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Am. H. B. No. 459

Representatives Gross, Williams

Cosponsors: Representatives Ray, Brennan, Mullins, Deeter, Hall, T., Mathews, A., Abrams, Brent, Bryant Bailey, Cockley, Hiner, Lawson-Rowe, Lorenz, Mathews, T., Miller, J., Newman, Odioso, Plummer, Robb Blasdel, Schmidt, Sigrist, Synenberg, Tims, Willis, Workman, Young

To amend sections 2152.17, 2901.13, 2927.01, and 1
2929.14 and to enact sections 2921.322 and 2
2941.1427 of the Revised Code to enact Katelyn's 3
Law to create an offense and specification 4
related to moving or removing human remains, to 5
provide that the offense has no statute of 6
limitations, and to modify the offense of abuse 7
of a corpse. 8

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

Section 1. That sections 2152.17, 2901.13, 2927.01, and 9
2929.14 be amended and sections 2921.322 and 2941.1427 of the 10
Revised Code be enacted to read as follows: 11

Sec. 2152.17. (A) Subject to division (D) of this section, 12
if a child is adjudicated a delinquent child for committing an 13
act, other than a violation of section 2923.12 of the Revised 14
Code, that would be a felony if committed by an adult and if the 15
court determines that, if the child was an adult, the child 16
would be guilty of a specification of the type set forth in 17
section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 18

2941.1414, ~~or~~ 2941.1415, or 2941.1427 of the Revised Code, in 19
addition to any commitment or other disposition the court 20
imposes for the underlying delinquent act, all of the following 21
apply: 22

(1) If the court determines that the child would be guilty 23
of a specification of the type set forth in section 2941.141 of 24
the Revised Code, the court may commit the child to the 25
department of youth services for the specification for a 26
definite period of up to one year. 27

(2) If the court determines that the child would be guilty 28
of a specification of the type set forth in section 2941.1427 of 29
the Revised Code, the court shall commit the child to the 30
department of youth services for the specification for a 31
definite period of not less than one and not more than three 32
years. 33

(3) If the court determines that the child would be guilty 34
of a specification of the type set forth in section 2941.145 of 35
the Revised Code or if the delinquent act is a violation of 36
division (A) (1) or (2) of section 2903.06 of the Revised Code 37
and the court determines that the child would be guilty of a 38
specification of the type set forth in section 2941.1415 of the 39
Revised Code, the court shall commit the child to the department 40
of youth services for the specification for a definite period of 41
not less than one and not more than three years, and the court 42
also shall commit the child to the department for the underlying 43
delinquent act under sections 2152.11 to 2152.16 of the Revised 44
Code. 45

~~(3)~~ (4) If the court determines that the child would be 46
guilty of a specification of the type set forth in section 47
2941.144, 2941.146, or 2941.1412 of the Revised Code or if the 48

delinquent act is a violation of division (A) (1) or (2) of 49
section 2903.06 of the Revised Code and the court determines 50
that the child would be guilty of a specification of the type 51
set forth in section 2941.1414 of the Revised Code, the court 52
shall commit the child to the department of youth services for 53
the specification for a definite period of not less than one and 54
not more than five years, and the court also shall commit the 55
child to the department for the underlying delinquent act under 56
sections 2152.11 to 2152.16 of the Revised Code. 57

(B) (1) If a child is adjudicated a delinquent child for 58
committing an act, other than a violation of section 2923.12 of 59
the Revised Code, that would be a felony if committed by an 60
adult, if the court determines that the child is complicit in 61
another person's conduct that is of such a nature that the other 62
person would be guilty of a specification of the type set forth 63
in section 2941.141, 2941.144, 2941.145, or 2941.146 of the 64
Revised Code if the other person was an adult, if the other 65
person's conduct relates to the child's underlying delinquent 66
act, and if the child did not furnish, use, or dispose of any 67
firearm that was involved with the underlying delinquent act or 68
with the other person's specification-related conduct, in 69
addition to any other disposition the court imposes for the 70
underlying delinquent act, the court may commit the child to the 71
department of youth services for the specification for a 72
definite period of not more than one year, subject to division 73
(D) (2) of this section. 74

(2) Except as provided in division (B) (1) of this section, 75
division (A) of this section also applies to a child who is an 76
accomplice regarding a specification of the type set forth in 77
section 2941.1412, 2941.1414, or 2941.1415 of the Revised Code 78
to the same extent the specifications would apply to an adult 79

accomplice in a criminal proceeding. 80

(C) If a child is adjudicated a delinquent child for 81
committing an act that would be aggravated murder, murder, or a 82
first, second, or third degree felony offense of violence if 83
committed by an adult and if the court determines that, if the 84
child was an adult, the child would be guilty of a specification 85
of the type set forth in section 2941.142 of the Revised Code in 86
relation to the act for which the child was adjudicated a 87
delinquent child, the court shall commit the child for the 88
specification to the legal custody of the department of youth 89
services for institutionalization in a secure facility for a 90
definite period of not less than one and not more than three 91
years, subject to division (D) (2) of this section, and the court 92
also shall commit the child to the department for the underlying 93
delinquent act. 94

(D) (1) If the child is adjudicated a delinquent child for 95
committing an act that would be an offense of violence that is a 96
felony if committed by an adult and is committed to the legal 97
custody of the department of youth services pursuant to division 98
(A) (1) of section 2152.16 of the Revised Code and if the court 99
determines that the child, if the child was an adult, would be 100
guilty of a specification of the type set forth in section 101
2941.1411 of the Revised Code in relation to the act for which 102
the child was adjudicated a delinquent child, the court may 103
commit the child to the custody of the department of youth 104
services for institutionalization in a secure facility for up to 105
two years, subject to division (D) (2) of this section. 106

(2) A court that imposes a period of commitment under 107
division (A) of this section is not precluded from imposing an 108
additional period of commitment under division (C) or (D) (1) of 109

this section, a court that imposes a period of commitment under 110
division (C) of this section is not precluded from imposing an 111
additional period of commitment under division (A) or (D) (1) of 112
this section, and a court that imposes a period of commitment 113
under division (D) (1) of this section is not precluded from 114
imposing an additional period of commitment under division (A) 115
or (C) of this section. 116

(E) The court shall not commit a child to the legal 117
custody of the department of youth services for a specification 118
pursuant to this section for a period that exceeds five years 119
for any one delinquent act. Any commitment imposed pursuant to 120
division (A), (B), (C), or (D) (1) of this section shall be in 121
addition to, and shall be served consecutively with and prior 122
to, a period of commitment ordered under this chapter for the 123
underlying delinquent act, and each commitment imposed pursuant 124
to division (A), (B), (C), or (D) (1) of this section shall be in 125
addition to, and shall be served consecutively with, any other 126
period of commitment imposed under those divisions. If a 127
commitment is imposed under division (A) or (B) of this section 128
and a commitment also is imposed under division (C) of this 129
section, the period imposed under division (A) or (B) of this 130
section shall be served prior to the period imposed under 131
division (C) of this section. 132

In each case in which a court makes a disposition under 133
this section, the court retains control over the commitment for 134
the entire period of the commitment. 135

The total of all the periods of commitment imposed for any 136
specification under this section and for the underlying offense 137
shall not exceed the child's attainment of twenty-one years of 138
age. 139

(F) If a child is adjudicated a delinquent child for 140
committing two or more acts that would be felonies if committed 141
by an adult and if the court entering the delinquent child 142
adjudication orders the commitment of the child for two or more 143
of those acts to the legal custody of the department of youth 144
services for institutionalization in a secure facility pursuant 145
to section 2152.13 or 2152.16 of the Revised Code, the court may 146
order that all of the periods of commitment imposed under those 147
sections for those acts be served consecutively in the legal 148
custody of the department of youth services, provided that those 149
periods of commitment shall be in addition to and commence 150
immediately following the expiration of a period of commitment 151
that the court imposes pursuant to division (A), (B), (C), or 152
(D)(1) of this section. A court shall not commit a delinquent 153
child to the legal custody of the department of youth services 154
under this division for a period that exceeds the child's 155
attainment of twenty-one years of age. 156

