attempt to cause physical harm to another or to another's 251
unborn. 252

(B) No person shall recklessly cause serious physical harm 253
to another or to another's unborn. 254

(C) (1) Whoever violates this section is guilty of assault, 255
and the court shall sentence the offender as provided in this 256
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 257
(8), (9), and (10) of this section. Except as otherwise provided 258
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 259
section, assault is a misdemeanor of the first degree. 260

(2) Except as otherwise provided in this division, if the 261
offense is committed by a caretaker against a person with a 262
functional impairment under the caretaker's care, assault is a 263
felony of the fourth degree. If the offense is committed by a 264
caretaker against a person with a functional impairment under 265
the caretaker's care, if the offender previously has been 266
convicted of or pleaded guilty to a violation of this section or 267
section 2903.11 or 2903.16 of the Revised Code, and if in 268
relation to the previous conviction the offender was a caretaker 269
and the victim was a person with a functional impairment under 270
the offender's care, assault is a felony of the third degree. 271

(3) If the offense is committed in any of the following 272
circumstances, assault is a felony of the third degree: 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 338
investigation, a firefighter, or a person performing emergency 339
medical service, while in the performance of the officer's, 340
investigator's, firefighter's, or person's official duties. 341

(b) The victim of the offense is an emergency service 342
responder, the offender knows or reasonably should know that the 343
victim is an emergency service responder, and it is the 344
offender's specific purpose to commit the offense against an 345
emergency service responder. 346

(c) The victim of the offense is a family or household 347
member or co-worker of a person who is an emergency service 348
responder, the offender knows or reasonably should know that the 349
victim is a family or household member or co-worker of an 350
emergency service responder, and it is the offender's specific 351
purpose to commit the offense against a family or household 352
member or co-worker of an emergency service responder. 353

(6) If the offense is a felony of the fourth degree under 354
division (C)(5)(a) of this section, if the victim of the offense 355
is a peace officer or an investigator of the bureau of criminal 356
identification and investigation, and if the victim suffered 357
serious physical harm as a result of the commission of the 358
offense, the court, pursuant to division (F) of section 2929.13 359
of the Revised Code, shall impose as a mandatory prison term one 360
of the prison terms prescribed for a felony of the fourth degree 361
that is at least twelve months in duration. 362

(7) If the victim of the offense is an officer or employee 363
of a public children services agency or a private child placing 364
agency and the offense relates to the officer's or employee's 365
performance or anticipated performance of official 366

responsibilities or duties, assault is either a felony of the 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 457
of division (E) (21) of this section, also includes a member of a 458
fire department as defined in section 742.01 of the Revised 459
Code. 460

(3) "Emergency medical service" has the same meaning as in 461
section 4765.01 of the Revised Code. 462

(4) "Local correctional facility" means a county, 463
multicounty, municipal, municipal-county, or multicounty- 464
municipal jail or workhouse, a minimum security jail established 465
under section 341.23 or 753.21 of the Revised Code, or another 466
county, multicounty, municipal, municipal-county, or 467
multicounty-municipal facility used for the custody of persons 468
arrested for any crime or delinquent act, persons charged with 469
or convicted of any crime, or persons alleged to be or 470
adjudicated a delinquent child. 471

(5) "Employee of a local correctional facility" means a 472
person who is an employee of the political subdivision or of one 473
or more of the affiliated political subdivisions that operates 474
the local correctional facility and who operates or assists in 475
the operation of the facility. 476

(6) "School teacher or administrator" means either of the 477
following: 478

(a) A person who is employed in the public schools of the 479
state under a contract described in section 3311.77 or 3319.08 480
of the Revised Code in a position in which the person is 481
required to have a certificate issued pursuant to sections 482
3319.22 to 3319.311 of the Revised Code. 483

(b) A person who is employed by a nonpublic school for 484

which the director of education and workforce prescribes minimum 485
standards under section 3301.07 of the Revised Code and who is 486
certificated in accordance with section 3301.071 of the Revised 487
Code. 488

(7) "Community control sanction" has the same meaning as 489
in section 2929.01 of the Revised Code. 490

(8) "Escorted visit" means an escorted visit granted under 491
section 2967.27 of the Revised Code. 492

(9) "Post-release control" and "transitional control" have 493
the same meanings as in section 2967.01 of the Revised Code. 494

(10) "Investigator of the bureau of criminal 495
identification and investigation" has the same meaning as in 496
section 2903.11 of the Revised Code. 497

(11) "Health care professional" and "health care worker" 498
have the same meanings as in section 2305.234 of the Revised 499
Code. 500

(12) "Assault or homicide offense committed against 501
hospital personnel" means a violation of this section or of 502
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 503
2903.12, or 2903.14 of the Revised Code committed in 504
circumstances in which all of the following apply: 505

(a) The victim of the offense was a health care 506
professional of a hospital, a health care worker of a hospital, 507
or a security officer of a hospital. 508

(b) The offender knew or had reasonable cause to know that 509
the victim was a health care professional of a hospital, a 510
health care worker of a hospital, or a security officer of a 511
hospital. 512

(c) The victim was engaged in the performance of the 513
victim's duties. 514

(d) The hospital offered de-escalation or crisis 515
intervention training for such professionals, workers, or 516
officers. 517

(13) "De-escalation or crisis intervention training" means 518
de-escalation or crisis intervention training for health care 519
professionals of a hospital, health care workers of a hospital, 520
and security officers of a hospital to facilitate interaction 521
with patients, members of a patient's family, and visitors, 522
including those with mental impairments. 523

(14) "Assault or homicide offense committed against 524
justice system personnel" means a violation of this section or 525
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 526
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 527
circumstances in which the victim of the offense was a judge, 528
magistrate, prosecutor, or court official or employee whom the 529
offender knew or had reasonable cause to know was a judge, 530
magistrate, prosecutor, or court official or employee, and the 531
victim was engaged in the performance of the victim's duties. 532

(15) "Court official or employee" means any official or 533
employee of a court created under the constitution or statutes 534
of this state or of a United States court located in this state. 535

(16) "Judge" means a judge of a court created under the 536
constitution or statutes of this state or of a United States 537
court located in this state. 538

(17) "Magistrate" means an individual who is appointed by 539
a court of record of this state and who has the powers and may 540
perform the functions specified in Civil Rule 53, Criminal Rule 541

19, or Juvenile Rule 40, or an individual who is appointed by a 542
United States court located in this state who has similar powers 543
and functions. 544

(18) "Prosecutor" has the same meaning as in section 545
2935.01 of the Revised Code. 546

(19) (a) "Hospital" means, subject to division (E) (19) (b) 547
of this section, an institution classified as a hospital under 548
section 3701.01 of the Revised Code in which are provided to 549
patients diagnostic, medical, surgical, obstetrical, 550
psychiatric, or rehabilitation care or a hospital operated by a 551
health maintenance organization. 552

(b) "Hospital" does not include any of the following: 553

(i) A facility licensed under Chapter 3721. of the Revised 554
Code, a health care facility operated by the department of 555
mental health and addiction services or the department of 556
developmental disabilities, a health maintenance organization 557
that does not operate a hospital, or the office of any private, 558
licensed health care professional, whether organized for 559
individual or group practice; 560

(ii) An institution for the sick that is operated 561
exclusively for patients who use spiritual means for healing and 562
for whom the acceptance of medical care is inconsistent with 563
their religious beliefs, accredited by a national accrediting 564
organization, exempt from federal income taxation under section 565
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 566
U.S.C. 1, as amended, and providing twenty-four-hour nursing 567
care pursuant to the exemption in division (E) of section 568
4723.32 of the Revised Code from the licensing requirements of 569
Chapter 4723. of the Revised Code. 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, the department of developmental disabilities, the 619
department of youth services, or the department of 620
rehabilitation and correction any of the following items: 621

(1) Any deadly weapon or dangerous ordnance, as defined in 622
section 2923.11 of the Revised Code, or any part of or 623
ammunition for use in such a deadly weapon or dangerous 624
ordnance; 625

(2) Any drug of abuse, as defined in section 3719.011 of 626
the Revised Code; 627

(3) Any intoxicating liquor, as defined in section 4301.01 628
of the Revised Code, except for small amounts of wine for 629
sacramental purposes when the person engaging in the specified 630
conduct is a cleric, as defined in section 2317.02 of the 631
Revised Code. 632

(B) Division (A) of this section does not apply to any 633
person who conveys or attempts to convey an item onto the 634
grounds of a detention facility or of an institution, office 635
building, or other place under the control of the department of 636
mental health and addiction services, the department of 637
developmental disabilities, the department of youth services, or 638
the department of rehabilitation and correction pursuant to the 639
written authorization of the person in charge of the detention 640
facility or the institution, office building, or other place and 641
in accordance with the written rules of the detention facility 642
or the institution, office building, or other place. 643

(C) No person shall knowingly deliver, or attempt to 644
deliver, to any person who is confined in a detention facility, 645
to a child confined in a youth services facility, to a prisoner 646
who is temporarily released from confinement for a work 647
assignment, or to any patient in an institution under the 648
control of the department of mental health and addiction 649
services or the department of developmental disabilities any 650
item listed in division (A) (1), (2), or (3) of this section. 651

(D) No person shall knowingly deliver, or attempt to 652
deliver, cash to any person who is confined in a detention 653
facility, to a child confined in a youth services facility, or 654
to a prisoner who is temporarily released from confinement for a 655
work assignment. 656

(E) No person shall knowingly deliver, or attempt to 657

deliver, to any person who is confined in a detention facility, 658
to a child confined in a youth services facility, or to a 659
prisoner who is temporarily released from confinement for a work 660
assignment a cellular telephone, two-way radio, or other 661
electronic communications device. 662

(F) (1) It is an affirmative defense to a charge under 663
division (A) (1) of this section that the weapon or dangerous 664
ordnance in question was being transported in a motor vehicle 665
for any lawful purpose, that it was not on the actor's person, 666
and, if the weapon or dangerous ordnance in question was a 667
firearm, that it was unloaded and was being carried in a closed 668
package, box, or case or in a compartment that can be reached 669
only by leaving the vehicle. 670

(2) It is an affirmative defense to a charge under 671
division (C) of this section that the actor was not otherwise 672
prohibited by law from delivering the item to the confined 673
person, the child, the prisoner, or the patient and that either 674
of the following applies: 675

(a) The actor was permitted by the written rules of the 676
detention facility or the institution, office building, or other 677
place to deliver the item to the confined person or the patient. 678

(b) The actor was given written authorization by the 679
person in charge of the detention facility or the institution, 680
office building, or other place to deliver the item to the 681
confined person or the patient. 682

(G) (1) Whoever violates division (A) (1) of this section or 683
commits a violation of division (C) of this section involving an 684
item listed in division (A) (1) of this section is guilty of 685
illegal conveyance of weapons onto the grounds of a specified 686

governmental facility, a felony of the third degree. If the
offender is an officer or employee of the department of
rehabilitation and correction, the court shall impose a
mandatory prison term from the range of definite prison terms
prescribed in division (A) (3) (b) of section 2929.14 of the
Revised Code for a felony of the third degree.

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

(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 of the department of youth
services, or a contractor providing services to the department
of rehabilitation and correction or the department of youth
services, a violation of division (A) (2) of this section is a
felony of the 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.

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

(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.

~~(5) Whoever~~ (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.

(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 first degree, and the court
shall impose a mandatory prison term from the range of definite
prison terms prescribed in division (A) (1) (a) of section 2929.14
of the Revised Code for a felony of the first degree.

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
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.

