

As Reported by the House Judiciary Committee

136th General Assembly

Regular Session

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Am. H. B. No. 47

Representatives Williams, Santucci

**Cosponsors: Representatives Barhorst, Bird, Click, Daniels, Fischer, Gross, Hall,
T., John, Johnson, King, Lorenz, Robb Blasdel, Richardson, Workman, Mathews,
A., Stewart**

A BILL

To amend sections 2903.41, 2905.01, 2905.02, 1
2905.32, and 2971.03 of the Revised Code to 2
enact the Human Trafficking Prevention Act to 3
increase the penalty for human trafficking of a 4
minor or person with a developmental disability, 5
kidnapping, and abduction. 6

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

Section 1. That sections 2903.41, 2905.01, 2905.02, 7
2905.32, and 2971.03 of the Revised Code be amended to read as 8
follows: 9

Sec. 2903.41. As used in sections 2903.41 to 2903.44 of 10
the Revised Code: 11

(A) "Violent offender" means any of the following: 12

(1) A person who on or after the effective date of this 13
section is convicted of or pleads guilty to any of the 14
following: 15

(a) A violation of section 2903.01, 2903.02, 2903.03, or 16

2905.01 of the Revised Code or a violation of section 2905.02 of 17
the Revised Code that is a felony of the ~~second~~first degree; 18

(b) Any attempt to commit, conspiracy to commit, or 19
complicity in committing any offense listed in division (A) (1) 20
(a) of this section. 21

(2) A person who on the effective date of this section has 22
been convicted of or pleaded guilty to an offense listed in 23
division (A) (1) of this section and is confined in a jail, 24
workhouse, state correctional institution, or other institution, 25
serving a prison term, term of imprisonment, or other term of 26
confinement for the offense. 27

(B) "Community control sanction," "jail," and "prison" 28
have the same meanings as in section 2929.01 of the Revised 29
Code. 30

(C) "Out-of-state violent offender" means a person who is 31
convicted of, pleads guilty to, has been convicted of, or has 32
pleaded guilty to a violation of any existing or former 33
municipal ordinance or law of another state or the United 34
States, or any existing or former law applicable in a military 35
court or in an Indian tribal court, that is or was substantially 36
equivalent to any offense listed in division (A) (1) of this 37
section. 38

(D) "Qualifying out-of-state violent offender" means an 39
out-of-state violent offender who is aware of the existence of 40
the violent offender database. 41

(E) "Post-release control sanction" and "supervised 42
release" have the same meanings as in section 2950.01 of the 43
Revised Code. 44

(F) "Change of address" means a change to a violent 45

offender's or out-of-state violent offender's residence address, 46
employment address, or school or institution of higher education 47
address. 48

(G) "Violent offender database" means the database of 49
violent offenders and out-of-state violent offenders that is 50
established and maintained by the bureau of criminal 51
identification and investigation under division (F) (2) of 52
section 2903.43 of the Revised Code, that is operated by 53
sheriffs under sections 2903.42 and 2903.43 of the Revised Code, 54
and for which sheriffs obtain information from violent offenders 55
and out-of-state violent offenders pursuant to sections 2903.42 56
and 2903.43 of the Revised Code. 57

(H) "Violent offender database duties" and "VOD duties" 58
mean the duty to enroll, duty to re-enroll, and duty to provide 59
notice of a change of address imposed on a violent offender or a 60
qualifying out-of-state violent offender under section 2903.42, 61
2903.421, 2903.43, or 2903.44 of the Revised Code. 62

(I) "Ten-year enrollment period" means, for a violent 63
offender who has violent offender database duties pursuant to 64
section 2903.42 of the Revised Code or a qualifying out-of-state 65
violent offender who has violent offender database duties 66
pursuant to section 2903.421 of the Revised Code, ten years from 67
the date on which the offender initially enrolls in the violent 68
offender database. 69

(J) "Extended enrollment period" means, for a violent 70
offender who has violent offender database duties pursuant to 71
section 2903.42 of the Revised Code or a qualifying out-of-state 72
violent offender who has violent offender database duties 73
pursuant to section 2903.421 of the Revised Code, the offender's 74
enrollment period as extended pursuant to division (D) (2) of 75

section 2903.43 of the Revised Code. 76

(K) "Prosecutor" means one of the following: 77

(1) As used in section 2903.42 of the Revised Code, the 78
office of the prosecuting attorney who handled a violent 79
offender's underlying case or the office of that prosecutor's 80
successor. 81

(2) As used in sections 2903.421, 2903.43, and 2903.44 of 82
the Revised Code, the office of the prosecuting attorney of the 83
county in which a violent offender resides or of the county in 84
which an out-of-state violent offender resides or occupies a 85
dwelling. 86

