

As Introduced

136th General Assembly

Regular Session

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H. B. No. 457

Representatives Daniels, Williams

**Cosponsors: Representatives Barhorst, Bird, Claggett, Demetriou, Hall, T., John,
Lear, Miller, K., Workman**

To amend sections 2903.01, 2929.01, 2929.12,	1
2929.14, and 2929.22 and to enact section	2
2941.1428 of the Revised Code to create new	3
aggravated murder offenses for political	4
motivation and political victims, to create a	5
mandatory prison term for politically motivated	6
offenses of violence, and to add political	7
motivation to sentencing factors for felonies	8
and misdemeanors.	9

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

Section 1. That sections 2903.01, 2929.01, 2929.12,	10
2929.14, and 2929.22 be amended and section 2941.1428 of the	11
Revised Code be enacted to read as follows:	12

Sec. 2903.01. (A) No person shall purposely, and with	13
prior calculation and design, cause the death of another or the	14
unlawful termination of another's pregnancy.	15

(B) No person shall purposely cause the death of another	16
or the unlawful termination of another's pregnancy while	17
committing or attempting to commit, or while fleeing immediately	18
after committing or attempting to commit, kidnapping, rape,	19

aggravated arson, arson, aggravated robbery, robbery, aggravated
burglary, burglary, trespass in a habitation when a person is
present or likely to be present, terrorism, or escape.

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

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

(E) No person shall purposely cause the death of a law
enforcement officer whom the offender knows or has reasonable
cause to know is a law enforcement officer when either of the
following applies:

(1) The victim, at the time of the commission of the
offense, is engaged in the victim's duties.

(2) It is the offender's specific purpose to kill a law
enforcement officer.

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

(G) No person shall purposely cause the death of an
elected official.

(H) No person shall purposely cause the death of a another
person if the offender's motivation for the killing is based on
political affiliation, association, belief, or ideology, whether

or not the offender was mistaken as to that motivation. 48

(I) Whoever violates this section is guilty of aggravated 49
murder, and shall be punished as provided in section 2929.02 of 50
the Revised Code. 51

~~(H)~~ (J) As used in this section: 52

(1) "Detention" has the same meaning as in section 2921.01 53
of the Revised Code. 54

(2) "Law enforcement officer" has the same meaning as in 55
section 2911.01 of the Revised Code and also includes any 56
federal law enforcement officer as defined in section 2921.51 of 57
the Revised Code and anyone who has previously served as a law 58
enforcement officer or federal law enforcement officer. 59

(3) "First responder" means an emergency medical service 60
provider, a firefighter, or any other emergency response 61
personnel, or anyone who has previously served as a first 62
responder. 63

(4) "Military member" means a member of the armed forces 64
of the United States, reserves, or Ohio national guard, a 65
participant in ROTC, JROTC, or any similar military training 66
program, or anyone who has previously served in the military. 67

(5) "Elected official" means an official elected to a 68
local or statewide office. 69

Sec. 2929.01. As used in this chapter: 70

(A) (1) "Alternative residential facility" means, subject 71
to divisions (A) (2) and (3) of this section, any facility other 72
than an offender's home or residence in which an offender is 73
assigned to live and that satisfies all of the following 74
criteria: 75

(a) It provides programs through which the offender may 76
seek or maintain employment or may receive education, training, 77
treatment, or habilitation. 78

(b) It has received the appropriate license or certificate 79
for any specialized education, training, treatment, 80
habilitation, or other service that it provides from the 81
government agency that is responsible for licensing or 82
certifying that type of education, training, treatment, 83
habilitation, or service. 84

(2) "Alternative residential facility" does not include a 85
community-based correctional facility, jail, halfway house, or 86
prison. 87

(3) "Alternative residential facility" includes a 88
community alternative sentencing center or district community 89
alternative sentencing center when authorized by section 307.932 90
of the Revised Code and when the center is being used for an OVI 91
term of confinement, as defined by that section. 92

(B) "Basic probation supervision" means a requirement that 93
the offender maintain contact with a person appointed to 94
supervise the offender in accordance with sanctions imposed by 95
the court or imposed by the parole board pursuant to section 96
2967.28 of the Revised Code. "Basic probation supervision" 97
includes basic parole supervision and basic post-release control 98
supervision. 99

(C) "Cocaine," "fentanyl-related compound," "hashish," 100
"L.S.D.," and "unit dose" have the same meanings as in section 101
2925.01 of the Revised Code. 102

(D) "Community-based correctional facility" means a 103
community-based correctional facility and program or district 104

community-based correctional facility and program developed 105
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 106

(E) "Community control sanction" means a sanction that is 107
not a prison term and that is described in section 2929.15, 108
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 109
that is not a jail term and that is described in section 110
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 111
control sanction" includes probation if the sentence involved 112
was imposed for a felony that was committed prior to July 1, 113
1996, or if the sentence involved was imposed for a misdemeanor 114
that was committed prior to January 1, 2004. 115

(F) "Controlled substance," "marihuana," "schedule I," and 116
"schedule II" have the same meanings as in section 3719.01 of 117
the Revised Code. 118

(G) "Curfew" means a requirement that an offender during a 119
specified period of time be at a designated place. 120

(H) "Day reporting" means a sanction pursuant to which an 121
offender is required each day to report to and leave a center or 122
other approved reporting location at specified times in order to 123
participate in work, education or training, treatment, and other 124
approved programs at the center or outside the center. 125

(I) "Deadly weapon" has the same meaning as in section 126
2923.11 of the Revised Code. 127

(J) "Drug and alcohol use monitoring" means a program 128
under which an offender agrees to submit to random chemical 129
analysis of the offender's blood, breath, or urine to determine 130
whether the offender has ingested any alcohol or other drugs. 131

(K) "Drug treatment program" means any program under which 132
a person undergoes assessment and treatment designed to reduce 133

or completely eliminate the person's physical or emotional 134
reliance upon alcohol, another drug, or alcohol and another drug 135
and under which the person may be required to receive assessment 136
and treatment on an outpatient basis or may be required to 137
reside at a facility other than the person's home or residence 138
while undergoing assessment and treatment. 139

(L) "Economic loss" means any economic detriment suffered 140
by a victim as a direct and proximate result of the commission 141
of an offense and includes any loss of income due to lost time 142
at work because of any injury caused to the victim, any property 143
loss, medical cost, or funeral expense incurred as a result of 144
the commission of the offense, and the cost of any accounting or 145
auditing done to determine the extent of loss if the cost is 146
incurred and payable by the victim. "Economic loss" does not 147
include non-economic loss or any punitive or exemplary damages. 148

(M) "Education or training" includes study at, or in 149
conjunction with a program offered by, a university, college, or 150
technical college or vocational study and also includes the 151
completion of primary school, secondary school, and literacy 152
curricula or their equivalent. 153

(N) "Firearm" has the same meaning as in section 2923.11 154
of the Revised Code. 155

(O) "Halfway house" means a facility licensed by the 156
division of parole and community services of the department of 157
rehabilitation and correction pursuant to section 2967.14 of the 158
Revised Code as a suitable facility for the care and treatment 159
of adult offenders. 160

(P) "House arrest" means a period of confinement of an 161
offender that is in the offender's home or in other premises 162

specified by the sentencing court or by the parole board 163
pursuant to section 2967.28 of the Revised Code and during which 164
all of the following apply: 165

(1) The offender is required to remain in the offender's 166
home or other specified premises for the specified period of 167
confinement, except for periods of time during which the 168
offender is at the offender's place of employment or at other 169
premises as authorized by the sentencing court or by the parole 170
board. 171

(2) The offender is required to report periodically to a 172
person designated by the court or parole board. 173

(3) The offender is subject to any other restrictions and 174
requirements that may be imposed by the sentencing court or by 175
the parole board. 176

(Q) "Intensive probation supervision" means a requirement 177
that an offender maintain frequent contact with a person 178
appointed by the court, or by the parole board pursuant to 179
section 2967.28 of the Revised Code, to supervise the offender 180
while the offender is seeking or maintaining necessary 181
employment and participating in training, education, and 182
treatment programs as required in the court's or parole board's 183
order. "Intensive probation supervision" includes intensive 184
parole supervision and intensive post-release control 185
supervision. 186

(R) "Jail" means a jail, workhouse, minimum security jail, 187
or other residential facility used for the confinement of 188
alleged or convicted offenders that is operated by a political 189
subdivision or a combination of political subdivisions of this 190
state. 191

(S) "Jail term" means the term in a jail that a sentencing court imposes or is authorized to impose pursuant to section 2929.24 or 2929.25 of the Revised Code or pursuant to any other provision of the Revised Code that authorizes a term in a jail for a misdemeanor conviction.

(T) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) of section 1547.99 of the Revised Code, division (E) of section 2903.06 or division (D) of section 2903.08 of the Revised Code, division (F) of section 2929.24 of the Revised Code, division (B) of section 4510.14 of the Revised Code, or division (G) of section 4511.19 of the Revised Code or pursuant to any other provision of the Revised Code that requires a term in a jail for a misdemeanor conviction.

(U) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.

(V) "License violation report" means a report that is made by a sentencing court, or by the parole board pursuant to section 2967.28 of the Revised Code, to the regulatory or licensing board or agency that issued an offender a professional license or a license or permit to do business in this state and that specifies that the offender has been convicted of or pleaded guilty to an offense that may violate the conditions under which the offender's professional license or license or permit to do business in this state was granted or an offense for which the offender's professional license or license or permit to do business in this state may be revoked or suspended.

