

As Introduced

**136th General Assembly
Regular Session
2025-2026**

H. B. No. 615

Representative Williams

To amend sections 2913.02 and 2929.14 of the	1
Revised Code to enact the Retail Theft	2
Prevention Act to prohibit groups acting in	3
concert to commit retail theft.	4

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

Section 1. That sections 2913.02 and 2929.14 of the	5
Revised Code be amended to read as follows:	6

Sec. 2913.02. (A) <u>As used in this section, "retail</u>	7
<u>property" and "retail value" have the same meanings as in</u>	8
<u>section 2923.31 of the Revised Code.</u>	9

(B) No person, with purpose to deprive the owner of	10
property or services, shall knowingly obtain or exert control	11
over either the property or services in any of the following	12
ways:	13

(1) Without the consent of the owner or person authorized	14
to give consent;	15

(2) Beyond the scope of the express or implied consent of	16
the owner or person authorized to give consent;	17

(3) By deception;	18
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(4) By threat;	19
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(5) By intimidation. 20

~~(B) (1)~~ (C) No person shall knowingly participate with one 21
or more others to violate division (B) of this section when the 22
property involved in the violation is retail property with a 23
retail value of one thousand dollars or more from one or more 24
retail establishments. 25

(D) (1) Whoever violates division (B) of this section is 26
guilty of theft. 27

(2) Except as otherwise provided in this division or 28
division ~~(B) (3)~~ (D) (3), (4), (5), (6), (7), (8), or (9) of this 29
section, a violation of division (B) of this section is 30
misdemeanor theft, a misdemeanor of the first degree. If the 31
value of the property or services stolen is one thousand dollars 32
or more and is less than seven thousand five hundred dollars or 33
if the property stolen is any of the property listed in section 34
2913.71 of the Revised Code, a violation of division (B) of this 35
section is theft, a felony of the fifth degree. If the value of 36
the property or services stolen is seven thousand five hundred 37
dollars or more and is less than one hundred fifty thousand 38
dollars, or if the offender has been convicted of or pleaded 39
guilty to a felony theft offense within the previous three 40
years, a violation of division (B) of this section is grand 41
theft, a felony of the fourth degree. If the value of the 42
property or services stolen is one hundred fifty thousand 43
dollars or more and is less than seven hundred fifty thousand 44
dollars, or if the offender two or more times has been convicted 45
of or pleaded guilty to a felony theft offense within the 46
previous three years, a violation of division (B) of this 47
section is aggravated theft, a felony of the third degree. If 48
the value of the property or services is seven hundred fifty 49

thousand dollars or more and is less than one million five 50
hundred thousand dollars, a violation of division (B) of this 51
section is aggravated theft, a felony of the second degree. If 52
the value of the property or services stolen is one million five 53
hundred thousand dollars or more, a violation of division (B) of 54
this section is aggravated theft of one million five hundred 55
thousand dollars or more, a felony of the first degree. 56

(3) Except as otherwise provided in division ~~(B) (4)~~ (D) (4), 57
(5), (6), (7), (8), or (9) of this section, if the victim of the 58
offense is an elderly person, disabled adult, active duty 59
service member, or spouse of an active duty service member, a 60
violation of division (B) of this section is theft from a person 61
in a protected class, and division ~~(B) (3)~~ (D) (3) of this section 62
applies. Except as otherwise provided in this division, theft 63
from a person in a protected class is a felony of the fifth 64
degree. If the value of the property or services stolen is one 65
thousand dollars or more and is less than seven thousand five 66
hundred dollars, or if the offender has been convicted of or 67
pleaded guilty to a felony theft offense within the previous 68
three years, theft from a person in a protected class is a 69
felony of the fourth degree. If the value of the property or 70
services stolen is seven thousand five hundred dollars or more 71
and is less than thirty-seven thousand five hundred dollars, or 72
if the offender two or more times has been convicted of or 73
pleaded guilty to a felony theft offense within the previous 74
three years, theft from a person in a protected class is a 75
felony of the third degree. If the value of the property or 76
services stolen is thirty-seven thousand five hundred dollars or 77
more and is less than one hundred fifty thousand dollars, theft 78
from a person in a protected class is a felony of the second 79
degree. If the value of the property or services stolen is one 80

hundred fifty thousand dollars or more, theft from a person in a
protected class is a felony of the first degree. If the victim
of the offense is an elderly person, in addition to any other
penalty imposed for the offense, the offender shall be required
to pay full restitution to the victim and to pay a fine of up to
fifty thousand dollars. The clerk of court shall forward all
fines collected under division ~~(B) (3)~~ (D) (3) of this section to
the county department of job and family services to be used for
the reporting and investigation of elder abuse, neglect, and
exploitation or for the provision or arrangement of protective
services under sections 5101.61 to 5101.71 of the Revised Code.

(4) If the property stolen is a firearm or dangerous
ordnance, a violation of division (B) of this section is grand
theft. Except as otherwise provided in this division, grand
theft when the property stolen is a firearm or dangerous
ordnance is a felony of the third degree, and there is a
presumption in favor of the court imposing a prison term for the
offense. If the firearm or dangerous ordnance was stolen from a
federally licensed firearms dealer, grand theft when the
property stolen is a firearm or dangerous ordnance is a felony
of the first degree. The offender shall serve a prison term
imposed for grand theft when the property stolen is a firearm or
dangerous ordnance consecutively to any other prison term or
mandatory prison term previously or subsequently imposed upon
the offender.

(5) If the property stolen is a motor vehicle, a violation
of division (B) of this section is grand theft of a motor
vehicle, a felony of the fourth degree.

(6) If the property stolen is any dangerous drug, a
violation of division (B) of this section is theft of drugs, a

felony of the fourth degree, or, if the offender previously has
been convicted of a felony drug abuse offense, a felony of the
third degree.

(7) If the property stolen is a police dog or horse or an
assistance dog and the offender knows or should know that the
property stolen is a police dog or horse or an assistance dog, a
violation of division (B) of this section is theft of a police
dog or horse or an assistance dog, a felony of the third degree.

(8) If the property stolen is anhydrous ammonia, a
violation of division (B) of this section is theft of anhydrous
ammonia, a felony of the third degree.

(9) Except as provided in division ~~(B) (2)~~ (D) (2) of this
section with respect to property with a value of seven thousand
five hundred dollars or more and division ~~(B) (3)~~ (D) (3) of this
section with respect to property with a value of one thousand
dollars or more, if the property stolen is a special purpose
article as defined in section 4737.04 of the Revised Code or is
a bulk merchandise container as defined in section 4737.012 of
the Revised Code, a violation of division (B) of this section is
theft of a special purpose article or articles or theft of a
bulk merchandise container or containers, a felony of the fifth
degree.