Sec. 2905.01. (A) No person, by force, threat, or 87
deception, or, in the case of a victim under the age of thirteen 88
or mentally incompetent, by any means, shall remove another from 89
the place where the other person is found or restrain the 90
liberty of the other person, for any of the following purposes: 91

(1) To hold for ransom, or as a shield or hostage; 92

(2) To facilitate the commission of any felony or flight 93
thereafter; 94

(3) To terrorize, or to inflict serious physical harm on 95
the victim or another; 96

(4) To engage in sexual activity, as defined in section 97
2907.01 of the Revised Code, with the victim against the 98
victim's will; 99

(5) To hinder, impede, or obstruct a function of 100
government, or to force any action or concession on the part of 101
governmental authority; 102

(6) To hold in a condition of involuntary servitude. 103

(B) No person, by force, threat, or deception, or, in the 104
case of a victim under the age of thirteen or mentally 105
incompetent, by any means, shall knowingly and without privilege 106
to do so do any of the following, under circumstances that 107
create a substantial risk of serious physical harm to the victim 108
or, in the case of a minor victim, under circumstances that 109
either create a substantial risk of serious physical harm to the 110
victim or cause physical harm to the victim: 111

(1) Remove another from the place where the other person 112
is found; 113

(2) Restrain another of the other person's liberty. 114

(C) (1) Whoever violates this section is guilty of 115
kidnapping. Except as otherwise provided in this division or 116
division (C) (2) ~~or~~, (3), or (4) of this section, kidnapping a 117
violation of division (A) (1), (2), (3), or (5) or (B) (1) or (2) 118
of this section is a felony of the first degree. Except as 119
otherwise provided in this division or division (C) (2) ~~or~~, (3), 120
or (4) of this section, if an offender who violates division (A) 121
(1) ~~to~~, (2), (3), or (5) ~~or~~ (B) (1) ~~or~~ ~~(B) (2) (2)~~ of this 122
section releases the victim in a safe place unharmed, kidnapping 123
is a felony of the second degree. 124

~~(2)~~ (2) (a) Except as provided in division (C) (2) (b) of this 125
section, a violation of division (A) (4) or (6) of this section 126
is a felony of the first degree, and, notwithstanding the 127
definite or indefinite sentence provided for a felony of the 128
first degree in section 2929.14 of the Revised Code, the 129
offender shall be sentenced pursuant to that section to an 130
indefinite prison term consisting of a minimum term of twenty- 131

five years and a maximum term of life imprisonment. 132

(b) If the offender releases the victim in a safe place 133
unharmd, the offender shall be sentenced pursuant to that 134
section to an indefinite term consisting of a minimum term of 135
fifteen years and a maximum term of life imprisonment. 136

(3) If the offender in any case also is convicted of or 137
pleads guilty to a specification as described in section 138
2941.1422 of the Revised Code that was included in the 139
indictment, count in the indictment, or information charging the 140
offense, the court shall order the offender to make restitution 141
as provided in division (B) (8) of section 2929.18 of the Revised 142
Code and, except as otherwise provided in division ~~(C) (3)~~ (C) (4) 143
of this section, shall sentence the offender to a mandatory 144
prison term as provided in division (B) (7) of section 2929.14 of 145
the Revised Code. 146

~~(3)~~ (4) If the victim of ~~the offense~~ a violation of 147
division (A) (1), (2), (3), or (5) or (B) (1) or (2) of this 148
section is less than thirteen years of age and if the offender 149
also is convicted of or pleads guilty to a sexual motivation 150
specification that was included in the indictment, count in the 151
indictment, or information charging the offense, kidnapping is a 152
felony of the first degree, and, notwithstanding the definite or 153
indefinite sentence provided for a felony of the first degree in 154
section 2929.14 of the Revised Code, the offender shall be 155
sentenced pursuant to section 2971.03 of the Revised Code as 156
follows: 157

(a) Except as otherwise provided in division ~~(C) (3)~~ (b) (C) 158
(4) (b) of this section, the offender shall be sentenced pursuant 159
to that section to an indefinite prison term consisting of a 160
minimum term of ~~fifteen~~ twenty-five years and a maximum term of 161

life imprisonment. 162

(b) If the offender releases the victim in a safe place 163
unharmd, the offender shall be sentenced pursuant to that 164
section to an indefinite term consisting of a minimum term of 165
~~ten~~fifteen years and a maximum term of life imprisonment. 166

(D) As used in this section: 167

(1) "Involuntary servitude" has the same meaning as in 168
section 2905.31 of the Revised Code. 169