(W) "Major drug offender" means an offender who is convicted of or pleads guilty to the possession of, sale of, or offer to sell any drug, compound, mixture, preparation, or

substance that consists of or contains at least one thousand 222
grams of hashish; at least one hundred grams of cocaine; at 223
least one thousand unit doses or one hundred grams of heroin; at 224
least five thousand unit doses of L.S.D. or five hundred grams 225
of L.S.D. in a liquid concentrate, liquid extract, or liquid 226
distillate form; at least fifty grams of a controlled substance 227
analog; at least one thousand unit doses or one hundred grams of 228
a fentanyl-related compound; or at least one hundred times the 229
amount of any other schedule I or II controlled substance other 230
than marihuana that is necessary to commit a felony of the third 231
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 232
of the Revised Code that is based on the possession of, sale of, 233
or offer to sell the controlled substance. 234

(X) "Mandatory prison term" means any of the following: 235

(1) Subject to division (X) (2) of this section, the term 236
in prison that must be imposed for the offenses or circumstances 237
set forth in divisions (F) (1) to (8) or (F) (12) to (21) of 238
section 2929.13 and division (B) of section 2929.14 of the 239
Revised Code. Except as provided in sections 2925.02, 2925.03, 240
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 241
maximum or another specific term is required under section 242
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 243
described in this division may be any prison term authorized for 244
the level of offense except that if the offense is a felony of 245
the first or second degree committed on or after March 22, 2019, 246
a mandatory prison term described in this division may be one of 247
the terms prescribed in division (A) (1) (a) or (2) (a) of section 248
2929.14 of the Revised Code, whichever is applicable, that is 249
authorized as the minimum term for the offense. 250

(2) The term of sixty or one hundred twenty days in prison 251

that a sentencing court is required to impose for a third or 252
fourth degree felony OVI offense pursuant to division (G) (2) of 253
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 254
of the Revised Code or the term of one, two, three, four, or 255
five years in prison that a sentencing court is required to 256
impose pursuant to division (G) (2) of section 2929.13 of the 257
Revised Code. 258

(3) The term in prison imposed pursuant to division (A) of 259
section 2971.03 of the Revised Code for the offenses and in the 260
circumstances described in division (F) (11) of section 2929.13 261
of the Revised Code or pursuant to division (B) (1) (a), (b), or 262
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 263
section 2971.03 of the Revised Code and that term as modified or 264
terminated pursuant to section 2971.05 of the Revised Code. 265

(Y) "Monitored time" means a period of time during which 266
an offender continues to be under the control of the sentencing 267
court or parole board, subject to no conditions other than 268
leading a law-abiding life. 269

(Z) "Offender" means a person who, in this state, is 270
convicted of or pleads guilty to a felony or a misdemeanor. 271

(AA) "Prison" means a residential facility used for the 272
confinement of convicted felony offenders that is under the 273
control of the department of rehabilitation and correction and 274
includes a violation sanction center operated under authority of 275
section 2967.141 of the Revised Code. 276

(BB) (1) "Prison term" includes either of the following 277
sanctions for an offender: 278

(a) A stated prison term; 279

(b) A term in a prison shortened by, or with the approval 280

of, the sentencing court pursuant to section 2929.143, 2929.20, 281
5120.031, 5120.032, or 5120.073 of the Revised Code or shortened 282
pursuant to section 2967.26 of the Revised Code. 283

(2) With respect to a non-life felony indefinite prison 284
term, references in any provision of law to a reduction of, or 285
deduction from, the prison term mean a reduction in, or 286
deduction from, the minimum term imposed as part of the 287
indefinite term. 288

(CC) "Repeat violent offender" means a person about whom 289
both of the following apply: 290

(1) The person is being sentenced for committing or for 291
complicity in committing any of the following: 292

(a) Aggravated murder, murder, any felony of the first or 293
second degree that is an offense of violence, or an attempt to 294
commit any of these offenses if the attempt is a felony of the 295
first or second degree; 296

(b) An offense under an existing or former law of this 297
state, another state, or the United States that is or was 298
substantially equivalent to an offense described in division 299
(CC) (1) (a) of this section. 300

(2) The person previously was convicted of or pleaded 301
guilty to an offense described in division (CC) (1) (a) or (b) of 302
this section. 303

(DD) "Sanction" means any penalty imposed upon an offender 304
who is convicted of or pleads guilty to an offense, as 305
punishment for the offense. "Sanction" includes any sanction 306
imposed pursuant to any provision of sections 2929.14 to 2929.18 307
or 2929.24 to 2929.28 of the Revised Code. 308

(EE) "Sentence" means the sanction or combination of 309
sanctions imposed by the sentencing court on an offender who is 310
convicted of or pleads guilty to an offense. 311

(FF) (1) "Stated prison term" means the prison term, 312
mandatory prison term, or combination of all prison terms and 313
mandatory prison terms imposed by the sentencing court pursuant 314
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 315
under section 2919.25 of the Revised Code. "Stated prison term" 316
includes any credit received by the offender for time spent in 317
jail awaiting trial, sentencing, or transfer to prison for the 318
offense and any time spent under house arrest or house arrest 319
with electronic monitoring imposed after earning credits 320
pursuant to section 2967.193 or 2967.194 of the Revised Code. If 321
an offender is serving a prison term as a risk reduction 322
sentence under sections 2929.143 and 5120.036 of the Revised 323
Code, "stated prison term" includes any period of time by which 324
the prison term imposed upon the offender is shortened by the 325
offender's successful completion of all assessment and treatment 326
or programming pursuant to those sections. 327

(2) As used in the definition of "stated prison term" set 328
forth in division (FF) (1) of this section, a prison term is a 329
definite prison term imposed under section 2929.14 of the 330
Revised Code or any other provision of law, is the minimum and 331
maximum prison terms under a non-life felony indefinite prison 332
term, or is a term of life imprisonment except to the extent 333
that the use of that definition in a section of the Revised Code 334
clearly is not intended to include a term of life imprisonment. 335
With respect to an offender sentenced to a non-life felony 336
indefinite prison term, references in section 2967.191, 337
2967.193, or 2967.194 of the Revised Code or any other provision 338
of law to a reduction of, or deduction from, the offender's 339

stated prison term or to release of the offender before the 340
expiration of the offender's stated prison term mean a reduction 341
in, or deduction from, the minimum term imposed as part of the 342
indefinite term or a release of the offender before the 343
expiration of that minimum term, references in section 2929.19 344
or 2967.28 of the Revised Code to a stated prison term with 345
respect to a prison term imposed for a violation of a post- 346
release control sanction mean the minimum term so imposed, and 347
references in any provision of law to an offender's service of 348
the offender's stated prison term or the expiration of the 349
offender's stated prison term mean service or expiration of the 350
minimum term so imposed plus any additional period of 351
incarceration under the sentence that is required under section 352
2967.271 of the Revised Code. 353

(GG) "Victim-offender mediation" means a reconciliation or 354
mediation program that involves an offender and the victim of 355
the offense committed by the offender and that includes a 356
meeting in which the offender and the victim may discuss the 357
offense, discuss restitution, and consider other sanctions for 358
the offense. 359

(HH) "Fourth degree felony OVI offense" means a violation 360
of division (A) of section 4511.19 of the Revised Code that, 361
under division (G) of that section, is a felony of the fourth 362
degree. 363

(II) "Mandatory term of local incarceration" means the 364
term of sixty or one hundred twenty days in a jail, a community- 365
based correctional facility, a halfway house, or an alternative 366
residential facility that a sentencing court may impose upon a 367
person who is convicted of or pleads guilty to a fourth degree 368
felony OVI offense pursuant to division (G) (1) of section 369

2929.13 of the Revised Code and division (G) (1) (d) or (e) of 370
section 4511.19 of the Revised Code. 371

(JJ) "Designated homicide, assault, or kidnapping 372
offense," "violent sex offense," "sexual motivation 373
specification," "sexually violent offense," "sexually violent 374
predator," and "sexually violent predator specification" have 375
the same meanings as in section 2971.01 of the Revised Code. 376

(KK) "Sexually oriented offense," "child-victim oriented 377
offense," and "tier III sex offender/child-victim offender" have 378
the same meanings as in section 2950.01 of the Revised Code. 379

(LL) An offense is "committed in the vicinity of a child" 380
if the offender commits the offense within thirty feet of or 381
within the same residential unit as a child who is under 382
eighteen years of age, regardless of whether the offender knows 383
the age of the child or whether the offender knows the offense 384
is being committed within thirty feet of or within the same 385
residential unit as the child and regardless of whether the 386
child actually views the commission of the offense. 387

(MM) "Family or household member" has the same meaning as 388
in section 2919.25 of the Revised Code. 389

(NN) "Motor vehicle" and "manufactured home" have the same 390
meanings as in section 4501.01 of the Revised Code. 391

(OO) "Detention" and "detention facility" have the same 392
meanings as in section 2921.01 of the Revised Code. 393

(PP) "Third degree felony OVI offense" means a violation 394
of division (A) of section 4511.19 of the Revised Code that, 395
under division (G) of that section, is a felony of the third 396
degree. 397

(QQ) "Random drug testing" has the same meaning as in 398
section 5120.63 of the Revised Code. 399

(RR) "Felony sex offense" has the same meaning as in 400
section 2967.28 of the Revised Code. 401

(SS) "Body armor" has the same meaning as in section 402
2941.1411 of the Revised Code. 403

(TT) "Electronic monitoring" means monitoring through the 404
use of an electronic monitoring device. 405

(UU) "Electronic monitoring device" means any of the 406
following: 407

(1) Any device that can be operated by electrical or 408
battery power and that conforms with all of the following: 409

(a) The device has a transmitter that can be attached to a 410
person, that will transmit a specified signal to a receiver of 411
the type described in division (UU)(1)(b) of this section if the 412
transmitter is removed from the person, turned off, or altered 413
in any manner without prior court approval in relation to 414
electronic monitoring or without prior approval of the 415
department of rehabilitation and correction in relation to the 416
use of an electronic monitoring device for an inmate on 417
transitional control or otherwise is tampered with, that can 418
transmit continuously and periodically a signal to that receiver 419
when the person is within a specified distance from the 420
receiver, and that can transmit an appropriate signal to that 421
receiver if the person to whom it is attached travels a 422
specified distance from that receiver. 423

(b) The device has a receiver that can receive 424
continuously the signals transmitted by a transmitter of the 425
type described in division (UU)(1)(a) of this section, can 426

transmit continuously those signals by a wireless or landline 427
telephone connection to a central monitoring computer of the 428
type described in division (UU) (1) (c) of this section, and can 429
transmit continuously an appropriate signal to that central 430
monitoring computer if the device has been turned off or altered 431
without prior court approval or otherwise tampered with. The 432
device is designed specifically for use in electronic 433
monitoring, is not a converted wireless phone or another 434
tracking device that is clearly not designed for electronic 435
monitoring, and provides a means of text-based or voice 436
communication with the person. 437

(c) The device has a central monitoring computer that can 438
receive continuously the signals transmitted by a wireless or 439
landline telephone connection by a receiver of the type 440
described in division (UU) (1) (b) of this section and can monitor 441
continuously the person to whom an electronic monitoring device 442
of the type described in division (UU) (1) (a) of this section is 443
attached. 444

(2) Any device that is not a device of the type described 445
in division (UU) (1) of this section and that conforms with all 446
of the following: 447

(a) The device includes a transmitter and receiver that 448
can monitor and determine the location of a subject person at 449
any time, or at a designated point in time, through the use of a 450
central monitoring computer or through other electronic means. 451

(b) The device includes a transmitter and receiver that 452
can determine at any time, or at a designated point in time, 453
through the use of a central monitoring computer or other 454
electronic means the fact that the transmitter is turned off or 455
altered in any manner without prior approval of the court in 456

relation to the electronic monitoring or without prior approval 457
of the department of rehabilitation and correction in relation 458
to the use of an electronic monitoring device for an inmate on 459
transitional control or otherwise is tampered with. 460