(10) In addition to the penalties described in division
~~(B) (2)~~ (D) (3) of this section, if the offender committed the
violation of division (B) of this section by causing a motor
vehicle to leave the premises of an establishment at which
gasoline is offered for retail sale without the offender making
full payment for gasoline that was dispensed into the fuel tank
of the motor vehicle or into another container, the court may do
one of the following:

(a) Unless division ~~(B) (10) (b)~~ (D) (10) (b) of this section 141
applies, suspend for not more than six months the offender's 142
driver's license, probationary driver's license, commercial 143
driver's license, temporary instruction permit, or nonresident 144
operating privilege; 145

(b) If the offender's driver's license, probationary 146
driver's license, commercial driver's license, temporary 147
instruction permit, or nonresident operating privilege has 148
previously been suspended pursuant to division ~~(B) (10) (a)~~ (D) (10) 149
(a) of this section, impose a class seven suspension of the 150
offender's license, permit, or privilege from the range 151
specified in division (A) (7) of section 4510.02 of the Revised 152
Code, provided that the suspension shall be for at least six 153
months-; 154

(c) The court, in lieu of suspending the offender's 155
driver's or commercial driver's license, probationary driver's 156
license, temporary instruction permit, or nonresident operating 157
privilege pursuant to division ~~(B) (10) (a)~~ (D) (10) (a) or (b) of 158
this section, instead may require the offender to perform 159
community service for a number of hours determined by the court. 160

(11) In addition to the penalties described in division 161
~~(B) (2)~~ (D) (2) of this section, if the offender committed the 162
violation of division (B) of this section by stealing rented 163
property or rental services, the court may order that the 164
offender make restitution pursuant to section 2929.18 or 2929.28 165
of the Revised Code. Restitution may include, but is not limited 166
to, the cost of repairing or replacing the stolen property, or 167
the cost of repairing the stolen property and any loss of 168
revenue resulting from deprivation of the property due to theft 169
of rental services that is less than or equal to the actual 170

value of the property at the time it was rented. Evidence of 171
intent to commit theft of rented property or rental services 172
shall be determined pursuant to the provisions of section 173
2913.72 of the Revised Code. 174

~~(C)~~(E) Whoever violates division (C) of this section is 175
guilty of group retail theft. Except as otherwise provided in 176
this division, if a person commits group retail theft with one 177
or more other persons but fewer than four persons, group retail 178
theft is a felony of the fifth degree. If a person commits group 179
retail theft with four or more other persons, group retail theft 180
is a felony of the third degree and there is a presumption for a 181
prison term for the offense. If a person commits group retail 182
theft with ten or more other persons and the property stolen has 183
a retail value of five thousand dollars or more, a violation of 184
this section is a felony of the second degree. 185

(F) The sentencing court that suspends an offender's 186
license, permit, or nonresident operating privilege under 187
division ~~(B) (10)~~ (D) (10) of this section may grant the offender 188
limited driving privileges during the period of the suspension 189
in accordance with Chapter 4510. of the Revised Code. 190

Sec. 2929.14. (A) Except as provided in division (B) (1), 191
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 192
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 193
in division (D) (6) of section 2919.25 of the Revised Code and 194
except in relation to an offense for which a sentence of death 195
or life imprisonment is to be imposed, if the court imposing a 196
sentence upon an offender for a felony elects or is required to 197
impose a prison term on the offender pursuant to this chapter, 198
the court shall impose a prison term that shall be one of the 199
following: 200

(1) (a) For a felony of the first degree committed on or 201
after March 22, 2019, the prison term shall be an indefinite 202
prison term with a stated minimum term selected by the court of 203
three, four, five, six, seven, eight, nine, ten, or eleven years 204
and a maximum term that is determined pursuant to section 205
2929.144 of the Revised Code, except that if the section that 206
criminalizes the conduct constituting the felony specifies a 207
different minimum term or penalty for the offense, the specific 208
language of that section shall control in determining the 209
minimum term or otherwise sentencing the offender but the 210
minimum term or sentence imposed under that specific language 211
shall be considered for purposes of the Revised Code as if it 212
had been imposed under this division. 213

(b) For a felony of the first degree committed prior to 214
March 22, 2019, the prison term shall be a definite prison term 215
of three, four, five, six, seven, eight, nine, ten, or eleven 216
years. 217

(2) (a) For a felony of the second degree committed on or 218
after March 22, 2019, the prison term shall be an indefinite 219
prison term with a stated minimum term selected by the court of 220
two, three, four, five, six, seven, or eight years and a maximum 221
term that is determined pursuant to section 2929.144 of the 222
Revised Code, except that if the section that criminalizes the 223
conduct constituting the felony specifies a different minimum 224
term or penalty for the offense, the specific language of that 225
section shall control in determining the minimum term or 226
otherwise sentencing the offender but the minimum term or 227
sentence imposed under that specific language shall be 228
considered for purposes of the Revised Code as if it had been 229
imposed under this division. 230

(b) For a felony of the second degree committed prior to 231
March 22, 2019, the prison term shall be a definite term of two, 232
three, four, five, six, seven, or eight years. 233

(3) (a) For a felony of the third degree that is a 234
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 235
2907.05, 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of 236
the Revised Code, that is a violation of division (A) of section 237
4511.19 of the Revised Code if the offender previously has been 238
convicted of or pleaded guilty to a violation of division (A) of 239
that section that was a felony, that is a violation of section 240
2911.02 or 2911.12 of the Revised Code if the offender 241
previously has been convicted of or pleaded guilty in two or 242
more separate proceedings to two or more violations of section 243
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 244
that is a violation of division (B) of section 2921.331 of the 245
Revised Code if division (C) (5) of that section applies, the 246
prison term shall be a definite term of twelve, eighteen, 247
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 248
four, or sixty months. 249

(b) For a felony of the third degree that is not an 250
offense for which division (A) (3) (a) of this section applies, 251
the prison term shall be a definite term of nine, twelve, 252
eighteen, twenty-four, thirty, or thirty-six months. 253

(4) For a felony of the fourth degree, the prison term 254
shall be a definite term of six, seven, eight, nine, ten, 255
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 256
or eighteen months. 257

(5) For a felony of the fifth degree, the prison term 258
shall be a definite term of six, seven, eight, nine, ten, 259
eleven, or twelve months. 260

(B) (1) (a) Except as provided in division (B) (1) (e) of this 261
section, if an offender who is convicted of or pleads guilty to 262
a felony also is convicted of or pleads guilty to a 263
specification of the type described in section 2941.141, 264
2941.144, or 2941.145 of the Revised Code, the court shall 265
impose on the offender one of the following prison terms: 266

(i) A prison term of six years if the specification is of 267
the type described in division (A) of section 2941.144 of the 268
Revised Code that charges the offender with having a firearm 269
that is an automatic firearm or that was equipped with a firearm 270
muffler or suppressor on or about the offender's person or under 271
the offender's control while committing the offense; 272

(ii) A prison term of three years if the specification is 273
of the type described in division (A) of section 2941.145 of the 274
Revised Code that charges the offender with having a firearm on 275
or about the offender's person or under the offender's control 276
while committing the offense and displaying the firearm, 277
brandishing the firearm, indicating that the offender possessed 278
the firearm, or using it to facilitate the offense; 279

(iii) A prison term of one year if the specification is of 280
the type described in division (A) of section 2941.141 of the 281
Revised Code that charges the offender with having a firearm on 282
or about the offender's person or under the offender's control 283
while committing the offense; 284

(iv) A prison term of nine years if the specification is 285
of the type described in division (D) of section 2941.144 of the 286
Revised Code that charges the offender with having a firearm 287
that is an automatic firearm or that was equipped with a firearm 288
muffler or suppressor on or about the offender's person or under 289
the offender's control while committing the offense and 290

specifies that the offender previously has been convicted of or 291
pleaded guilty to a specification of the type described in 292
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 293
the Revised Code; 294