(2) "Sexual motivation specification" has the same meaning 170
as in section 2971.01 of the Revised Code. 171

Sec. 2905.02. (A) No person, without privilege to do so, 172
shall knowingly do any of the following: 173

(1) By force or threat, remove another from the place 174
where the other person is found; 175

(2) By force or threat, restrain the liberty of another 176
person under circumstances that create a risk of physical harm 177
to the victim or place the other person in fear; 178

(3) Hold another in a condition of involuntary servitude. 179

(B) No person, with a sexual motivation, shall violate 180
division (A) of this section. 181

~~(C)~~(C) (1) Whoever violates this section is guilty of 182
abduction. ~~A~~ 183

(2) A violation of division (A) (1) or (2) of this section 184
or a violation of division (B) of this section involving conduct 185
of the type described in division (A) (1) or (2) of this section 186
is a felony of the third degree. ~~A~~ 187

(3) A violation of division (A) (3) of this section or a 188

violation of division (B) of this section involving conduct of 189
the type described in division (A) (3) of this section is a 190
felony of the ~~second~~-first degree. ~~If~~-Notwithstanding the 191
definite or indefinite sentence provided for a felony of the 192
first degree in section 2929.14 of the Revised Code, the 193
offender shall be sentenced for a violation of division (A) (3) 194
of this section or a violation of division (B) of this section 195
to an indefinite prison term consisting of a minimum term of 196
twenty-five years and a maximum term of life imprisonment. 197

(4) If the offender in any case also is convicted of or 198
pleads guilty to a specification as described in section 199
2941.1422 of the Revised Code that was included in the 200
indictment, count in the indictment, or information charging the 201
offense, the court shall sentence the offender to a mandatory 202
prison term as provided in division (B) (7) of section 2929.14 of 203
the Revised Code and shall order the offender to make 204
restitution as provided in division (B) (8) of section 2929.18 of 205
the Revised Code. 206

(D) As used in this section: 207

(1) "Involuntary servitude" has the same meaning as in 208
section 2905.31 of the Revised Code. 209

(2) "Sexual motivation" has the same meaning as in section 210
2971.01 of the Revised Code. 211

Sec. 2905.32. (A) No person shall knowingly recruit, lure, 212
entice, isolate, harbor, transport, provide, obtain, or 213
maintain, or knowingly attempt to recruit, lure, entice, 214
isolate, harbor, transport, provide, obtain, or maintain, 215
another person if either of the following applies: 216

(1) The offender knows or has reasonable cause to believe 217

that the other person will be subjected to involuntary servitude 218
or be compelled to engage in sexual activity for hire, engage in 219
a performance that is obscene, sexually oriented, or nudity 220
oriented, or be a model or participant in the production of 221
material that is obscene, sexually oriented, or nudity oriented. 222

(2) The other person is less than eighteen years of age or 223
is a person with a developmental disability whom the offender 224
knows or has reasonable cause to believe is a person with a 225
developmental disability, and either the offender knows or has 226
reasonable cause to believe that the other person will be 227
subjected to involuntary servitude or the offender's knowing 228
recruitment, luring, enticement, isolation, harboring, 229
transportation, provision, obtaining, or maintenance of the 230
other person or knowing attempt to recruit, lure, entice, 231
isolate, harbor, transport, provide, obtain, or maintain the 232
other person is for any of the following purposes: 233

(a) For the other person to engage in sexual activity for 234
hire with one or more third parties; 235

(b) To engage in a performance for hire that is obscene, 236
sexually oriented, or nudity oriented; 237

(c) To be a model or participant for hire in the 238
production of material that is obscene, sexually oriented, or 239
nudity oriented. 240

(B) For a prosecution under division (A) (1) of this 241
section, the element "compelled" does not require that the 242
compulsion be openly displayed or physically exerted. The 243
element "compelled" has been established if the state proves 244
that the offender overcame the victim's will by force, fear, 245
duress, intimidation, or fraud, by furnishing or offering a 246

controlled substance to the victim, or by manipulating the 247
victim's controlled substance addiction. 248

(C) In a prosecution under this section, proof that the 249
defendant engaged in sexual activity with any person, or 250
solicited sexual activity with any person, whether or not for 251
hire, without more, does not constitute a violation of this 252
section. 253