(3) Any type of technology that can adequately track or 461
determine the location of a subject person at any time and that 462
is approved by the director of rehabilitation and correction, 463
including, but not limited to, any satellite technology, voice 464
tracking system, or retinal scanning system that is so approved. 465

(VV) "Non-economic loss" means nonpecuniary harm suffered 466
by a victim of an offense as a result of or related to the 467
commission of the offense, including, but not limited to, pain 468
and suffering; loss of society, consortium, companionship, care, 469
assistance, attention, protection, advice, guidance, counsel, 470
instruction, training, or education; mental anguish; and any 471
other intangible loss. 472

(WW) "Prosecutor" has the same meaning as in section 473
2935.01 of the Revised Code. 474

(XX) "Continuous alcohol monitoring" means the ability to 475
automatically test and periodically transmit alcohol consumption 476
levels and tamper attempts at least every hour, regardless of 477
the location of the person who is being monitored. 478

(YY) A person is "adjudicated a sexually violent predator" 479
if the person is convicted of or pleads guilty to a violent sex 480
offense and also is convicted of or pleads guilty to a sexually 481
violent predator specification that was included in the 482
indictment, count in the indictment, or information charging 483
that violent sex offense or if the person is convicted of or 484
pleads guilty to a designated homicide, assault, or kidnapping 485

offense and also is convicted of or pleads guilty to both a 486
sexual motivation specification and a sexually violent predator 487
specification that were included in the indictment, count in the 488
indictment, or information charging that designated homicide, 489
assault, or kidnapping offense. 490

(ZZ) An offense is "committed in proximity to a school" if 491
the offender commits the offense in a school safety zone or 492
within five hundred feet of any school building or the 493
boundaries of any school premises, regardless of whether the 494
offender knows the offense is being committed in a school safety 495
zone or within five hundred feet of any school building or the 496
boundaries of any school premises. 497

(AAA) "Human trafficking" means a scheme or plan to which 498
all of the following apply: 499

(1) Its object is one or both of the following: 500

(a) To subject a victim or victims to involuntary 501
servitude, as defined in section 2905.31 of the Revised Code or 502
to compel a victim or victims to engage in sexual activity for 503
hire, to engage in a performance that is obscene, sexually 504
oriented, or nudity oriented, or to be a model or participant in 505
the production of material that is obscene, sexually oriented, 506
or nudity oriented; 507

(b) To facilitate, encourage, or recruit a victim who is a 508
minor or is a person with a developmental disability, or victims 509
who are minors or are persons with developmental disabilities, 510
for any purpose listed in divisions (A)(2)(a) to (c) of section 511
2905.32 of the Revised Code. 512

(2) It involves at least two felony offenses, whether or 513
not there has been a prior conviction for any of the felony 514

offenses, to which all of the following apply: 515

(a) Each of the felony offenses is a violation of section 516
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 517
division (A) (1) or (2) of section 2907.323, or division (B) (1), 518
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 519
is a violation of a law of any state other than this state that 520
is substantially similar to any of the sections or divisions of 521
the Revised Code identified in this division. 522

(b) At least one of the felony offenses was committed in 523
this state. 524

(c) The felony offenses are related to the same scheme or 525
plan and are not isolated instances. 526

(BBB) "Material," "nudity," "obscene," "performance," and 527
"sexual activity" have the same meanings as in section 2907.01 528
of the Revised Code. 529

(CCC) "Material that is obscene, sexually oriented, or 530
nudity oriented" means any material that is obscene, that shows 531
a person participating or engaging in sexual activity, 532
masturbation, or bestiality, or that shows a person in a state 533
of nudity. 534

(DDD) "Performance that is obscene, sexually oriented, or 535
nudity oriented" means any performance that is obscene, that 536
shows a person participating or engaging in sexual activity, 537
masturbation, or bestiality, or that shows a person in a state 538
of nudity. 539

(EEE) "Accelerant" means a fuel or oxidizing agent, such 540
as an ignitable liquid, used to initiate a fire or increase the 541
rate of growth or spread of a fire. 542

(FFF) "Permanent disabling harm" means serious physical 543
harm that results in permanent injury to the intellectual, 544
physical, or sensory functions and that permanently and 545
substantially impairs a person's ability to meet one or more of 546
the ordinary demands of life, including the functions of caring 547
for one's self, performing manual tasks, walking, seeing, 548
hearing, speaking, breathing, learning, and working. 549

(GGG) "Non-life felony indefinite prison term" means a 550
prison term imposed under division (A) (1) (a) or (2) (a) of 551
section 2929.14 and section 2929.144 of the Revised Code for a 552
felony of the first or second degree committed on or after March 553
22, 2019. 554

(HHH) "Biological sex" means the biological indication of 555
male and female, including sex chromosomes, naturally occurring 556
sex hormones, gonads, and nonambiguous internal and external 557
genitalia present at birth, without regard to an individual's 558
psychological, chosen, or subjective experience of gender. 559

Sec. 2929.12. (A) Unless otherwise required by section 560
2929.13 or 2929.14 of the Revised Code, a court that imposes a 561
sentence under this chapter upon an offender for a felony has 562
discretion to determine the most effective way to comply with 563
the purposes and principles of sentencing set forth in section 564
2929.11 of the Revised Code. In exercising that discretion, the 565
court shall consider the factors set forth in divisions (B) and 566
(C) of this section relating to the seriousness of the conduct, 567
the factors provided in divisions (D) and (E) of this section 568
relating to the likelihood of the offender's recidivism, the 569
factors set forth in division (F) of this section pertaining to 570
the offender's service in the armed forces of the United States, 571
and the factors set forth in division (G) of this section 572

relating to Alford pleas and, in addition, may consider any 573
other factors that are relevant to achieving those purposes and 574
principles of sentencing. 575

(B) The sentencing court shall consider all of the 576
following that apply regarding the offender, the offense, or the 577
victim, and any other relevant factors, as indicating that the 578
offender's conduct is more serious than conduct normally 579
constituting the offense: 580

(1) The physical or mental injury suffered by the victim 581
of the offense due to the conduct of the offender was 582
exacerbated because of the physical or mental condition or age 583
of the victim. 584

(2) The victim of the offense suffered serious physical, 585
psychological, or economic harm, including serious physical harm 586
the victim caused to the victim's self, as a result of the 587
offense. 588

(3) The victim died by suicide as a result of the offense. 589

(4) The offender held a public office or position of trust 590
in the community, and the offense related to that office or 591
position. 592

(5) The offender's occupation, elected office, or 593
profession obliged the offender to prevent the offense or bring 594
others committing it to justice. 595

(6) The offender's professional reputation or occupation, 596
elected office, or profession was used to facilitate the offense 597
or is likely to influence the future conduct of others. 598

(7) The offender's relationship with the victim 599
facilitated the offense. 600

(8) The offender committed the offense for hire or as a 601
part of an organized criminal activity. 602

(9) In committing the offense, the offender was motivated 603
by prejudice based on race, ethnic background, gender, sexual 604
orientation, or religion. 605

(10) If the offense is a violation of section 2919.25 or a 606
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 607
Code involving a person who was a family or household member at 608
the time of the violation, the offender committed the offense in 609
the vicinity of one or more children who are not victims of the 610
offense, and the offender or the victim of the offense is a 611
parent, guardian, custodian, or person in loco parentis of one 612
or more of those children. 613

(11) Whether the offender was motivated to commit the 614
offense by the race, religion, elected or appointed position, 615
political affiliation, political association, or biological sex 616
of the victim. 617

(C) The sentencing court shall consider all of the 618
following that apply regarding the offender, the offense, or the 619
victim, and any other relevant factors, as indicating that the 620
offender's conduct is less serious than conduct normally 621
constituting the offense: 622

(1) The victim induced or facilitated the offense. 623

(2) In committing the offense, the offender acted under 624
strong provocation. 625

(3) In committing the offense, the offender did not cause 626
or expect to cause physical harm to any person or property. 627

(4) There are substantial grounds to mitigate the 628

offender's conduct, although the grounds are not enough to 629
constitute a defense. 630

(D) The sentencing court shall consider all of the 631
following that apply regarding the offender, and any other 632
relevant factors, as factors indicating that the offender is 633
likely to commit future crimes: 634

(1) At the time of committing the offense, the offender 635
was under release from confinement before trial or sentencing; 636
was under a sanction imposed pursuant to section 2929.16, 637
2929.17, or 2929.18 of the Revised Code; was under post-release 638
control pursuant to section 2967.28 or any other provision of 639
the Revised Code for an earlier offense or had been unfavorably 640
terminated from post-release control for a prior offense 641
pursuant to division (B) of section 2967.16 or section 2929.141 642
of the Revised Code; was under transitional control in 643
connection with a prior offense; or had absconded from the 644
offender's approved community placement resulting in the 645
offender's removal from the transitional control program under 646
section 2967.26 of the Revised Code. 647

(2) The offender previously was adjudicated a delinquent 648
child pursuant to Chapter 2151. of the Revised Code prior to 649
January 1, 2002, or pursuant to Chapter 2152. of the Revised 650
Code, or the offender has a history of criminal convictions. 651

(3) The offender has not been rehabilitated to a 652
satisfactory degree after previously being adjudicated a 653
delinquent child pursuant to Chapter 2151. of the Revised Code 654
prior to January 1, 2002, or pursuant to Chapter 2152. of the 655
Revised Code, or the offender has not responded favorably to 656
sanctions previously imposed for criminal convictions. 657

(4) The offender has demonstrated a pattern of drug or 658
alcohol abuse that is related to the offense, and the offender 659
refuses to acknowledge that the offender has demonstrated that 660
pattern, or the offender refuses treatment for the drug or 661
alcohol abuse. 662

(5) The offender shows no genuine remorse for the offense. 663

(E) The sentencing court shall consider all of the 664
following that apply regarding the offender, and any other 665
relevant factors, as factors indicating that the offender is not 666
likely to commit future crimes: 667

(1) Prior to committing the offense, the offender had not 668
been adjudicated a delinquent child. 669

(2) Prior to committing the offense, the offender had not 670
been convicted of or pleaded guilty to a criminal offense. 671

(3) Prior to committing the offense, the offender had led 672
a law-abiding life for a significant number of years. 673

(4) The offense was committed under circumstances not 674
likely to recur. 675

(5) Except as provided in division (G) of this section, 676
the offender shows genuine remorse for the offense. 677

(F) The sentencing court shall consider the offender's 678
military service record and whether the offender has an 679
emotional, mental, or physical condition that is traceable to 680
the offender's service in the armed forces of the United States 681
and that was a contributing factor in the offender's commission 682
of the offense or offenses. 683

(G) If the offender enters an Alford plea, the sentencing 684
court shall not consider whether the offender showed genuine 685

remorse for the offense.