(v) A prison term of fifty-four months if the 295
specification is of the type described in division (D) of 296
section 2941.145 of the Revised Code that charges the offender 297
with having a firearm on or about the offender's person or under 298
the offender's control while committing the offense and 299
displaying the firearm, brandishing the firearm, indicating that 300
the offender possessed the firearm, or using the firearm to 301
facilitate the offense and that the offender previously has been 302
convicted of or pleaded guilty to a specification of the type 303
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 304
2941.1412 of the Revised Code; 305

(vi) A prison term of eighteen months if the specification 306
is of the type described in division (D) of section 2941.141 of 307
the Revised Code that charges the offender with having a firearm 308
on or about the offender's person or under the offender's 309
control while committing the offense and that the offender 310
previously has been convicted of or pleaded guilty to a 311
specification of the type described in section 2941.141, 312
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 313

(b) If a court imposes a prison term on an offender under 314
division (B)(1)(a) of this section, the prison term shall not be 315
reduced pursuant to section 2929.20, division (A)(2) or (3) of 316
section 2967.193 or 2967.194, or any other provision of Chapter 317
2967. or Chapter 5120. of the Revised Code. Except as provided 318
in division (B)(1)(g) of this section, a court shall not impose 319
more than one prison term on an offender under division (B)(1) 320

(a) of this section for felonies committed as part of the same 321
act or transaction. 322

(c) (i) Except as provided in division (B) (1) (e) of this 323
section, if an offender who is convicted of or pleads guilty to 324
a violation of section 2923.161 of the Revised Code or to a 325
felony that includes, as an essential element, purposely or 326
knowingly causing or attempting to cause the death of or 327
physical harm to another, also is convicted of or pleads guilty 328
to a specification of the type described in division (A) of 329
section 2941.146 of the Revised Code that charges the offender 330
with committing the offense by discharging a firearm from a 331
motor vehicle other than a manufactured home, the court, after 332
imposing a prison term on the offender for the violation of 333
section 2923.161 of the Revised Code or for the other felony 334
offense under division (A), (B) (2), or (B) (3) of this section, 335
shall impose an additional prison term of five years upon the 336
offender that shall not be reduced pursuant to section 2929.20, 337
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 338
other provision of Chapter 2967. or Chapter 5120. of the Revised 339
Code. 340

(ii) Except as provided in division (B) (1) (e) of this 341
section, if an offender who is convicted of or pleads guilty to 342
a violation of section 2923.161 of the Revised Code or to a 343
felony that includes, as an essential element, purposely or 344
knowingly causing or attempting to cause the death of or 345
physical harm to another, also is convicted of or pleads guilty 346
to a specification of the type described in division (C) of 347
section 2941.146 of the Revised Code that charges the offender 348
with committing the offense by discharging a firearm from a 349
motor vehicle other than a manufactured home and that the 350
offender previously has been convicted of or pleaded guilty to a 351

specification of the type described in section 2941.141, 352
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 353
the court, after imposing a prison term on the offender for the 354
violation of section 2923.161 of the Revised Code or for the 355
other felony offense under division (A), (B)(2), or (3) of this 356
section, shall impose an additional prison term of ninety months 357
upon the offender that shall not be reduced pursuant to section 358
2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 359
or any other provision of Chapter 2967. or Chapter 5120. of the 360
Revised Code. 361

(iii) A court shall not impose more than one additional 362
prison term on an offender under division (B)(1)(c) of this 363
section for felonies committed as part of the same act or 364
transaction. If a court imposes an additional prison term on an 365
offender under division (B)(1)(c) of this section relative to an 366
offense, the court also shall impose a prison term under 367
division (B)(1)(a) of this section relative to the same offense, 368
provided the criteria specified in that division for imposing an 369
additional prison term are satisfied relative to the offender 370
and the offense. 371

(d) If an offender who is convicted of or pleads guilty to 372
an offense of violence that is a felony also is convicted of or 373
pleads guilty to a specification of the type described in 374
section 2941.1411 of the Revised Code that charges the offender 375
with wearing or carrying body armor while committing the felony 376
offense of violence, the court shall impose on the offender an 377
additional prison term of two years. The prison term so imposed 378
shall not be reduced pursuant to section 2929.20, division (A) 379
(2) or (3) of section 2967.193 or 2967.194, or any other 380
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 381
A court shall not impose more than one prison term on an 382

offender under division (B) (1) (d) of this section for felonies 383
committed as part of the same act or transaction. If a court 384
imposes an additional prison term under division (B) (1) (a) or 385
(c) of this section, the court is not precluded from imposing an 386
additional prison term under division (B) (1) (d) of this section. 387

(e) The court shall not impose any of the prison terms 388
described in division (B) (1) (a) of this section or any of the 389
additional prison terms described in division (B) (1) (c) of this 390
section upon an offender for a violation of section 2923.12 or 391
2923.123 of the Revised Code. The court shall not impose any of 392
the prison terms described in division (B) (1) (a) or (b) of this 393
section upon an offender for a violation of section 2923.122 394
that involves a deadly weapon that is a firearm other than a 395
dangerous ordnance, section 2923.16, or section 2923.121 of the 396
Revised Code. The court shall not impose any of the prison terms 397
described in division (B) (1) (a) of this section or any of the 398
additional prison terms described in division (B) (1) (c) of this 399
section upon an offender for a violation of section 2923.13 of 400
the Revised Code unless all of the following apply: 401

(i) The offender previously has been convicted of 402
aggravated murder, murder, or any felony of the first or second 403
degree. 404

(ii) Less than five years have passed since the offender 405
was released from prison or post-release control, whichever is 406
later, for the prior offense. 407

(f) (i) If an offender is convicted of or pleads guilty to 408
a felony that includes, as an essential element, causing or 409
attempting to cause the death of or physical harm to another and 410
also is convicted of or pleads guilty to a specification of the 411
type described in division (A) of section 2941.1412 of the 412

Revised Code that charges the offender with committing the 413
offense by discharging a firearm at a peace officer as defined 414
in section 2935.01 of the Revised Code or a corrections officer, 415
as defined in section 2941.1412 of the Revised Code, the court, 416
after imposing a prison term on the offender for the felony 417
offense under division (A), (B) (2), or (B) (3) of this section, 418
shall impose an additional prison term of seven years upon the 419
offender that shall not be reduced pursuant to section 2929.20, 420
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 421
other provision of Chapter 2967. or Chapter 5120. of the Revised 422
Code. 423

(ii) If an offender is convicted of or pleads guilty to a 424
felony that includes, as an essential element, causing or 425
attempting to cause the death of or physical harm to another and 426
also is convicted of or pleads guilty to a specification of the 427
type described in division (B) of section 2941.1412 of the 428
Revised Code that charges the offender with committing the 429
offense by discharging a firearm at a peace officer, as defined 430
in section 2935.01 of the Revised Code, or a corrections 431
officer, as defined in section 2941.1412 of the Revised Code, 432
and that the offender previously has been convicted of or 433
pleaded guilty to a specification of the type described in 434
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 435
the Revised Code, the court, after imposing a prison term on the 436
offender for the felony offense under division (A), (B) (2), or 437
(3) of this section, shall impose an additional prison term of 438
one hundred twenty-six months upon the offender that shall not 439
be reduced pursuant to section 2929.20, division (A) (2) or (3) 440
of section 2967.193 or 2967.194, or any other provision of 441
Chapter 2967. or 5120. of the Revised Code. 442