(D) A prosecution for a violation of this section does not 254
preclude a prosecution of a violation of any other section of 255
the Revised Code. One or more acts, a series of acts, or a 256
course of behavior that can be prosecuted under this section or 257
any other section of the Revised Code may be prosecuted under 258
this section, the other section of the Revised Code, or both 259
sections. However, if an offender is convicted of or pleads 260
guilty to a violation of this section and also is convicted of 261
or pleads guilty to a violation of section 2907.21 of the 262
Revised Code based on the same conduct involving the same victim 263
that was the basis of the violation of this section, or is 264
convicted of or pleads guilty to any other violation of Chapter 265
2907. of the Revised Code based on the same conduct involving 266
the same victim that was the basis of the violation of this 267
section, the two offenses are allied offenses of similar import 268
under section 2941.25 of the Revised Code. 269

~~(E)~~ (E) (1) Whoever violates this section is guilty of 270
trafficking in persons, a felony of the first degree. For a 271
violation committed prior to March 22, 2019, notwithstanding the 272
range of definite terms set forth in division (A) (1) (b) of 273
section 2929.14 of the Revised Code, the court shall sentence 274
the offender to a definite prison term of ten, eleven, twelve, 275
thirteen, fourteen, or fifteen years. ~~For~~ Except as provided in 276

division (E) (2) or (3) of this section, for a violation of 277
division (A) (1) or (2) of this section committed on or after 278
March 22, 2019, notwithstanding the range of minimum terms set 279
forth in division (A) (1) (a) of section 2929.14 of the Revised 280
Code, the court shall sentence the offender to an indefinite 281
prison term pursuant to that division, with a minimum term under 282
that sentence of ten, eleven, twelve, thirteen, fourteen, or 283
fifteen years. 284

(2) For a violation of division (A) (1) of this section 285
committed on or after the effective date of this amendment, 286
notwithstanding the definite or indefinite sentence provided for 287
a felony of the first degree in section 2929.14 of the Revised 288
Code, the court shall sentence the offender to an indefinite 289
prison term consisting of a minimum term of fifteen years and a 290
maximum term of life imprisonment. 291

(3) Whoever violates division (A) (2) of this section is 292
guilty of trafficking in minors or in persons with developmental 293
disabilities, a felony of the first degree. For a violation of 294
division (A) (2) of this section committed on or after the 295
effective date of this amendment, notwithstanding the definite 296
or indefinite sentence provided for a felony of the first degree 297
in section 2929.14 of the Revised Code, the court shall sentence 298
the offender to an indefinite prison term consisting of a 299
minimum term of twenty-five years and a maximum term of life 300
imprisonment. 301

(F) As used in this section: 302

(1) "Person with a developmental disability" means a 303
person whose ability to resist or consent to an act is 304
substantially impaired because of a mental or physical condition 305
or because of advanced age. 306

(2) "Sexual activity for hire," "performance for hire," 307
and "model or participant for hire" mean an implicit or explicit 308
agreement to provide sexual activity, engage in an obscene, 309
sexually oriented, or nudity oriented performance, or be a model 310
or participant in the production of obscene, sexually oriented, 311
or nudity oriented material, whichever is applicable, in 312
exchange for anything of value paid to any of the following: 313

(a) The person engaging in such sexual activity, 314
performance, or modeling or participation; 315

(b) Any person who recruits, lures, entices, isolates, 316
harbors, transports, provides, obtains, or maintains, or 317
attempts to recruit, lure, entice, isolate, harbor, transport, 318
provide, obtain, or maintain the person described in division 319
(F) (2) (a) of this section; 320

(c) Any person associated with a person described in 321
division (F) (2) (a) or (b) of this section. 322

(3) "Material that is obscene, sexually oriented, or 323
nudity oriented" and "performance that is obscene, sexually 324
oriented, or nudity oriented" have the same meanings as in 325
section 2929.01 of the Revised Code. 326

(4) "Third party" means, with respect to conduct described 327
in division (A) (2) (a) of this section, any person other than the 328
offender. 329

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of 330
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 331
another section of the Revised Code, other than divisions (B) 332
and (C) of section 2929.14 of the Revised Code, that authorizes 333
or requires a specified prison term or a mandatory prison term 334
for a person who is convicted of or pleads guilty to a felony or 335

that specifies the manner and place of service of a prison term 336
or term of imprisonment, the court shall impose a sentence upon 337
a person who is convicted of or pleads guilty to a violent sex 338
offense and who also is convicted of or pleads guilty to a 339
sexually violent predator specification that was included in the 340
indictment, count in the indictment, or information charging 341
that offense, and upon a person who is convicted of or pleads 342
guilty to a designated homicide, assault, or kidnapping offense 343
and also is convicted of or pleads guilty to both a sexual 344
motivation specification and a sexually violent predator 345
specification that were included in the indictment, count in the 346
indictment, or information charging that offense, as follows: 347