(B) No person, with intent to harass, annoy, threaten, or 747
alarm a law enforcement officer, shall cause or attempt to cause 748
the law enforcement officer to come into contact with blood, 749
semen, urine, feces, or another bodily substance by throwing the 750
bodily substance at the law enforcement officer, by expelling 751
the bodily substance upon the law enforcement officer, or in any 752
other manner. 753

(C) No person, with knowledge that the person is a carrier 754
of the virus that causes acquired immunodeficiency syndrome, is 755
a carrier of a hepatitis virus, or is infected with tuberculosis 756
and with intent to harass, annoy, threaten, or alarm another 757
person, shall cause or attempt to cause the other person to come 758
into contact with blood, semen, urine, feces, or another bodily 759
substance by throwing the bodily substance at the other person, 760
by expelling the bodily substance upon the other person, or in 761
any other manner. 762

(D) Whoever violates this section is guilty of harassment 763
with a bodily substance. A violation of division (A) or (B) of 764
this section is a felony of the fifth degree and, 765
notwithstanding section 2929.14 of the Revised Code, the court 766
shall impose a mandatory prison term on the offender of at least 767
three years but no more than four years. A violation of division 768
(C) of this section is a felony of the third degree and, 769
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 six years. 772

(E) (1) The court, on request of the prosecutor, or the law 773
enforcement authority responsible for the investigation of the 774
violation, shall cause a person who allegedly has committed a 775
violation of this section to submit to one or more appropriate 776

tests to determine if the person is a carrier of the virus that 777
causes acquired immunodeficiency syndrome, is a carrier of a 778
hepatitis virus, or is infected with tuberculosis. 779

(2) The court shall charge the offender with the costs of 780
the test or tests ordered under division (E)(1) of this section 781
unless the court determines that the accused is unable to pay, 782
in which case the costs shall be charged to the entity that 783
operates the detention facility in which the alleged offense 784
occurred. 785

(F) This section does not apply to a person who is 786
hospitalized, institutionalized, or confined in a facility 787
operated by the department of mental health and addiction 788
services or the department of developmental disabilities. 789

Sec. 2929.03. (A) If the indictment or count in the 790
indictment charging aggravated murder does not contain one or 791
more specifications of aggravating circumstances listed in 792
division (A) of section 2929.04 of the Revised Code, then, 793
following a verdict of guilty of the charge of aggravated 794
murder, the trial court shall impose sentence on the offender as 795
follows: 796

(1) Except as provided in division (A)(2) or (H) of this 797
section, the trial court shall impose one of the following 798
sentences on the offender: 799

(a) Life imprisonment without parole; 800

(b) Subject to ~~division~~divisions (A)(1)(e) and (f) of 801
this section, life imprisonment with parole eligibility after 802
serving twenty years of imprisonment; 803

(c) Subject to ~~division~~divisions (A)(1)(e) and (f) of 804
this section, life imprisonment with parole eligibility after 805

serving twenty-five full years of imprisonment; 806

(d) Subject to ~~division~~ divisions (A) (1) (e) and (f) of 807
this section, life imprisonment with parole eligibility after 808
serving thirty full years of imprisonment; 809

(e) If the victim of the aggravated murder was less than 810
thirteen years of age, the offender also is convicted of or 811
pleads guilty to a sexual motivation specification that was 812
included in the indictment, count in the indictment, or 813
information charging the offense, and the trial court does not 814
impose a sentence of life imprisonment without parole on the 815
offender pursuant to division (A) (1) (a) of this section, the 816
trial court shall sentence the offender pursuant to division (B) 817
(3) of section 2971.03 of the Revised Code to an indefinite term 818
consisting of a minimum term of thirty years and a maximum term 819
of life imprisonment that shall be served pursuant to that 820
section. 821

(f) If the victim of aggravated murder was a visitor, 822
volunteer, or person on the grounds of a state correctional 823
institution or local correctional facility, an employee of the 824
department of rehabilitation and correction, the department of 825
youth services, or a probation department, or a contractor 826
providing services to the department of rehabilitation and 827
correction or the department of youth services, the trial court 828
shall impose a sentence of life imprisonment without parole on 829
the offender and the offender shall serve the sentence at a high 830
security prison for at least ten years. 831

(2) If the offender also is convicted of or pleads guilty 832
to a sexual motivation specification and a sexually violent 833
predator specification that are included in the indictment, 834
count in the indictment, or information that charged the 835

aggravated murder, except as provided in division (H) of this 836
section, the trial court shall impose upon the offender a 837
sentence of life imprisonment without parole that shall be 838
served pursuant to section 2971.03 of the Revised Code. 839

(B) If the indictment or count in the indictment charging 840
aggravated murder contains one or more specifications of 841
aggravating circumstances listed in division (A) of section 842
2929.04 of the Revised Code, the verdict shall separately state 843
whether the accused is found guilty or not guilty of the 844
principal charge and, if guilty of the principal charge, whether 845
the offender was eighteen years of age or older at the time of 846
the commission of the offense, if the matter of age was raised 847
by the offender pursuant to section 2929.023 of the Revised 848
Code, and whether the offender is guilty or not guilty of each 849
specification. The jury shall be instructed on its duties in 850
this regard. The instruction to the jury shall include an 851
instruction that a specification shall be proved beyond a 852
reasonable doubt in order to support a guilty verdict on the 853
specification, but the instruction shall not mention the penalty 854
that may be the consequence of a guilty or not guilty verdict on 855
any charge or specification. 856

(C) (1) If the indictment or count in the indictment 857
charging aggravated murder contains one or more specifications 858
of aggravating circumstances listed in division (A) of section 859
2929.04 of the Revised Code, then, following a verdict of guilty 860
of the charge but not guilty of each of the specifications, and 861
regardless of whether the offender raised the matter of age 862
pursuant to section 2929.023 of the Revised Code or the matter 863
of serious mental illness at the time of the commission of the 864
offense pursuant to section 2929.025 of the Revised Code, the 865
trial court shall impose sentence on the offender as follows: 866

(a) Except as provided in division (C) (1) (b) or (H) of 867
this section, the trial court shall impose one of the following 868
sentences on the offender: 869

(i) Life imprisonment without parole; 870

(ii) Subject to division (C) (1) (a) (v) of this section, 871
life imprisonment with parole eligibility after serving twenty 872
years of imprisonment; 873

(iii) Subject to division (C) (1) (a) (v) of this section, 874
life imprisonment with parole eligibility after serving twenty- 875
five full years of imprisonment; 876

(iv) Subject to division (C) (1) (a) (v) of this section, 877
life imprisonment with parole eligibility after serving thirty 878
full years of imprisonment; 879

(v) If the victim of the aggravated murder was less than 880
thirteen years of age, the offender also is convicted of or 881
pleads guilty to a sexual motivation specification that was 882
included in the indictment, count in the indictment, or 883
information charging the offense, and the trial court does not 884
impose a sentence of life imprisonment without parole on the 885
offender pursuant to division (C) (1) (a) (i) of this section, the 886
trial court shall sentence the offender pursuant to division (B) 887
(3) of section 2971.03 of the Revised Code to an indefinite term 888
consisting of a minimum term of thirty years and a maximum term 889
of life imprisonment. 890

(b) If the offender also is convicted of or pleads guilty 891
to a sexual motivation specification and a sexually violent 892
predator specification that are included in the indictment, 893
count in the indictment, or information that charged the 894
aggravated murder, except as provided in division (H) of this 895

section, the trial court shall impose upon the offender a 896
sentence of life imprisonment without parole that shall be 897
served pursuant to section 2971.03 of the Revised Code. 898

(2) (a) If the indictment or count in the indictment 899
contains one or more specifications of aggravating circumstances 900
listed in division (A) of section 2929.04 of the Revised Code 901
and if the offender is found guilty of both the charge and one 902
or more of the specifications, the penalty to be imposed on the 903
offender shall be one of the following: 904

(i) Except as provided in division (C) (2) (a) (ii), (C) (2) 905
(a) (iii), or (H) and subject to divisions (D) (1) and (E) of this 906
section, the penalty to be imposed on the offender shall be 907
death, life imprisonment without parole, life imprisonment with 908
parole eligibility after serving twenty-five full years of 909
imprisonment, or life imprisonment with parole eligibility after 910
serving thirty full years of imprisonment. 911

(ii) Except as provided in division (C) (2) (a) (iii) or (H) 912
of this section, if the victim of the aggravated murder was less 913
than thirteen years of age, the offender also is convicted of or 914
pleads guilty to a sexual motivation specification that was 915
included in the indictment, count in the indictment, or 916
information charging the offense, and the trial court does not 917
impose a sentence of death or life imprisonment without parole 918
on the offender pursuant to division (C) (2) (a) (i) of this 919
section, the penalty to be imposed on the offender shall be an 920
indefinite term consisting of a minimum term of thirty years and 921
a maximum term of life imprisonment that shall be imposed 922
pursuant to division (B) (3) of section 2971.03 of the Revised 923
Code and served pursuant to that section. 924

(iii) If the offender also is convicted of or pleads 925

guilty to a sexual motivation specification and a sexually 926
violent predator specification that are included in the 927
indictment, count in the indictment, or information that charged 928
the aggravated murder, except as provided in division (H) of 929
this section, the penalty to be imposed on the offender shall be 930
death or life imprisonment without parole that shall be served 931
pursuant to section 2971.03 of the Revised Code. 932

(b) A penalty imposed pursuant to division (C) (2) (a) (i), 933
(ii), or (iii) of this section shall be determined pursuant to 934
divisions (D) and (E) of this section and shall be determined by 935
one of the following: 936

(i) By the panel of three judges that tried the offender 937
upon the offender's waiver of the right to trial by jury; 938

(ii) By the trial jury and the trial judge, if the 939
offender was tried by jury. 940

(D) (1) Death may not be imposed as a penalty for 941
aggravated murder if the offender raised the matter of age at 942
trial pursuant to section 2929.023 of the Revised Code and was 943
not found at trial to have been eighteen years of age or older 944
at the time of the commission of the offense or raised the 945
matter of the offender's serious mental illness at the time of 946
the commission of the offense pursuant to section 2929.025 of 947
the Revised Code and was found under that section to be 948
ineligible for a sentence of death due to serious mental 949
illness. When death may be imposed as a penalty for aggravated 950
murder, the court shall proceed under this division. When death 951
may be imposed as a penalty, the court, upon the request of the 952
defendant, shall require a pre-sentence investigation to be made 953
and, upon the request of the defendant, shall require a mental 954
examination to be made, and shall require reports of the 955

investigation and of any mental examination submitted to the 956
court, pursuant to section 2947.06 of the Revised Code. No 957
statement made or information provided by a defendant in a 958
mental examination or proceeding conducted pursuant to this 959
division shall be disclosed to any person, except as provided in 960
this division, or be used in evidence against the defendant on 961
the issue of guilt in any retrial. A pre-sentence investigation 962
or mental examination shall not be made except upon request of 963
the defendant. Copies of any reports prepared under this 964
division shall be furnished to the court, to the trial jury if 965
the offender was tried by a jury, to the prosecutor, and to the 966
offender or the offender's counsel for use under this division. 967
The court, and the trial jury if the offender was tried by a 968
jury, shall consider any report prepared pursuant to this 969
division and furnished to it and any evidence raised at trial 970
that is relevant to the aggravating circumstances the offender 971
was found guilty of committing or to any factors in mitigation 972
of the imposition of the sentence of death, shall hear testimony 973
and other evidence that is relevant to the nature and 974
circumstances of the aggravating circumstances the offender was 975
found guilty of committing, the mitigating factors set forth in 976
division (B) of section 2929.04 of the Revised Code, and any 977
other factors in mitigation of the imposition of the sentence of 978
death, and shall hear the statement, if any, of the offender, 979
and the arguments, if any, of counsel for the defense and 980
prosecution, that are relevant to the penalty that should be 981
imposed on the offender. The defendant shall be given great 982
latitude in the presentation of evidence of the mitigating 983
factors set forth in division (B) of section 2929.04 of the 984
Revised Code and of any other factors in mitigation of the 985
imposition of the sentence of death. If the offender chooses to 986
make a statement, the offender is subject to cross-examination 987

only if the offender consents to make the statement under oath 988
or affirmation. 989

The defendant shall have the burden of going forward with 990
the evidence of any factors in mitigation of the imposition of 991
the sentence of death. The prosecution shall have the burden of 992
proving, by proof beyond a reasonable doubt, that the 993
aggravating circumstances the defendant was found guilty of 994
committing are sufficient to outweigh the factors in mitigation 995
of the imposition of the sentence of death. 996

(2) Upon consideration of the relevant evidence raised at 997
trial, the testimony, other evidence, statement of the offender, 998
arguments of counsel, and, if applicable, the reports submitted 999
pursuant to division (D)(1) of this section, the trial jury, if 1000
the offender was tried by a jury, shall determine whether the 1001
aggravating circumstances the offender was found guilty of 1002
committing are sufficient to outweigh the mitigating factors 1003
present in the case. If the trial jury unanimously finds, by 1004
proof beyond a reasonable doubt, that the aggravating 1005
circumstances the offender was found guilty of committing 1006
outweigh the mitigating factors, the trial jury shall recommend 1007
to the court that the sentence of death be imposed on the 1008
offender. Absent such a finding, the jury shall recommend that 1009
the offender be sentenced to one of the following: 1010

(a) Except as provided in division (D)(2)(b), (D)(2)(c) or 1011
(H) of this section, to life imprisonment without parole, life 1012
imprisonment with parole eligibility after serving twenty-five 1013
full years of imprisonment, or life imprisonment with parole 1014
eligibility after serving thirty full years of imprisonment; 1015