(iii) If an offender is convicted of or pleads guilty to 443

two or more felonies that include, as an essential element, 444
causing or attempting to cause the death or physical harm to 445
another and also is convicted of or pleads guilty to a 446
specification of the type described under division (B) (1) (f) of 447
this section in connection with two or more of the felonies of 448
which the offender is convicted or to which the offender pleads 449
guilty, the sentencing court shall impose on the offender the 450
prison term specified under division (B) (1) (f) of this section 451
for each of two of the specifications of which the offender is 452
convicted or to which the offender pleads guilty and, in its 453
discretion, also may impose on the offender the prison term 454
specified under that division for any or all of the remaining 455
specifications. If a court imposes an additional prison term on 456
an offender under division (B) (1) (f) of this section relative to 457
an offense, the court shall not impose a prison term under 458
division (B) (1) (a) or (c) of this section relative to the same 459
offense. 460

(g) If an offender is convicted of or pleads guilty to two 461
or more felonies, if one or more of those felonies are 462
aggravated murder, murder, attempted aggravated murder, 463
attempted murder, aggravated robbery, felonious assault, or 464
rape, and if the offender is convicted of or pleads guilty to a 465
specification of the type described under division (B) (1) (a) of 466
this section in connection with two or more of the felonies, the 467
sentencing court shall impose on the offender the prison term 468
specified under division (B) (1) (a) of this section for each of 469
the two most serious specifications of which the offender is 470
convicted or to which the offender pleads guilty and, in its 471
discretion, also may impose on the offender the prison term 472
specified under that division for any or all of the remaining 473
specifications. 474

(2) (a) If division (B) (2) (b) of this section does not 475
apply, the court may impose on an offender, in addition to the 476
longest prison term authorized or required for the offense or, 477
for offenses for which division (A) (1) (a) or (2) (a) of this 478
section applies, in addition to the longest minimum prison term 479
authorized or required for the offense, an additional definite 480
prison term of one, two, three, four, five, six, seven, eight, 481
nine, or ten years if all of the following criteria are met: 482

(i) The offender is convicted of or pleads guilty to a 483
specification of the type described in section 2941.149 of the 484
Revised Code that the offender is a repeat violent offender. 485

(ii) The offense of which the offender currently is 486
convicted or to which the offender currently pleads guilty is 487
aggravated murder and the court does not impose a sentence of 488
death or life imprisonment without parole, murder, terrorism and 489
the court does not impose a sentence of life imprisonment 490
without parole, any felony of the first degree that is an 491
offense of violence and the court does not impose a sentence of 492
life imprisonment without parole, or any felony of the second 493
degree that is an offense of violence and the trier of fact 494
finds that the offense involved an attempt to cause or a threat 495
to cause serious physical harm to a person or resulted in 496
serious physical harm to a person. 497

(iii) The court imposes the longest prison term for the 498
offense or the longest minimum prison term for the offense, 499
whichever is applicable, that is not life imprisonment without 500
parole. 501

(iv) The court finds that the prison terms imposed 502
pursuant to division (B) (2) (a) (iii) of this section and, if 503
applicable, division (B) (1) or (3) of this section are 504

inadequate to punish the offender and protect the public from 505
future crime, because the applicable factors under section 506
2929.12 of the Revised Code indicating a greater likelihood of 507
recidivism outweigh the applicable factors under that section 508
indicating a lesser likelihood of recidivism. 509

(v) The court finds that the prison terms imposed pursuant 510
to division (B)(2)(a)(iii) of this section and, if applicable, 511
division (B)(1) or (3) of this section are demeaning to the 512
seriousness of the offense, because one or more of the factors 513
under section 2929.12 of the Revised Code indicating that the 514
offender's conduct is more serious than conduct normally 515
constituting the offense are present, and they outweigh the 516
applicable factors under that section indicating that the 517
offender's conduct is less serious than conduct normally 518
constituting the offense. 519

(b) The court shall impose on an offender the longest 520
prison term authorized or required for the offense or, for 521
offenses for which division (A)(1)(a) or (2)(a) of this section 522
applies, the longest minimum prison term authorized or required 523
for the offense, and shall impose on the offender an additional 524
definite prison term of one, two, three, four, five, six, seven, 525
eight, nine, or ten years if all of the following criteria are 526
met: 527

(i) The offender is convicted of or pleads guilty to a 528
specification of the type described in section 2941.149 of the 529
Revised Code that the offender is a repeat violent offender. 530

(ii) The offender within the preceding twenty years has 531
been convicted of or pleaded guilty to three or more offenses 532
described in division (CC)(1) of section 2929.01 of the Revised 533
Code, including all offenses described in that division of which 534

the offender is convicted or to which the offender pleads guilty 535
in the current prosecution and all offenses described in that 536
division of which the offender previously has been convicted or 537
to which the offender previously pleaded guilty, whether 538
prosecuted together or separately. 539

(iii) The offense or offenses of which the offender 540
currently is convicted or to which the offender currently pleads 541
guilty is aggravated murder and the court does not impose a 542
sentence of death or life imprisonment without parole, murder, 543
terrorism and the court does not impose a sentence of life 544
imprisonment without parole, any felony of the first degree that 545
is an offense of violence and the court does not impose a 546
sentence of life imprisonment without parole, or any felony of 547
the second degree that is an offense of violence and the trier 548
of fact finds that the offense involved an attempt to cause or a 549
threat to cause serious physical harm to a person or resulted in 550
serious physical harm to a person. 551

(c) For purposes of division (B)(2)(b) of this section, 552
two or more offenses committed at the same time or as part of 553
the same act or event shall be considered one offense, and that 554
one offense shall be the offense with the greatest penalty. 555

(d) A sentence imposed under division (B)(2)(a) or (b) of 556
this section shall not be reduced pursuant to section 2929.20, 557
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 558
other provision of Chapter 2967. or Chapter 5120. of the Revised 559
Code. The offender shall serve an additional prison term imposed 560
under division (B)(2)(a) or (b) of this section consecutively to 561
and prior to the prison term imposed for the underlying offense. 562

(e) When imposing a sentence pursuant to division (B)(2) 563
(a) or (b) of this section, the court shall state its findings 564

explaining the imposed sentence. 565

(3) Except when an offender commits a violation of section 566
2903.01 or 2907.02 of the Revised Code and the penalty imposed 567
for the violation is life imprisonment or commits a violation of 568
section 2903.02 of the Revised Code, if the offender commits a 569
violation of section 2925.03 or 2925.11 of the Revised Code and 570
that section classifies the offender as a major drug offender, 571
if the offender commits a violation of section 2925.05 of the 572
Revised Code and division (E)(1) of that section classifies the 573
offender as a major drug offender, if the offender commits a 574
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 575
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 576
division (C) or (D) of section 3719.172, division (E) of section 577
4729.51, or division (J) of section 4729.54 of the Revised Code 578
that includes the sale, offer to sell, or possession of a 579
schedule I or II controlled substance, with the exception of 580
marihuana, and the court imposing sentence upon the offender 581
finds that the offender is guilty of a specification of the type 582
described in division (A) of section 2941.1410 of the Revised 583
Code charging that the offender is a major drug offender, if the 584
court imposing sentence upon an offender for a felony finds that 585
the offender is guilty of corrupt activity with the most serious 586
offense in the pattern of corrupt activity being a felony of the 587
first degree, or if the offender is guilty of an attempted 588
violation of section 2907.02 of the Revised Code and, had the 589
offender completed the violation of section 2907.02 of the 590
Revised Code that was attempted, the offender would have been 591
subject to a sentence of life imprisonment or life imprisonment 592
without parole for the violation of section 2907.02 of the 593
Revised Code, the court shall impose upon the offender for the 594
felony violation a mandatory prison term determined as described 595

in this division that cannot be reduced pursuant to section 596
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 597
or any other provision of Chapter 2967. or 5120. of the Revised 598
Code. The mandatory prison term shall be the maximum definite 599
prison term prescribed in division (A) (1) (b) of this section for 600
a felony of the first degree, except that for offenses for which 601
division (A) (1) (a) of this section applies, the mandatory prison 602
term shall be the longest minimum prison term prescribed in that 603
division for the offense. 604