(1) Except as provided in division (A) (5) of this section, 348
if the offense for which the sentence is being imposed is 349
aggravated murder and if the court does not impose upon the 350
offender a sentence of death, it shall impose upon the offender 351
a term of life imprisonment without parole. If the court 352
sentences the offender to death and the sentence of death is 353
vacated, overturned, or otherwise set aside, the court shall 354
impose upon the offender a term of life imprisonment without 355
parole. 356

(2) Except as provided in division (A) (5) of this section, 357
if the offense for which the sentence is being imposed is 358
murder; or if the offense is rape committed in violation of 359
division (A) (1) (b) of section 2907.02 of the Revised Code when 360
the offender purposely compelled the victim to submit by force 361
or threat of force, when the victim was less than ten years of 362
age, when the offender previously has been convicted of or 363
pleaded guilty to either rape committed in violation of that 364
division or a violation of an existing or former law of this 365
state, another state, or the United States that is substantially 366

similar to division (A) (1) (b) of section 2907.02 of the Revised 367
Code, or when the offender during or immediately after the 368
commission of the rape caused serious physical harm to the 369
victim; or if the offense is an offense other than aggravated 370
murder or murder for which a term of life imprisonment may be 371
imposed, it shall impose upon the offender a term of life 372
imprisonment without parole. 373

(3) (a) Except as otherwise provided in division (A) (3) (b), 374
(c), (d), or (e) or (A) (4) of this section, if the offense for 375
which the sentence is being imposed is an offense other than 376
aggravated murder, murder, or rape and other than an offense for 377
which a term of life imprisonment may be imposed, it shall 378
impose an indefinite prison term consisting of a minimum term 379
fixed by the court as described in this division, but not less 380
than two years, and a maximum term of life imprisonment. Except 381
as otherwise specified in this division, the minimum term shall 382
be fixed by the court from among the range of terms available as 383
a definite term for the offense. If the offense is a felony of 384
the first or second degree committed on or after March 22, 2019, 385
the minimum term shall be fixed by the court from among the 386
range of terms available as a minimum term for the offense under 387
division (A) (1) (a) or (2) (a) of that section. 388

(b) Except as otherwise provided in division (A) (4) of 389
this section, if the offense for which the sentence is being 390
imposed is kidnapping that is a felony of the first degree, it 391
shall impose an indefinite prison term as follows: 392

(i) If the kidnapping is committed on or after January 1, 393
2008, and the victim of the offense is less than ~~thirteen~~ 394
eighteen years of age, except as otherwise provided in this 395
division, it shall impose an indefinite prison term consisting 396

of a minimum term of ~~fifteen~~twenty-five years and a maximum 397
term of life imprisonment. If the kidnapping is committed on or 398
after January 1, 2008, the victim of the offense is less than 399
~~thirteen~~eighteen years of age, and the offender released the 400
victim in a safe place unharmed, it shall impose an indefinite 401
prison term consisting of a minimum term of ~~ten~~fifteen years 402
and a maximum term of life imprisonment. 403

(ii) If the kidnapping is committed prior to January 1, 404
2008, or division (A) (3) (b) (i) of this section does not apply, 405
it shall impose an indefinite term consisting of a minimum term 406
fixed by the court that is not less than ten years and a maximum 407
term of life imprisonment. 408

(c) Except as otherwise provided in division (A) (4) of 409
this section, if the offense for which the sentence is being 410
imposed is kidnapping that is a felony of the second degree, it 411
shall impose an indefinite prison term consisting of a minimum 412
term fixed by the court that is not less than eight years, and a 413
maximum term of life imprisonment. 414

(d) Except as otherwise provided in division (A) (4) of 415
this section, if the offense for which the sentence is being 416
imposed is rape for which a term of life imprisonment is not 417
imposed under division (A) (2) of this section or division (B) of 418
section 2907.02 of the Revised Code, it shall impose an 419
indefinite prison term as follows: 420

(i) If the rape is committed on or after January 2, 2007, 421
in violation of division (A) (1) (b) of section 2907.02 of the 422
Revised Code, it shall impose an indefinite prison term 423
consisting of a minimum term of twenty-five years and a maximum 424
term of life imprisonment. 425

(ii) If the rape is committed prior to January 2, 2007, or 426
the rape is committed on or after January 2, 2007, other than in 427
violation of division (A) (1) (b) of section 2907.02 of the 428
Revised Code, it shall impose an indefinite prison term 429
consisting of a minimum term fixed by the court that is not less 430
than ten years, and a maximum term of life imprisonment. 431

(e) Except as otherwise provided in division (A) (4) of 432
this section, if the offense for which sentence is being imposed 433
is attempted rape, it shall impose an indefinite prison term as 434
follows: 435