Sec. 2901.13. (A) (1) Except as provided in division (A) 157
(2), (3), (4), or (5) of this section or as otherwise provided 158
in this section, a prosecution shall be barred unless it is 159
commenced within the following periods after an offense is 160
committed: 161

(a) For a felony, six years; 162

(b) For a misdemeanor other than a minor misdemeanor, two 163
years; 164

(c) For a minor misdemeanor, six months. 165

(2) There is no period of limitation for the prosecution 166
of a violation of section 2903.01 ~~or~~, 2903.02, or 2921.322 of 167
the Revised Code or for the prosecution of a conspiracy to 168

commit, attempt to commit, or complicity in committing a 169
violation of section 2903.01~~or~~, 2903.02, or 2921.322 of the 170
Revised Code. 171

(3) Except as otherwise provided in divisions (B) to (J) 172
of this section, a prosecution of any of the following offenses 173
shall be barred unless it is commenced within twenty years after 174
the offense is committed: 175

(a) A violation of section 2903.03, 2903.04, 2905.01, 176
2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 177
2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 178
2911.11, 2911.12, or 2917.02 of the Revised Code, a violation of 179
section 2903.11 or 2903.12 of the Revised Code if the victim is 180
a peace officer, a violation of section 2903.13 of the Revised 181
Code that is a felony, or a violation of former section 2907.12 182
of the Revised Code; 183

(b) A conspiracy to commit, attempt to commit, or 184
complicity in committing a violation set forth in division (A) 185
(3) (a) of this section. 186

(4) Except as otherwise provided in divisions (D) to (L) 187
of this section, a prosecution of a violation of section 2907.02 188
or 2907.03 of the Revised Code or a conspiracy to commit, 189
attempt to commit, or complicity in committing a violation of 190
either section shall be barred unless it is commenced within 191
twenty-five years after the offense is committed. 192

(5) (a) Except as otherwise provided in divisions (A) (5) (b) 193
and (E) to (I) of this section, a prosecution of a violation of 194
section 2907.13 of the Revised Code shall be barred unless it is 195
commenced within five years after the offense is committed. 196

(b) Prosecution that would otherwise be barred under 197

division (A) (5) (a) of this section may be commenced within five 198
years after the date of the discovery of the offense by either 199
an aggrieved person or the aggrieved person's legal 200
representative who is not a party to the offense. 201

(c) As used in division (B) (5) (b) of this section, 202
"aggrieved person" includes any of the following individuals 203
with regard to a violation of section 2907.13 of the Revised 204
Code: 205

(i) A patient who was the victim of the violation; 206

(ii) The spouse or surviving spouse of a patient who was 207
the victim of the violation; 208

(iii) Any child born as a result of the violation. 209

(B) (1) Except as otherwise provided in division (B) (2) of 210
this section, if the period of limitation provided in division 211
(A) (1) or (3) of this section has expired, prosecution shall be 212
commenced for an offense of which an element is fraud or breach 213
of a fiduciary duty, within one year after discovery of the 214
offense either by an aggrieved person, or by the aggrieved 215
person's legal representative who is not a party to the offense. 216

(2) If the period of limitation provided in division (A) 217
(1) or (3) of this section has expired, prosecution for a 218
violation of section 2913.49 of the Revised Code shall be 219
commenced within five years after discovery of the offense 220
either by an aggrieved person or the aggrieved person's legal 221
representative who is not a party to the offense. 222

(C) (1) If the period of limitation provided in division 223
(A) (1) or (3) of this section has expired, prosecution shall be 224
commenced for the following offenses during the following 225
specified periods of time: 226

(a) For an offense involving misconduct in office by a public servant, at any time while the accused remains a public servant, or within two years thereafter;	227 228 229
(b) For an offense by a person who is not a public servant but whose offense is directly related to the misconduct in office of a public servant, at any time while that public servant remains a public servant, or within two years thereafter.	230 231 232 233 234
(2) As used in this division:	235
(a) An "offense is directly related to the misconduct in office of a public servant" includes, but is not limited to, a violation of section 101.71, 101.91, 121.61 or 2921.13, division (F) or (H) of section 102.03, division (A) of section 2921.02, division (A) or (B) of section 2921.43, or division (F) or (G) of section 3517.13 of the Revised Code, that is directly related to an offense involving misconduct in office of a public servant.	236 237 238 239 240 241 242 243
(b) "Public servant" has the same meaning as in section 2921.01 of the Revised Code.	244 245
(D) (1) If a DNA record made in connection with the criminal investigation of the commission of a violation of section 2907.02 or 2907.03 of the Revised Code is determined to match another DNA record that is of an identifiable person and if the time of the determination is later than twenty-five years after the offense is committed, prosecution of that person for a violation of the section may be commenced within five years after the determination is complete.	246 247 248 249 250 251 252 253
(2) If a DNA record made in connection with the criminal investigation of the commission of a violation of section	254 255

2907.02 or 2907.03 of the Revised Code is determined to match 256
another DNA record that is of an identifiable person and if the 257
time of the determination is within twenty-five years after the 258
offense is committed, prosecution of that person for a violation 259
of the section may be commenced within the longer of twenty-five 260
years after the offense is committed or five years after the 261
determination is complete. 262

(3) As used in this division, "DNA record" has the same 263
meaning as in section 109.573 of the Revised Code. 264

(E) An offense is committed when every element of the 265
offense occurs. In the case of an offense of which an element is 266
a continuing course of conduct, the period of limitation does 267
not begin to run until such course of conduct or the accused's 268
accountability for it terminates, whichever occurs first. 269

(F) A prosecution is commenced on the date an indictment 270
is returned or an information filed, or on the date a lawful 271
arrest without a warrant is made, or on the date a warrant, 272
summons, citation, or other process is issued, whichever occurs 273
first. A prosecution is not commenced by the return of an 274
indictment or the filing of an information unless reasonable 275
diligence is exercised to issue and execute process on the same. 276
A prosecution is not commenced upon issuance of a warrant, 277
summons, citation, or other process, unless reasonable diligence 278
is exercised to execute the same. 279

(G) The period of limitation shall not run during any time 280
when the corpus delicti remains undiscovered. 281

(H) The period of limitation shall not run during any time 282
when the accused purposely avoids prosecution. Proof that the 283
accused departed this state or concealed the accused's identity 284

or whereabouts is prima-facie evidence of the accused's purpose 285
to avoid prosecution. 286

(I) The period of limitation shall not run during any time 287
a prosecution against the accused based on the same conduct is 288
pending in this state, even though the indictment, information, 289
or process that commenced the prosecution is quashed or the 290
proceedings on the indictment, information, or process are set 291
aside or reversed on appeal. 292

(J) The period of limitation for a violation of any 293
provision of Title XXIX of the Revised Code that involves a 294
physical or mental wound, injury, disability, or condition of a 295
nature that reasonably indicates abuse or neglect of a child 296
under eighteen years of age or of a child with a developmental 297
disability or physical impairment under twenty-one years of age 298
shall not begin to run until either of the following occurs: 299

(1) The victim of the offense reaches the age of majority. 300

(2) A public children services agency, or a municipal or 301
county peace officer that is not the parent or guardian of the 302
child, in the county in which the child resides or in which the 303
abuse or neglect is occurring or has occurred has been notified 304
that abuse or neglect is known, suspected, or believed to have 305
occurred. 306

(K) As used in this section, "peace officer" has the same 307
meaning as in section 2935.01 of the Revised Code. 308

(L) (1) The amendments to divisions (A) and (D) of this 309
section that took effect on July 16, 2015, apply to a violation 310
of section 2907.02 or 2907.03 of the Revised Code committed on 311
and after July 16, 2015, and apply to a violation of either of 312
those sections committed prior to July 16, 2015, if prosecution 313

for that violation was not barred under this section as it 314
existed on the day prior to July 16, 2015. 315

