

As Introduced

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

H. B. No. 794

Representative Williams

To amend sections 2929.01, 2929.14, 2929.144, 1
2929.19, 2953.08, 2967.193, and 2967.194 of the 2
Revised Code to require every sentence of 3
imprisonment for a felony offense be for an 4
indefinite period consisting of a minimum and 5
maximum term and to change the maximum term that 6
applies to those offenses. 7

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

Section 1. That sections 2929.01, 2929.14, 2929.144, 8
2929.19, 2953.08, 2967.193, and 2967.194 of the Revised Code be 9
amended to read as follows: 10

Sec. 2929.01. As used in this chapter: 11

(A) (1) "Alternative residential facility" means, subject 12
to divisions (A) (2) and (3) of this section, any facility other 13
than an offender's home or residence in which an offender is 14
assigned to live and that satisfies all of the following 15
criteria: 16

(a) It provides programs through which the offender may 17
seek or maintain employment or may receive education, training, 18
treatment, or habilitation. 19

(b) It has received the appropriate license or certificate 20

for any specialized education, training, treatment, 21
habilitation, or other service that it provides from the 22
government agency that is responsible for licensing or 23
certifying that type of education, training, treatment, 24
habilitation, or service. 25

(2) "Alternative residential facility" does not include a 26
community-based correctional facility, jail, halfway house, or 27
prison. 28

(3) "Alternative residential facility" includes a 29
community alternative sentencing center or district community 30
alternative sentencing center when authorized by section 307.932 31
of the Revised Code and when the center is being used for an OVI 32
term of confinement, as defined by that section. 33

(B) "Basic probation supervision" means a requirement that 34
the offender maintain contact with a person appointed to 35
supervise the offender in accordance with sanctions imposed by 36
the court or imposed by the parole board pursuant to section 37
2967.28 of the Revised Code. "Basic probation supervision" 38
includes basic parole supervision and basic post-release control 39
supervision. 40

(C) "Cocaine," "fentanyl-related compound," "hashish," 41
"L.S.D.," and "unit dose" have the same meanings as in section 42
2925.01 of the Revised Code. 43

(D) "Community-based correctional facility" means a 44
community-based correctional facility and program or district 45
community-based correctional facility and program developed 46
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 47

(E) "Community control sanction" means a sanction that is 48
not a prison term and that is described in section 2929.15, 49

2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 50
that is not a jail term and that is described in section 51
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 52
control sanction" includes probation if the sentence involved 53
was imposed for a felony that was committed prior to July 1, 54
1996, or if the sentence involved was imposed for a misdemeanor 55
that was committed prior to January 1, 2004. 56

(F) "Controlled substance," "marihuana," "schedule I," and 57
"schedule II" have the same meanings as in section 3719.01 of 58
the Revised Code. 59

(G) "Curfew" means a requirement that an offender during a 60
specified period of time be at a designated place. 61

(H) "Day reporting" means a sanction pursuant to which an 62
offender is required each day to report to and leave a center or 63
other approved reporting location at specified times in order to 64
participate in work, education or training, treatment, and other 65
approved programs at the center or outside the center. 66

(I) "Deadly weapon" has the same meaning as in section 67
2923.11 of the Revised Code. 68

(J) "Drug and alcohol use monitoring" means a program 69
under which an offender agrees to submit to random chemical 70
analysis of the offender's blood, breath, or urine to determine 71
whether the offender has ingested any alcohol or other drugs. 72

(K) "Drug treatment program" means any program under which 73
a person undergoes assessment and treatment designed to reduce 74
or completely eliminate the person's physical or emotional 75
reliance upon alcohol, another drug, or alcohol and another drug 76
and under which the person may be required to receive assessment 77
and treatment on an outpatient basis or may be required to 78

reside at a facility other than the person's home or residence 79
while undergoing assessment and treatment. 80

(L) "Economic loss" means any economic detriment suffered 81
by a victim as a direct and proximate result of the commission 82
of an offense and includes any loss of income due to lost time 83
at work because of any injury caused to the victim, any property 84
loss, medical cost, or funeral expense incurred as a result of 85
the commission of the offense, and the cost of any accounting or 86
auditing done to determine the extent of loss if the cost is 87
incurred and payable by the victim. "Economic loss" does not 88
include non-economic loss or any punitive or exemplary damages. 89