(4) If the offender is being sentenced for a third or 605
fourth degree felony OVI offense under division (G) (2) of 606
section 2929.13 of the Revised Code, the sentencing court shall 607
impose upon the offender a mandatory prison term in accordance 608
with that division. In addition to the mandatory prison term, if 609
the offender is being sentenced for a fourth degree felony OVI 610
offense, the court, notwithstanding division (A) (4) of this 611
section, may sentence the offender to a definite prison term of 612
not less than six months and not more than thirty months, and if 613
the offender is being sentenced for a third degree felony OVI 614
offense, the sentencing court may sentence the offender to an 615
additional prison term of any duration specified in division (A) 616
(3) of this section. In either case, the additional prison term 617
imposed shall be reduced by the sixty or one hundred twenty days 618
imposed upon the offender as the mandatory prison term. The 619
total of the additional prison term imposed under division (B) 620
(4) of this section plus the sixty or one hundred twenty days 621
imposed as the mandatory prison term shall equal a definite term 622
in the range of six months to thirty months for a fourth degree 623
felony OVI offense and shall equal one of the authorized prison 624
terms specified in division (A) (3) of this section for a third 625
degree felony OVI offense. If the court imposes an additional 626

prison term under division (B) (4) of this section, the offender 627
shall serve the additional prison term after the offender has 628
served the mandatory prison term required for the offense. In 629
addition to the mandatory prison term or mandatory and 630
additional prison term imposed as described in division (B) (4) 631
of this section, the court also may sentence the offender to a 632
community control sanction under section 2929.16 or 2929.17 of 633
the Revised Code, but the offender shall serve all of the prison 634
terms so imposed prior to serving the community control 635
sanction. 636

If the offender is being sentenced for a fourth degree 637
felony OVI offense under division (G) (1) of section 2929.13 of 638
the Revised Code and the court imposes a mandatory term of local 639
incarceration, the court may impose a prison term as described 640
in division (A) (1) of that section. 641

(5) If an offender is convicted of or pleads guilty to a 642
violation of division (A) (1) or (2) of section 2903.06 of the 643
Revised Code and also is convicted of or pleads guilty to a 644
specification of the type described in section 2941.1414 of the 645
Revised Code that charges that the victim of the offense is a 646
peace officer, as defined in section 2935.01 of the Revised 647
Code, an investigator of the bureau of criminal identification 648
and investigation, as defined in section 2903.11 of the Revised 649
Code, or a firefighter or emergency medical worker, both as 650
defined in section 2941.1414 of the Revised Code, the court 651
shall impose on the offender a prison term of five years. If a 652
court imposes a prison term on an offender under division (B) (5) 653
of this section, the prison term shall not be reduced pursuant 654
to section 2929.20, division (A) (2) or (3) of section 2967.193 655
or 2967.194, or any other provision of Chapter 2967. or Chapter 656
5120. of the Revised Code. A court shall not impose more than 657

one prison term on an offender under division (B) (5) of this 658
section for felonies committed as part of the same act. 659

(6) If an offender is convicted of or pleads guilty to a 660
violation of division (A) (1) or (2) of section 2903.06 of the 661
Revised Code and also is convicted of or pleads guilty to a 662
specification of the type described in section 2941.1415 of the 663
Revised Code that charges that the offender previously has been 664
convicted of or pleaded guilty to three or more violations of 665
division (A) of section 4511.19 of the Revised Code or an 666
equivalent offense, as defined in section 2941.1415 of the 667
Revised Code, or three or more violations of any combination of 668
those offenses, the court shall impose on the offender a prison 669
term of three years. If a court imposes a prison term on an 670
offender under division (B) (6) of this section, the prison term 671
shall not be reduced pursuant to section 2929.20, division (A) 672
(2) or (3) of section 2967.193 or 2967.194, or any other 673
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 674
A court shall not impose more than one prison term on an 675
offender under division (B) (6) of this section for felonies 676
committed as part of the same act. 677

(7) (a) If an offender is convicted of or pleads guilty to 678
a felony violation of section 2905.01, 2905.02, 2907.21, 679
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 680
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 681
section 2919.22 of the Revised Code and also is convicted of or 682
pleads guilty to a specification of the type described in 683
section 2941.1422 of the Revised Code that charges that the 684
offender knowingly committed the offense in furtherance of human 685
trafficking, the court shall impose on the offender a mandatory 686
prison term that is one of the following: 687

(i) If the offense is a felony of the first degree, a 688
definite prison term of not less than five years and not greater 689
than eleven years, except that if the offense is a felony of the 690
first degree committed on or after March 22, 2019, the court 691
shall impose as the minimum prison term a mandatory term of not 692
less than five years and not greater than eleven years; 693

(ii) If the offense is a felony of the second or third 694
degree, a definite prison term of not less than three years and 695
not greater than the maximum prison term allowed for the offense 696
by division (A) (2) (b) or (3) of this section, except that if the 697
offense is a felony of the second degree committed on or after 698
March 22, 2019, the court shall impose as the minimum prison 699
term a mandatory term of not less than three years and not 700
greater than eight years; 701

(iii) If the offense is a felony of the fourth or fifth 702
degree, a definite prison term that is the maximum prison term 703
allowed for the offense by division (A) of section 2929.14 of 704
the Revised Code. 705

(b) The prison term imposed under division (B) (7) (a) of 706
this section shall not be reduced pursuant to section 2929.20, 707
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 708
other provision of Chapter 2967. of the Revised Code. A court 709
shall not impose more than one prison term on an offender under 710
division (B) (7) (a) of this section for felonies committed as 711
part of the same act, scheme, or plan. 712

(8) If an offender is convicted of or pleads guilty to a 713
felony violation of section 2903.11, 2903.12, or 2903.13 of the 714
Revised Code and also is convicted of or pleads guilty to a 715
specification of the type described in section 2941.1423 of the 716
Revised Code that charges that the victim of the violation was a 717

woman whom the offender knew was pregnant at the time of the 718
violation, notwithstanding the range prescribed in division (A) 719
of this section as the definite prison term or minimum prison 720
term for felonies of the same degree as the violation, the court 721
shall impose on the offender a mandatory prison term that is 722
either a definite prison term of six months or one of the prison 723
terms prescribed in division (A) of this section for felonies of 724
the same degree as the violation, except that if the violation 725
is a felony of the first or second degree committed on or after 726
March 22, 2019, the court shall impose as the minimum prison 727
term under division (A) (1) (a) or (2) (a) of this section a 728
mandatory term that is one of the terms prescribed in that 729
division, whichever is applicable, for the offense. 730

(9) (a) If an offender is convicted of or pleads guilty to 731
a violation of division (A) (1) or (2) of section 2903.11 of the 732
Revised Code and also is convicted of or pleads guilty to a 733
specification of the type described in section 2941.1425 of the 734
Revised Code, the court shall impose on the offender a mandatory 735
prison term of six years if either of the following applies: 736