(b) Except as provided in division (D)(2)(c) or (H) of 1016
this section, if the victim of the aggravated murder was less 1017

than thirteen years of age, the offender also is convicted of or 1018
pleads guilty to a sexual motivation specification that was 1019
included in the indictment, count in the indictment, or 1020
information charging the offense, and the jury does not 1021
recommend a sentence of life imprisonment without parole 1022
pursuant to division (D)(2)(a) of this section, to an indefinite 1023
term consisting of a minimum term of thirty years and a maximum 1024
term of life imprisonment to be imposed pursuant to division (B) 1025
(3) of section 2971.03 of the Revised Code and served pursuant 1026
to that section. 1027

(c) If the offender also is convicted of or pleads guilty 1028
to a sexual motivation specification and a sexually violent 1029
predator specification that are included in the indictment, 1030
count in the indictment, or information that charged the 1031
aggravated murder, except as provided in division (H) of this 1032
section, to life imprisonment without parole. 1033

If the trial jury recommends that the offender be 1034
sentenced to life imprisonment without parole, life imprisonment 1035
with parole eligibility after serving twenty-five full years of 1036
imprisonment, life imprisonment with parole eligibility after 1037
serving thirty full years of imprisonment, or an indefinite term 1038
consisting of a minimum term of thirty years and a maximum term 1039
of life imprisonment to be imposed pursuant to division (B)(3) 1040
of section 2971.03 of the Revised Code, except as provided in 1041
division (H) of this section, the court shall impose the 1042
sentence recommended by the jury upon the offender. If the 1043
sentence is an indefinite term consisting of a minimum term of 1044
thirty years and a maximum term of life imprisonment imposed as 1045
described in division (D)(2)(b) of this section or a sentence of 1046
life imprisonment without parole imposed under division (D)(2) 1047
(c) of this section, the sentence shall be served pursuant to 1048

section 2971.03 of the Revised Code. If the trial jury 1049
recommends that the sentence of death be imposed upon the 1050
offender, the court shall proceed to impose sentence pursuant to 1051
division (D) (3) of this section. 1052

(3) Upon consideration of the relevant evidence raised at 1053
trial, the testimony, other evidence, statement of the offender, 1054
arguments of counsel, and, if applicable, the reports submitted 1055
to the court pursuant to division (D) (1) of this section, if, 1056
after receiving pursuant to division (D) (2) of this section the 1057
trial jury's recommendation that the sentence of death be 1058
imposed, the court finds, by proof beyond a reasonable doubt, or 1059
if the panel of three judges unanimously finds, by proof beyond 1060
a reasonable doubt, that the aggravating circumstances the 1061
offender was found guilty of committing outweigh the mitigating 1062
factors, it shall impose sentence of death on the offender. 1063
Absent such a finding by the court or panel, the court or the 1064
panel shall impose one of the following sentences on the 1065
offender: 1066

(a) Except as provided in division (D) (3) (b) or (H) of 1067
this section, one of the following: 1068

(i) Life imprisonment without parole; 1069

(ii) Subject to division (D) (3) (a) (iv) of this section, 1070
life imprisonment with parole eligibility after serving twenty- 1071
five full years of imprisonment; 1072

(iii) Subject to division (D) (3) (a) (iv) of this section, 1073
life imprisonment with parole eligibility after serving thirty 1074
full years of imprisonment; 1075

(iv) If the victim of the aggravated murder was less than 1076
thirteen years of age, the offender also is convicted of or 1077

pleads guilty to a sexual motivation specification that was 1078
included in the indictment, count in the indictment, or 1079
information charging the offense, and the trial court does not 1080
impose a sentence of life imprisonment without parole on the 1081
offender pursuant to division (D) (3) (a) (i) of this section, the 1082
court or panel shall sentence the offender pursuant to division 1083
(B) (3) of section 2971.03 of the Revised Code to an indefinite 1084
term consisting of a minimum term of thirty years and a maximum 1085
term of life imprisonment. 1086

(b) If the offender also is convicted of or pleads guilty 1087
to a sexual motivation specification and a sexually violent 1088
predator specification that are included in the indictment, 1089
count in the indictment, or information that charged the 1090
aggravated murder, except as provided in division (H) of this 1091
section, life imprisonment without parole that shall be served 1092
pursuant to section 2971.03 of the Revised Code. 1093

(E) (1) If the offender raised the matter of age at trial 1094
pursuant to section 2929.023 of the Revised Code, was convicted 1095
of aggravated murder and one or more specifications of an 1096
aggravating circumstance listed in division (A) of section 1097
2929.04 of the Revised Code, and was not found at trial to have 1098
been eighteen years of age or older at the time of the 1099
commission of the offense, the court or the panel of three 1100
judges shall not impose a sentence of death on the offender. 1101
Instead, the court or panel shall impose one of the following 1102
sentences on the offender: 1103

(a) Except as provided in division (E) (1) (b) or (H) of 1104
this section, one of the following: 1105

(i) Life imprisonment without parole; 1106

(ii) Subject to division (E) (1) (a) (iv) of this section, 1107
life imprisonment with parole eligibility after serving twenty- 1108
five full years of imprisonment; 1109

(iii) Subject to division (E) (1) (a) (iv) of this section, 1110
life imprisonment with parole eligibility after serving thirty 1111
full years of imprisonment; 1112

(iv) If the victim of the aggravated murder was less than 1113
thirteen years of age, the offender also is convicted of or 1114
pleads guilty to a sexual motivation specification that was 1115
included in the indictment, count in the indictment, or 1116
information charging the offense, and the trial court does not 1117
impose a sentence of life imprisonment without parole on the 1118
offender pursuant to division (E) (1) (a) (i) of this section, the 1119
court or panel shall sentence the offender pursuant to division 1120
(B) (3) of section 2971.03 of the Revised Code to an indefinite 1121
term consisting of a minimum term of thirty years and a maximum 1122
term of life imprisonment. 1123

(b) If the offender also is convicted of or pleads guilty 1124
to a sexual motivation specification and a sexually violent 1125
predator specification that are included in the indictment, 1126
count in the indictment, or information that charged the 1127
aggravated murder, except as provided in division (H) of this 1128
section, life imprisonment without parole that shall be served 1129
pursuant to section 2971.03 of the Revised Code. 1130

(2) If the offender raised the matter of the offender's 1131
serious mental illness at the time of the commission of the 1132
offense pursuant to section 2929.025 of the Revised Code, was 1133
found under that section to be ineligible for a sentence of 1134
death due to serious mental illness, and was convicted of 1135
aggravated murder and one or more specifications of an 1136

aggravating circumstance listed in division (A) of section 1137
2929.04 of the Revised Code, the court or panel of three judges 1138
shall not impose a sentence of death on the offender. Instead, 1139
the court or panel shall sentence the offender to life 1140
imprisonment without parole. 1141

(F) The court or the panel of three judges, when it 1142
imposes sentence of death, shall state in a separate opinion its 1143
specific findings as to the existence of any of the mitigating 1144
factors set forth in division (B) of section 2929.04 of the 1145
Revised Code, the existence of any other mitigating factors, the 1146
aggravating circumstances the offender was found guilty of 1147
committing, and the reasons why the aggravating circumstances 1148
the offender was found guilty of committing were sufficient to 1149
outweigh the mitigating factors. The court or panel, when it 1150
imposes life imprisonment or an indefinite term consisting of a 1151
minimum term of thirty years and a maximum term of life 1152
imprisonment under division (D) of this section, shall state in 1153
a separate opinion its specific findings of which of the 1154
mitigating factors set forth in division (B) of section 2929.04 1155
of the Revised Code it found to exist, what other mitigating 1156
factors it found to exist, what aggravating circumstances the 1157
offender was found guilty of committing, and why it could not 1158
find that these aggravating circumstances were sufficient to 1159
outweigh the mitigating factors. For cases in which a sentence 1160
of death is imposed for an offense committed before January 1, 1161
1995, the court or panel shall file the opinion required to be 1162
prepared by this division with the clerk of the appropriate 1163
court of appeals and with the clerk of the supreme court within 1164
fifteen days after the court or panel imposes sentence. For 1165
cases in which a sentence of death is imposed for an offense 1166
committed on or after January 1, 1995, the court or panel shall 1167

file the opinion required to be prepared by this division with 1168
the clerk of the supreme court within fifteen days after the 1169
court or panel imposes sentence. The judgment in a case in which 1170
a sentencing hearing is held pursuant to this section is not 1171
final until the opinion is filed. 1172

(G) (1) Whenever the court or a panel of three judges 1173
imposes a sentence of death for an offense committed before 1174
January 1, 1995, the clerk of the court in which the judgment is 1175
rendered shall make and retain a copy of the entire record in 1176
the case, and shall deliver the original of the entire record in 1177
the case to the appellate court. 1178

(2) Whenever the court or a panel of three judges imposes 1179
a sentence of death for an offense committed on or after January 1180
1, 1995, the clerk of the court in which the judgment is 1181
rendered shall make and retain a copy of the entire record in 1182
the case, and shall deliver the original of the entire record in 1183
the case to the supreme court. 1184

(H) A court shall not impose a sentence of life 1185
imprisonment without parole on a person under division (A) (1) or 1186
(2), (C) (1) or (2), (D) (2) or (3), or (E) (1) or (2) of this 1187
section for an offense that was committed when the person was 1188
under eighteen years of age. 1189

Sec. 2929.14. (A) Except as provided in division (B) (1), 1190
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1191
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 1192
in division (D) (6) of section 2919.25 of the Revised Code and 1193
except in relation to an offense for which a sentence of death 1194
or life imprisonment is to be imposed, if the court imposing a 1195
sentence upon an offender for a felony elects or is required to 1196
impose a prison term on the offender pursuant to this chapter, 1197

the court shall impose a prison term that shall be one of the 1198
following: 1199

(1) (a) For a felony of the first degree committed on or 1200
after March 22, 2019, the prison term shall be an indefinite 1201
prison term with a stated minimum term selected by the court of 1202
three, four, five, six, seven, eight, nine, ten, or eleven years 1203
and a maximum term that is determined pursuant to section 1204
2929.144 of the Revised Code, except that if the section that 1205
criminalizes the conduct constituting the felony specifies a 1206
different minimum term or penalty for the offense, the specific 1207
language of that section shall control in determining the 1208
minimum term or otherwise sentencing the offender but the 1209
minimum term or sentence imposed under that specific language 1210
shall be considered for purposes of the Revised Code as if it 1211
had been imposed under this division. 1212

(b) For a felony of the first degree committed prior to 1213
March 22, 2019, the prison term shall be a definite prison term 1214
of three, four, five, six, seven, eight, nine, ten, or eleven 1215
years. 1216

(2) (a) For a felony of the second degree committed on or 1217
after March 22, 2019, the prison term shall be an indefinite 1218
prison term with a stated minimum term selected by the court of 1219
two, three, four, five, six, seven, or eight years and a maximum 1220
term that is determined pursuant to section 2929.144 of the 1221
Revised Code, except that if the section that criminalizes the 1222
conduct constituting the felony specifies a different minimum 1223
term or penalty for the offense, the specific language of that 1224
section shall control in determining the minimum term or 1225
otherwise sentencing the offender but the minimum term or 1226
sentence imposed under that specific language shall be 1227

considered for purposes of the Revised Code as if it had been 1228
imposed under this division. 1229

(b) For a felony of the second degree committed prior to 1230
March 22, 2019, the prison term shall be a definite term of two, 1231
three, four, five, six, seven, or eight years. 1232

(3) (a) For a felony of the third degree that is a 1233
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1234
2907.05, 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of 1235
the Revised Code, that is a violation of division (A) of section 1236
4511.19 of the Revised Code if the offender previously has been 1237
convicted of or pleaded guilty to a violation of division (A) of 1238
that section that was a felony, that is a violation of section 1239
2911.02 or 2911.12 of the Revised Code if the offender 1240
previously has been convicted of or pleaded guilty in two or 1241
more separate proceedings to two or more violations of section 1242
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, that 1243
is a violation of division (C) (3) of section 2903.13 of the 1244
Revised Code, or that is a violation of division (B) of section 1245
2921.331 of the Revised Code if division (C) (5) of that section 1246
applies, the prison term shall be a definite term of twelve, 1247
eighteen, twenty-four, thirty, thirty-six, forty-two, forty- 1248
eight, fifty-four, or sixty months. 1249

(b) For a felony of the third degree that is not an 1250
offense for which division (A) (3) (a) of this section applies, 1251
the prison term shall be a definite term of nine, twelve, 1252
eighteen, twenty-four, thirty, or thirty-six months. 1253