(2) The amendment to division (A) (2) of this section that 316
takes effect on ~~the effective date of this amendment~~ April 4, 317
2023, applies to a conspiracy to commit, attempt to commit, or 318
complicity in committing a violation of section 2903.01 or 319
2903.02 of the Revised Code if the conspiracy, attempt, or 320
complicity is committed on or after ~~the effective date of this~~ 321
~~amendment~~ April 4, 2023, and applies to a conspiracy to commit, 322
attempt to commit, or complicity in committing a violation of 323
either of those sections if the conspiracy, attempt, or 324
complicity was committed prior to ~~that effective date~~ April 4, 325
2023, and prosecution for that conspiracy, attempt, or 326
complicity was not barred under this section as it existed on 327
the day prior to ~~that effective date~~ April 4, 2023. 328

Sec. 2921.322. (A) As used in this section: 329

(1) "Spontaneous miscarriage" has the same meaning as in 330
section 2919.19 of the Revised Code. 331

(2) "Stillbirth" has the same meaning as in section 332
5180.12 of the Revised Code. 333

(B) No person, unless otherwise authorized by law, shall 334
purposely move or remove human remains for any of the following 335
purposes: 336

(1) To prevent the discovery of an unlawful act; 337

(2) To prevent the discovery of the death; 338

(3) To prevent the discovery of the cause of the death; 339

(4) To prevent the discovery of the human remains. 340

<u>(C) This section does not apply to any of the following:</u>	341
<u>(1) A woman who experiences a spontaneous miscarriage or stillbirth and moves or removes the human remains related to that spontaneous miscarriage or stillbirth;</u>	342 343 344
<u>(2) A person who has been granted authority by a woman who experiences a spontaneous miscarriage or stillbirth to move or remove the human remains related to the woman's spontaneous miscarriage or stillbirth;</u>	345 346 347 348
<u>(3) A health care professional who moves or removes the human remains related to a woman's spontaneous miscarriage or stillbirth while providing health care, within the professional's scope of practice, to the woman for the woman's spontaneous miscarriage or stillbirth.</u>	349 350 351 352 353
<u>(D) Whoever violates this section is guilty of moving or removing human remains. A violation of this section is a felony of the third degree and there is a presumption that a prison term shall be imposed for the offense.</u>	354 355 356 357
Sec. 2927.01. (A) <u>As used in this section:</u>	358
<u>(1) "Spontaneous miscarriage" has the same meaning as in section 2919.19 of the Revised Code.</u>	359 360
<u>(2) "Stillbirth" has the same meaning as in section 5180.12 of the Revised Code.</u>	361 362
<u>(B) No person, except as authorized by law, shall treat a human corpse in a way that the person knows would outrage reasonable family sensibilities.</u>	363 364 365
(B) <u>(C) No person, except as authorized by law, shall treat a human corpse in a way that would outrage reasonable community sensibilities.</u>	366 367 368

~~(C)~~—(D) This section does not apply to any of the 369
following: 370

(1) A woman who experiences a spontaneous miscarriage or 371
stillbirth; 372

(2) A person who has been granted authority by a woman who 373
experiences a spontaneous miscarriage or stillbirth to move or 374
remove the human corpse; 375

(3) A health care professional who is providing health 376
care, within the professional's scope of practice, to a woman 377
who experiences a spontaneous miscarriage or stillbirth. 378

(E) Whoever violates division ~~(A)~~(B) of this section is 379
guilty of abuse of a corpse, a misdemeanor of the second degree. 380
Whoever violates division ~~(B)~~(C) of this section is guilty of 381
gross abuse of a corpse, a felony of the fifth degree. 382

Sec. 2929.14. (A) Except as provided in division (B) (1), 383
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 384
(B) (10), (B) (11), (B) (12), (E), (G), (H), (J), or (K) of this 385
section or in division (D) (6) of section 2919.25 of the Revised 386
Code and except in relation to an offense for which a sentence 387
of death or life imprisonment is to be imposed, if the court 388
imposing a sentence upon an offender for a felony elects or is 389
required to impose a prison term on the offender pursuant to 390
this chapter, the court shall impose a prison term that shall be 391
one of the following: 392

(1) (a) For a felony of the first degree committed on or 393
after March 22, 2019, the prison term shall be an indefinite 394
prison term with a stated minimum term selected by the court of 395
three, four, five, six, seven, eight, nine, ten, or eleven years 396
and a maximum term that is determined pursuant to section 397

2929.144 of the Revised Code, except that if the section that 398
criminalizes the conduct constituting the felony specifies a 399
different minimum term or penalty for the offense, the specific 400
language of that section shall control in determining the 401
minimum term or otherwise sentencing the offender but the 402
minimum term or sentence imposed under that specific language 403
shall be considered for purposes of the Revised Code as if it 404
had been imposed under this division. 405

(b) For a felony of the first degree committed prior to 406
March 22, 2019, the prison term shall be a definite prison term 407
of three, four, five, six, seven, eight, nine, ten, or eleven 408
years. 409

(2) (a) For a felony of the second degree committed on or 410
after March 22, 2019, the prison term shall be an indefinite 411
prison term with a stated minimum term selected by the court of 412
two, three, four, five, six, seven, or eight years and a maximum 413
term that is determined pursuant to section 2929.144 of the 414
Revised Code, except that if the section that criminalizes the 415
conduct constituting the felony specifies a different minimum 416
term or penalty for the offense, the specific language of that 417
section shall control in determining the minimum term or 418
otherwise sentencing the offender but the minimum term or 419
sentence imposed under that specific language shall be 420
considered for purposes of the Revised Code as if it had been 421
imposed under this division. 422

(b) For a felony of the second degree committed prior to 423
March 22, 2019, the prison term shall be a definite term of two, 424
three, four, five, six, seven, or eight years. 425

(3) (a) For a felony of the third degree that is a 426
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 427

2907.05, 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of 428
the Revised Code, that is a violation of division (A) of section 429
4511.19 of the Revised Code if the offender previously has been 430
convicted of or pleaded guilty to a violation of division (A) of 431
that section that was a felony, that is a violation of section 432
2911.02 or 2911.12 of the Revised Code if the offender 433
previously has been convicted of or pleaded guilty in two or 434
more separate proceedings to two or more violations of section 435
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 436
that is a violation of division (B) of section 2921.331 of the 437
Revised Code if division (C) (5) of that section applies, the 438
prison term shall be a definite term of twelve, eighteen, 439
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 440
four, or sixty months. 441

(b) For a felony of the third degree that is not an 442
offense for which division (A) (3) (a) of this section applies, 443
the prison term shall be a definite term of nine, twelve, 444
eighteen, twenty-four, thirty, or thirty-six months. 445

(4) For a felony of the fourth degree, the prison term 446
shall be a definite term of six, seven, eight, nine, ten, 447
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 448
or eighteen months. 449

(5) For a felony of the fifth degree, the prison term 450
shall be a definite term of six, seven, eight, nine, ten, 451
eleven, or twelve months. 452

(B) (1) (a) Except as provided in division (B) (1) (e) of this 453
section, if an offender who is convicted of or pleads guilty to 454
a felony also is convicted of or pleads guilty to a 455
specification of the type described in section 2941.141, 456
2941.144, or 2941.145 of the Revised Code, the court shall 457

impose on the offender one of the following prison terms: 458

(i) A prison term of six years if the specification is of 459
the type described in division (A) of section 2941.144 of the 460
Revised Code that charges the offender with having a firearm 461
that is an automatic firearm or that was equipped with a firearm 462
muffler or suppressor on or about the offender's person or under 463
the offender's control while committing the offense; 464

(ii) A prison term of three years if the specification is 465
of the type described in division (A) of section 2941.145 of the 466
Revised Code that charges the offender with having a firearm on 467
or about the offender's person or under the offender's control 468
while committing the offense and displaying the firearm, 469
brandishing the firearm, indicating that the offender possessed 470
the firearm, or using it to facilitate the offense; 471

(iii) A prison term of one year if the specification is of 472
the type described in division (A) of section 2941.141 of the 473
Revised Code that charges the offender with having a firearm on 474
or about the offender's person or under the offender's control 475
while committing the offense; 476

(iv) A prison term of nine years if the specification is 477
of the type described in division (D) of section 2941.144 of the 478
Revised Code that charges the offender with having a firearm 479
that is an automatic firearm or that was equipped with a firearm 480
muffler or suppressor on or about the offender's person or under 481
the offender's control while committing the offense and 482
specifies that the offender previously has been convicted of or 483
pleaded guilty to a specification of the type described in 484
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 485
the Revised Code; 486