(i) The violation is a violation of division (A) (1) of 737
section 2903.11 of the Revised Code and the specification 738
charges that the offender used an accelerant in committing the 739
violation and the serious physical harm to another or to 740
another's unborn caused by the violation resulted in a 741
permanent, serious disfigurement or permanent, substantial 742
incapacity; 743

(ii) The violation is a violation of division (A) (2) of 744
section 2903.11 of the Revised Code and the specification 745
charges that the offender used an accelerant in committing the 746
violation, that the violation caused physical harm to another or 747

to another's unborn, and that the physical harm resulted in a 748
permanent, serious disfigurement or permanent, substantial 749
incapacity. 750

(b) If a court imposes a prison term on an offender under 751
division (B)(9)(a) of this section, the prison term shall not be 752
reduced pursuant to section 2929.20, division (A)(2) or (3) of 753
section 2967.193 or 2967.194, or any other provision of Chapter 754
2967. or Chapter 5120. of the Revised Code. A court shall not 755
impose more than one prison term on an offender under division 756
(B)(9) of this section for felonies committed as part of the 757
same act. 758

(c) The provisions of divisions (B)(9) and (C)(6) of this 759
section and of division (D)(2) of section 2903.11, division (F) 760
(20) of section 2929.13, and section 2941.1425 of the Revised 761
Code shall be known as "Judy's Law." 762

(10) If an offender is convicted of or pleads guilty to a 763
violation of division (A) of section 2903.11 of the Revised Code 764
and also is convicted of or pleads guilty to a specification of 765
the type described in section 2941.1426 of the Revised Code that 766
charges that the victim of the offense suffered permanent 767
disabling harm as a result of the offense and that the victim 768
was under ten years of age at the time of the offense, 769
regardless of whether the offender knew the age of the victim, 770
the court shall impose upon the offender an additional definite 771
prison term of six years. A prison term imposed on an offender 772
under division (B)(10) of this section shall not be reduced 773
pursuant to section 2929.20, division (A)(2) or (3) of section 774
2967.193 or 2967.194, or any other provision of Chapter 2967. or 775
Chapter 5120. of the Revised Code. If a court imposes an 776
additional prison term on an offender under this division 777

relative to a violation of division (A) of section 2903.11 of 778
the Revised Code, the court shall not impose any other 779
additional prison term on the offender relative to the same 780
offense. 781

(11) If an offender is convicted of or pleads guilty to a 782
felony violation of section 2925.03 or 2925.05 of the Revised 783
Code or a felony violation of section 2925.11 of the Revised 784
Code for which division (C) (11) of that section applies in 785
determining the sentence for the violation, if the drug involved 786
in the violation is a fentanyl-related compound or a compound, 787
mixture, preparation, or substance containing a fentanyl-related 788
compound, and if the offender also is convicted of or pleads 789
guilty to a specification of the type described in division (B) 790
of section 2941.1410 of the Revised Code that charges that the 791
offender is a major drug offender, in addition to any other 792
penalty imposed for the violation, the court shall impose on the 793
offender a mandatory prison term of three, four, five, six, 794
seven, or eight years. If a court imposes a prison term on an 795
offender under division (B) (11) of this section, the prison term 796
shall not be reduced pursuant to section 2929.20, division (A) 797
(2) or (3) of section 2967.193 or 2967.194, or any other 798
provision of Chapter 2967. or 5120. of the Revised Code. A court 799
shall not impose more than one prison term on an offender under 800
division (B) (11) of this section for felonies committed as part 801
of the same act. 802

(C) (1) (a) Subject to division (C) (1) (b) of this section, 803
if a mandatory prison term is imposed upon an offender pursuant 804
to division (B) (1) (a) of this section for having a firearm on or 805
about the offender's person or under the offender's control 806
while committing a felony, if a mandatory prison term is imposed 807
upon an offender pursuant to division (B) (1) (c) of this section 808

for committing a felony specified in that division by 809
discharging a firearm from a motor vehicle, or if both types of 810
mandatory prison terms are imposed, the offender shall serve any 811
mandatory prison term imposed under either division 812
consecutively to any other mandatory prison term imposed under 813
either division or under division (B)(1)(d) of this section, 814
consecutively to and prior to any prison term imposed for the 815
underlying felony pursuant to division (A), (B)(2), or (B)(3) of 816
this section or any other section of the Revised Code, and 817
consecutively to any other prison term or mandatory prison term 818
previously or subsequently imposed upon the offender. 819

(b) If a mandatory prison term is imposed upon an offender 820
pursuant to division (B)(1)(d) of this section for wearing or 821
carrying body armor while committing an offense of violence that 822
is a felony, the offender shall serve the mandatory term so 823
imposed consecutively to any other mandatory prison term imposed 824
under that division or under division (B)(1)(a) or (c) of this 825
section, consecutively to and prior to any prison term imposed 826
for the underlying felony under division (A), (B)(2), or (B)(3) 827
of this section or any other section of the Revised Code, and 828
consecutively to any other prison term or mandatory prison term 829
previously or subsequently imposed upon the offender. 830

(c) If a mandatory prison term is imposed upon an offender 831
pursuant to division (B)(1)(f) of this section, the offender 832
shall serve the mandatory prison term so imposed consecutively 833
to and prior to any prison term imposed for the underlying 834
felony under division (A), (B)(2), or (B)(3) of this section or 835
any other section of the Revised Code, and consecutively to any 836
other prison term or mandatory prison term previously or 837
subsequently imposed upon the offender. 838

(d) If a mandatory prison term is imposed upon an offender 839
pursuant to division (B) (7) or (8) of this section, the offender 840
shall serve the mandatory prison term so imposed consecutively 841
to any other mandatory prison term imposed under that division 842
or under any other provision of law and consecutively to any 843
other prison term or mandatory prison term previously or 844
subsequently imposed upon the offender. 845

(e) If a mandatory prison term is imposed upon an offender 846
pursuant to division (B) (11) of this section, the offender shall 847
serve the mandatory prison term consecutively to any other 848
mandatory prison term imposed under that division, consecutively 849
to and prior to any prison term imposed for the underlying 850
felony, and consecutively to any other prison term or mandatory 851
prison term previously or subsequently imposed upon the 852
offender. 853

(2) If an offender who is an inmate in a jail, prison, or 854
other residential detention facility violates section 2917.02, 855
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 856
(2) of section 2921.34 of the Revised Code, if an offender who 857
is under detention at a detention facility commits a felony 858
violation of section 2923.131 of the Revised Code, or if an 859
offender who is an inmate in a jail, prison, or other 860
residential detention facility or is under detention at a 861
detention facility commits another felony while the offender is 862
an escapee in violation of division (A) (1) or (2) of section 863
2921.34 of the Revised Code, any prison term imposed upon the 864
offender for one of those violations shall be served by the 865
offender consecutively to the prison term or term of 866
imprisonment the offender was serving when the offender 867
committed that offense and to any other prison term previously 868
or subsequently imposed upon the offender. 869

(3) If a prison term is imposed for a violation of 870
division (B) of section 2911.01 of the Revised Code, a violation 871
of division ~~(A)~~ (B) of section 2913.02 of the Revised Code in 872
which the stolen property is a firearm or dangerous ordnance, or 873
a felony violation of division (B) of section 2921.331 of the 874
Revised Code, the offender shall serve that prison term 875
consecutively to any other prison term or mandatory prison term 876
previously or subsequently imposed upon the offender. 877