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

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

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

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(2) (a) For a felony of the second degree committed on or
after March 22, 2019, the prison term shall be an indefinite

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prison term with a stated minimum term selected by the court of 716
two, three, four, five, six, seven, or eight years and a maximum 717
term that is determined pursuant to section 2929.144 of the 718
Revised Code, except that if the section that criminalizes the 719
conduct constituting the felony specifies a different minimum 720
term or penalty for the offense, the specific language of that 721
section shall control in determining the minimum term or 722
otherwise sentencing the offender but the minimum term or 723
sentence imposed under that specific language shall be 724
considered for purposes of the Revised Code as if it had been 725
imposed under this division. 726

(b) For a felony of the second degree committed prior to 727
March 22, 2019, the prison term shall be a definite term of two, 728
three, four, five, six, seven, or eight years. 729

(3) (a) For a felony of the third degree that is a 730
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 731
2907.05, 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of 732
the Revised Code, that is a violation of division (A) of section 733
4511.19 of the Revised Code if the offender previously has been 734
convicted of or pleaded guilty to a violation of division (A) of 735
that section that was a felony, that is a violation of section 736
2911.02 or 2911.12 of the Revised Code if the offender 737
previously has been convicted of or pleaded guilty in two or 738
more separate proceedings to two or more violations of section 739
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 740
that is a violation of division (B) of section 2921.331 of the 741
Revised Code if division (C) (5) of that section applies, the 742
prison term shall be a definite term of twelve, eighteen, 743
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 744
four, or sixty months. 745

(b) For a felony of the third degree that is not an 746
offense for which division (A) (3) (a) of this section applies, 747
the prison term shall be a definite term of nine, twelve, 748
eighteen, twenty-four, thirty, or thirty-six months. 749

(4) For a felony of the fourth degree, the prison term 750
shall be a definite term of six, seven, eight, nine, ten, 751
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 752
or eighteen months. 753

(5) For a felony of the fifth degree, the prison term 754
shall be a definite term of six, seven, eight, nine, ten, 755
eleven, or twelve months. 756

(B) (1) (a) Except as provided in division (B) (1) (e) of this 757
section, if an offender who is convicted of or pleads guilty to 758
a felony also is convicted of or pleads guilty to a 759
specification of the type described in section 2941.141, 760
2941.144, or 2941.145 of the Revised Code, the court shall 761
impose on the offender one of the following prison terms: 762

(i) A prison term of six years if the specification is of 763
the type described in division (A) of section 2941.144 of the 764
Revised Code that charges the offender with having a firearm 765
that is an automatic firearm or that was equipped with a firearm 766
muffler or suppressor on or about the offender's person or under 767
the offender's control while committing the offense; 768

(ii) A prison term of three years if the specification is 769
of the type described in division (A) of section 2941.145 of the 770
Revised Code that charges the offender with having a firearm on 771
or about the offender's person or under the offender's control 772
while committing the offense and displaying the firearm, 773
brandishing the firearm, indicating that the offender possessed 774

the firearm, or using it to facilitate the offense; 775

(iii) A prison term of one year if the specification is of 776
the type described in division (A) of section 2941.141 of the 777
Revised Code that charges the offender with having a firearm on 778
or about the offender's person or under the offender's control 779
while committing the offense; 780

(iv) A prison term of nine years if the specification is 781
of the type described in division (D) of section 2941.144 of the 782
Revised Code that charges the offender with having a firearm 783
that is an automatic firearm or that was equipped with a firearm 784
muffler or suppressor on or about the offender's person or under 785
the offender's control while committing the offense and 786
specifies that the offender previously has been convicted of or 787
pleaded guilty to a specification of the type described in 788
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 789
the Revised Code; 790

(v) A prison term of fifty-four months if the 791
specification is of the type described in division (D) of 792
section 2941.145 of the Revised Code that charges the offender 793
with having a firearm on or about the offender's person or under 794
the offender's control while committing the offense and 795
displaying the firearm, brandishing the firearm, indicating that 796
the offender possessed the firearm, or using the firearm to 797
facilitate the offense and that the offender previously has been 798
convicted of or pleaded guilty to a specification of the type 799
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 800
2941.1412 of the Revised Code; 801

(vi) A prison term of eighteen months if the specification 802
is of the type described in division (D) of section 2941.141 of 803
the Revised Code that charges the offender with having a firearm 804

on or about the offender's person or under the offender's 805
control while committing the offense and that the offender 806
previously has been convicted of or pleaded guilty to a 807
specification of the type described in section 2941.141, 808
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 809

(b) If a court imposes a prison term on an offender under 810
division (B)(1)(a) of this section, the prison term shall not be 811
reduced pursuant to section 2929.20, division (A)(2) or (3) of 812
section 2967.193 or 2967.194, or any other provision of Chapter 813
2967. or Chapter 5120. of the Revised Code. Except as provided 814
in division (B)(1)(g) of this section, a court shall not impose 815
more than one prison term on an offender under division (B)(1) 816
(a) of this section for felonies committed as part of the same 817
act or transaction. 818

(c)(i) Except as provided in division (B)(1)(e) of this 819
section, if an offender who is convicted of or pleads guilty to 820
a violation of section 2923.161 of the Revised Code or to a 821
felony that includes, as an essential element, purposely or 822
knowingly causing or attempting to cause the death of or 823
physical harm to another, also is convicted of or pleads guilty 824
to a specification of the type described in division (A) of 825
section 2941.146 of the Revised Code that charges the offender 826
with committing the offense by discharging a firearm from a 827
motor vehicle other than a manufactured home, the court, after 828
imposing a prison term on the offender for the violation of 829
section 2923.161 of the Revised Code or for the other felony 830
offense under division (A), (B)(2), or (B)(3) of this section, 831
shall impose an additional prison term of five years upon the 832
offender that shall not be reduced pursuant to section 2929.20, 833
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 834
other provision of Chapter 2967. or Chapter 5120. of the Revised 835

Code. 836

(ii) Except as provided in division (B)(1)(e) of this 837
section, if an offender who is convicted of or pleads guilty to 838
a violation of section 2923.161 of the Revised Code or to a 839
felony that includes, as an essential element, purposely or 840
knowingly causing or attempting to cause the death of or 841
physical harm to another, also is convicted of or pleads guilty 842
to a specification of the type described in division (C) of 843
section 2941.146 of the Revised Code that charges the offender 844
with committing the offense by discharging a firearm from a 845
motor vehicle other than a manufactured home and that the 846
offender previously has been convicted of or pleaded guilty to a 847
specification of the type described in section 2941.141, 848
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 849
the court, after imposing a prison term on the offender for the 850
violation of section 2923.161 of the Revised Code or for the 851
other felony offense under division (A), (B)(2), or (3) of this 852
section, shall impose an additional prison term of ninety months 853
upon the offender that shall not be reduced pursuant to section 854
2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 855
or any other provision of Chapter 2967. or Chapter 5120. of the 856
Revised Code. 857

(iii) A court shall not impose more than one additional 858
prison term on an offender under division (B)(1)(c) of this 859
section for felonies committed as part of the same act or 860
transaction. If a court imposes an additional prison term on an 861
offender under division (B)(1)(c) of this section relative to an 862
offense, the court also shall impose a prison term under 863
division (B)(1)(a) of this section relative to the same offense, 864
provided the criteria specified in that division for imposing an 865
additional prison term are satisfied relative to the offender 866

and the offense.

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

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(e) The court shall not impose any of the prison terms
described in division (B)(1)(a) of this section or any of the
additional prison terms described in division (B)(1)(c) of this
section upon an offender for a violation of section 2923.12 or
2923.123 of the Revised Code. The court shall not impose any of
the prison terms described in division (B)(1)(a) or (b) of this
section upon an offender for a violation of section 2923.122
that involves a deadly weapon that is a firearm other than a
dangerous ordnance, section 2923.16, or section 2923.121 of the
Revised Code. The court shall not impose any of the prison terms
described in division (B)(1)(a) of this section or any of the
additional prison terms described in division (B)(1)(c) of this
section upon an offender for a violation of section 2923.13 of
the Revised Code unless all of the following apply:

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(i) The offender previously has been convicted of 898
aggravated murder, murder, or any felony of the first or second 899
degree. 900

(ii) Less than five years have passed since the offender 901
was released from prison or post-release control, whichever is 902
later, for the prior offense. 903

(f) (i) If an offender is convicted of or pleads guilty to 904
a felony that includes, as an essential element, causing or 905
attempting to cause the death of or physical harm to another and 906
also is convicted of or pleads guilty to a specification of the 907
type described in division (A) of section 2941.1412 of the 908
Revised Code that charges the offender with committing the 909
offense by discharging a firearm at a peace officer as defined 910
in section 2935.01 of the Revised Code or a corrections officer, 911
as defined in section 2941.1412 of the Revised Code, the court, 912
after imposing a prison term on the offender for the felony 913
offense under division (A), (B) (2), or (B) (3) of this section, 914
shall impose an additional prison term of seven years upon the 915
offender that shall not be reduced pursuant to section 2929.20, 916
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 917
other provision of Chapter 2967. or Chapter 5120. of the Revised 918
Code. 919

(ii) If an offender is convicted of or pleads guilty to a 920
felony that includes, as an essential element, causing or 921
attempting to cause the death of or physical harm to another and 922
also is convicted of or pleads guilty to a specification of the 923
type described in division (B) of section 2941.1412 of the 924
Revised Code that charges the offender with committing the 925
offense by discharging a firearm at a peace officer, as defined 926
in section 2935.01 of the Revised Code, or a corrections 927

officer, as defined in section 2941.1412 of the Revised Code, 928
and that the offender previously has been convicted of or 929
pleaded guilty to a specification of the type described in 930
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 931
the Revised Code, the court, after imposing a prison term on the 932
offender for the felony offense under division (A), (B) (2), or 933
(3) of this section, shall impose an additional prison term of 934
one hundred twenty-six months upon the offender that shall not 935
be reduced pursuant to section 2929.20, division (A) (2) or (3) 936
of section 2967.193 or 2967.194, or any other provision of 937
Chapter 2967. or 5120. of the Revised Code. 938

(iii) If an offender is convicted of or pleads guilty to 939
two or more felonies that include, as an essential element, 940
causing or attempting to cause the death or physical harm to 941
another and also is convicted of or pleads guilty to a 942
specification of the type described under division (B) (1) (f) of 943
this section in connection with two or more of the felonies of 944
which the offender is convicted or to which the offender pleads 945
guilty, the sentencing court shall impose on the offender the 946
prison term specified under division (B) (1) (f) of this section 947
for each of two of the specifications of which the offender is 948
convicted or to which the offender pleads guilty and, in its 949
discretion, also may impose on the offender the prison term 950
specified under that division for any or all of the remaining 951
specifications. If a court imposes an additional prison term on 952
an offender under division (B) (1) (f) of this section relative to 953
an offense, the court shall not impose a prison term under 954
division (B) (1) (a) or (c) of this section relative to the same 955
offense. 956