(v) A prison term of fifty-four months if the 487
specification is of the type described in division (D) of 488
section 2941.145 of the Revised Code that charges the offender 489
with having a firearm on or about the offender's person or under 490
the offender's control while committing the offense and 491
displaying the firearm, brandishing the firearm, indicating that 492
the offender possessed the firearm, or using the firearm to 493
facilitate the offense and that the offender previously has been 494
convicted of or pleaded guilty to a specification of the type 495
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 496
2941.1412 of the Revised Code; 497

(vi) A prison term of eighteen months if the specification 498
is of the type described in division (D) of section 2941.141 of 499
the Revised Code that charges the offender with having a firearm 500
on or about the offender's person or under the offender's 501
control while committing the offense and that the offender 502
previously has been convicted of or pleaded guilty to a 503
specification of the type described in section 2941.141, 504
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 505

(b) If a court imposes a prison term on an offender under 506
division (B) (1) (a) of this section, the prison term shall not be 507
reduced pursuant to section 2929.20, division (A) (2) or (3) of 508
section 2967.193 or 2967.194, or any other provision of Chapter 509
2967. or Chapter 5120. of the Revised Code. Except as provided 510
in division (B) (1) (g) of this section, a court shall not impose 511
more than one prison term on an offender under division (B) (1) 512
(a) of this section for felonies committed as part of the same 513
act or transaction. 514

(c) (i) Except as provided in division (B) (1) (e) of this 515
section, if an offender who is convicted of or pleads guilty to 516

a violation of section 2923.161 of the Revised Code or to a 517
felony that includes, as an essential element, purposely or 518
knowingly causing or attempting to cause the death of or 519
physical harm to another, also is convicted of or pleads guilty 520
to a specification of the type described in division (A) of 521
section 2941.146 of the Revised Code that charges the offender 522
with committing the offense by discharging a firearm from a 523
motor vehicle other than a manufactured home, the court, after 524
imposing a prison term on the offender for the violation of 525
section 2923.161 of the Revised Code or for the other felony 526
offense under division (A), (B) (2), or (B) (3) of this section, 527
shall impose an additional prison term of five years upon the 528
offender that shall not be reduced pursuant to section 2929.20, 529
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 530
other provision of Chapter 2967. or Chapter 5120. of the Revised 531
Code. 532

(ii) Except as provided in division (B) (1) (e) of this 533
section, if an offender who is convicted of or pleads guilty to 534
a violation of section 2923.161 of the Revised Code or to a 535
felony that includes, as an essential element, purposely or 536
knowingly causing or attempting to cause the death of or 537
physical harm to another, also is convicted of or pleads guilty 538
to a specification of the type described in division (C) of 539
section 2941.146 of the Revised Code that charges the offender 540
with committing the offense by discharging a firearm from a 541
motor vehicle other than a manufactured home and that the 542
offender previously has been convicted of or pleaded guilty to a 543
specification of the type described in section 2941.141, 544
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 545
the court, after imposing a prison term on the offender for the 546
violation of section 2923.161 of the Revised Code or for the 547

other felony offense under division (A), (B) (2), or (3) of this section, shall impose an additional prison term of ninety months upon the offender that shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code.

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

(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. 579

(e) The court shall not impose any of the prison terms 580
described in division (B) (1) (a) of this section or any of the 581
additional prison terms described in division (B) (1) (c) of this 582
section upon an offender for a violation of section 2923.12 or 583
2923.123 of the Revised Code. The court shall not impose any of 584
the prison terms described in division (B) (1) (a) or (b) of this 585
section upon an offender for a violation of section 2923.122 586
that involves a deadly weapon that is a firearm other than a 587
dangerous ordnance, section 2923.16, or section 2923.121 of the 588
Revised Code. The court shall not impose any of the prison terms 589
described in division (B) (1) (a) of this section or any of the 590
additional prison terms described in division (B) (1) (c) of this 591
section upon an offender for a violation of section 2923.13 of 592
the Revised Code unless all of the following apply: 593

(i) The offender previously has been convicted of 594
aggravated murder, murder, or any felony of the first or second 595
degree. 596

(ii) Less than five years have passed since the offender 597
was released from prison or post-release control, whichever is 598
later, for the prior offense. 599

(f) (i) If an offender is convicted of or pleads guilty to 600
a felony that includes, as an essential element, causing or 601
attempting to cause the death of or physical harm to another and 602
also is convicted of or pleads guilty to a specification of the 603
type described in division (A) of section 2941.1412 of the 604
Revised Code that charges the offender with committing the 605
offense by discharging a firearm at a peace officer as defined 606
in section 2935.01 of the Revised Code or a corrections officer, 607
as defined in section 2941.1412 of the Revised Code, the court, 608

after imposing a prison term on the offender for the felony 609
offense under division (A), (B) (2), or (B) (3) of this section, 610
shall impose an additional prison term of seven years upon the 611
offender that shall not be reduced pursuant to section 2929.20, 612
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 613
other provision of Chapter 2967. or Chapter 5120. of the Revised 614
Code. 615

(ii) If an offender is convicted of or pleads guilty to a 616
felony that includes, as an essential element, causing or 617
attempting to cause the death of or physical harm to another and 618
also is convicted of or pleads guilty to a specification of the 619
type described in division (B) of section 2941.1412 of the 620
Revised Code that charges the offender with committing the 621
offense by discharging a firearm at a peace officer, as defined 622
in section 2935.01 of the Revised Code, or a corrections 623
officer, as defined in section 2941.1412 of the Revised Code, 624
and that the offender previously has been convicted of or 625
pleaded guilty to a specification of the type described in 626
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 627
the Revised Code, the court, after imposing a prison term on the 628
offender for the felony offense under division (A), (B) (2), or 629
(3) of this section, shall impose an additional prison term of 630
one hundred twenty-six months upon the offender that shall not 631
be reduced pursuant to section 2929.20, division (A) (2) or (3) 632
of section 2967.193 or 2967.194, or any other provision of 633
Chapter 2967. or 5120. of the Revised Code. 634

(iii) If an offender is convicted of or pleads guilty to 635
two or more felonies that include, as an essential element, 636
causing or attempting to cause the death or physical harm to 637
another and also is convicted of or pleads guilty to a 638
specification of the type described under division (B) (1) (f) of 639

this section in connection with two or more of the felonies of 640
which the offender is convicted or to which the offender pleads 641
guilty, the sentencing court shall impose on the offender the 642
prison term specified under division (B) (1) (f) of this section 643
for each of two of the specifications of which the offender is 644
convicted or to which the offender pleads guilty and, in its 645
discretion, also may impose on the offender the prison term 646
specified under that division for any or all of the remaining 647
specifications. If a court imposes an additional prison term on 648
an offender under division (B) (1) (f) of this section relative to 649
an offense, the court shall not impose a prison term under 650
division (B) (1) (a) or (c) of this section relative to the same 651
offense. 652

(g) If an offender is convicted of or pleads guilty to two 653
or more felonies, if one or more of those felonies are 654
aggravated murder, murder, attempted aggravated murder, 655
attempted murder, aggravated robbery, felonious assault, or 656
rape, and if the offender is convicted of or pleads guilty to a 657
specification of the type described under division (B) (1) (a) of 658
this section in connection with two or more of the felonies, the 659
sentencing court shall impose on the offender the prison term 660
specified under division (B) (1) (a) of this section for each of 661
the two most serious specifications of which the offender is 662
convicted or to which the offender pleads guilty and, in its 663
discretion, also may impose on the offender the prison term 664
specified under that division for any or all of the remaining 665
specifications. 666

(2) (a) If division (B) (2) (b) of this section does not 667
apply, the court may impose on an offender, in addition to the 668
longest prison term authorized or required for the offense or, 669
for offenses for which division (A) (1) (a) or (2) (a) of this 670

section applies, in addition to the longest minimum prison term 671
authorized or required for the offense, an additional definite 672
prison term of one, two, three, four, five, six, seven, eight, 673
nine, or ten years if all of the following criteria are met: 674

(i) The offender is convicted of or pleads guilty to a 675
specification of the type described in section 2941.149 of the 676
Revised Code that the offender is a repeat violent offender. 677