(4) If multiple prison terms are imposed on an offender 878
for convictions of multiple offenses, the court may require the 879
offender to serve the prison terms consecutively if the court 880
finds that the consecutive service is necessary to protect the 881
public from future crime or to punish the offender and that 882
consecutive sentences are not disproportionate to the 883
seriousness of the offender's conduct and to the danger the 884
offender poses to the public, and if the court also finds any of 885
the following: 886

(a) The offender committed one or more of the multiple 887
offenses while the offender was awaiting trial or sentencing, 888
was under a sanction imposed pursuant to section 2929.16, 889
2929.17, or 2929.18 of the Revised Code, or was under post- 890
release control for a prior offense. 891

(b) At least two of the multiple offenses were committed 892
as part of one or more courses of conduct, and the harm caused 893
by two or more of the multiple offenses so committed was so 894
great or unusual that no single prison term for any of the 895
offenses committed as part of any of the courses of conduct 896
adequately reflects the seriousness of the offender's conduct. 897

(c) The offender's history of criminal conduct 898
demonstrates that consecutive sentences are necessary to protect 899

the public from future crime by the offender. 900

(5) If a mandatory prison term is imposed upon an offender 901
pursuant to division (B) (5) or (6) of this section, the offender 902
shall serve the mandatory prison term consecutively to and prior 903
to any prison term imposed for the underlying violation of 904
division (A) (1) or (2) of section 2903.06 of the Revised Code 905
pursuant to division (A) of this section or section 2929.142 of 906
the Revised Code. If a mandatory prison term is imposed upon an 907
offender pursuant to division (B) (5) of this section, and if a 908
mandatory prison term also is imposed upon the offender pursuant 909
to division (B) (6) of this section in relation to the same 910
violation, the offender shall serve the mandatory prison term 911
imposed pursuant to division (B) (5) of this section 912
consecutively to and prior to the mandatory prison term imposed 913
pursuant to division (B) (6) of this section and consecutively to 914
and prior to any prison term imposed for the underlying 915
violation of division (A) (1) or (2) of section 2903.06 of the 916
Revised Code pursuant to division (A) of this section or section 917
2929.142 of the Revised Code. 918

(6) If a mandatory prison term is imposed on an offender 919
pursuant to division (B) (9) of this section, the offender shall 920
serve the mandatory prison term consecutively to and prior to 921
any prison term imposed for the underlying violation of division 922
(A) (1) or (2) of section 2903.11 of the Revised Code and 923
consecutively to and prior to any other prison term or mandatory 924
prison term previously or subsequently imposed on the offender. 925

(7) If a mandatory prison term is imposed on an offender 926
pursuant to division (B) (10) of this section, the offender shall 927
serve that mandatory prison term consecutively to and prior to 928
any prison term imposed for the underlying felonious assault. 929

Except as otherwise provided in division (C) of this section, 930
any other prison term or mandatory prison term previously or 931
subsequently imposed upon the offender may be served 932
concurrently with, or consecutively to, the prison term imposed 933
pursuant to division (B)(10) of this section. 934

(8) Any prison term imposed for a violation of section 935
2903.04 of the Revised Code that is based on a violation of 936
section 2925.03 or 2925.11 of the Revised Code or on a violation 937
of section 2925.05 of the Revised Code that is not funding of 938
marihuana trafficking shall run consecutively to any prison term 939
imposed for the violation of section 2925.03 or 2925.11 of the 940
Revised Code or for the violation of section 2925.05 of the 941
Revised Code that is not funding of marihuana trafficking. 942

(9) When consecutive prison terms are imposed pursuant to 943
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 944
division (H)(1) or (2) of this section, subject to division (C) 945
(10) of this section, the term to be served is the aggregate of 946
all of the terms so imposed. 947

(10) When a court sentences an offender to a non-life 948
felony indefinite prison term, any definite prison term or 949
mandatory definite prison term previously or subsequently 950
imposed on the offender in addition to that indefinite sentence 951
that is required to be served consecutively to that indefinite 952
sentence shall be served prior to the indefinite sentence. 953

(11) If a court is sentencing an offender for a felony of 954
the first or second degree, if division (A)(1)(a) or (2)(a) of 955
this section applies with respect to the sentencing for the 956
offense, and if the court is required under the Revised Code 957
section that sets forth the offense or any other Revised Code 958
provision to impose a mandatory prison term for the offense, the 959

court shall impose the required mandatory prison term as the 960
minimum term imposed under division (A) (1) (a) or (2) (a) of this 961
section, whichever is applicable. 962

(D) (1) If a court imposes a prison term, other than a term 963
of life imprisonment, for a felony of the first degree, for a 964
felony of the second degree, for a felony sex offense, or for a 965
felony of the third degree that is an offense of violence and 966
that is not a felony sex offense, it shall include in the 967
sentence a requirement that the offender be subject to a period 968
of post-release control after the offender's release from 969
imprisonment, in accordance with section 2967.28 of the Revised 970
Code. If a court imposes a sentence including a prison term of a 971
type described in this division on or after July 11, 2006, the 972
failure of a court to include a post-release control requirement 973
in the sentence pursuant to this division does not negate, 974
limit, or otherwise affect the mandatory period of post-release 975
control that is required for the offender under division (B) of 976
section 2967.28 of the Revised Code. Section 2929.191 of the 977
Revised Code applies if, prior to July 11, 2006, a court imposed 978
a sentence including a prison term of a type described in this 979
division and failed to include in the sentence pursuant to this 980
division a statement regarding post-release control. 981

(2) If a court imposes a prison term for a felony of the 982
third, fourth, or fifth degree that is not subject to division 983
(D) (1) of this section, it shall include in the sentence a 984
requirement that the offender be subject to a period of post- 985
release control after the offender's release from imprisonment, 986
in accordance with that division, if the parole board determines 987
that a period of post-release control is necessary. Section 988
2929.191 of the Revised Code applies if, prior to July 11, 2006, 989
a court imposed a sentence including a prison term of a type 990

described in this division and failed to include in the sentence 991
pursuant to this division a statement regarding post-release 992
control. 993

(E) The court shall impose sentence upon the offender in 994
accordance with section 2971.03 of the Revised Code, and Chapter 995
2971. of the Revised Code applies regarding the prison term or 996
term of life imprisonment without parole imposed upon the 997
offender and the service of that term of imprisonment if any of 998
the following apply: 999

(1) A person is convicted of or pleads guilty to a violent 1000
sex offense or a designated homicide, assault, or kidnapping 1001
offense, and, in relation to that offense, the offender is 1002
adjudicated a sexually violent predator. 1003

(2) A person is convicted of or pleads guilty to a 1004
violation of division (A) (1) (b) of section 2907.02 of the 1005
Revised Code committed on or after January 2, 2007, and either 1006
the court does not impose a sentence of life without parole when 1007
authorized pursuant to division (B) of section 2907.02 of the 1008
Revised Code, or division (B) of section 2907.02 of the Revised 1009
Code provides that the court shall not sentence the offender 1010
pursuant to section 2971.03 of the Revised Code. 1011

(3) A person is convicted of or pleads guilty to attempted 1012
rape committed on or after January 2, 2007, and a specification 1013
of the type described in section 2941.1418, 2941.1419, or 1014
2941.1420 of the Revised Code. 1015

(4) A person is convicted of or pleads guilty to a 1016
violation of section 2905.01 of the Revised Code committed on or 1017
after January 1, 2008, and that section requires the court to 1018
sentence the offender pursuant to section 2971.03 of the Revised 1019