(4) For a felony of the fourth degree, the prison term 1254
shall be a definite term of six, seven, eight, nine, ten, 1255
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1256
or eighteen months. 1257

(5) For a felony of the fifth degree, the prison term 1258
shall be a definite term of six, seven, eight, nine, ten, 1259
eleven, or twelve months. 1260

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1261
section, if an offender who is convicted of or pleads guilty to 1262
a felony also is convicted of or pleads guilty to a 1263
specification of the type described in section 2941.141, 1264
2941.144, or 2941.145 of the Revised Code, the court shall 1265
impose on the offender one of the following prison terms: 1266

(i) A prison term of six years if the specification is of 1267
the type described in division (A) of section 2941.144 of the 1268
Revised Code that charges the offender with having a firearm 1269
that is an automatic firearm or that was equipped with a firearm 1270
muffler or suppressor on or about the offender's person or under 1271
the offender's control while committing the offense; 1272

(ii) A prison term of three years if the specification is 1273
of the type described in division (A) of section 2941.145 of the 1274
Revised Code that charges the offender with having a firearm on 1275
or about the offender's person or under the offender's control 1276
while committing the offense and displaying the firearm, 1277
brandishing the firearm, indicating that the offender possessed 1278
the firearm, or using it to facilitate the offense; 1279

(iii) A prison term of one year if the specification is of 1280
the type described in division (A) of section 2941.141 of the 1281
Revised Code that charges the offender with having a firearm on 1282
or about the offender's person or under the offender's control 1283
while committing the offense; 1284

(iv) A prison term of nine years if the specification is 1285
of the type described in division (D) of section 2941.144 of the 1286

Revised Code that charges the offender with having a firearm 1287
that is an automatic firearm or that was equipped with a firearm 1288
muffler or suppressor on or about the offender's person or under 1289
the offender's control while committing the offense and 1290
specifies that the offender previously has been convicted of or 1291
pleaded guilty to a specification of the type described in 1292
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1293
the Revised Code; 1294

(v) A prison term of fifty-four months if the 1295
specification is of the type described in division (D) of 1296
section 2941.145 of the Revised Code that charges the offender 1297
with having a firearm on or about the offender's person or under 1298
the offender's control while committing the offense and 1299
displaying the firearm, brandishing the firearm, indicating that 1300
the offender possessed the firearm, or using the firearm to 1301
facilitate the offense and that the offender previously has been 1302
convicted of or pleaded guilty to a specification of the type 1303
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1304
2941.1412 of the Revised Code; 1305

(vi) A prison term of eighteen months if the specification 1306
is of the type described in division (D) of section 2941.141 of 1307
the Revised Code that charges the offender with having a firearm 1308
on or about the offender's person or under the offender's 1309
control while committing the offense and that the offender 1310
previously has been convicted of or pleaded guilty to a 1311
specification of the type described in section 2941.141, 1312
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1313

(b) If a court imposes a prison term on an offender under 1314
division (B) (1) (a) of this section, the prison term shall not be 1315
reduced pursuant to section 2929.20, division (A) (2) or (3) of 1316

section 2967.193 or 2967.194, or any other provision of Chapter 1317
2967. or Chapter 5120. of the Revised Code. Except as provided 1318
in division (B) (1) (g) of this section, a court shall not impose 1319
more than one prison term on an offender under division (B) (1) 1320
(a) of this section for felonies committed as part of the same 1321
act or transaction. 1322

(c) (i) Except as provided in division (B) (1) (e) of this 1323
section, if an offender who is convicted of or pleads guilty to 1324
a violation of section 2923.161 of the Revised Code or to a 1325
felony that includes, as an essential element, purposely or 1326
knowingly causing or attempting to cause the death of or 1327
physical harm to another, also is convicted of or pleads guilty 1328
to a specification of the type described in division (A) of 1329
section 2941.146 of the Revised Code that charges the offender 1330
with committing the offense by discharging a firearm from a 1331
motor vehicle other than a manufactured home, the court, after 1332
imposing a prison term on the offender for the violation of 1333
section 2923.161 of the Revised Code or for the other felony 1334
offense under division (A), (B) (2), or (B) (3) of this section, 1335
shall impose an additional prison term of five years upon the 1336
offender that shall not be reduced pursuant to section 2929.20, 1337
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 1338
other provision of Chapter 2967. or Chapter 5120. of the Revised 1339
Code. 1340

(ii) Except as provided in division (B) (1) (e) of this 1341
section, if an offender who is convicted of or pleads guilty to 1342
a violation of section 2923.161 of the Revised Code or to a 1343
felony that includes, as an essential element, purposely or 1344
knowingly causing or attempting to cause the death of or 1345
physical harm to another, also is convicted of or pleads guilty 1346
to a specification of the type described in division (C) of 1347

section 2941.146 of the Revised Code that charges the offender 1348
with committing the offense by discharging a firearm from a 1349
motor vehicle other than a manufactured home and that the 1350
offender previously has been convicted of or pleaded guilty to a 1351
specification of the type described in section 2941.141, 1352
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1353
the court, after imposing a prison term on the offender for the 1354
violation of section 2923.161 of the Revised Code or for the 1355
other felony offense under division (A), (B) (2), or (3) of this 1356
section, shall impose an additional prison term of ninety months 1357
upon the offender that shall not be reduced pursuant to section 1358
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 1359
or any other provision of Chapter 2967. or Chapter 5120. of the 1360
Revised Code. 1361

(iii) A court shall not impose more than one additional 1362
prison term on an offender under division (B) (1) (c) of this 1363
section for felonies committed as part of the same act or 1364
transaction. If a court imposes an additional prison term on an 1365
offender under division (B) (1) (c) of this section relative to an 1366
offense, the court also shall impose a prison term under 1367
division (B) (1) (a) of this section relative to the same offense, 1368
provided the criteria specified in that division for imposing an 1369
additional prison term are satisfied relative to the offender 1370
and the offense. 1371

(d) If an offender who is convicted of or pleads guilty to 1372
an offense of violence that is a felony also is convicted of or 1373
pleads guilty to a specification of the type described in 1374
section 2941.1411 of the Revised Code that charges the offender 1375
with wearing or carrying body armor while committing the felony 1376
offense of violence, the court shall impose on the offender an 1377
additional prison term of two years. The prison term so imposed 1378

shall not be reduced pursuant to section 2929.20, division (A) 1379
(2) or (3) of section 2967.193 or 2967.194, or any other 1380
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1381
A court shall not impose more than one prison term on an 1382
offender under division (B)(1)(d) of this section for felonies 1383
committed as part of the same act or transaction. If a court 1384
imposes an additional prison term under division (B)(1)(a) or 1385
(c) of this section, the court is not precluded from imposing an 1386
additional prison term under division (B)(1)(d) of this section. 1387

(e) The court shall not impose any of the prison terms 1388
described in division (B)(1)(a) of this section or any of the 1389
additional prison terms described in division (B)(1)(c) of this 1390
section upon an offender for a violation of section 2923.12 or 1391
2923.123 of the Revised Code. The court shall not impose any of 1392
the prison terms described in division (B)(1)(a) or (b) of this 1393
section upon an offender for a violation of section 2923.122 1394
that involves a deadly weapon that is a firearm other than a 1395
dangerous ordnance, section 2923.16, or section 2923.121 of the 1396
Revised Code. The court shall not impose any of the prison terms 1397
described in division (B)(1)(a) of this section or any of the 1398
additional prison terms described in division (B)(1)(c) of this 1399
section upon an offender for a violation of section 2923.13 of 1400
the Revised Code unless all of the following apply: 1401

(i) The offender previously has been convicted of 1402
aggravated murder, murder, or any felony of the first or second 1403
degree. 1404

(ii) Less than five years have passed since the offender 1405
was released from prison or post-release control, whichever is 1406
later, for the prior offense. 1407

(f)(i) If an offender is convicted of or pleads guilty to 1408

a felony that includes, as an essential element, causing or 1409
attempting to cause the death of or physical harm to another and 1410
also is convicted of or pleads guilty to a specification of the 1411
type described in division (A) of section 2941.1412 of the 1412
Revised Code that charges the offender with committing the 1413
offense by discharging a firearm at a peace officer as defined 1414
in section 2935.01 of the Revised Code or a corrections officer, 1415
as defined in section 2941.1412 of the Revised Code, the court, 1416
after imposing a prison term on the offender for the felony 1417
offense under division (A), (B) (2), or (B) (3) of this section, 1418
shall impose an additional prison term of seven years upon the 1419
offender that shall not be reduced pursuant to section 2929.20, 1420
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 1421
other provision of Chapter 2967. or Chapter 5120. of the Revised 1422
Code. 1423

(ii) If an offender is convicted of or pleads guilty to a 1424
felony that includes, as an essential element, causing or 1425
attempting to cause the death of or physical harm to another and 1426
also is convicted of or pleads guilty to a specification of the 1427
type described in division (B) of section 2941.1412 of the 1428
Revised Code that charges the offender with committing the 1429
offense by discharging a firearm at a peace officer, as defined 1430
in section 2935.01 of the Revised Code, or a corrections 1431
officer, as defined in section 2941.1412 of the Revised Code, 1432
and that the offender previously has been convicted of or 1433
pleaded guilty to a specification of the type described in 1434
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1435
the Revised Code, the court, after imposing a prison term on the 1436
offender for the felony offense under division (A), (B) (2), or 1437
(3) of this section, shall impose an additional prison term of 1438
one hundred twenty-six months upon the offender that shall not 1439

be reduced pursuant to section 2929.20, division (A) (2) or (3) 1440
of section 2967.193 or 2967.194, or any other provision of 1441
Chapter 2967. or 5120. of the Revised Code. 1442

(iii) If an offender is convicted of or pleads guilty to 1443
two or more felonies that include, as an essential element, 1444
causing or attempting to cause the death or physical harm to 1445
another and also is convicted of or pleads guilty to a 1446
specification of the type described under division (B) (1) (f) of 1447
this section in connection with two or more of the felonies of 1448
which the offender is convicted or to which the offender pleads 1449
guilty, the sentencing court shall impose on the offender the 1450
prison term specified under division (B) (1) (f) of this section 1451
for each of two of the specifications of which the offender is 1452
convicted or to which the offender pleads guilty and, in its 1453
discretion, also may impose on the offender the prison term 1454
specified under that division for any or all of the remaining 1455
specifications. If a court imposes an additional prison term on 1456
an offender under division (B) (1) (f) of this section relative to 1457
an offense, the court shall not impose a prison term under 1458
division (B) (1) (a) or (c) of this section relative to the same 1459
offense. 1460

(g) If an offender is convicted of or pleads guilty to two 1461
or more felonies, if one or more of those felonies are 1462
aggravated murder, murder, attempted aggravated murder, 1463
attempted murder, aggravated robbery, felonious assault, or 1464
rape, and if the offender is convicted of or pleads guilty to a 1465
specification of the type described under division (B) (1) (a) of 1466
this section in connection with two or more of the felonies, the 1467
sentencing court shall impose on the offender the prison term 1468
specified under division (B) (1) (a) of this section for each of 1469
the two most serious specifications of which the offender is 1470

convicted or to which the offender pleads guilty and, in its 1471
discretion, also may impose on the offender the prison term 1472
specified under that division for any or all of the remaining 1473
specifications. 1474

(2) (a) If division (B) (2) (b) of this section does not 1475
apply, the court may impose on an offender, in addition to the 1476
longest prison term authorized or required for the offense or, 1477
for offenses for which division (A) (1) (a) or (2) (a) of this 1478
section applies, in addition to the longest minimum prison term 1479
authorized or required for the offense, an additional definite 1480
prison term of one, two, three, four, five, six, seven, eight, 1481
nine, or ten years if all of the following criteria are met: 1482

(i) The offender is convicted of or pleads guilty to a 1483
specification of the type described in section 2941.149 of the 1484
Revised Code that the offender is a repeat violent offender. 1485

(ii) The offense of which the offender currently is 1486
convicted or to which the offender currently pleads guilty is 1487
aggravated murder and the court does not impose a sentence of 1488
death or life imprisonment without parole, murder, terrorism and 1489
the court does not impose a sentence of life imprisonment 1490
without parole, any felony of the first degree that is an 1491
offense of violence and the court does not impose a sentence of 1492
life imprisonment without parole, or any felony of the second 1493
degree that is an offense of violence and the trier of fact 1494
finds that the offense involved an attempt to cause or a threat 1495
to cause serious physical harm to a person or resulted in 1496
serious physical harm to a person. 1497