(ii) The offense of which the offender currently is 678
convicted or to which the offender currently pleads guilty is 679
aggravated murder and the court does not impose a sentence of 680
death or life imprisonment without parole, murder, terrorism and 681
the court does not impose a sentence of life imprisonment 682
without parole, any felony of the first degree that is an 683
offense of violence and the court does not impose a sentence of 684
life imprisonment without parole, or any felony of the second 685
degree that is an offense of violence and the trier of fact 686
finds that the offense involved an attempt to cause or a threat 687
to cause serious physical harm to a person or resulted in 688
serious physical harm to a person. 689

(iii) The court imposes the longest prison term for the 690
offense or the longest minimum prison term for the offense, 691
whichever is applicable, that is not life imprisonment without 692
parole. 693

(iv) The court finds that the prison terms imposed 694
pursuant to division (B) (2) (a) (iii) of this section and, if 695
applicable, division (B) (1) or (3) of this section are 696
inadequate to punish the offender and protect the public from 697
future crime, because the applicable factors under section 698
2929.12 of the Revised Code indicating a greater likelihood of 699
recidivism outweigh the applicable factors under that section 700

indicating a lesser likelihood of recidivism. 701

(v) The court finds that the prison terms imposed pursuant 702
to division (B) (2) (a) (iii) of this section and, if applicable, 703
division (B) (1) or (3) of this section are demeaning to the 704
seriousness of the offense, because one or more of the factors 705
under section 2929.12 of the Revised Code indicating that the 706
offender's conduct is more serious than conduct normally 707
constituting the offense are present, and they outweigh the 708
applicable factors under that section indicating that the 709
offender's conduct is less serious than conduct normally 710
constituting the offense. 711

(b) The court shall impose on an offender the longest 712
prison term authorized or required for the offense or, for 713
offenses for which division (A) (1) (a) or (2) (a) of this section 714
applies, the longest minimum prison term authorized or required 715
for the offense, and shall impose on the offender an additional 716
definite prison term of one, two, three, four, five, six, seven, 717
eight, nine, or ten years if all of the following criteria are 718
met: 719

(i) The offender is convicted of or pleads guilty to a 720
specification of the type described in section 2941.149 of the 721
Revised Code that the offender is a repeat violent offender. 722

(ii) The offender within the preceding twenty years has 723
been convicted of or pleaded guilty to three or more offenses 724
described in division (CC) (1) of section 2929.01 of the Revised 725
Code, including all offenses described in that division of which 726
the offender is convicted or to which the offender pleads guilty 727
in the current prosecution and all offenses described in that 728
division of which the offender previously has been convicted or 729
to which the offender previously pleaded guilty, whether 730

prosecuted together or separately. 731

(iii) The offense or offenses of which the offender 732
currently is convicted or to which the offender currently pleads 733
guilty is aggravated murder and the court does not impose a 734
sentence of death or life imprisonment without parole, murder, 735
terrorism and the court does not impose a sentence of life 736
imprisonment without parole, any felony of the first degree that 737
is an offense of violence and the court does not impose a 738
sentence of life imprisonment without parole, or any felony of 739
the second degree that is an offense of violence and the trier 740
of fact finds that the offense involved an attempt to cause or a 741
threat to cause serious physical harm to a person or resulted in 742
serious physical harm to a person. 743

(c) For purposes of division (B) (2) (b) of this section, 744
two or more offenses committed at the same time or as part of 745
the same act or event shall be considered one offense, and that 746
one offense shall be the offense with the greatest penalty. 747

(d) A sentence imposed under division (B) (2) (a) or (b) of 748
this section shall not be reduced pursuant to section 2929.20, 749
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 750
other provision of Chapter 2967. or Chapter 5120. of the Revised 751
Code. The offender shall serve an additional prison term imposed 752
under division (B) (2) (a) or (b) of this section consecutively to 753
and prior to the prison term imposed for the underlying offense. 754

(e) When imposing a sentence pursuant to division (B) (2) 755
(a) or (b) of this section, the court shall state its findings 756
explaining the imposed sentence. 757

(3) Except when an offender commits a violation of section 758
2903.01 or 2907.02 of the Revised Code and the penalty imposed 759

for the violation is life imprisonment or commits a violation of 760
section 2903.02 of the Revised Code, if the offender commits a 761
violation of section 2925.03 or 2925.11 of the Revised Code and 762
that section classifies the offender as a major drug offender, 763
if the offender commits a violation of section 2925.05 of the 764
Revised Code and division (E)(1) of that section classifies the 765
offender as a major drug offender, if the offender commits a 766
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 767
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 768
division (C) or (D) of section 3719.172, division (E) of section 769
4729.51, or division (J) of section 4729.54 of the Revised Code 770
that includes the sale, offer to sell, or possession of a 771
schedule I or II controlled substance, with the exception of 772
marihuana, and the court imposing sentence upon the offender 773
finds that the offender is guilty of a specification of the type 774
described in division (A) of section 2941.1410 of the Revised 775
Code charging that the offender is a major drug offender, if the 776
court imposing sentence upon an offender for a felony finds that 777
the offender is guilty of corrupt activity with the most serious 778
offense in the pattern of corrupt activity being a felony of the 779
first degree, or if the offender is guilty of an attempted 780
violation of section 2907.02 of the Revised Code and, had the 781
offender completed the violation of section 2907.02 of the 782
Revised Code that was attempted, the offender would have been 783
subject to a sentence of life imprisonment or life imprisonment 784
without parole for the violation of section 2907.02 of the 785
Revised Code, the court shall impose upon the offender for the 786
felony violation a mandatory prison term determined as described 787
in this division that cannot be reduced pursuant to section 788
2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 789
or any other provision of Chapter 2967. or 5120. of the Revised 790
Code. The mandatory prison term shall be the maximum definite 791

prison term prescribed in division (A) (1) (b) of this section for 792
a felony of the first degree, except that for offenses for which 793
division (A) (1) (a) of this section applies, the mandatory prison 794
term shall be the longest minimum prison term prescribed in that 795
division for the offense. 796

(4) If the offender is being sentenced for a third or 797
fourth degree felony OVI offense under division (G) (2) of 798
section 2929.13 of the Revised Code, the sentencing court shall 799
impose upon the offender a mandatory prison term in accordance 800
with that division. In addition to the mandatory prison term, if 801
the offender is being sentenced for a fourth degree felony OVI 802
offense, the court, notwithstanding division (A) (4) of this 803
section, may sentence the offender to a definite prison term of 804
not less than six months and not more than thirty months, and if 805
the offender is being sentenced for a third degree felony OVI 806
offense, the sentencing court may sentence the offender to an 807
additional prison term of any duration specified in division (A) 808
(3) of this section. In either case, the additional prison term 809
imposed shall be reduced by the sixty or one hundred twenty days 810
imposed upon the offender as the mandatory prison term. The 811
total of the additional prison term imposed under division (B) 812
(4) of this section plus the sixty or one hundred twenty days 813
imposed as the mandatory prison term shall equal a definite term 814
in the range of six months to thirty months for a fourth degree 815
felony OVI offense and shall equal one of the authorized prison 816
terms specified in division (A) (3) of this section for a third 817
degree felony OVI offense. If the court imposes an additional 818
prison term under division (B) (4) of this section, the offender 819
shall serve the additional prison term after the offender has 820
served the mandatory prison term required for the offense. In 821
addition to the mandatory prison term or mandatory and 822

additional prison term imposed as described in division (B) (4) 823
of this section, the court also may sentence the offender to a 824
community control sanction under section 2929.16 or 2929.17 of 825
the Revised Code, but the offender shall serve all of the prison 826
terms so imposed prior to serving the community control 827
sanction. 828

If the offender is being sentenced for a fourth degree 829
felony OVI offense under division (G) (1) of section 2929.13 of 830
the Revised Code and the court imposes a mandatory term of local 831
incarceration, the court may impose a prison term as described 832
in division (A) (1) of that section. 833