(i) Except as otherwise provided in division (A) (3) (e) 436
(ii), (iii), or (iv) of this section, it shall impose an 437
indefinite prison term pursuant to division (A) (3) (a) of this 438
section. 439

(ii) If the attempted rape for which sentence is being 440
imposed was committed on or after January 2, 2007, and if the 441
offender also is convicted of or pleads guilty to a 442
specification of the type described in section 2941.1418 of the 443
Revised Code, it shall impose an indefinite prison term 444
consisting of a minimum term of five years and a maximum term of 445
twenty-five years. 446

(iii) If the attempted rape for which sentence is being 447
imposed was committed on or after January 2, 2007, and if the 448
offender also is convicted of or pleads guilty to a 449
specification of the type described in section 2941.1419 of the 450
Revised Code, it shall impose an indefinite prison term 451
consisting of a minimum term of ten years and a maximum of life 452
imprisonment. 453

(iv) If the attempted rape for which sentence is being 454

imposed was committed on or after January 2, 2007, and if the 455
offender also is convicted of or pleads guilty to a 456
specification of the type described in section 2941.1420 of the 457
Revised Code, it shall impose an indefinite prison term 458
consisting of a minimum term of fifteen years and a maximum of 459
life imprisonment. 460

(4) Except as provided in division (A) (5) of this section, 461
for any offense for which the sentence is being imposed, if the 462
offender previously has been convicted of or pleaded guilty to a 463
violent sex offense and also to a sexually violent predator 464
specification that was included in the indictment, count in the 465
indictment, or information charging that offense, or previously 466
has been convicted of or pleaded guilty to a designated 467
homicide, assault, or kidnapping offense and also to both a 468
sexual motivation specification and a sexually violent predator 469
specification that were included in the indictment, count in the 470
indictment, or information charging that offense, it shall 471
impose upon the offender a term of life imprisonment without 472
parole. 473

(5) Notwithstanding divisions (A) (1), (2), and (4) of this 474
section, the court shall not impose a sentence of life 475
imprisonment without parole upon any person for an offense that 476
was committed when the person was under eighteen years of age. 477
In any case described in division (A) (1), (2), or (4) of this 478
section, if the offense was committed when the person was under 479
eighteen years of age, the court shall impose an indefinite 480
prison term consisting of a minimum term of thirty years and a 481
maximum term of life imprisonment. 482

(B) (1) Notwithstanding section 2929.13, division (A) or 483
(D) of section 2929.14, or another section of the Revised Code 484

other than division (B) of section 2907.02 or divisions (B) and 485
(C) of section 2929.14 of the Revised Code that authorizes or 486
requires a specified prison term or a mandatory prison term for 487
a person who is convicted of or pleads guilty to a felony or 488
that specifies the manner and place of service of a prison term 489
or term of imprisonment, if a person is convicted of or pleads 490
guilty to a violation of division (A)(1)(b) of section 2907.02 491
of the Revised Code committed on or after January 2, 2007, if 492
division (A) of this section does not apply regarding the 493
person, and if the court does not impose a sentence of life 494
without parole when authorized pursuant to division (B) of 495
section 2907.02 of the Revised Code, the court shall impose upon 496
the person an indefinite prison term consisting of one of the 497
following: 498

(a) Except as otherwise required in division (B)(1)(b) or 499
(c) of this section, a minimum term of ten years and a maximum 500
term of life imprisonment. 501

(b) If the victim was less than ten years of age, a 502
minimum term of fifteen years and a maximum of life 503
imprisonment. 504

(c) If the offender purposely compels the victim to submit 505
by force or threat of force, or if the offender previously has 506
been convicted of or pleaded guilty to violating division (A)(1) 507
(b) of section 2907.02 of the Revised Code or to violating an 508
existing or former law of this state, another state, or the 509
United States that is substantially similar to division (A)(1) 510
(b) of that section, or if the offender during or immediately 511
after the commission of the offense caused serious physical harm 512
to the victim, a minimum term of twenty-five years and a maximum 513
of life imprisonment. 514

(2) Notwithstanding section 2929.13, division (A) or (D) 515
of section 2929.14, or another section of the Revised Code other 516
than divisions (B) and (C) of section 2929.14 of the Revised 517
Code that authorizes or requires a specified prison term or a 518
mandatory prison term for a person who is convicted of or pleads 519
guilty to a felony or that specifies the manner and place of 520
service of a prison term or term of imprisonment and except as 521
otherwise provided in division (B) of section 2907.02 of the 522
Revised Code, if a person is convicted of or pleads guilty to 523
attempted rape committed on or after January 2, 2007, and if 524
division (A) of this section does not apply regarding the 525
person, the court shall impose upon the person an indefinite 526
prison term consisting of one of the following: 527