(iii) The court imposes the longest prison term for the 1498
offense or the longest minimum prison term for the offense, 1499
whichever is applicable, that is not life imprisonment without 1500

parole. 1501

(iv) The court finds that the prison terms imposed 1502
pursuant to division (B)(2)(a)(iii) of this section and, if 1503
applicable, division (B)(1) or (3) of this section are 1504
inadequate to punish the offender and protect the public from 1505
future crime, because the applicable factors under section 1506
2929.12 of the Revised Code indicating a greater likelihood of 1507
recidivism outweigh the applicable factors under that section 1508
indicating a lesser likelihood of recidivism. 1509

(v) The court finds that the prison terms imposed pursuant 1510
to division (B)(2)(a)(iii) of this section and, if applicable, 1511
division (B)(1) or (3) of this section are demeaning to the 1512
seriousness of the offense, because one or more of the factors 1513
under section 2929.12 of the Revised Code indicating that the 1514
offender's conduct is more serious than conduct normally 1515
constituting the offense are present, and they outweigh the 1516
applicable factors under that section indicating that the 1517
offender's conduct is less serious than conduct normally 1518
constituting the offense. 1519

(b) The court shall impose on an offender the longest 1520
prison term authorized or required for the offense or, for 1521
offenses for which division (A)(1)(a) or (2)(a) of this section 1522
applies, the longest minimum prison term authorized or required 1523
for the offense, and shall impose on the offender an additional 1524
definite prison term of one, two, three, four, five, six, seven, 1525
eight, nine, or ten years if all of the following criteria are 1526
met: 1527

(i) The offender is convicted of or pleads guilty to a 1528
specification of the type described in section 2941.149 of the 1529
Revised Code that the offender is a repeat violent offender. 1530

(ii) The offender within the preceding twenty years has 1531
been convicted of or pleaded guilty to three or more offenses 1532
described in division (CC) (1) of section 2929.01 of the Revised 1533
Code, including all offenses described in that division of which 1534
the offender is convicted or to which the offender pleads guilty 1535
in the current prosecution and all offenses described in that 1536
division of which the offender previously has been convicted or 1537
to which the offender previously pleaded guilty, whether 1538
prosecuted together or separately. 1539

(iii) The offense or offenses of which the offender 1540
currently is convicted or to which the offender currently pleads 1541
guilty is aggravated murder and the court does not impose a 1542
sentence of death or life imprisonment without parole, murder, 1543
terrorism and the court does not impose a sentence of life 1544
imprisonment without parole, any felony of the first degree that 1545
is an offense of violence and the court does not impose a 1546
sentence of life imprisonment without parole, or any felony of 1547
the second degree that is an offense of violence and the trier 1548
of fact finds that the offense involved an attempt to cause or a 1549
threat to cause serious physical harm to a person or resulted in 1550
serious physical harm to a person. 1551

(c) For purposes of division (B) (2) (b) of this section, 1552
two or more offenses committed at the same time or as part of 1553
the same act or event shall be considered one offense, and that 1554
one offense shall be the offense with the greatest penalty. 1555

(d) A sentence imposed under division (B) (2) (a) or (b) of 1556
this section shall not be reduced pursuant to section 2929.20, 1557
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 1558
other provision of Chapter 2967. or Chapter 5120. of the Revised 1559
Code. The offender shall serve an additional prison term imposed 1560

under division (B) (2) (a) or (b) of this section consecutively to 1561
and prior to the prison term imposed for the underlying offense. 1562

(e) When imposing a sentence pursuant to division (B) (2) 1563
(a) or (b) of this section, the court shall state its findings 1564
explaining the imposed sentence. 1565

(3) Except when an offender commits a violation of section 1566
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1567
for the violation is life imprisonment or commits a violation of 1568
section 2903.02 of the Revised Code, if the offender commits a 1569
violation of section 2925.03 or 2925.11 of the Revised Code and 1570
that section classifies the offender as a major drug offender, 1571
if the offender commits a violation of section 2925.05 of the 1572
Revised Code and division (E) (1) of that section classifies the 1573
offender as a major drug offender, if the offender commits a 1574
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1575
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1576
division (C) or (D) of section 3719.172, division (E) of section 1577
4729.51, or division (J) of section 4729.54 of the Revised Code 1578
that includes the sale, offer to sell, or possession of a 1579
schedule I or II controlled substance, with the exception of 1580
marihuana, and the court imposing sentence upon the offender 1581
finds that the offender is guilty of a specification of the type 1582
described in division (A) of section 2941.1410 of the Revised 1583
Code charging that the offender is a major drug offender, if the 1584
court imposing sentence upon an offender for a felony finds that 1585
the offender is guilty of corrupt activity with the most serious 1586
offense in the pattern of corrupt activity being a felony of the 1587
first degree, or if the offender is guilty of an attempted 1588
violation of section 2907.02 of the Revised Code and, had the 1589
offender completed the violation of section 2907.02 of the 1590
Revised Code that was attempted, the offender would have been 1591

subject to a sentence of life imprisonment or life imprisonment 1592
without parole for the violation of section 2907.02 of the 1593
Revised Code, the court shall impose upon the offender for the 1594
felony violation a mandatory prison term determined as described 1595
in this division that cannot be reduced pursuant to section 1596
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 1597
or any other provision of Chapter 2967. or 5120. of the Revised 1598
Code. The mandatory prison term shall be the maximum definite 1599
prison term prescribed in division (A) (1) (b) of this section for 1600
a felony of the first degree, except that for offenses for which 1601
division (A) (1) (a) of this section applies, the mandatory prison 1602
term shall be the longest minimum prison term prescribed in that 1603
division for the offense. 1604

(4) If the offender is being sentenced for a third or 1605
fourth degree felony OVI offense under division (G) (2) of 1606
section 2929.13 of the Revised Code, the sentencing court shall 1607
impose upon the offender a mandatory prison term in accordance 1608
with that division. In addition to the mandatory prison term, if 1609
the offender is being sentenced for a fourth degree felony OVI 1610
offense, the court, notwithstanding division (A) (4) of this 1611
section, may sentence the offender to a definite prison term of 1612
not less than six months and not more than thirty months, and if 1613
the offender is being sentenced for a third degree felony OVI 1614
offense, the sentencing court may sentence the offender to an 1615
additional prison term of any duration specified in division (A) 1616
(3) of this section. In either case, the additional prison term 1617
imposed shall be reduced by the sixty or one hundred twenty days 1618
imposed upon the offender as the mandatory prison term. The 1619
total of the additional prison term imposed under division (B) 1620
(4) of this section plus the sixty or one hundred twenty days 1621
imposed as the mandatory prison term shall equal a definite term 1622

in the range of six months to thirty months for a fourth degree 1623
felony OVI offense and shall equal one of the authorized prison 1624
terms specified in division (A) (3) of this section for a third 1625
degree felony OVI offense. If the court imposes an additional 1626
prison term under division (B) (4) of this section, the offender 1627
shall serve the additional prison term after the offender has 1628
served the mandatory prison term required for the offense. In 1629
addition to the mandatory prison term or mandatory and 1630
additional prison term imposed as described in division (B) (4) 1631
of this section, the court also may sentence the offender to a 1632
community control sanction under section 2929.16 or 2929.17 of 1633
the Revised Code, but the offender shall serve all of the prison 1634
terms so imposed prior to serving the community control 1635
sanction. 1636

If the offender is being sentenced for a fourth degree 1637
felony OVI offense under division (G) (1) of section 2929.13 of 1638
the Revised Code and the court imposes a mandatory term of local 1639
incarceration, the court may impose a prison term as described 1640
in division (A) (1) of that section. 1641

(5) If an offender is convicted of or pleads guilty to a 1642
violation of division (A) (1) or (2) of section 2903.06 of the 1643
Revised Code and also is convicted of or pleads guilty to a 1644
specification of the type described in section 2941.1414 of the 1645
Revised Code that charges that the victim of the offense is a 1646
peace officer, as defined in section 2935.01 of the Revised 1647
Code, an investigator of the bureau of criminal identification 1648
and investigation, as defined in section 2903.11 of the Revised 1649
Code, or a firefighter or emergency medical worker, both as 1650
defined in section 2941.1414 of the Revised Code, the court 1651
shall impose on the offender a prison term of five years. If a 1652
court imposes a prison term on an offender under division (B) (5) 1653

of this section, the prison term shall not be reduced pursuant 1654
to section 2929.20, division (A) (2) or (3) of section 2967.193 1655
or 2967.194, or any other provision of Chapter 2967. or Chapter 1656
5120. of the Revised Code. A court shall not impose more than 1657
one prison term on an offender under division (B) (5) of this 1658
section for felonies committed as part of the same act. 1659

(6) If an offender is convicted of or pleads guilty to a 1660
violation of division (A) (1) or (2) of section 2903.06 of the 1661
Revised Code and also is convicted of or pleads guilty to a 1662
specification of the type described in section 2941.1415 of the 1663
Revised Code that charges that the offender previously has been 1664
convicted of or pleaded guilty to three or more violations of 1665
division (A) of section 4511.19 of the Revised Code or an 1666
equivalent offense, as defined in section 2941.1415 of the 1667
Revised Code, or three or more violations of any combination of 1668
those offenses, the court shall impose on the offender a prison 1669
term of three years. If a court imposes a prison term on an 1670
offender under division (B) (6) of this section, the prison term 1671
shall not be reduced pursuant to section 2929.20, division (A) 1672
(2) or (3) of section 2967.193 or 2967.194, or any other 1673
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1674
A court shall not impose more than one prison term on an 1675
offender under division (B) (6) of this section for felonies 1676
committed as part of the same act. 1677

(7) (a) If an offender is convicted of or pleads guilty to 1678
a felony violation of section 2905.01, 2905.02, 2907.21, 1679
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1680
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1681
section 2919.22 of the Revised Code and also is convicted of or 1682
pleads guilty to a specification of the type described in 1683
section 2941.1422 of the Revised Code that charges that the 1684

offender knowingly committed the offense in furtherance of human 1685
trafficking, the court shall impose on the offender a mandatory 1686
prison term that is one of the following: 1687

(i) If the offense is a felony of the first degree, a 1688
definite prison term of not less than five years and not greater 1689
than eleven years, except that if the offense is a felony of the 1690
first degree committed on or after March 22, 2019, the court 1691
shall impose as the minimum prison term a mandatory term of not 1692
less than five years and not greater than eleven years; 1693

(ii) If the offense is a felony of the second or third 1694
degree, a definite prison term of not less than three years and 1695
not greater than the maximum prison term allowed for the offense 1696
by division (A) (2) (b) or (3) of this section, except that if the 1697
offense is a felony of the second degree committed on or after 1698
March 22, 2019, the court shall impose as the minimum prison 1699
term a mandatory term of not less than three years and not 1700
greater than eight years; 1701

(iii) If the offense is a felony of the fourth or fifth 1702
degree, a definite prison term that is the maximum prison term 1703
allowed for the offense by division (A) of section 2929.14 of 1704
the Revised Code. 1705

(b) The prison term imposed under division (B) (7) (a) of 1706
this section shall not be reduced pursuant to section 2929.20, 1707
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 1708
other provision of Chapter 2967. of the Revised Code. A court 1709
shall not impose more than one prison term on an offender under 1710
division (B) (7) (a) of this section for felonies committed as 1711
part of the same act, scheme, or plan. 1712

(8) If an offender is convicted of or pleads guilty to a 1713

felony violation of section 2903.11, 2903.12, or 2903.13 of the 1714
Revised Code and also is convicted of or pleads guilty to a 1715
specification of the type described in section 2941.1423 of the 1716
Revised Code that charges that the victim of the violation was a 1717
woman whom the offender knew was pregnant at the time of the 1718
violation, notwithstanding the range prescribed in division (A) 1719
of this section as the definite prison term or minimum prison 1720
term for felonies of the same degree as the violation, the court 1721
shall impose on the offender a mandatory prison term that is 1722
either a definite prison term of six months or one of the prison 1723
terms prescribed in division (A) of this section for felonies of 1724
the same degree as the violation, except that if the violation 1725
is a felony of the first or second degree committed on or after 1726
March 22, 2019, the court shall impose as the minimum prison 1727
term under division (A) (1) (a) or (2) (a) of this section a 1728
mandatory term that is one of the terms prescribed in that 1729
division, whichever is applicable, for the offense. 1730

(9) (a) If an offender is convicted of or pleads guilty to 1731
a violation of division (A) (1) or (2) of section 2903.11 of the 1732
Revised Code and also is convicted of or pleads guilty to a 1733
specification of the type described in section 2941.1425 of the 1734
Revised Code, the court shall impose on the offender a mandatory 1735
prison term of six years if either of the following applies: 1736