(5) If an offender is convicted of or pleads guilty to a 834
violation of division (A) (1) or (2) of section 2903.06 of the 835
Revised Code and also is convicted of or pleads guilty to a 836
specification of the type described in section 2941.1414 of the 837
Revised Code that charges that the victim of the offense is a 838
peace officer, as defined in section 2935.01 of the Revised 839
Code, an investigator of the bureau of criminal identification 840
and investigation, as defined in section 2903.11 of the Revised 841
Code, or a firefighter or emergency medical worker, both as 842
defined in section 2941.1414 of the Revised Code, the court 843
shall impose on the offender a prison term of five years. If a 844
court imposes a prison term on an offender under division (B) (5) 845
of this section, the prison term shall not be reduced pursuant 846
to section 2929.20, division (A) (2) or (3) of section 2967.193 847
or 2967.194, or any other provision of Chapter 2967. or Chapter 848
5120. of the Revised Code. A court shall not impose more than 849
one prison term on an offender under division (B) (5) of this 850
section for felonies committed as part of the same act. 851

(6) If an offender is convicted of or pleads guilty to a 852

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

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

(i) If the offense is a felony of the first degree, a definite prison term of not less than five years and not greater than eleven years, except that if the offense is a felony of the first degree committed on or after March 22, 2019, the court

shall impose as the minimum prison term a mandatory term of not 884
less than five years and not greater than eleven years; 885

(ii) If the offense is a felony of the second or third 886
degree, a definite prison term of not less than three years and 887
not greater than the maximum prison term allowed for the offense 888
by division (A) (2) (b) or (3) of this section, except that if the 889
offense is a felony of the second degree committed on or after 890
March 22, 2019, the court shall impose as the minimum prison 891
term a mandatory term of not less than three years and not 892
greater than eight years; 893

(iii) If the offense is a felony of the fourth or fifth 894
degree, a definite prison term that is the maximum prison term 895
allowed for the offense by division (A) of section 2929.14 of 896
the Revised Code. 897

(b) The prison term imposed under division (B) (7) (a) of 898
this section shall not be reduced pursuant to section 2929.20, 899
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 900
other provision of Chapter 2967. of the Revised Code. A court 901
shall not impose more than one prison term on an offender under 902
division (B) (7) (a) of this section for felonies committed as 903
part of the same act, scheme, or plan. 904

(8) If an offender is convicted of or pleads guilty to a 905
felony violation of section 2903.11, 2903.12, or 2903.13 of the 906
Revised Code and also is convicted of or pleads guilty to a 907
specification of the type described in section 2941.1423 of the 908
Revised Code that charges that the victim of the violation was a 909
woman whom the offender knew was pregnant at the time of the 910
violation, notwithstanding the range prescribed in division (A) 911
of this section as the definite prison term or minimum prison 912
term for felonies of the same degree as the violation, the court 913

shall impose on the offender a mandatory prison term that is 914
either a definite prison term of six months or one of the prison 915
terms prescribed in division (A) of this section for felonies of 916
the same degree as the violation, except that if the violation 917
is a felony of the first or second degree committed on or after 918
March 22, 2019, the court shall impose as the minimum prison 919
term under division (A) (1) (a) or (2) (a) of this section a 920
mandatory term that is one of the terms prescribed in that 921
division, whichever is applicable, for the offense. 922

(9) (a) If an offender is convicted of or pleads guilty to 923
a violation of division (A) (1) or (2) of section 2903.11 of the 924
Revised Code and also is convicted of or pleads guilty to a 925
specification of the type described in section 2941.1425 of the 926
Revised Code, the court shall impose on the offender a mandatory 927
prison term of six years if either of the following applies: 928

(i) The violation is a violation of division (A) (1) of 929
section 2903.11 of the Revised Code and the specification 930
charges that the offender used an accelerant in committing the 931
violation and the serious physical harm to another or to 932
another's unborn caused by the violation resulted in a 933
permanent, serious disfigurement or permanent, substantial 934
incapacity; 935

(ii) The violation is a violation of division (A) (2) of 936
section 2903.11 of the Revised Code and the specification 937
charges that the offender used an accelerant in committing the 938
violation, that the violation caused physical harm to another or 939
to another's unborn, and that the physical harm resulted in a 940
permanent, serious disfigurement or permanent, substantial 941
incapacity. 942

(b) If a court imposes a prison term on an offender under 943

division (B) (9) (a) of this section, the prison term shall not be 944
reduced pursuant to section 2929.20, division (A) (2) or (3) of 945
section 2967.193 or 2967.194, or any other provision of Chapter 946
2967. or Chapter 5120. of the Revised Code. A court shall not 947
impose more than one prison term on an offender under division 948
(B) (9) of this section for felonies committed as part of the 949
same act. 950

(c) The provisions of divisions (B) (9) and (C) (6) of this 951
section and of division (D) (2) of section 2903.11, division (F) 952
(20) of section 2929.13, and section 2941.1425 of the Revised 953
Code shall be known as "Judy's Law." 954

(10) If an offender is convicted of or pleads guilty to a 955
violation of division (A) of section 2903.11 of the Revised Code 956
and also is convicted of or pleads guilty to a specification of 957
the type described in section 2941.1426 of the Revised Code that 958
charges that the victim of the offense suffered permanent 959
disabling harm as a result of the offense and that the victim 960
was under ten years of age at the time of the offense, 961
regardless of whether the offender knew the age of the victim, 962
the court shall impose upon the offender an additional definite 963
prison term of six years. A prison term imposed on an offender 964
under division (B) (10) of this section shall not be reduced 965
pursuant to section 2929.20, division (A) (2) or (3) of section 966
2967.193 or 2967.194, or any other provision of Chapter 2967. or 967
Chapter 5120. of the Revised Code. If a court imposes an 968
additional prison term on an offender under this division 969
relative to a violation of division (A) of section 2903.11 of 970
the Revised Code, the court shall not impose any other 971
additional prison term on the offender relative to the same 972
offense. 973

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

(12) If an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.1427 of the Revised Code that charges that the offender moved or removed human remains to prevent the discovery of an unlawful act, the discovery of the death, the discovery of the cause of death, or the discovery of the human remains, the court shall impose on the offender an additional prison term of five 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 1005
Revised Code. A court shall not impose more than one prison term 1006
on an offender under division (B) (12) of this section for 1007
felonies committed as part of the same act or transaction. 1008

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1009
if a mandatory prison term is imposed upon an offender pursuant 1010
to division (B) (1) (a) of this section for having a firearm on or 1011
about the offender's person or under the offender's control 1012
while committing a felony, if a mandatory prison term is imposed 1013
upon an offender pursuant to division (B) (1) (c) of this section 1014
for committing a felony specified in that division by 1015
discharging a firearm from a motor vehicle, or if both types of 1016
mandatory prison terms are imposed, the offender shall serve any 1017
mandatory prison term imposed under either division 1018
consecutively to any other mandatory prison term imposed under 1019
either division or under division (B) (1) (d) of this section, 1020
consecutively to and prior to any prison term imposed for the 1021
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1022
this section or any other section of the Revised Code, and 1023
consecutively to any other prison term or mandatory prison term 1024
previously or subsequently imposed upon the offender. 1025

(b) If a mandatory prison term is imposed upon an offender 1026
pursuant to division (B) (1) (d) of this section for wearing or 1027
carrying body armor while committing an offense of violence that 1028
is a felony, the offender shall serve the mandatory term so 1029
imposed consecutively to any other mandatory prison term imposed 1030
under that division or under division (B) (1) (a) or (c) of this 1031
section, consecutively to and prior to any prison term imposed 1032
for the underlying felony under division (A), (B) (2), or (B) (3) 1033
of this section or any other section of the Revised Code, and 1034
consecutively to any other prison term or mandatory prison term 1035

previously or subsequently imposed upon the offender. 1036

(c) If a mandatory prison term is imposed upon an offender 1037
pursuant to division (B)(1)(f) of this section, the offender 1038
shall serve the mandatory prison term so imposed consecutively 1039
to and prior to any prison term imposed for the underlying 1040
felony under division (A), (B)(2), or (B)(3) of this section or 1041
any other section of the Revised Code, and consecutively to any 1042
other prison term or mandatory prison term previously or 1043
subsequently imposed upon the offender. 1044