(g) If an offender is convicted of or pleads guilty to two 957
or more felonies, if one or more of those felonies are 958

aggravated murder, murder, attempted aggravated murder, 959
attempted murder, aggravated robbery, felonious assault, or 960
rape, and if the offender is convicted of or pleads guilty to a 961
specification of the type described under division (B)(1)(a) of 962
this section in connection with two or more of the felonies, the 963
sentencing court shall impose on the offender the prison term 964
specified under division (B)(1)(a) of this section for each of 965
the two most serious specifications of which the offender is 966
convicted or to which the offender pleads guilty and, in its 967
discretion, also may impose on the offender the prison term 968
specified under that division for any or all of the remaining 969
specifications. 970

(2)(a) If division (B)(2)(b) of this section does not 971
apply, the court may impose on an offender, in addition to the 972
longest prison term authorized or required for the offense or, 973
for offenses for which division (A)(1)(a) or (2)(a) of this 974
section applies, in addition to the longest minimum prison term 975
authorized or required for the offense, an additional definite 976
prison term of one, two, three, four, five, six, seven, eight, 977
nine, or ten years if all of the following criteria are met: 978

(i) The offender is convicted of or pleads guilty to a 979
specification of the type described in section 2941.149 of the 980
Revised Code that the offender is a repeat violent offender. 981

(ii) The offense of which the offender currently is 982
convicted or to which the offender currently pleads guilty is 983
aggravated murder and the court does not impose a sentence of 984
death or life imprisonment without parole, murder, terrorism and 985
the court does not impose a sentence of life imprisonment 986
without parole, any felony of the first degree that is an 987
offense of violence and the court does not impose a sentence of 988

life imprisonment without parole, or any felony of the second 989
degree that is an offense of violence and the trier of fact 990
finds that the offense involved an attempt to cause or a threat 991
to cause serious physical harm to a person or resulted in 992
serious physical harm to a person. 993

(iii) The court imposes the longest prison term for the 994
offense or the longest minimum prison term for the offense, 995
whichever is applicable, that is not life imprisonment without 996
parole. 997

(iv) The court finds that the prison terms imposed 998
pursuant to division (B)(2)(a)(iii) of this section and, if 999
applicable, division (B)(1) or (3) of this section are 1000
inadequate to punish the offender and protect the public from 1001
future crime, because the applicable factors under section 1002
2929.12 of the Revised Code indicating a greater likelihood of 1003
recidivism outweigh the applicable factors under that section 1004
indicating a lesser likelihood of recidivism. 1005

(v) The court finds that the prison terms imposed pursuant 1006
to division (B)(2)(a)(iii) of this section and, if applicable, 1007
division (B)(1) or (3) of this section are demeaning to the 1008
seriousness of the offense, because one or more of the factors 1009
under section 2929.12 of the Revised Code indicating that the 1010
offender's conduct is more serious than conduct normally 1011
constituting the offense are present, and they outweigh the 1012
applicable factors under that section indicating that the 1013
offender's conduct is less serious than conduct normally 1014
constituting the offense. 1015

(b) The court shall impose on an offender the longest 1016
prison term authorized or required for the offense or, for 1017
offenses for which division (A)(1)(a) or (2)(a) of this section 1018

applies, the longest minimum prison term authorized or required 1019
for the offense, and shall impose on the offender an additional 1020
definite prison term of one, two, three, four, five, six, seven, 1021
eight, nine, or ten years if all of the following criteria are 1022
met: 1023

(i) The offender is convicted of or pleads guilty to a 1024
specification of the type described in section 2941.149 of the 1025
Revised Code that the offender is a repeat violent offender. 1026

(ii) The offender within the preceding twenty years has 1027
been convicted of or pleaded guilty to three or more offenses 1028
described in division (CC)(1) of section 2929.01 of the Revised 1029
Code, including all offenses described in that division of which 1030
the offender is convicted or to which the offender pleads guilty 1031
in the current prosecution and all offenses described in that 1032
division of which the offender previously has been convicted or 1033
to which the offender previously pleaded guilty, whether 1034
prosecuted together or separately. 1035

(iii) The offense or offenses of which the offender 1036
currently is convicted or to which the offender currently pleads 1037
guilty is aggravated murder and the court does not impose a 1038
sentence of death or life imprisonment without parole, murder, 1039
terrorism and the court does not impose a sentence of life 1040
imprisonment without parole, any felony of the first degree that 1041
is an offense of violence and the court does not impose a 1042
sentence of life imprisonment without parole, or any felony of 1043
the second degree that is an offense of violence and the trier 1044
of fact finds that the offense involved an attempt to cause or a 1045
threat to cause serious physical harm to a person or resulted in 1046
serious physical harm to a person. 1047

(c) For purposes of division (B)(2)(b) of this section, 1048

two or more offenses committed at the same time or as part of 1049
the same act or event shall be considered one offense, and that 1050
one offense shall be the offense with the greatest penalty. 1051

(d) A sentence imposed under division (B)(2)(a) or (b) of 1052
this section shall not be reduced pursuant to section 2929.20, 1053
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 1054
other provision of Chapter 2967. or Chapter 5120. of the Revised 1055
Code. The offender shall serve an additional prison term imposed 1056
under division (B)(2)(a) or (b) of this section consecutively to 1057
and prior to the prison term imposed for the underlying offense. 1058

(e) When imposing a sentence pursuant to division (B)(2) 1059
(a) or (b) of this section, the court shall state its findings 1060
explaining the imposed sentence. 1061

(3) Except when an offender commits a violation of section 1062
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1063
for the violation is life imprisonment or commits a violation of 1064
section 2903.02 of the Revised Code, if the offender commits a 1065
violation of section 2925.03 or 2925.11 of the Revised Code and 1066
that section classifies the offender as a major drug offender, 1067
if the offender commits a violation of section 2925.05 of the 1068
Revised Code and division (E)(1) of that section classifies the 1069
offender as a major drug offender, if the offender commits a 1070
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1071
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1072
division (C) or (D) of section 3719.172, division (E) of section 1073
4729.51, or division (J) of section 4729.54 of the Revised Code 1074
that includes the sale, offer to sell, or possession of a 1075
schedule I or II controlled substance, with the exception of 1076
marihuana, and the court imposing sentence upon the offender 1077
finds that the offender is guilty of a specification of the type 1078

described in division (A) of section 2941.1410 of the Revised 1079
Code charging that the offender is a major drug offender, if the 1080
court imposing sentence upon an offender for a felony finds that 1081
the offender is guilty of corrupt activity with the most serious 1082
offense in the pattern of corrupt activity being a felony of the 1083
first degree, or if the offender is guilty of an attempted 1084
violation of section 2907.02 of the Revised Code and, had the 1085
offender completed the violation of section 2907.02 of the 1086
Revised Code that was attempted, the offender would have been 1087
subject to a sentence of life imprisonment or life imprisonment 1088
without parole for the violation of section 2907.02 of the 1089
Revised Code, the court shall impose upon the offender for the 1090
felony violation a mandatory prison term determined as described 1091
in this division that cannot be reduced pursuant to section 1092
2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 1093
or any other provision of Chapter 2967. or 5120. of the Revised 1094
Code. The mandatory prison term shall be the maximum definite 1095
prison term prescribed in division (A)(1)(b) of this section for 1096
a felony of the first degree, except that for offenses for which 1097
division (A)(1)(a) of this section applies, the mandatory prison 1098
term shall be the longest minimum prison term prescribed in that 1099
division for the offense. 1100

(4) If the offender is being sentenced for a third or 1101
fourth degree felony OVI offense under division (G)(2) of 1102
section 2929.13 of the Revised Code, the sentencing court shall 1103
impose upon the offender a mandatory prison term in accordance 1104
with that division. In addition to the mandatory prison term, if 1105
the offender is being sentenced for a fourth degree felony OVI 1106
offense, the court, notwithstanding division (A)(4) of this 1107
section, may sentence the offender to a definite prison term of 1108
not less than six months and not more than thirty months, and if 1109

the offender is being sentenced for a third degree felony OVI 1110
offense, the sentencing court may sentence the offender to an 1111
additional prison term of any duration specified in division (A) 1112
(3) of this section. In either case, the additional prison term 1113
imposed shall be reduced by the sixty or one hundred twenty days 1114
imposed upon the offender as the mandatory prison term. The 1115
total of the additional prison term imposed under division (B) 1116
(4) of this section plus the sixty or one hundred twenty days 1117
imposed as the mandatory prison term shall equal a definite term 1118
in the range of six months to thirty months for a fourth degree 1119
felony OVI offense and shall equal one of the authorized prison 1120
terms specified in division (A) (3) of this section for a third 1121
degree felony OVI offense. If the court imposes an additional 1122
prison term under division (B) (4) of this section, the offender 1123
shall serve the additional prison term after the offender has 1124
served the mandatory prison term required for the offense. In 1125
addition to the mandatory prison term or mandatory and 1126
additional prison term imposed as described in division (B) (4) 1127
of this section, the court also may sentence the offender to a 1128
community control sanction under section 2929.16 or 2929.17 of 1129
the Revised Code, but the offender shall serve all of the prison 1130
terms so imposed prior to serving the community control 1131
sanction. 1132

If the offender is being sentenced for a fourth degree 1133
felony OVI offense under division (G) (1) of section 2929.13 of 1134
the Revised Code and the court imposes a mandatory term of local 1135
incarceration, the court may impose a prison term as described 1136
in division (A) (1) of that section. 1137

(5) If an offender is convicted of or pleads guilty to a 1138
violation of division (A) (1) or (2) of section 2903.06 of the 1139
Revised Code and also is convicted of or pleads guilty to a 1140

specification of the type described in section 2941.1414 of the 1141
Revised Code that charges that the victim of the offense is a 1142
peace officer, as defined in section 2935.01 of the Revised 1143
Code, an investigator of the bureau of criminal identification 1144
and investigation, as defined in section 2903.11 of the Revised 1145
Code, or a firefighter or emergency medical worker, both as 1146
defined in section 2941.1414 of the Revised Code, the court 1147
shall impose on the offender a prison term of five years. If a 1148
court imposes a prison term on an offender under division (B) (5) 1149
of this section, the prison term shall not be reduced pursuant 1150
to section 2929.20, division (A) (2) or (3) of section 2967.193 1151
or 2967.194, or any other provision of Chapter 2967. or Chapter 1152
5120. of the Revised Code. A court shall not impose more than 1153
one prison term on an offender under division (B) (5) of this 1154
section for felonies committed as part of the same act. 1155