(i) The violation is a violation of division (A) (1) of 1737
section 2903.11 of the Revised Code and the specification 1738
charges that the offender used an accelerant in committing the 1739
violation and the serious physical harm to another or to 1740
another's unborn caused by the violation resulted in a 1741
permanent, serious disfigurement or permanent, substantial 1742
incapacity; 1743

(ii) The violation is a violation of division (A) (2) of 1744
section 2903.11 of the Revised Code and the specification 1745
charges that the offender used an accelerant in committing the 1746
violation, that the violation caused physical harm to another or 1747
to another's unborn, and that the physical harm resulted in a 1748
permanent, serious disfigurement or permanent, substantial 1749
incapacity. 1750

(b) If a court imposes a prison term on an offender under 1751
division (B) (9) (a) of this section, the prison term shall not be 1752
reduced pursuant to section 2929.20, division (A) (2) or (3) of 1753
section 2967.193 or 2967.194, or any other provision of Chapter 1754
2967. or Chapter 5120. of the Revised Code. A court shall not 1755
impose more than one prison term on an offender under division 1756
(B) (9) of this section for felonies committed as part of the 1757
same act. 1758

(c) The provisions of divisions (B) (9) and (C) (6) of this 1759
section and of division (D) (2) of section 2903.11, division (F) 1760
(20) of section 2929.13, and section 2941.1425 of the Revised 1761
Code shall be known as "Judy's Law." 1762

(10) If an offender is convicted of or pleads guilty to a 1763
violation of division (A) of section 2903.11 of the Revised Code 1764
and also is convicted of or pleads guilty to a specification of 1765
the type described in section 2941.1426 of the Revised Code that 1766
charges that the victim of the offense suffered permanent 1767
disabling harm as a result of the offense and that the victim 1768
was under ten years of age at the time of the offense, 1769
regardless of whether the offender knew the age of the victim, 1770
the court shall impose upon the offender an additional definite 1771
prison term of six years. A prison term imposed on an offender 1772
under division (B) (10) of this section shall not be reduced 1773

pursuant to section 2929.20, division (A) (2) or (3) of section 1774
2967.193 or 2967.194, or any other provision of Chapter 2967. or 1775
Chapter 5120. of the Revised Code. If a court imposes an 1776
additional prison term on an offender under this division 1777
relative to a violation of division (A) of section 2903.11 of 1778
the Revised Code, the court shall not impose any other 1779
additional prison term on the offender relative to the same 1780
offense. 1781

(11) If an offender is convicted of or pleads guilty to a 1782
felony violation of section 2925.03 or 2925.05 of the Revised 1783
Code or a felony violation of section 2925.11 of the Revised 1784
Code for which division (C) (11) of that section applies in 1785
determining the sentence for the violation, if the drug involved 1786
in the violation is a fentanyl-related compound or a compound, 1787
mixture, preparation, or substance containing a fentanyl-related 1788
compound, and if the offender also is convicted of or pleads 1789
guilty to a specification of the type described in division (B) 1790
of section 2941.1410 of the Revised Code that charges that the 1791
offender is a major drug offender, in addition to any other 1792
penalty imposed for the violation, the court shall impose on the 1793
offender a mandatory prison term of three, four, five, six, 1794
seven, or eight years. If a court imposes a prison term on an 1795
offender under division (B) (11) of this section, the prison term 1796
shall not be reduced pursuant to section 2929.20, division (A) 1797
(2) or (3) of section 2967.193 or 2967.194, or any other 1798
provision of Chapter 2967. or 5120. of the Revised Code. A court 1799
shall not impose more than one prison term on an offender under 1800
division (B) (11) of this section for felonies committed as part 1801
of the same act. 1802

(12) If an offender is convicted of or pleads guilty to a 1803
violation of division (C) (3) of section 2903.13 or division (D) 1804

(5) of section 2903.11 of the Revised Code and also is convicted 1805
of or pleads guilty to a specification of the type described in 1806
section 2941.1427 of the Revised Code that charges that the 1807
victim of the offense was a person described in division (C) (3) 1808
of section 2903.13 or division (D) (5) of section 2903.11 of the 1809
Revised Code, the court shall impose upon the offender an 1810
additional definite prison term of seven years. 1811

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1812
if a mandatory prison term is imposed upon an offender pursuant 1813
to division (B) (1) (a) of this section for having a firearm on or 1814
about the offender's person or under the offender's control 1815
while committing a felony, if a mandatory prison term is imposed 1816
upon an offender pursuant to division (B) (1) (c) of this section 1817
for committing a felony specified in that division by 1818
discharging a firearm from a motor vehicle, or if both types of 1819
mandatory prison terms are imposed, the offender shall serve any 1820
mandatory prison term imposed under either division 1821
consecutively to any other mandatory prison term imposed under 1822
either division or under division (B) (1) (d) of this section, 1823
consecutively to and prior to any prison term imposed for the 1824
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1825
this section or any other section of the Revised Code, and 1826
consecutively to any other prison term or mandatory prison term 1827
previously or subsequently imposed upon the offender. 1828

(b) If a mandatory prison term is imposed upon an offender 1829
pursuant to division (B) (1) (d) of this section for wearing or 1830
carrying body armor while committing an offense of violence that 1831
is a felony, the offender shall serve the mandatory term so 1832
imposed consecutively to any other mandatory prison term imposed 1833
under that division or under division (B) (1) (a) or (c) of this 1834
section, consecutively to and prior to any prison term imposed 1835

for the underlying felony under division (A), (B)(2), or (B)(3) 1836
of this section or any other section of the Revised Code, and 1837
consecutively to any other prison term or mandatory prison term 1838
previously or subsequently imposed upon the offender. 1839

(c) If a mandatory prison term is imposed upon an offender 1840
pursuant to division (B)(1)(f) of this section, the offender 1841
shall serve the mandatory prison term so imposed consecutively 1842
to and prior to any prison term imposed for the underlying 1843
felony under division (A), (B)(2), or (B)(3) of this section or 1844
any other section of the Revised Code, and consecutively to any 1845
other prison term or mandatory prison term previously or 1846
subsequently imposed upon the offender. 1847

(d) If a mandatory prison term is imposed upon an offender 1848
pursuant to division (B)(7) or (8) of this section, the offender 1849
shall serve the mandatory prison term so imposed consecutively 1850
to any other mandatory prison term imposed under that division 1851
or under any other provision of law and consecutively to any 1852
other prison term or mandatory prison term previously or 1853
subsequently imposed upon the offender. 1854

(e) If a mandatory prison term is imposed upon an offender 1855
pursuant to division (B)(11) of this section, the offender shall 1856
serve the mandatory prison term consecutively to any other 1857
mandatory prison term imposed under that division, consecutively 1858
to and prior to any prison term imposed for the underlying 1859
felony, and consecutively to any other prison term or mandatory 1860
prison term previously or subsequently imposed upon the 1861
offender. 1862

(2) If an offender who is an inmate in a jail, prison, or 1863
other residential detention facility violates section 2917.02, 1864
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 1865

(2) of section 2921.34 of the Revised Code, if an offender who 1866
is under detention at a detention facility commits a felony 1867
violation of section 2923.131 of the Revised Code, or if an 1868
offender who is an inmate in a jail, prison, or other 1869
residential detention facility or is under detention at a 1870
detention facility commits another felony while the offender is 1871
an escapee in violation of division (A)(1) or (2) of section 1872
2921.34 of the Revised Code, any prison term imposed upon the 1873
offender for one of those violations shall be served by the 1874
offender consecutively to the prison term or term of 1875
imprisonment the offender was serving when the offender 1876
committed that offense and to any other prison term previously 1877
or subsequently imposed upon the offender. 1878

(3) If a prison term is imposed for a violation of 1879
division (B) of section 2911.01 of the Revised Code, a violation 1880
of division (A) of section 2913.02 of the Revised Code in which 1881
the stolen property is a firearm or dangerous ordnance, or a 1882
felony violation of division (B) of section 2921.331 of the 1883
Revised Code, the offender shall serve that prison term 1884
consecutively to any other prison term or mandatory prison term 1885
previously or subsequently imposed upon the offender. 1886

(4) If multiple prison terms are imposed on an offender 1887
for convictions of multiple offenses, the court may require the 1888
offender to serve the prison terms consecutively if the court 1889
finds that the consecutive service is necessary to protect the 1890
public from future crime or to punish the offender and that 1891
consecutive sentences are not disproportionate to the 1892
seriousness of the offender's conduct and to the danger the 1893
offender poses to the public, and if the court also finds any of 1894
the following: 1895

(a) The offender committed one or more of the multiple 1896
offenses while the offender was awaiting trial or sentencing, 1897
was under a sanction imposed pursuant to section 2929.16, 1898
2929.17, or 2929.18 of the Revised Code, or was under post- 1899
release control for a prior offense. 1900

(b) At least two of the multiple offenses were committed 1901
as part of one or more courses of conduct, and the harm caused 1902
by two or more of the multiple offenses so committed was so 1903
great or unusual that no single prison term for any of the 1904
offenses committed as part of any of the courses of conduct 1905
adequately reflects the seriousness of the offender's conduct. 1906

(c) The offender's history of criminal conduct 1907
demonstrates that consecutive sentences are necessary to protect 1908
the public from future crime by the offender. 1909

(5) If a mandatory prison term is imposed upon an offender 1910
pursuant to division (B) (5) or (6) of this section, the offender 1911
shall serve the mandatory prison term consecutively to and prior 1912
to any prison term imposed for the underlying violation of 1913
division (A) (1) or (2) of section 2903.06 of the Revised Code 1914
pursuant to division (A) of this section or section 2929.142 of 1915
the Revised Code. If a mandatory prison term is imposed upon an 1916
offender pursuant to division (B) (5) of this section, and if a 1917
mandatory prison term also is imposed upon the offender pursuant 1918
to division (B) (6) of this section in relation to the same 1919
violation, the offender shall serve the mandatory prison term 1920
imposed pursuant to division (B) (5) of this section 1921
consecutively to and prior to the mandatory prison term imposed 1922
pursuant to division (B) (6) of this section and consecutively to 1923
and prior to any prison term imposed for the underlying 1924
violation of division (A) (1) or (2) of section 2903.06 of the 1925

Revised Code pursuant to division (A) of this section or section 1926
2929.142 of the Revised Code. 1927

(6) If a mandatory prison term is imposed on an offender 1928
pursuant to division (B)(9) of this section, the offender shall 1929
serve the mandatory prison term consecutively to and prior to 1930
any prison term imposed for the underlying violation of division 1931
(A)(1) or (2) of section 2903.11 of the Revised Code and 1932
consecutively to and prior to any other prison term or mandatory 1933
prison term previously or subsequently imposed on the offender. 1934

(7) If a mandatory prison term is imposed on an offender 1935
pursuant to division (B)(10) of this section, the offender shall 1936
serve that mandatory prison term consecutively to and prior to 1937
any prison term imposed for the underlying felonious assault. 1938
Except as otherwise provided in division (C) of this section, 1939
any other prison term or mandatory prison term previously or 1940
subsequently imposed upon the offender may be served 1941
concurrently with, or consecutively to, the prison term imposed 1942
pursuant to division (B)(10) of this section. 1943

(8) Any prison term imposed for a violation of section 1944
2903.04 of the Revised Code that is based on a violation of 1945
section 2925.03 or 2925.11 of the Revised Code or on a violation 1946
of section 2925.05 of the Revised Code that is not funding of 1947
marihuana trafficking shall run consecutively to any prison term 1948
imposed for the violation of section 2925.03 or 2925.11 of the 1949
Revised Code or for the violation of section 2925.05 of the 1950
Revised Code that is not funding of marihuana trafficking. 1951

(9) When consecutive prison terms are imposed pursuant to 1952
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 1953
division (H)(1) or (2) of this section, subject to division (C) 1954
(10) of this section, the term to be served is the aggregate of 1955

all of the terms so imposed. 1956

(10) When a court sentences an offender to a non-life 1957
felony indefinite prison term, any definite prison term or 1958
mandatory definite prison term previously or subsequently 1959
imposed on the offender in addition to that indefinite sentence 1960
that is required to be served consecutively to that indefinite 1961
sentence shall be served prior to the indefinite sentence. 1962

(11) If a court is sentencing an offender for a felony of 1963
the first or second degree, if division (A)(1)(a) or (2)(a) of 1964
this section applies with respect to the sentencing for the 1965
offense, and if the court is required under the Revised Code 1966
section that sets forth the offense or any other Revised Code 1967
provision to impose a mandatory prison term for the offense, the 1968
court shall impose the required mandatory prison term as the 1969
minimum term imposed under division (A)(1)(a) or (2)(a) of this 1970
section, whichever is applicable. 1971