(d) If a mandatory prison term is imposed upon an offender 1045
pursuant to division (B)(7) or (8) of this section, the offender 1046
shall serve the mandatory prison term so imposed consecutively 1047
to any other mandatory prison term imposed under that division 1048
or under any other provision of law and consecutively to any 1049
other prison term or mandatory prison term previously or 1050
subsequently imposed upon the offender. 1051

(e) If a mandatory prison term is imposed upon an offender 1052
pursuant to division (B)(11) of this section, the offender shall 1053
serve the mandatory prison term consecutively to any other 1054
mandatory prison term imposed under that division, consecutively 1055
to and prior to any prison term imposed for the underlying 1056
felony, and consecutively to any other prison term or mandatory 1057
prison term previously or subsequently imposed upon the 1058
offender. 1059

(2) If an offender who is an inmate in a jail, prison, or 1060
other residential detention facility violates section 2917.02, 1061
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 1062
(2) of section 2921.34 of the Revised Code, if an offender who 1063
is under detention at a detention facility commits a felony 1064
violation of section 2923.131 of the Revised Code, or if an 1065

offender who is an inmate in a jail, prison, or other 1066
residential detention facility or is under detention at a 1067
detention facility commits another felony while the offender is 1068
an escapee in violation of division (A) (1) or (2) of section 1069
2921.34 of the Revised Code, any prison term imposed upon the 1070
offender for one of those violations shall be served by the 1071
offender consecutively to the prison term or term of 1072
imprisonment the offender was serving when the offender 1073
committed that offense and to any other prison term previously 1074
or subsequently imposed upon the offender. 1075

(3) If a prison term is imposed for a violation of 1076
division (B) of section 2911.01 of the Revised Code, a violation 1077
of division (A) of section 2913.02 of the Revised Code in which 1078
the stolen property is a firearm or dangerous ordnance, or a 1079
felony violation of division (B) of section 2921.331 of the 1080
Revised Code, the offender shall serve that prison term 1081
consecutively to any other prison term or mandatory prison term 1082
previously or subsequently imposed upon the offender. 1083

(4) If multiple prison terms are imposed on an offender 1084
for convictions of multiple offenses, the court may require the 1085
offender to serve the prison terms consecutively if the court 1086
finds that the consecutive service is necessary to protect the 1087
public from future crime or to punish the offender and that 1088
consecutive sentences are not disproportionate to the 1089
seriousness of the offender's conduct and to the danger the 1090
offender poses to the public, and if the court also finds any of 1091
the following: 1092

(a) The offender committed one or more of the multiple 1093
offenses while the offender was awaiting trial or sentencing, 1094
was under a sanction imposed pursuant to section 2929.16, 1095

2929.17, or 2929.18 of the Revised Code, or was under post- 1096
release control for a prior offense. 1097

(b) At least two of the multiple offenses were committed 1098
as part of one or more courses of conduct, and the harm caused 1099
by two or more of the multiple offenses so committed was so 1100
great or unusual that no single prison term for any of the 1101
offenses committed as part of any of the courses of conduct 1102
adequately reflects the seriousness of the offender's conduct. 1103

(c) The offender's history of criminal conduct 1104
demonstrates that consecutive sentences are necessary to protect 1105
the public from future crime by the offender. 1106

(5) If a mandatory prison term is imposed upon an offender 1107
pursuant to division (B) (5) or (6) of this section, the offender 1108
shall serve the mandatory prison term consecutively to and prior 1109
to any prison term imposed for the underlying violation of 1110
division (A) (1) or (2) of section 2903.06 of the Revised Code 1111
pursuant to division (A) of this section or section 2929.142 of 1112
the Revised Code. If a mandatory prison term is imposed upon an 1113
offender pursuant to division (B) (5) of this section, and if a 1114
mandatory prison term also is imposed upon the offender pursuant 1115
to division (B) (6) of this section in relation to the same 1116
violation, the offender shall serve the mandatory prison term 1117
imposed pursuant to division (B) (5) of this section 1118
consecutively to and prior to the mandatory prison term imposed 1119
pursuant to division (B) (6) of this section and consecutively to 1120
and prior to any prison term imposed for the underlying 1121
violation of division (A) (1) or (2) of section 2903.06 of the 1122
Revised Code pursuant to division (A) of this section or section 1123
2929.142 of the Revised Code. 1124

(6) If a mandatory prison term is imposed on an offender 1125

pursuant to division (B)(9) of this section, the offender shall 1126
serve the mandatory prison term consecutively to and prior to 1127
any prison term imposed for the underlying violation of division 1128
(A)(1) or (2) of section 2903.11 of the Revised Code and 1129
consecutively to and prior to any other prison term or mandatory 1130
prison term previously or subsequently imposed on the offender. 1131

(7) If a mandatory prison term is imposed on an offender 1132
pursuant to division (B)(10) of this section, the offender shall 1133
serve that mandatory prison term consecutively to and prior to 1134
any prison term imposed for the underlying felonious assault. 1135
Except as otherwise provided in division (C) of this section, 1136
any other prison term or mandatory prison term previously or 1137
subsequently imposed upon the offender may be served 1138
concurrently with, or consecutively to, the prison term imposed 1139
pursuant to division (B)(10) of this section. 1140

(8) Any prison term imposed for a violation of section 1141
2903.04 of the Revised Code that is based on a violation of 1142
section 2925.03 or 2925.11 of the Revised Code or on a violation 1143
of section 2925.05 of the Revised Code that is not funding of 1144
marihuana trafficking shall run consecutively to any prison term 1145
imposed for the violation of section 2925.03 or 2925.11 of the 1146
Revised Code or for the violation of section 2925.05 of the 1147
Revised Code that is not funding of marihuana trafficking. 1148

(9) When consecutive prison terms are imposed pursuant to 1149
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 1150
division (H)(1) or (2) of this section, subject to division (C) 1151
(10) of this section, the term to be served is the aggregate of 1152
all of the terms so imposed. 1153

(10) When a court sentences an offender to a non-life 1154
felony indefinite prison term, any definite prison term or 1155

mandatory definite prison term previously or subsequently 1156
imposed on the offender in addition to that indefinite sentence 1157
that is required to be served consecutively to that indefinite 1158
sentence shall be served prior to the indefinite sentence. 1159

(11) If a court is sentencing an offender for a felony of 1160
the first or second degree, if division (A) (1) (a) or (2) (a) of 1161
this section applies with respect to the sentencing for the 1162
offense, and if the court is required under the Revised Code 1163
section that sets forth the offense or any other Revised Code 1164
provision to impose a mandatory prison term for the offense, the 1165
court shall impose the required mandatory prison term as the 1166
minimum term imposed under division (A) (1) (a) or (2) (a) of this 1167
section, whichever is applicable. 1168

(D) (1) If a court imposes a prison term, other than a term 1169
of life imprisonment, for a felony of the first degree, for a 1170
felony of the second degree, for a felony sex offense, or for a 1171
felony of the third degree that is an offense of violence and 1172
that is not a felony sex offense, it shall include in the 1173
sentence a requirement that the offender be subject to a period 1174
of post-release control after the offender's release from 1175
imprisonment, in accordance with section 2967.28 of the Revised 1176
Code. If a court imposes a sentence including a prison term of a 1177
type described in this division on or after July 11, 2006, the 1178
failure of a court to include a post-release control requirement 1179
in the sentence pursuant to this division does not negate, 1180
limit, or otherwise affect the mandatory period of post-release 1181
control that is required for the offender under division (B) of 1182
section 2967.28 of the Revised Code. Section 2929.191 of the 1183
Revised Code applies if, prior to July 11, 2006, a court imposed 1184
a sentence including a prison term of a type described in this 1185
division and failed to include in the sentence pursuant to this 1186

division a statement regarding post-release control. 1187

(2) If a court imposes a prison term for a felony of the 1188
third, fourth, or fifth degree that is not subject to division 1189
(D)(1) of this section, it shall include in the sentence a 1190
requirement that the offender be subject to a period of post- 1191
release control after the offender's release from imprisonment, 1192
in accordance with that division, if the parole board determines 1193
that a period of post-release control is necessary. Section 1194
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1195
a court imposed a sentence including a prison term of a type 1196
described in this division and failed to include in the sentence 1197
pursuant to this division a statement regarding post-release 1198
control. 1199