(a) If the person also is convicted of or pleads guilty to 528
a specification of the type described in section 2941.1418 of 529
the Revised Code, the court shall impose upon the person an 530
indefinite prison term consisting of a minimum term of five 531
years and a maximum term of twenty-five years. 532

(b) If the person also is convicted of or pleads guilty to 533
a specification of the type described in section 2941.1419 of 534
the Revised Code, the court shall impose upon the person an 535
indefinite prison term consisting of a minimum term of ten years 536
and a maximum term of life imprisonment. 537

(c) If the person also is convicted of or pleads guilty to 538
a specification of the type described in section 2941.1420 of 539
the Revised Code, the court shall impose upon the person an 540
indefinite prison term consisting of a minimum term of fifteen 541
years and a maximum term of life imprisonment. 542

(3) Notwithstanding section 2929.13, division (A) or (D) 543
of section 2929.14, or another section of the Revised Code other 544

than divisions (B) and (C) of section 2929.14 of the Revised 545
Code that authorizes or requires a specified prison term or a 546
mandatory prison term for a person who is convicted of or pleads 547
guilty to a felony or that specifies the manner and place of 548
service of a prison term or term of imprisonment, if a person is 549
convicted of or pleads guilty to an offense described in 550
division (B) (3) (a), (b), (c), or (d) of this section committed 551
on or after January 1, 2008, if the person also is convicted of 552
or pleads guilty to a sexual motivation specification that was 553
included in the indictment, count in the indictment, or 554
information charging that offense, and if division (A) of this 555
section does not apply regarding the person, the court shall 556
impose upon the person an indefinite prison term consisting of 557
one of the following: 558

(a) An indefinite prison term consisting of a minimum of 559
~~ten-fifteen~~ years and a maximum term of life imprisonment if the 560
offense for which the sentence is being imposed is kidnapping, 561
the victim of the offense is less than ~~thirteen-eighteen~~ years 562
of age, and the offender released the victim in a safe place 563
unharmd; 564

(b) An indefinite prison term consisting of a minimum of 565
~~fifteen-twenty-five~~ years and a maximum term of life 566
imprisonment if the offense for which the sentence is being 567
imposed is kidnapping when the victim of the offense is less 568
than ~~thirteen-eighteen~~ years of age and division (B) (3) (a) of 569
this section does not apply; 570

(c) An indefinite term consisting of a minimum of thirty 571
years and a maximum term of life imprisonment if the offense for 572
which the sentence is being imposed is aggravated murder, when 573
the victim of the offense is less than thirteen years of age, a 574

sentence of death or life imprisonment without parole is not 575
imposed for the offense, and division (A) (2) (b) (ii) of section 576
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 577
(2) (b), (D) (3) (a) (iv), or (E) (1) (a) (iv) of section 2929.03, or 578
division (A) or (B) of section 2929.06 of the Revised Code 579
requires that the sentence for the offense be imposed pursuant 580
to this division; 581

(d) An indefinite prison term consisting of a minimum of 582
thirty years and a maximum term of life imprisonment if the 583
offense for which the sentence is being imposed is murder when 584
the victim of the offense is less than thirteen years of age. 585

(C) (1) If the offender is sentenced to a prison term 586
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 587
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 588
parole board shall have control over the offender's service of 589
the term during the entire term unless the parole board 590
terminates its control in accordance with section 2971.04 of the 591
Revised Code. 592

(2) Except as provided in division (C) (3) or (G) of this 593
section, an offender sentenced to a prison term or term of life 594
imprisonment without parole pursuant to division (A) of this 595
section shall serve the entire prison term or term of life 596
imprisonment in a state correctional institution. The offender 597
is not eligible for judicial release under section 2929.20 of 598
the Revised Code. 599

(3) For a prison term imposed pursuant to division (A) (3), 600
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 601
(b), (c), or (d) of this section, subject to the application of 602
division (G) of this section, the court, in accordance with 603
section 2971.05 of the Revised Code, may terminate the prison 604

term or modify the requirement that the offender serve the 605
entire term in a state correctional institution if all of the 606
following apply: 607

(a) The offender has served at least the minimum term 608
imposed as part of that prison term. 609

(b) The parole board, pursuant to section 2971.04 of the 610
Revised Code, has terminated its control over the offender's 611
service of that prison term. 612

(c) The court has held a hearing and found, by clear and 613
convincing evidence, one of the following: 614