(D)(1) If a court imposes a prison term, other than a term 1972
of life imprisonment, for a felony of the first degree, for a 1973
felony of the second degree, for a felony sex offense, or for a 1974
felony of the third degree that is an offense of violence and 1975
that is not a felony sex offense, it shall include in the 1976
sentence a requirement that the offender be subject to a period 1977
of post-release control after the offender's release from 1978
imprisonment, in accordance with section 2967.28 of the Revised 1979
Code. If a court imposes a sentence including a prison term of a 1980
type described in this division on or after July 11, 2006, the 1981
failure of a court to include a post-release control requirement 1982
in the sentence pursuant to this division does not negate, 1983
limit, or otherwise affect the mandatory period of post-release 1984
control that is required for the offender under division (B) of 1985

section 2967.28 of the Revised Code. Section 2929.191 of the 1986
Revised Code applies if, prior to July 11, 2006, a court imposed 1987
a sentence including a prison term of a type described in this 1988
division and failed to include in the sentence pursuant to this 1989
division a statement regarding post-release control. 1990

(2) If a court imposes a prison term for a felony of the 1991
third, fourth, or fifth degree that is not subject to division 1992
(D) (1) of this section, it shall include in the sentence a 1993
requirement that the offender be subject to a period of post- 1994
release control after the offender's release from imprisonment, 1995
in accordance with that division, if the parole board determines 1996
that a period of post-release control is necessary. Section 1997
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1998
a court imposed a sentence including a prison term of a type 1999
described in this division and failed to include in the sentence 2000
pursuant to this division a statement regarding post-release 2001
control. 2002

(E) The court shall impose sentence upon the offender in 2003
accordance with section 2971.03 of the Revised Code, and Chapter 2004
2971. of the Revised Code applies regarding the prison term or 2005
term of life imprisonment without parole imposed upon the 2006
offender and the service of that term of imprisonment if any of 2007
the following apply: 2008

(1) A person is convicted of or pleads guilty to a violent 2009
sex offense or a designated homicide, assault, or kidnapping 2010
offense, and, in relation to that offense, the offender is 2011
adjudicated a sexually violent predator. 2012

(2) A person is convicted of or pleads guilty to a 2013
violation of division (A) (1) (b) of section 2907.02 of the 2014
Revised Code committed on or after January 2, 2007, and either 2015

the court does not impose a sentence of life without parole when 2016
authorized pursuant to division (B) of section 2907.02 of the 2017
Revised Code, or division (B) of section 2907.02 of the Revised 2018
Code provides that the court shall not sentence the offender 2019
pursuant to section 2971.03 of the Revised Code. 2020

(3) A person is convicted of or pleads guilty to attempted 2021
rape committed on or after January 2, 2007, and a specification 2022
of the type described in section 2941.1418, 2941.1419, or 2023
2941.1420 of the Revised Code. 2024

(4) A person is convicted of or pleads guilty to a 2025
violation of section 2905.01 of the Revised Code committed on or 2026
after January 1, 2008, and that section requires the court to 2027
sentence the offender pursuant to section 2971.03 of the Revised 2028
Code. 2029

(5) A person is convicted of or pleads guilty to 2030
aggravated murder committed on or after January 1, 2008, and 2031
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 2032
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 2033
(a) (iv) of section 2929.03, or division (A) or (B) of section 2034
2929.06 of the Revised Code requires the court to sentence the 2035
offender pursuant to division (B) (3) of section 2971.03 of the 2036
Revised Code. 2037

(6) A person is convicted of or pleads guilty to murder 2038
committed on or after January 1, 2008, and division (B) (2) of 2039
section 2929.02 of the Revised Code requires the court to 2040
sentence the offender pursuant to section 2971.03 of the Revised 2041
Code. 2042

(F) If a person who has been convicted of or pleaded 2043
guilty to a felony is sentenced to a prison term or term of 2044

imprisonment under this section, sections 2929.02 to 2929.06 of 2045
the Revised Code, section 2929.142 of the Revised Code, section 2046
2971.03 of the Revised Code, or any other provision of law, 2047
section 5120.163 of the Revised Code applies regarding the 2048
person while the person is confined in a state correctional 2049
institution. 2050

(G) If an offender who is convicted of or pleads guilty to 2051
a felony that is an offense of violence also is convicted of or 2052
pleads guilty to a specification of the type described in 2053
section 2941.142 of the Revised Code that charges the offender 2054
with having committed the felony while participating in a 2055
criminal gang, the court shall impose upon the offender an 2056
additional prison term of one, two, or three years. 2057

(H) (1) If an offender who is convicted of or pleads guilty 2058
to aggravated murder, murder, or a felony of the first, second, 2059
or third degree that is an offense of violence also is convicted 2060
of or pleads guilty to a specification of the type described in 2061
section 2941.143 of the Revised Code that charges the offender 2062
with having committed the offense in a school safety zone or 2063
towards a person in a school safety zone, the court shall impose 2064
upon the offender an additional prison term of two years. The 2065
offender shall serve the additional two years consecutively to 2066
and prior to the prison term imposed for the underlying offense. 2067

(2) (a) If an offender is convicted of or pleads guilty to 2068
a felony violation of section 2907.22, 2907.24, 2907.241, or 2069
2907.25 of the Revised Code and to a specification of the type 2070
described in section 2941.1421 of the Revised Code and if the 2071
court imposes a prison term on the offender for the felony 2072
violation, the court may impose upon the offender an additional 2073
prison term as follows: 2074

(i) Subject to division (H) (2) (a) (ii) of this section, an 2075
additional prison term of one, two, three, four, five, or six 2076
months; 2077

(ii) If the offender previously has been convicted of or 2078
pleaded guilty to one or more felony or misdemeanor violations 2079
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 2080
the Revised Code and also was convicted of or pleaded guilty to 2081
a specification of the type described in section 2941.1421 of 2082
the Revised Code regarding one or more of those violations, an 2083
additional prison term of one, two, three, four, five, six, 2084
seven, eight, nine, ten, eleven, or twelve months. 2085

(b) In lieu of imposing an additional prison term under 2086
division (H) (2) (a) of this section, the court may directly 2087
impose on the offender a sanction that requires the offender to 2088
wear a real-time processing, continual tracking electronic 2089
monitoring device during the period of time specified by the 2090
court. The period of time specified by the court shall equal the 2091
duration of an additional prison term that the court could have 2092
imposed upon the offender under division (H) (2) (a) of this 2093
section. A sanction imposed under this division shall commence 2094
on the date specified by the court, provided that the sanction 2095
shall not commence until after the offender has served the 2096
prison term imposed for the felony violation of section 2907.22, 2097
2907.24, 2907.241, or 2907.25 of the Revised Code and any 2098
residential sanction imposed for the violation under section 2099
2929.16 of the Revised Code. A sanction imposed under this 2100
division shall be considered to be a community control sanction 2101
for purposes of section 2929.15 of the Revised Code, and all 2102
provisions of the Revised Code that pertain to community control 2103
sanctions shall apply to a sanction imposed under this division, 2104
except to the extent that they would by their nature be clearly 2105

inapplicable. The offender shall pay all costs associated with a 2106
sanction imposed under this division, including the cost of the 2107
use of the monitoring device. 2108

(I) At the time of sentencing, the court may recommend the 2109
offender for placement in a program of shock incarceration under 2110
section 5120.031 of the Revised Code or for placement in an 2111
intensive program prison under section 5120.032 of the Revised 2112
Code, disapprove placement of the offender in a program of shock 2113
incarceration or an intensive program prison of that nature, or 2114
make no recommendation on placement of the offender. In no case 2115
shall the department of rehabilitation and correction place the 2116
offender in a program or prison of that nature unless the 2117
department determines as specified in section 5120.031 or 2118
5120.032 of the Revised Code, whichever is applicable, that the 2119
offender is eligible for the placement. 2120

If the court disapproves placement of the offender in a 2121
program or prison of that nature, the department of 2122
rehabilitation and correction shall not place the offender in 2123
any program of shock incarceration or intensive program prison. 2124

If the court recommends placement of the offender in a 2125
program of shock incarceration or in an intensive program 2126
prison, and if the offender is subsequently placed in the 2127
recommended program or prison, the department shall notify the 2128
court of the placement and shall include with the notice a brief 2129
description of the placement. 2130

If the court recommends placement of the offender in a 2131
program of shock incarceration or in an intensive program prison 2132
and the department does not subsequently place the offender in 2133
the recommended program or prison, the department shall send a 2134
notice to the court indicating why the offender was not placed 2135

in the recommended program or prison. 2136

If the court does not make a recommendation under this 2137
division with respect to an offender and if the department 2138
determines as specified in section 5120.031 or 5120.032 of the 2139
Revised Code, whichever is applicable, that the offender is 2140
eligible for placement in a program or prison of that nature, 2141
the department shall screen the offender and determine if there 2142
is an available program of shock incarceration or an intensive 2143
program prison for which the offender is suited. If there is an 2144
available program of shock incarceration or an intensive program 2145
prison for which the offender is suited, the department shall 2146
notify the court of the proposed placement of the offender as 2147
specified in section 5120.031 or 5120.032 of the Revised Code 2148
and shall include with the notice a brief description of the 2149
placement. The court shall have ten days from receipt of the 2150
notice to disapprove the placement. 2151

(J) If a person is convicted of or pleads guilty to 2152
aggravated vehicular homicide in violation of division (A) (1) of 2153
section 2903.06 of the Revised Code and division (B) (2) (c) or 2154
(d) of that section applies, the person shall be sentenced 2155
pursuant to section 2929.142 of the Revised Code. 2156

(K) (1) The court shall impose an additional mandatory 2157
prison term of two, three, four, five, six, seven, eight, nine, 2158
ten, or eleven years on an offender who is convicted of or 2159
pleads guilty to a violent felony offense if the offender also 2160
is convicted of or pleads guilty to a specification of the type 2161
described in section 2941.1424 of the Revised Code that charges 2162
that the offender is a violent career criminal and had a firearm 2163
on or about the offender's person or under the offender's 2164
control while committing the presently charged violent felony 2165

offense and displayed or brandished the firearm, indicated that 2166
the offender possessed a firearm, or used the firearm to 2167
facilitate the offense. The offender shall serve the prison term 2168
imposed under this division consecutively to and prior to the 2169
prison term imposed for the underlying offense. The prison term 2170
shall not be reduced pursuant to section 2929.20, division (A) 2171
(2) or (3) of section 2967.193 or 2967.194, or any other 2172
provision of Chapter 2967. or 5120. of the Revised Code. A court 2173
may not impose more than one sentence under division (B) (2) (a) 2174
of this section and this division for acts committed as part of 2175
the same act or transaction. 2176

(2) As used in division (K) (1) of this section, "violent 2177
career criminal" and "violent felony offense" have the same 2178
meanings as in section 2923.132 of the Revised Code. 2179

(L) If an offender receives or received a sentence of life 2180
imprisonment without parole, a sentence of life imprisonment, a 2181
definite sentence, or a sentence to an indefinite prison term 2182
under this chapter for a felony offense that was committed when 2183
the offender was under eighteen years of age, the offender's 2184
parole eligibility shall be determined under section 2967.132 of 2185
the Revised Code. 2186

Sec. 2941.1427. (A) As used in this section, "visitor, 2187
volunteer, or person on the grounds of a state correctional 2188
institution or local correctional facility, employee of the 2189
department of rehabilitation and correction, the department of 2190
youth services, or a probation department, or a contractor 2191
providing services to the department of rehabilitation and 2192
correction or the department of youth services" means a victim 2193
described in division (C) (3) of section 2903.13 or division (D) 2194
(5) of section 2903.11 of the Revised Code. 2195

(B) Imposition of a mandatory seven-year prison term under 2196
division (B) (12) of section 2929.14 of the Revised Code is 2197
precluded unless the offender is convicted of or pleads guilty 2198
to a violation of division (C) (3) of section 2903.13 or division 2199
(D) (5) of section 2903.11 of the Revised Code and unless the 2200
indictment, count in the indictment, or information charging the 2201
offense specifies the victim of the offense was a visitor, 2202
volunteer, or person on the grounds of a state correctional 2203
institution or local correctional facility, an employee of the 2204
department of rehabilitation and correction, the department of 2205
youth services, or a probation department, or a contractor 2206
providing services to the department of rehabilitation and 2207
correction or the department of youth services. The 2208
specification shall be stated at the end of the body of the 2209
indictment, count, or information and shall be stated in 2210
substantially the following form: 2211