(E) The court shall impose sentence upon the offender in 1200
accordance with section 2971.03 of the Revised Code, and Chapter 1201
2971. of the Revised Code applies regarding the prison term or 1202
term of life imprisonment without parole imposed upon the 1203
offender and the service of that term of imprisonment if any of 1204
the following apply: 1205

(1) A person is convicted of or pleads guilty to a violent 1206
sex offense or a designated homicide, assault, or kidnapping 1207
offense, and, in relation to that offense, the offender is 1208
adjudicated a sexually violent predator. 1209

(2) A person is convicted of or pleads guilty to a 1210
violation of division (A)(1)(b) of section 2907.02 of the 1211
Revised Code committed on or after January 2, 2007, and either 1212
the court does not impose a sentence of life without parole when 1213
authorized pursuant to division (B) of section 2907.02 of the 1214
Revised Code, or division (B) of section 2907.02 of the Revised 1215
Code provides that the court shall not sentence the offender 1216

pursuant to section 2971.03 of the Revised Code. 1217

(3) A person is convicted of or pleads guilty to attempted 1218
rape committed on or after January 2, 2007, and a specification 1219
of the type described in section 2941.1418, 2941.1419, or 1220
2941.1420 of the Revised Code. 1221

(4) A person is convicted of or pleads guilty to a 1222
violation of section 2905.01 of the Revised Code committed on or 1223
after January 1, 2008, and that section requires the court to 1224
sentence the offender pursuant to section 2971.03 of the Revised 1225
Code. 1226

(5) A person is convicted of or pleads guilty to 1227
aggravated murder committed on or after January 1, 2008, and 1228
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1229
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1230
(a) (iv) of section 2929.03, or division (A) or (B) of section 1231
2929.06 of the Revised Code requires the court to sentence the 1232
offender pursuant to division (B) (3) of section 2971.03 of the 1233
Revised Code. 1234

(6) A person is convicted of or pleads guilty to murder 1235
committed on or after January 1, 2008, and division (B) (2) of 1236
section 2929.02 of the Revised Code requires the court to 1237
sentence the offender pursuant to section 2971.03 of the Revised 1238
Code. 1239

(F) If a person who has been convicted of or pleaded 1240
guilty to a felony is sentenced to a prison term or term of 1241
imprisonment under this section, sections 2929.02 to 2929.06 of 1242
the Revised Code, section 2929.142 of the Revised Code, section 1243
2971.03 of the Revised Code, or any other provision of law, 1244
section 5120.163 of the Revised Code applies regarding the 1245

person while the person is confined in a state correctional 1246
institution. 1247

(G) If an offender who is convicted of or pleads guilty to 1248
a felony that is an offense of violence also is convicted of or 1249
pleads guilty to a specification of the type described in 1250
section 2941.142 of the Revised Code that charges the offender 1251
with having committed the felony while participating in a 1252
criminal gang, the court shall impose upon the offender an 1253
additional prison term of one, two, or three years. 1254

(H) (1) If an offender who is convicted of or pleads guilty 1255
to aggravated murder, murder, or a felony of the first, second, 1256
or third degree that is an offense of violence also is convicted 1257
of or pleads guilty to a specification of the type described in 1258
section 2941.143 of the Revised Code that charges the offender 1259
with having committed the offense in a school safety zone or 1260
towards a person in a school safety zone, the court shall impose 1261
upon the offender an additional prison term of two years. The 1262
offender shall serve the additional two years consecutively to 1263
and prior to the prison term imposed for the underlying offense. 1264

(2) (a) If an offender is convicted of or pleads guilty to 1265
a felony violation of section 2907.22, 2907.24, 2907.241, or 1266
2907.25 of the Revised Code and to a specification of the type 1267
described in section 2941.1421 of the Revised Code and if the 1268
court imposes a prison term on the offender for the felony 1269
violation, the court may impose upon the offender an additional 1270
prison term as follows: 1271

(i) Subject to division (H) (2) (a) (ii) of this section, an 1272
additional prison term of one, two, three, four, five, or six 1273
months; 1274

(ii) If the offender previously has been convicted of or 1275
pleaded guilty to one or more felony or misdemeanor violations 1276
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1277
the Revised Code and also was convicted of or pleaded guilty to 1278
a specification of the type described in section 2941.1421 of 1279
the Revised Code regarding one or more of those violations, an 1280
additional prison term of one, two, three, four, five, six, 1281
seven, eight, nine, ten, eleven, or twelve months. 1282

(b) In lieu of imposing an additional prison term under 1283
division (H) (2) (a) of this section, the court may directly 1284
impose on the offender a sanction that requires the offender to 1285
wear a real-time processing, continual tracking electronic 1286
monitoring device during the period of time specified by the 1287
court. The period of time specified by the court shall equal the 1288
duration of an additional prison term that the court could have 1289
imposed upon the offender under division (H) (2) (a) of this 1290
section. A sanction imposed under this division shall commence 1291
on the date specified by the court, provided that the sanction 1292
shall not commence until after the offender has served the 1293
prison term imposed for the felony violation of section 2907.22, 1294
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1295
residential sanction imposed for the violation under section 1296
2929.16 of the Revised Code. A sanction imposed under this 1297
division shall be considered to be a community control sanction 1298
for purposes of section 2929.15 of the Revised Code, and all 1299
provisions of the Revised Code that pertain to community control 1300
sanctions shall apply to a sanction imposed under this division, 1301
except to the extent that they would by their nature be clearly 1302
inapplicable. The offender shall pay all costs associated with a 1303
sanction imposed under this division, including the cost of the 1304
use of the monitoring device. 1305

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

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

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

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

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

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

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

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

prison term imposed for the underlying offense. The prison term 1367
shall not be reduced pursuant to section 2929.20, division (A) 1368
(2) or (3) of section 2967.193 or 2967.194, or any other 1369
provision of Chapter 2967. or 5120. of the Revised Code. A court 1370
may not impose more than one sentence under division (B) (2) (a) 1371
of this section and this division for acts committed as part of 1372
the same act or transaction. 1373

(2) As used in division (K) (1) of this section, "violent 1374
career criminal" and "violent felony offense" have the same 1375
meanings as in section 2923.132 of the Revised Code. 1376

(L) If an offender receives or received a sentence of life 1377
imprisonment without parole, a sentence of life imprisonment, a 1378
definite sentence, or a sentence to an indefinite prison term 1379
under this chapter for a felony offense that was committed when 1380
the offender was under eighteen years of age, the offender's 1381
parole eligibility shall be determined under section 2967.132 of 1382
the Revised Code. 1383

Sec. 2941.1427. (A) Imposition of a five-year mandatory 1384
prison term upon an offender under division (B) (12) of section 1385
2929.14 of the Revised Code is precluded unless the indictment, 1386
count in the indictment, or information charging the offense 1387
specifies that the offender moved or removed human remains to 1388
prevent the discovery of an unlawful act, the discovery of the 1389
death, the discovery of the cause of death, or the discovery of 1390
the human remains. The specification shall be stated at the end 1391
of the body of the indictment, count, or information, and shall 1392
be in substantially the following form: 1393

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1394
Grand Jurors (or insert the person's or the prosecuting 1395
attorney's name when appropriate) further find and specify that 1396

(set forth that the offender moved or removed human remains to prevent the discovery of an unlawful act, the discovery of the death, the discovery of the cause of death, or the discovery of the human remains.)" 1397
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(B) The specification described in division (A) of this section may be used in a delinquent child proceeding in the manner and for the purpose described in section 2152.17 of the Revised Code. 1401
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Section 2. That existing sections 2152.17, 2901.13, 2927.01, and 2929.14 of the Revised Code are hereby repealed. 1405
1406

Section 3. This act shall be known as Katelyn's Law. 1407

Section 4. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act: 1408
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Section 2901.13 of the Revised Code as amended by both S.B. 16 and S.B. 288 of the 134th General Assembly. 1416
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Section 2929.14 of the Revised Code as amended by H.B. 37, H.B. 56, H.B. 111, and S.B. 106, all of the 135th General Assembly. 1418
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