(i) In the case of termination of the prison term, that 615
the offender is unlikely to commit a sexually violent offense in 616
the future; 617

(ii) In the case of modification of the requirement, that 618
the offender does not represent a substantial risk of physical 619
harm to others. 620

(4) Except as provided in division (G) of this section, an 621
offender who has been sentenced to a term of life imprisonment 622
without parole pursuant to division (A)(1), (2), or (4) of this 623
section shall not be released from the term of life imprisonment 624
or be permitted to serve a portion of it in a place other than a 625
state correctional institution. 626

(D) If a court sentences an offender to a prison term or 627
term of life imprisonment without parole pursuant to division 628
(A) of this section and the court also imposes on the offender 629
one or more additional prison terms pursuant to division (B) of 630
section 2929.14 of the Revised Code, all of the additional 631
prison terms shall be served consecutively with, and prior to, 632
the prison term or term of life imprisonment without parole 633

imposed upon the offender pursuant to division (A) of this 634
section. 635

(E) If the offender is convicted of or pleads guilty to 636
two or more offenses for which a prison term or term of life 637
imprisonment without parole is required to be imposed pursuant 638
to division (A) of this section, divisions (A) to (D) of this 639
section shall be applied for each offense. All minimum terms 640
imposed upon the offender pursuant to division (A) (3) or (B) of 641
this section for those offenses shall be aggregated and served 642
consecutively, as if they were a single minimum term imposed 643
under that division. 644

(F) (1) If an offender is convicted of or pleads guilty to 645
a violent sex offense and also is convicted of or pleads guilty 646
to a sexually violent predator specification that was included 647
in the indictment, count in the indictment, or information 648
charging that offense, or is convicted of or pleads guilty to a 649
designated homicide, assault, or kidnapping offense and also is 650
convicted of or pleads guilty to both a sexual motivation 651
specification and a sexually violent predator specification that 652
were included in the indictment, count in the indictment, or 653
information charging that offense, the conviction of or plea of 654
guilty to the offense and the sexually violent predator 655
specification automatically classifies the offender as a tier 656
III sex offender/child-victim offender for purposes of Chapter 657
2950. of the Revised Code. 658

(2) If an offender is convicted of or pleads guilty to 659
committing on or after January 2, 2007, a violation of division 660
(A) (1) (b) of section 2907.02 of the Revised Code and either the 661
offender is sentenced under section 2971.03 of the Revised Code 662
or a sentence of life without parole is imposed under division 663

(B) of section 2907.02 of the Revised Code, the conviction of or 664
plea of guilty to the offense automatically classifies the 665
offender as a tier III sex offender/child-victim offender for 666
purposes of Chapter 2950. of the Revised Code. 667

(3) If a person is convicted of or pleads guilty to 668
committing on or after January 2, 2007, attempted rape and also 669
is convicted of or pleads guilty to a specification of the type 670
described in section 2941.1418, 2941.1419, or 2941.1420 of the 671
Revised Code, the conviction of or plea of guilty to the offense 672
and the specification automatically classify the offender as a 673
tier III sex offender/child-victim offender for purposes of 674
Chapter 2950. of the Revised Code. 675

(4) If a person is convicted of or pleads guilty to one of 676
the offenses described in division (B) (3) (a), (b), (c), or (d) 677
of this section and a sexual motivation specification related to 678
the offense and the victim of the offense is less than thirteen 679
years of age, the conviction of or plea of guilty to the offense 680
automatically classifies the offender as a tier III sex 681
offender/child-victim offender for purposes of Chapter 2950. of 682
the Revised Code. 683

(G) Notwithstanding divisions (A) to (E) of this section, 684
if an offender receives or received a sentence of life 685
imprisonment without parole, a definite sentence, or a sentence 686
to an indefinite prison term under this chapter for an offense 687
committed when the offender was under eighteen years of age, the 688
offender is eligible for parole and the offender's parole 689
eligibility shall be determined under section 2967.132 of the 690
Revised Code. 691

Section 2. That existing sections 2903.41, 2905.01, 692
2905.02, 2905.32, and 2971.03 of the Revised Code are hereby 693

repealed. 694

Section 3. This act shall be known as the Human 695
Trafficking Prevention Act. 696

Section 4. Section 2971.03 of the Revised Code is 697
presented in this act as a composite of the section as amended 698
by both H.B. 136 and S.B. 256 of the 133rd General Assembly. The 699
General Assembly, applying the principle stated in division (B) 700
of section 1.52 of the Revised Code that amendments are to be 701
harmonized if reasonably capable of simultaneous operation, 702
finds that the composite is the resulting version of the section 703
in effect prior to the effective date of the section as 704
presented in this act. 705