(6) If an offender is convicted of or pleads guilty to a 1156
violation of division (A) (1) or (2) of section 2903.06 of the 1157
Revised Code and also is convicted of or pleads guilty to a 1158
specification of the type described in section 2941.1415 of the 1159
Revised Code that charges that the offender previously has been 1160
convicted of or pleaded guilty to three or more violations of 1161
division (A) of section 4511.19 of the Revised Code or an 1162
equivalent offense, as defined in section 2941.1415 of the 1163
Revised Code, or three or more violations of any combination of 1164
those offenses, the court shall impose on the offender a prison 1165
term of three years. If a court imposes a prison term on an 1166
offender under division (B) (6) of this section, the prison term 1167
shall not be reduced pursuant to section 2929.20, division (A) 1168
(2) or (3) of section 2967.193 or 2967.194, or any other 1169
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1170
A court shall not impose more than one prison term on an 1171

offender under division (B) (6) of this section for felonies 1172
committed as part of the same act. 1173

(7) (a) If an offender is convicted of or pleads guilty to 1174
a felony violation of section 2905.01, 2905.02, 2907.21, 1175
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1176
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1177
section 2919.22 of the Revised Code and also is convicted of or 1178
pleads guilty to a specification of the type described in 1179
section 2941.1422 of the Revised Code that charges that the 1180
offender knowingly committed the offense in furtherance of human 1181
trafficking, the court shall impose on the offender a mandatory 1182
prison term that is one of the following: 1183

(i) If the offense is a felony of the first degree, a 1184
definite prison term of not less than five years and not greater 1185
than eleven years, except that if the offense is a felony of the 1186
first degree committed on or after March 22, 2019, the court 1187
shall impose as the minimum prison term a mandatory term of not 1188
less than five years and not greater than eleven years; 1189

(ii) If the offense is a felony of the second or third 1190
degree, a definite prison term of not less than three years and 1191
not greater than the maximum prison term allowed for the offense 1192
by division (A) (2) (b) or (3) of this section, except that if the 1193
offense is a felony of the second degree committed on or after 1194
March 22, 2019, the court shall impose as the minimum prison 1195
term a mandatory term of not less than three years and not 1196
greater than eight years; 1197

(iii) If the offense is a felony of the fourth or fifth 1198
degree, a definite prison term that is the maximum prison term 1199
allowed for the offense by division (A) of section 2929.14 of 1200
the Revised Code. 1201

(b) The prison term imposed under division (B) (7) (a) of 1202
this section shall not be reduced pursuant to section 2929.20, 1203
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 1204
other provision of Chapter 2967. of the Revised Code. A court 1205
shall not impose more than one prison term on an offender under 1206
division (B) (7) (a) of this section for felonies committed as 1207
part of the same act, scheme, or plan. 1208

(8) If an offender is convicted of or pleads guilty to a 1209
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1210
Revised Code and also is convicted of or pleads guilty to a 1211
specification of the type described in section 2941.1423 of the 1212
Revised Code that charges that the victim of the violation was a 1213
woman whom the offender knew was pregnant at the time of the 1214
violation, notwithstanding the range prescribed in division (A) 1215
of this section as the definite prison term or minimum prison 1216
term for felonies of the same degree as the violation, the court 1217
shall impose on the offender a mandatory prison term that is 1218
either a definite prison term of six months or one of the prison 1219
terms prescribed in division (A) of this section for felonies of 1220
the same degree as the violation, except that if the violation 1221
is a felony of the first or second degree committed on or after 1222
March 22, 2019, the court shall impose as the minimum prison 1223
term under division (A) (1) (a) or (2) (a) of this section a 1224
mandatory term that is one of the terms prescribed in that 1225
division, whichever is applicable, for the offense. 1226

(9) (a) If an offender is convicted of or pleads guilty to 1227
a violation of division (A) (1) or (2) of section 2903.11 of the 1228
Revised Code and also is convicted of or pleads guilty to a 1229
specification of the type described in section 2941.1425 of the 1230
Revised Code, the court shall impose on the offender a mandatory 1231
prison term of six years if either of the following applies: 1232

(i) The violation is a violation of division (A) (1) of 1233
section 2903.11 of the Revised Code and the specification 1234
charges that the offender used an accelerant in committing the 1235
violation and the serious physical harm to another or to 1236
another's unborn caused by the violation resulted in a 1237
permanent, serious disfigurement or permanent, substantial 1238
incapacity; 1239

(ii) The violation is a violation of division (A) (2) of 1240
section 2903.11 of the Revised Code and the specification 1241
charges that the offender used an accelerant in committing the 1242
violation, that the violation caused physical harm to another or 1243
to another's unborn, and that the physical harm resulted in a 1244
permanent, serious disfigurement or permanent, substantial 1245
incapacity. 1246

(b) If a court imposes a prison term on an offender under 1247
division (B) (9) (a) of this section, the prison term shall not be 1248
reduced pursuant to section 2929.20, division (A) (2) or (3) of 1249
section 2967.193 or 2967.194, or any other provision of Chapter 1250
2967. or Chapter 5120. of the Revised Code. A court shall not 1251
impose more than one prison term on an offender under division 1252
(B) (9) of this section for felonies committed as part of the 1253
same act. 1254

(c) The provisions of divisions (B) (9) and (C) (6) of this 1255
section and of division (D) (2) of section 2903.11, division (F) 1256
(20) of section 2929.13, and section 2941.1425 of the Revised 1257
Code shall be known as "Judy's Law." 1258

(10) If an offender is convicted of or pleads guilty to a 1259
violation of division (A) of section 2903.11 of the Revised Code 1260
and also is convicted of or pleads guilty to a specification of 1261
the type described in section 2941.1426 of the Revised Code that 1262

charges that the victim of the offense suffered permanent 1263
disabling harm as a result of the offense and that the victim 1264
was under ten years of age at the time of the offense, 1265
regardless of whether the offender knew the age of the victim, 1266
the court shall impose upon the offender an additional definite 1267
prison term of six years. A prison term imposed on an offender 1268
under division (B)(10) of this section shall not be reduced 1269
pursuant to section 2929.20, division (A)(2) or (3) of section 1270
2967.193 or 2967.194, or any other provision of Chapter 2967. or 1271
Chapter 5120. of the Revised Code. If a court imposes an 1272
additional prison term on an offender under this division 1273
relative to a violation of division (A) of section 2903.11 of 1274
the Revised Code, the court shall not impose any other 1275
additional prison term on the offender relative to the same 1276
offense. 1277

(11) If an offender is convicted of or pleads guilty to a 1278
felony violation of section 2925.03 or 2925.05 of the Revised 1279
Code or a felony violation of section 2925.11 of the Revised 1280
Code for which division (C)(11) of that section applies in 1281
determining the sentence for the violation, if the drug involved 1282
in the violation is a fentanyl-related compound or a compound, 1283
mixture, preparation, or substance containing a fentanyl-related 1284
compound, and if the offender also is convicted of or pleads 1285
guilty to a specification of the type described in division (B) 1286
of section 2941.1410 of the Revised Code that charges that the 1287
offender is a major drug offender, in addition to any other 1288
penalty imposed for the violation, the court shall impose on the 1289
offender a mandatory prison term of three, four, five, six, 1290
seven, or eight years. If a court imposes a prison term on an 1291
offender under division (B)(11) of this section, the prison term 1292
shall not be reduced pursuant to section 2929.20, division (A) 1293

(2) or (3) of section 2967.193 or 2967.194, or any other 1294
provision of Chapter 2967. or 5120. of the Revised Code. A court 1295
shall not impose more than one prison term on an offender under 1296
division (B) (11) of this section for felonies committed as part 1297
of the same act. 1298

(12) If an offender who is convicted of or pleads guilty 1299
to a felony offense of violence is also convicted of or pleads 1300
guilty to a specification of the type described in section 1301
2941.1428 of the Revised Code that charges that the offense is a 1302
felony offense of violence and was politically motivated, the 1303
court shall impose as a mandatory prison term the maximum prison 1304
term allowed for the underlying offense and shall impose on the 1305
offender an additional mandatory prison term of ten years. 1306

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1307
if a mandatory prison term is imposed upon an offender pursuant 1308
to division (B) (1) (a) of this section for having a firearm on or 1309
about the offender's person or under the offender's control 1310
while committing a felony, if a mandatory prison term is imposed 1311
upon an offender pursuant to division (B) (1) (c) of this section 1312
for committing a felony specified in that division by 1313
discharging a firearm from a motor vehicle, or if both types of 1314
mandatory prison terms are imposed, the offender shall serve any 1315
mandatory prison term imposed under either division 1316
consecutively to any other mandatory prison term imposed under 1317
either division or under division (B) (1) (d) of this section, 1318
consecutively to and prior to any prison term imposed for the 1319
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1320
this section or any other section of the Revised Code, and 1321
consecutively to any other prison term or mandatory prison term 1322
previously or subsequently imposed upon the offender. 1323

(b) If a mandatory prison term is imposed upon an offender 1324
pursuant to division (B)(1)(d) of this section for wearing or 1325
carrying body armor while committing an offense of violence that 1326
is a felony, the offender shall serve the mandatory term so 1327
imposed consecutively to any other mandatory prison term imposed 1328
under that division or under division (B)(1)(a) or (c) of this 1329
section, consecutively to and prior to any prison term imposed 1330
for the underlying felony under division (A), (B)(2), or (B)(3) 1331
of this section or any other section of the Revised Code, and 1332
consecutively to any other prison term or mandatory prison term 1333
previously or subsequently imposed upon the offender. 1334

(c) If a mandatory prison term is imposed upon an offender 1335
pursuant to division (B)(1)(f) of this section, the offender 1336
shall serve the mandatory prison term so imposed consecutively 1337
to and prior to any prison term imposed for the underlying 1338
felony under division (A), (B)(2), or (B)(3) of this section or 1339
any other section of the Revised Code, and consecutively to any 1340
other prison term or mandatory prison term previously or 1341
subsequently imposed upon the offender. 1342

(d) If a mandatory prison term is imposed upon an offender 1343
pursuant to division (B)(7) or (8) of this section, the offender 1344
shall serve the mandatory prison term so imposed consecutively 1345
to any other mandatory prison term imposed under that division 1346
or under any other provision of law and consecutively to any 1347
other prison term or mandatory prison term previously or 1348
subsequently imposed upon the offender. 1349

(e) If a mandatory prison term is imposed upon an offender 1350
pursuant to division (B)(11) of this section, the offender shall 1351
serve the mandatory prison term consecutively to any other 1352
mandatory prison term imposed under that division, consecutively 1353

to and prior to any prison term imposed for the underlying 1354
felony, and consecutively to any other prison term or mandatory 1355
prison term previously or subsequently imposed upon the 1356
offender. 1357