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2212
Grand Jurors (or insert the person's or prosecuting attorney's 2213
name when appropriate) further find and specify that (set forth 2214
that the victim of the offense was a visitor, volunteer, or 2215
person on the grounds of a state correctional institution or 2216
local correctional facility, an employee of the department of 2217
rehabilitation and correction, the department of youth services, 2218
or a probation department, or a contractor providing services to 2219
the department of rehabilitation and correction or the 2220
department of youth services)." 2221

Sec. 3923.283. (A) As used in this section, "mental health 2222
services" means evaluations to identify and services to treat 2223
mental or emotional disorders or mental illness, or to improve 2224
mental health and well-being, including services performed by 2225
any of the following: 2226

(1) A psychologist licensed under Chapter 4732. of the 2227
Revised Code; 2228

(2) A licensed professional clinical counselor, licensed 2229
professional counselor, independent social worker, or 2230
independent marriage and family therapist licensed under Chapter 2231
4757. of the Revised Code; 2232

(3) A clinical nurse specialist or certified nurse 2233
practitioner licensed under Chapter 4723. of the Revised Code 2234
whose nursing specialty is mental health. 2235

(B) Notwithstanding any contrary provision of this chapter 2236
or section 3901.71 of the Revised Code, any public employee 2237
benefit plan delivered, issued for delivery, modified, or 2238
renewed on or after January 1, 2026, shall provide coverage for 2239
the full cost of mental health services for a covered person who 2240
is any of the following: 2241

(1) An employee of the department of rehabilitation and 2242
correction or a local correctional facility; 2243

(2) The spouse or dependent of a person described in 2244
division (B)(1) of this section; 2245

(3) The surviving spouse of a deceased former employee of 2246
the department of rehabilitation and correction or a local 2247
correctional facility or the dependent of the surviving spouse. 2248

(C) A public employee benefit plan shall not impose a 2249
coverage limit, copayment, coinsurance, deductible, or other 2250
out-of-pocket expense requirement for coverage required under 2251
division (B) of this section. If a public employee benefit 2252
plan's compliance with this division would result in a covered 2253
person losing eligibility for the federal income tax deduction 2254
under 26 U.S.C. 223, for a health savings account linked to a 2255

high deductible plan, then that division applies only after the 2256
covered person has met the minimum deductible required by 2257
federal law. 2258

Sec. 5120.01. The director of rehabilitation and 2259
correction is the executive head of the department of 2260
rehabilitation and correction. All duties conferred on the 2261
various divisions and institutions of the department by law or 2262
by order of the director shall be performed under the rules and 2263
regulations that the director prescribes and shall be under the 2264
director's control. Inmates committed to the department of 2265
rehabilitation and correction shall be under the legal custody 2266
of the director or the director's designee, and the director or 2267
the director's designee shall have power to control transfers of 2268
inmates between the several state institutions included under 2269
section 5120.05 of the Revised Code. 2270

The person appointed to the position of director of 2271
rehabilitation and correction shall have an employment history 2272
that includes being employed in a security or custody role for 2273
at least five years at a state correctional institution. The 2274
director shall also have an employment history that includes 2275
being employed in any position at a high security correctional 2276
institution for at least two years. 2277

Sec. 5120.012. The director of rehabilitation and 2278
correction shall adopt rules in accordance with Chapter 119. of 2279
the Revised Code that do all of the following: 2280

(A) Require all state correctional institutions to utilize 2281
a police dog, as defined in section 2921.321 of the Revised 2282
Code, to identify contraband in visitation and housing units. On 2283
and after the effective date of this section, any police dog 2284
that is so assigned and that is trained for the purpose of 2285

identifying contraband shall be assigned exclusively to a single 2286
state correctional institution and shall belong to a breed 2287
within a list provided by the state highway patrol. The list 2288
shall be provided to the department of rehabilitation and 2289
correction within sixty days of the effective date of this 2290
section. 2291

The assignment of each police dog to high security 2292
correctional facilities shall be completed within two years of 2293
the effective date of this section and the department shall 2294
utilize the state highway patrol dog handling training and 2295
services and may contract for or provide those services if more 2296
police dog training is needed. 2297

(B) Require the entrance and exiting of contractual food 2298
workers to and from a state correctional institution be limited 2299
at the same rate and time allowed for correctional officers; 2300

(C) (1) Require all visitors, upon entering the grounds of 2301
any state correctional institution, to complete a screening that 2302
includes the following: 2303

(a) Removal of coats and jackets; 2304

(b) Storage of coats and jackets in a location not readily 2305
accessible to inmates; 2306

(c) Entrance only after walking through a security 2307
screening system. 2308

(2) Require that all visitation at high security 2309
institutions be no contact. 2310

(D) (1) Require the corrections training academy to train 2311
all incoming correctional officers to detain a contractor, 2312
visitor, or other person entering or seeking to enter a state 2313

correctional institution while in possession of contraband; 2314

(2) Require the department to allow certified correctional 2315
officers trained through the department of rehabilitation and 2316
correction training academy to detain a contractor, visitor, or 2317
person otherwise entering or attempting to enter a state 2318
correctional institution when items are discovered on the person 2319
that are prohibited inside the state correctional institution 2320
until the state highway patrol takes custody of the person. 2321

(E) Require state correctional institution operations to 2322
be managed in accordance with what is necessary for the inmate 2323
population that is assigned to the institution. 2324

It is the intent of the general assembly that the 2325
department not change the security classification system to meet 2326
the capacities of current facilities but instead manage the bed 2327
space to align with the established capacity guidelines of the 2328
security classification system. 2329

(F) Require the elimination of all higher education 2330
programs at high security state correctional institutions; 2331

(G) (1) (a) Require adherence with any sanctions imposed by 2332
the department's rules infraction board; 2333

(b) Require that inmates who violate the department's 2334
rules of behavior imposed by the department's rules infraction 2335
board, including rules prohibiting offenses of violence, 2336
threats, sexual misconduct, gang activity, and disturbances, 2337
resisting authority, disrespect, unauthorized relationships, 2338
escape and related conduct, weapons, drugs, and other related 2339
matters, shall forfeit the inmate's assigned tablet for a 2340
minimum of thirty days; 2341

(c) Require that inmates at high security institutions 2342

shall not be assigned a tablet for personal use. Inmates who are 2343
at high security institutions may only use tablets during 2344
limited time frames and on a shared basis. 2345

(d) Require that inmates at a state correctional 2346
institution who have been remanded to restrictive housing shall 2347
not be assigned a tablet for personal use. Inmates who have been 2348
remanded to restrictive housing may only use tablets during 2349
limited time frames and on a shared basis. 2350

(2) It is the intent of the general assembly to prohibit a 2351
reduction of sanctions on an inmate imposed by the rules 2352
infraction board due to limitations of space in restrictive 2353
housing or limited privilege housing. 2354

(H) Require the department to publish a detailed annual 2355
report listing every instance where the department extends an 2356
offender's incarceration under section 2967.271 of the Revised 2357
Code in each calendar year. 2358

The report shall be sent to the correctional institution 2359
inspection committee by the first day of March of each year. 2360

(I) Require all persons appointed to the position of 2361
warden to have an employment history that includes being 2362
employed in a security or custody role for at least three years 2363
at the department of rehabilitation and correction; 2364

(J) (1) Require that high security state correctional 2365
institutions only offer vocational programming to inmates who 2366
did not violate the inmate rules of conduct for twelve months 2367
prior to the beginning of the program and require inmates who 2368
join a program to refrain from violating the inmate rules of 2369
conduct for the duration of the program or be automatically 2370
removed from the program; 2371

(2) Require the department to perform a cost-benefit 2372
analysis of vocational programs at all high security 2373
institutions. The analysis shall be submitted to the 2374
correctional institution inspection committee by July 30, 2026. 2375

(K) (1) Require the department of rehabilitation and 2376
correction and the department of youth services to respond to 2377
requests for information by cooperating with the correctional 2378
institution inspection committee to the fullest extent possible; 2379

(2) Require the department of rehabilitation and 2380
correction and the department of youth services to allow the 2381
staff and legislators employed and appointed to the correctional 2382
institution inspection committee to obtain and view all 2383
requested documents. 2384

Sec. 5120.361. (A) The department of rehabilitation and 2385
correction may retain a third-party consultant firm as is 2386
reasonably necessary to assist the department in improving 2387
hiring and staff retention methods. 2388

(B) The department shall enter into a contract with each 2389
firm it hires under this section. Each contract shall include 2390
terms requiring that the firm agrees to provide a specified 2391
scope of services to the department for a specified number of 2392
hours per week for a specified number of years. 2393

Sec. 5120.491. (A) The director of rehabilitation and 2394
correction shall establish and maintain a department of 2395
rehabilitation and correction registry of sex offenders, listing 2396
inmates who violate the department's rules of behavior for 2397
sexual offenses. 2398

(B) The director shall supervise the registry and the 2399
collection and dissemination of data included in the registry. 2400

The director may enter into contracts or other agreements as 2401
necessary to maintain the registry, including data sharing 2402
contracts with data reporting entities. The director shall 2403
publish and make the data collected by the registry available to 2404
the public online for ten years after an inmate's final 2405
discharge. 2406

(C) Each employee of the department who in good faith 2407
submits a report to the registry is not liable in any cause of 2408
action arising from the submission of the report. 2409

(D) The director shall publish the reporting requirements 2410
established by this section on the department of rehabilitation 2411
and correction's web site. 2412

Sec. 5120.85. (A) As used in this section: 2413

(1) "Correction officer" means a correction officer, 2414
corporal, sergeant, lieutenant, or captain, and the equivalents 2415
of all such persons, at an institution under the control of the 2416
department of rehabilitation and correction. 2417

(2) "Killed in the line of duty" has the same meaning as 2418
in section 742.63 of the Revised Code. 2419

(B) (1) The director of rehabilitation and correction shall 2420
notify the director of administrative services when a correction 2421
officer is killed in the line of duty. On receiving the notice, 2422
the director of administrative services shall enroll the 2423
surviving spouse of the deceased correction officer in any 2424
health, medical, hospital, dental, surgical, or vision benefit 2425
the department of administrative services contracts for under 2426
section 124.82 of the Revised Code or otherwise provides for the 2427
benefit of state employees who are paid directly by warrant of 2428
the director of budget and management. Receiving benefits under 2429

this section does not make the surviving spouse a state 2430
employee. 2431

(2) A surviving spouse is ineligible to participate in a 2432
health, medical, hospital, dental, surgical, or vision benefit 2433
under division (B) (1) of this section if the spouse is either of 2434
the following: 2435

(a) An employee paid directly by warrant of the director 2436
of budget and management who is eligible to participate in those 2437
benefits pursuant to section 124.82 of the Revised Code; 2438

(b) Eligible to enroll in the medicare program established 2439
by Title XVIII of the "Social Security Act," 42 U.S.C. 1395c. 2440

(C) The department of rehabilitation and correction shall 2441
pay the department of administrative services for the total cost 2442
of a surviving spouse's health, medical, hospital, dental, 2443
surgical, or vision benefit under division (B) (1) of this 2444
section, plus any applicable administrative costs. 2445

(D) A surviving spouse who is receiving a health, medical, 2446
hospital, dental, surgical, or vision benefit under division (B) 2447
(1) of this section shall apply to the director of 2448
administrative services to participate in any health, medical, 2449
hospital, dental, surgical, or vision benefit available under 2450
section 124.824 of the Revised Code as soon as practicable after 2451
the spouse's application for a death benefit paid under section 2452
742.63 of the Revised Code is approved by the board of trustees 2453
of the Ohio police and fire pension fund. 2454

Section 2. That existing sections 121.03, 2903.01, 2455
2903.11, 2903.13, 2921.36, 2921.38, 2929.03, 2929.14, and 2456
5120.01 of the Revised Code are hereby repealed. 2457

Section 3. This act shall be known as Andy's Law. 2458

Section 4. The General Assembly, applying the principle 2459
stated in division (B) of section 1.52 of the Revised Code that 2460
amendments are to be harmonized if reasonably capable of 2461
simultaneous operation, finds that the following sections, 2462
presented in this act as composites of the sections as amended 2463
by the acts indicated, are the resulting versions of the 2464
sections in effect prior to the effective date of the sections 2465
as presented in this act: 2466

Section 2903.11 of the Revised Code as amended by both 2467
S.B. 20 and S.B. 201 of the 132nd General Assembly. 2468

Section 2929.03 of the Revised Code as amended by both 2469
H.B. 136 and S.B. 256 of the 133rd General Assembly. 2470

Section 2929.14 of the Revised Code as amended by H.B. 37, 2471
H.B. 56, H.B. 111, and S.B. 106, all of the 135th General 2472
Assembly. 2473