Code. 1020

(5) A person is convicted of or pleads guilty to 1021
aggravated murder committed on or after January 1, 2008, and 1022
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1023
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1024
(a) (iv) of section 2929.03, or division (A) or (B) of section 1025
2929.06 of the Revised Code requires the court to sentence the 1026
offender pursuant to division (B) (3) of section 2971.03 of the 1027
Revised Code. 1028

(6) A person is convicted of or pleads guilty to murder 1029
committed on or after January 1, 2008, and division (B) (2) of 1030
section 2929.02 of the Revised Code requires the court to 1031
sentence the offender pursuant to section 2971.03 of the Revised 1032
Code. 1033

(F) If a person who has been convicted of or pleaded 1034
guilty to a felony is sentenced to a prison term or term of 1035
imprisonment under this section, sections 2929.02 to 2929.06 of 1036
the Revised Code, section 2929.142 of the Revised Code, section 1037
2971.03 of the Revised Code, or any other provision of law, 1038
section 5120.163 of the Revised Code applies regarding the 1039
person while the person is confined in a state correctional 1040
institution. 1041

(G) If an offender who is convicted of or pleads guilty to 1042
a felony that is an offense of violence also is convicted of or 1043
pleads guilty to a specification of the type described in 1044
section 2941.142 of the Revised Code that charges the offender 1045
with having committed the felony while participating in a 1046
criminal gang, the court shall impose upon the offender an 1047
additional prison term of one, two, or three years. 1048

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

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

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

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

(b) In lieu of imposing an additional prison term under division (H) (2) (a) of this section, the court may directly

impose on the offender a sanction that requires the offender to 1079
wear a real-time processing, continual tracking electronic 1080
monitoring device during the period of time specified by the 1081
court. The period of time specified by the court shall equal the 1082
duration of an additional prison term that the court could have 1083
imposed upon the offender under division (H) (2) (a) of this 1084
section. A sanction imposed under this division shall commence 1085
on the date specified by the court, provided that the sanction 1086
shall not commence until after the offender has served the 1087
prison term imposed for the felony violation of section 2907.22, 1088
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1089
residential sanction imposed for the violation under section 1090
2929.16 of the Revised Code. A sanction imposed under this 1091
division shall be considered to be a community control sanction 1092
for purposes of section 2929.15 of the Revised Code, and all 1093
provisions of the Revised Code that pertain to community control 1094
sanctions shall apply to a sanction imposed under this division, 1095
except to the extent that they would by their nature be clearly 1096
inapplicable. The offender shall pay all costs associated with a 1097
sanction imposed under this division, including the cost of the 1098
use of the monitoring device. 1099

(I) At the time of sentencing, the court may recommend the 1100
offender for placement in a program of shock incarceration under 1101
section 5120.031 of the Revised Code or for placement in an 1102
intensive program prison under section 5120.032 of the Revised 1103
Code, disapprove placement of the offender in a program of shock 1104
incarceration or an intensive program prison of that nature, or 1105
make no recommendation on placement of the offender. In no case 1106
shall the department of rehabilitation and correction place the 1107
offender in a program or prison of that nature unless the 1108
department determines as specified in section 5120.031 or 1109

5120.032 of the Revised Code, whichever is applicable, that the 1110
offender is eligible for the placement. 1111

If the court disapproves placement of the offender in a 1112
program or prison of that nature, the department of 1113
rehabilitation and correction shall not place the offender in 1114
any program of shock incarceration or intensive program prison. 1115

If the court recommends placement of the offender in a 1116
program of shock incarceration or in an intensive program 1117
prison, and if the offender is subsequently placed in the 1118
recommended program or prison, the department shall notify the 1119
court of the placement and shall include with the notice a brief 1120
description of the placement. 1121

If the court recommends placement of the offender in a 1122
program of shock incarceration or in an intensive program prison 1123
and the department does not subsequently place the offender in 1124
the recommended program or prison, the department shall send a 1125
notice to the court indicating why the offender was not placed 1126
in the recommended program or prison. 1127

If the court does not make a recommendation under this 1128
division with respect to an offender and if the department 1129
determines as specified in section 5120.031 or 5120.032 of the 1130
Revised Code, whichever is applicable, that the offender is 1131
eligible for placement in a program or prison of that nature, 1132
the department shall screen the offender and determine if there 1133
is an available program of shock incarceration or an intensive 1134
program prison for which the offender is suited. If there is an 1135
available program of shock incarceration or an intensive program 1136
prison for which the offender is suited, the department shall 1137
notify the court of the proposed placement of the offender as 1138
specified in section 5120.031 or 5120.032 of the Revised Code 1139

and shall include with the notice a brief description of the 1140
placement. The court shall have ten days from receipt of the 1141
notice to disapprove the placement. 1142

(J) If a person is convicted of or pleads guilty to 1143
aggravated vehicular homicide in violation of division (A) (1) of 1144
section 2903.06 of the Revised Code and division (B) (2) (c) or 1145
(d) of that section applies, the person shall be sentenced 1146
pursuant to section 2929.142 of the Revised Code. 1147

(K) (1) The court shall impose an additional mandatory 1148
prison term of two, three, four, five, six, seven, eight, nine, 1149
ten, or eleven years on an offender who is convicted of or 1150
pleads guilty to a violent felony offense if the offender also 1151
is convicted of or pleads guilty to a specification of the type 1152
described in section 2941.1424 of the Revised Code that charges 1153
that the offender is a violent career criminal and had a firearm 1154
on or about the offender's person or under the offender's 1155
control while committing the presently charged violent felony 1156
offense and displayed or brandished the firearm, indicated that 1157
the offender possessed a firearm, or used the firearm to 1158
facilitate the offense. The offender shall serve the prison term 1159
imposed under this division consecutively to and prior to the 1160
prison term imposed for the underlying offense. The prison term 1161
shall not be reduced pursuant to section 2929.20, division (A) 1162
(2) or (3) of section 2967.193 or 2967.194, or any other 1163
provision of Chapter 2967. or 5120. of the Revised Code. A court 1164
may not impose more than one sentence under division (B) (2) (a) 1165
of this section and this division for acts committed as part of 1166
the same act or transaction. 1167

(2) As used in division (K) (1) of this section, "violent 1168
career criminal" and "violent felony offense" have the same 1169

meanings as in section 2923.132 of the Revised Code. 1170

(L) If an offender receives or received a sentence of life 1171
imprisonment without parole, a sentence of life imprisonment, a 1172
definite sentence, or a sentence to an indefinite prison term 1173
under this chapter for a felony offense that was committed when 1174
the offender was under eighteen years of age, the offender's 1175
parole eligibility shall be determined under section 2967.132 of 1176
the Revised Code. 1177

Section 2. That existing sections 2913.02 and 2929.14 of 1178
the Revised Code are hereby repealed. 1179

Section 3. This act shall be known as the Retail Theft 1180
Prevention Act. 1181

Section 4. Section 2929.14 of the Revised Code is 1182
presented in this act as a composite of the section as amended 1183
by H.B. 56, H.B. 111, and S.B. 106, all of the 135th General 1184
Assembly. The General Assembly, applying the principle stated in 1185
division (B) of section 1.52 of the Revised Code that amendments 1186
are to be harmonized if reasonably capable of simultaneous 1187
operation, finds that the composite is the resulting version of 1188
the section in effect prior to the effective date of the section 1189
as presented in this act. 1190