(2) If an offender who is an inmate in a jail, prison, or 1358
other residential detention facility violates section 2917.02, 1359
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1360
(2) of section 2921.34 of the Revised Code, if an offender who 1361
is under detention at a detention facility commits a felony 1362
violation of section 2923.131 of the Revised Code, or if an 1363
offender who is an inmate in a jail, prison, or other 1364
residential detention facility or is under detention at a 1365
detention facility commits another felony while the offender is 1366
an escapee in violation of division (A) (1) or (2) of section 1367
2921.34 of the Revised Code, any prison term imposed upon the 1368
offender for one of those violations shall be served by the 1369
offender consecutively to the prison term or term of 1370
imprisonment the offender was serving when the offender 1371
committed that offense and to any other prison term previously 1372
or subsequently imposed upon the offender. 1373

(3) If a prison term is imposed for a violation of 1374
division (B) of section 2911.01 of the Revised Code, a violation 1375
of division (A) of section 2913.02 of the Revised Code in which 1376
the stolen property is a firearm or dangerous ordnance, or a 1377
felony violation of division (B) of section 2921.331 of the 1378
Revised Code, the offender shall serve that prison term 1379
consecutively to any other prison term or mandatory prison term 1380
previously or subsequently imposed upon the offender. 1381

(4) If multiple prison terms are imposed on an offender 1382
for convictions of multiple offenses, the court may require the 1383

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

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

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

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

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

to division (B) (6) of this section in relation to the same 1414
violation, the offender shall serve the mandatory prison term 1415
imposed pursuant to division (B) (5) of this section 1416
consecutively to and prior to the mandatory prison term imposed 1417
pursuant to division (B) (6) of this section and consecutively to 1418
and prior to any prison term imposed for the underlying 1419
violation of division (A) (1) or (2) of section 2903.06 of the 1420
Revised Code pursuant to division (A) of this section or section 1421
2929.142 of the Revised Code. 1422

(6) If a mandatory prison term is imposed on an offender 1423
pursuant to division (B) (9) of this section, the offender shall 1424
serve the mandatory prison term consecutively to and prior to 1425
any prison term imposed for the underlying violation of division 1426
(A) (1) or (2) of section 2903.11 of the Revised Code and 1427
consecutively to and prior to any other prison term or mandatory 1428
prison term previously or subsequently imposed on the offender. 1429

(7) If a mandatory prison term is imposed on an offender 1430
pursuant to division (B) (10) of this section, the offender shall 1431
serve that mandatory prison term consecutively to and prior to 1432
any prison term imposed for the underlying felonious assault. 1433
Except as otherwise provided in division (C) of this section, 1434
any other prison term or mandatory prison term previously or 1435
subsequently imposed upon the offender may be served 1436
concurrently with, or consecutively to, the prison term imposed 1437
pursuant to division (B) (10) of this section. 1438

(8) Any prison term imposed for a violation of section 1439
2903.04 of the Revised Code that is based on a violation of 1440
section 2925.03 or 2925.11 of the Revised Code or on a violation 1441
of section 2925.05 of the Revised Code that is not funding of 1442
marihuana trafficking shall run consecutively to any prison term 1443

imposed for the violation of section 2925.03 or 2925.11 of the 1444
Revised Code or for the violation of section 2925.05 of the 1445
Revised Code that is not funding of marihuana trafficking. 1446

(9) When consecutive prison terms are imposed pursuant to 1447
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 1448
division (H)(1) or (2) of this section, subject to division (C) 1449
(10) of this section, the term to be served is the aggregate of 1450
all of the terms so imposed. 1451

(10) When a court sentences an offender to a non-life 1452
felony indefinite prison term, any definite prison term or 1453
mandatory definite prison term previously or subsequently 1454
imposed on the offender in addition to that indefinite sentence 1455
that is required to be served consecutively to that indefinite 1456
sentence shall be served prior to the indefinite sentence. 1457

(11) If a court is sentencing an offender for a felony of 1458
the first or second degree, if division (A)(1)(a) or (2)(a) of 1459
this section applies with respect to the sentencing for the 1460
offense, and if the court is required under the Revised Code 1461
section that sets forth the offense or any other Revised Code 1462
provision to impose a mandatory prison term for the offense, the 1463
court shall impose the required mandatory prison term as the 1464
minimum term imposed under division (A)(1)(a) or (2)(a) of this 1465
section, whichever is applicable. 1466

(D)(1) If a court imposes a prison term, other than a term 1467
of life imprisonment, for a felony of the first degree, for a 1468
felony of the second degree, for a felony sex offense, or for a 1469
felony of the third degree that is an offense of violence and 1470
that is not a felony sex offense, it shall include in the 1471
sentence a requirement that the offender be subject to a period 1472
of post-release control after the offender's release from 1473

imprisonment, in accordance with section 2967.28 of the Revised 1474
Code. If a court imposes a sentence including a prison term of a 1475
type described in this division on or after July 11, 2006, the 1476
failure of a court to include a post-release control requirement 1477
in the sentence pursuant to this division does not negate, 1478
limit, or otherwise affect the mandatory period of post-release 1479
control that is required for the offender under division (B) of 1480
section 2967.28 of the Revised Code. Section 2929.191 of the 1481
Revised Code applies if, prior to July 11, 2006, a court imposed 1482
a sentence including a prison term of a type described in this 1483
division and failed to include in the sentence pursuant to this 1484
division a statement regarding post-release control. 1485

(2) If a court imposes a prison term for a felony of the 1486
third, fourth, or fifth degree that is not subject to division 1487
(D) (1) of this section, it shall include in the sentence a 1488
requirement that the offender be subject to a period of post- 1489
release control after the offender's release from imprisonment, 1490
in accordance with that division, if the parole board determines 1491
that a period of post-release control is necessary. Section 1492
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1493
a court imposed a sentence including a prison term of a type 1494
described in this division and failed to include in the sentence 1495
pursuant to this division a statement regarding post-release 1496
control. 1497

(E) The court shall impose sentence upon the offender in 1498
accordance with section 2971.03 of the Revised Code, and Chapter 1499
2971. of the Revised Code applies regarding the prison term or 1500
term of life imprisonment without parole imposed upon the 1501
offender and the service of that term of imprisonment if any of 1502
the following apply: 1503

(1) A person is convicted of or pleads guilty to a violent 1504
sex offense or a designated homicide, assault, or kidnapping 1505
offense, and, in relation to that offense, the offender is 1506
adjudicated a sexually violent predator. 1507

(2) A person is convicted of or pleads guilty to a 1508
violation of division (A) (1) (b) of section 2907.02 of the 1509
Revised Code committed on or after January 2, 2007, and either 1510
the court does not impose a sentence of life without parole when 1511
authorized pursuant to division (B) of section 2907.02 of the 1512
Revised Code, or division (B) of section 2907.02 of the Revised 1513
Code provides that the court shall not sentence the offender 1514
pursuant to section 2971.03 of the Revised Code. 1515

(3) A person is convicted of or pleads guilty to attempted 1516
rape committed on or after January 2, 2007, and a specification 1517
of the type described in section 2941.1418, 2941.1419, or 1518
2941.1420 of the Revised Code. 1519

(4) A person is convicted of or pleads guilty to a 1520
violation of section 2905.01 of the Revised Code committed on or 1521
after January 1, 2008, and that section requires the court to 1522
sentence the offender pursuant to section 2971.03 of the Revised 1523
Code. 1524

(5) A person is convicted of or pleads guilty to 1525
aggravated murder committed on or after January 1, 2008, and 1526
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1527
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1528
(a) (iv) of section 2929.03, or division (A) or (B) of section 1529
2929.06 of the Revised Code requires the court to sentence the 1530
offender pursuant to division (B) (3) of section 2971.03 of the 1531
Revised Code. 1532

(6) A person is convicted of or pleads guilty to murder 1533
committed on or after January 1, 2008, and division (B)(2) of 1534
section 2929.02 of the Revised Code requires the court to 1535
sentence the offender pursuant to section 2971.03 of the Revised 1536
Code. 1537

(F) If a person who has been convicted of or pleaded 1538
guilty to a felony is sentenced to a prison term or term of 1539
imprisonment under this section, sections 2929.02 to 2929.06 of 1540
the Revised Code, section 2929.142 of the Revised Code, section 1541
2971.03 of the Revised Code, or any other provision of law, 1542
section 5120.163 of the Revised Code applies regarding the 1543
person while the person is confined in a state correctional 1544
institution. 1545

(G) If an offender who is convicted of or pleads guilty to 1546
a felony that is an offense of violence also is convicted of or 1547
pleads guilty to a specification of the type described in 1548
section 2941.142 of the Revised Code that charges the offender 1549
with having committed the felony while participating in a 1550
criminal gang, the court shall impose upon the offender an 1551
additional prison term of one, two, or three years. 1552

(H) (1) If an offender who is convicted of or pleads guilty 1553
to aggravated murder, murder, or a felony of the first, second, 1554
or third degree that is an offense of violence also is convicted 1555
of or pleads guilty to a specification of the type described in 1556
section 2941.143 of the Revised Code that charges the offender 1557
with having committed the offense in a school safety zone or 1558
towards a person in a school safety zone, the court shall impose 1559
upon the offender an additional prison term of two years. The 1560
offender shall serve the additional two years consecutively to 1561
and prior to the prison term imposed for the underlying offense. 1562

(2) (a) If an offender is convicted of or pleads guilty to 1563
a felony violation of section 2907.22, 2907.24, 2907.241, or 1564
2907.25 of the Revised Code and to a specification of the type 1565
described in section 2941.1421 of the Revised Code and if the 1566
court imposes a prison term on the offender for the felony 1567
violation, the court may impose upon the offender an additional 1568
prison term as follows: 1569

(i) Subject to division (H) (2) (a) (ii) of this section, an 1570
additional prison term of one, two, three, four, five, or six 1571
months; 1572

(ii) If the offender previously has been convicted of or 1573
pleaded guilty to one or more felony or misdemeanor violations 1574
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1575
the Revised Code and also was convicted of or pleaded guilty to 1576
a specification of the type described in section 2941.1421 of 1577
the Revised Code regarding one or more of those violations, an 1578
additional prison term of one, two, three, four, five, six, 1579
seven, eight, nine, ten, eleven, or twelve months. 1580

(b) In lieu of imposing an additional prison term under 1581
division (H) (2) (a) of this section, the court may directly 1582
impose on the offender a sanction that requires the offender to 1583
wear a real-time processing, continual tracking electronic 1584
monitoring device during the period of time specified by the 1585
court. The period of time specified by the court shall equal the 1586
duration of an additional prison term that the court could have 1587
imposed upon the offender under division (H) (2) (a) of this 1588
section. A sanction imposed under this division shall commence 1589
on the date specified by the court, provided that the sanction 1590
shall not commence until after the offender has served the 1591
prison term imposed for the felony violation of section 2907.22, 1592

2907.24, 2907.241, or 2907.25 of the Revised Code and any 1593
residential sanction imposed for the violation under section 1594
2929.16 of the Revised Code. A sanction imposed under this 1595
division shall be considered to be a community control sanction 1596
for purposes of section 2929.15 of the Revised Code, and all 1597
provisions of the Revised Code that pertain to community control 1598
sanctions shall apply to a sanction imposed under this division, 1599
except to the extent that they would by their nature be clearly 1600
inapplicable. The offender shall pay all costs associated with a 1601
sanction imposed under this division, including the cost of the 1602
use of the monitoring device. 1603

(I) At the time of sentencing, the court may recommend the 1604
offender for placement in a program of shock incarceration under 1605
section 5120.031 of the Revised Code or for placement in an 1606
intensive program prison under section 5120.032 of the Revised 1607
Code, disapprove placement of the offender in a program of shock 1608
incarceration or an intensive program prison of that nature, or 1609
make no recommendation on placement of the offender. In no case 1610
shall the department of rehabilitation and correction place the 1611
offender in a program or prison of that nature unless the 1612
department determines as specified in section 5120.031 or 1613
5120.032 of the Revised Code, whichever is applicable, that the 1614
offender is eligible for the placement. 1615

If the court disapproves placement of the offender in a 1616
program or prison of that nature, the department of 1617
rehabilitation and correction shall not place the offender in 1618
any program of shock incarceration or intensive program prison. 1619

If the court recommends placement of the offender in a 1620
program of shock incarceration or in an intensive program 1621
prison, and if the offender is subsequently placed in the 1622

recommended program or prison, the department shall notify the 1623
court of the placement and shall include with the notice a brief 1624
description of the placement. 1625

If the court recommends placement of the offender in a 1626
program of shock incarceration or in an intensive program prison 1627
and the department does not subsequently place the offender in 1628
the recommended program or prison, the department shall send a 1629
notice to the court indicating why the offender was not placed 1630
in the recommended program or prison. 1631

If the court does not make a recommendation under this 1632
division with respect to an offender and if the department 1633
determines as specified in section 5120.031 or 5120.032 of the 1634
Revised Code, whichever is applicable, that the offender is 1635
eligible for placement in a program or prison of that nature, 1636
the department shall screen the offender and determine if there 1637
is an available program of shock incarceration or an intensive 1638
program prison for which the offender is suited. If there is an 1639
available program of shock incarceration or an intensive program 1640
prison for which the offender is suited, the department shall 1641
notify the court of the proposed placement of the offender as 1642
specified in section 5120.031 or 5120.032 of the Revised Code 1643
and shall include with the notice a brief description of the 1644
placement. The court shall have ten days from receipt of the 1645
notice to disapprove the placement. 1646

(J) If a person is convicted of or pleads guilty to 1647
aggravated vehicular homicide in violation of division (A) (1) of 1648
section 2903.06 of the Revised Code and division (B) (2) (c) or 1649
(d) of that section applies, the person shall be sentenced 1650
pursuant to section 2929.142 of the Revised Code. 1651

(K) (1) The court shall impose an additional mandatory 1652

prison term of two, three, four, five, six, seven, eight, nine, 1653
ten, or eleven years on an offender who is convicted of or 1654
pleads guilty to a violent felony offense if the offender also 1655
is convicted of or pleads guilty to a specification of the type 1656
described in section 2941.1424 of the Revised Code that charges 1657
that the offender is a violent career criminal and had a firearm 1658
on or about the offender's person or under the offender's 1659
control while committing the presently charged violent felony 1660
offense and displayed or brandished the firearm, indicated that 1661
the offender possessed a firearm, or used the firearm to 1662
facilitate the offense. The offender shall serve the prison term 1663
imposed under this division consecutively to and prior to the 1664
prison term imposed for the underlying offense. The prison term 1665
shall not be reduced pursuant to section 2929.20, division (A) 1666
(2) or (3) of section 2967.193 or 2967.194, or any other 1667
provision of Chapter 2967. or 5120. of the Revised Code. A court 1668
may not impose more than one sentence under division (B) (2) (a) 1669
of this section and this division for acts committed as part of 1670
the same act or transaction. 1671

(2) As used in division (K) (1) of this section, "violent 1672
career criminal" and "violent felony offense" have the same 1673
meanings as in section 2923.132 of the Revised Code. 1674

(L) If an offender receives or received a sentence of life 1675
imprisonment without parole, a sentence of life imprisonment, a 1676
definite sentence, or a sentence to an indefinite prison term 1677
under this chapter for a felony offense that was committed when 1678
the offender was under eighteen years of age, the offender's 1679
parole eligibility shall be determined under section 2967.132 of 1680
the Revised Code. 1681

Sec. 2929.22. (A) Unless a mandatory jail term is required 1682

to be imposed by division (G) of section 1547.99, division (B) 1683
of section 4510.14, division (G) of section 4511.19 of the 1684
Revised Code, or any other provision of the Revised Code a court 1685
that imposes a sentence under this chapter upon an offender for 1686
a misdemeanor or minor misdemeanor has discretion to determine 1687
the most effective way to achieve the purposes and principles of 1688
sentencing set forth in section 2929.21 of the Revised Code. 1689

Unless a specific sanction is required to be imposed or is 1690
precluded from being imposed by the section setting forth an 1691
offense or the penalty for an offense or by any provision of 1692
sections 2929.23 to 2929.28 of the Revised Code, a court that 1693
imposes a sentence upon an offender for a misdemeanor may impose 1694
on the offender any sanction or combination of sanctions under 1695
sections 2929.24 to 2929.28 of the Revised Code. The court shall 1696
not impose a sentence that imposes an unnecessary burden on 1697
local government resources. 1698

(B) (1) In determining the appropriate sentence for a 1699
misdemeanor, the court shall consider all of the following 1700
factors: 1701

(a) The nature and circumstances of the offense or 1702
offenses; 1703

(b) Whether the circumstances regarding the offender and 1704
the offense or offenses indicate that the offender has a history 1705
of persistent criminal activity and that the offender's 1706
character and condition reveal a substantial risk that the 1707
offender will commit another offense; 1708

(c) Whether the circumstances regarding the offender and 1709
the offense or offenses indicate that the offender's history, 1710
character, and condition reveal a substantial risk that the 1711

offender will be a danger to others and that the offender's 1712
conduct has been characterized by a pattern of repetitive, 1713
compulsive, or aggressive behavior with heedless indifference to 1714
the consequences; 1715

(d) Whether the victim's youth, age, disability, or other 1716
factor made the victim particularly vulnerable to the offense or 1717
made the impact of the offense more serious; 1718

(e) Whether the offender is likely to commit future crimes 1719
in general, in addition to the circumstances described in 1720
divisions (B) (1) (b) and (c) of this section; 1721

(f) Whether the offender has an emotional, mental, or 1722
physical condition that is traceable to the offender's service 1723
in the armed forces of the United States and that was a 1724
contributing factor in the offender's commission of the offense 1725
or offenses; 1726

(g) Whether the circumstances of the offense indicate that 1727
the offender was motivated to commit the offense by the race, 1728
religion, elected or appointed position, political affiliation, 1729
political association, or biological sex of the victim; 1730

(h) The offender's military service record. 1731

(2) In determining the appropriate sentence for a 1732
misdemeanor, if the offender enters an Alford plea, the 1733
sentencing court shall not consider whether the offender showed 1734
genuine remorse for the offense. 1735

(3) In determining the appropriate sentence for a 1736
misdemeanor, in addition to complying with division (B) (1) of 1737
this section, the court may consider any other factors that are 1738
relevant to achieving the purposes and principles of sentencing 1739
set forth in section 2929.21 of the Revised Code. 1740

(C) Before imposing a jail term as a sentence for a
misdemeanor, a court shall consider the appropriateness of
imposing a community control sanction or a combination of
community control sanctions under sections 2929.25, 2929.26,
2929.27, and 2929.28 of the Revised Code. A court may impose the
longest jail term authorized under section 2929.24 of the
Revised Code only upon offenders who commit the worst forms of
the offense or upon offenders whose conduct and response to
prior sanctions for prior offenses demonstrate that the
imposition of the longest jail term is necessary to deter the
offender from committing a future criminal offense.

(D) (1) A sentencing court shall consider any relevant oral
and written statement made by the victim, the victim's
representative, the victim's attorney, if applicable, the
defendant, the defense attorney, and the prosecuting authority
regarding sentencing for a misdemeanor. This division does not
create any rights to notice other than those rights authorized
by Chapter 2930. of the Revised Code.

(2) At the time of sentencing for a misdemeanor or as soon
as possible after sentencing, the court shall notify the victim
of the offense of the victim's right to file an application for
an award of reparations pursuant to sections 2743.51 to 2743.72
of the Revised Code.

Sec. 2941.1428. (A) Imposition of a mandatory prison term
upon an offender pursuant to division (B) (12) of section 2929.14
of the Revised Code, pursuant to a determination by a court that
an offense is a felony offense of violence and was politically
motivated, is precluded unless the indictment, count in the
indictment, or information charging the offender specifies that
the offense is a felony offense of violence and was politically

motivated. The specification shall be stated at the end of the 1771
body of the indictment, count, or information, and shall be 1772
stated in substantially the following form: 1773

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1774
Grand Jurors (or insert the person's or prosecuting attorney's 1775
name when appropriate) further find and specify that (set forth 1776
that the offense is a felony offense of violence and was 1777
politically motivated)." 1778

(B) The court shall determine the issue of whether an 1779
offense was politically motivated. 1780

(C) As used in this section, a felony offense of violence 1781
is politically motivated if a motivation for the offense is the 1782
victim's political affiliation, association, belief, or 1783
ideology, whether or not the offender was mistaken as to that 1784
motivation. 1785

Section 2. That existing sections 2903.01, 2929.01, 1786
2929.12, 2929.14, and 2929.22 of the Revised Code are hereby 1787
repealed. 1788

Section 3. The General Assembly, applying the principle 1789
stated in division (B) of section 1.52 of the Revised Code that 1790
amendments are to be harmonized if reasonably capable of 1791
simultaneous operation, finds that the following sections, 1792
presented in this act as composites of the sections as amended 1793
by the acts indicated, are the resulting versions of the 1794
sections in effect prior to the effective date of the sections 1795
as presented in this act: 1796

Section 2929.12 of the Revised Code as amended by both 1797
H.B. 234 and H.B. 531 of the 135th General Assembly. 1798

Section 2929.14 of the Revised Code as amended by H.B. 37, 1799

H.B. 56, H.B. 111, and S.B. 106, all of the 135th General	1800
Assembly.	1801