(M) "Education or training" includes study at, or in 90
conjunction with a program offered by, a university, college, or 91
technical college or vocational study and also includes the 92
completion of primary school, secondary school, and literacy 93
curricula or their equivalent. 94

(N) "Firearm" has the same meaning as in section 2923.11 95
of the Revised Code. 96

(O) "Halfway house" means a facility licensed by the 97
division of parole and community services of the department of 98
rehabilitation and correction pursuant to section 2967.14 of the 99
Revised Code as a suitable facility for the care and treatment 100
of adult offenders. 101

(P) "House arrest" means a period of confinement of an 102
offender that is in the offender's home or in other premises 103
specified by the sentencing court or by the parole board 104
pursuant to section 2967.28 of the Revised Code and during which 105
all of the following apply: 106

(1) The offender is required to remain in the offender's 107

home or other specified premises for the specified period of 108
confinement, except for periods of time during which the 109
offender is at the offender's place of employment or at other 110
premises as authorized by the sentencing court or by the parole 111
board. 112

(2) The offender is required to report periodically to a 113
person designated by the court or parole board. 114

(3) The offender is subject to any other restrictions and 115
requirements that may be imposed by the sentencing court or by 116
the parole board. 117

(Q) "Intensive probation supervision" means a requirement 118
that an offender maintain frequent contact with a person 119
appointed by the court, or by the parole board pursuant to 120
section 2967.28 of the Revised Code, to supervise the offender 121
while the offender is seeking or maintaining necessary 122
employment and participating in training, education, and 123
treatment programs as required in the court's or parole board's 124
order. "Intensive probation supervision" includes intensive 125
parole supervision and intensive post-release control 126
supervision. 127

(R) "Jail" means a jail, workhouse, minimum security jail, 128
or other residential facility used for the confinement of 129
alleged or convicted offenders that is operated by a political 130
subdivision or a combination of political subdivisions of this 131
state. 132

(S) "Jail term" means the term in a jail that a sentencing 133
court imposes or is authorized to impose pursuant to section 134
2929.24 or 2929.25 of the Revised Code or pursuant to any other 135
provision of the Revised Code that authorizes a term in a jail 136

for a misdemeanor conviction. 137

(T) "Mandatory jail term" means the term in a jail that a 138
sentencing court is required to impose pursuant to division (G) 139
of section 1547.99 of the Revised Code, division (E) of section 140
2903.06 or division (D) of section 2903.08 of the Revised Code, 141
division (F) of section 2929.24 of the Revised Code, division 142
(B) of section 4510.14 of the Revised Code, or division (G) of 143
section 4511.19 of the Revised Code or pursuant to any other 144
provision of the Revised Code that requires a term in a jail for 145
a misdemeanor conviction. 146

(U) "Delinquent child" has the same meaning as in section 147
2152.02 of the Revised Code. 148

(V) "License violation report" means a report that is made 149
by a sentencing court, or by the parole board pursuant to 150
section 2967.28 of the Revised Code, to the regulatory or 151
licensing board or agency that issued an offender a professional 152
license or a license or permit to do business in this state and 153
that specifies that the offender has been convicted of or 154
pleaded guilty to an offense that may violate the conditions 155
under which the offender's professional license or license or 156
permit to do business in this state was granted or an offense 157
for which the offender's professional license or license or 158
permit to do business in this state may be revoked or suspended. 159

(W) "Major drug offender" means an offender who is 160
convicted of or pleads guilty to the possession of, sale of, or 161
offer to sell any drug, compound, mixture, preparation, or 162
substance that consists of or contains at least one thousand 163
grams of hashish; at least one hundred grams of cocaine; at 164
least one thousand unit doses or one hundred grams of heroin; at 165
least five thousand unit doses of L.S.D. or five hundred grams 166

of L.S.D. in a liquid concentrate, liquid extract, or liquid 167
distillate form; at least fifty grams of a controlled substance 168
analog; at least one thousand unit doses or one hundred grams of 169
a fentanyl-related compound; or at least one hundred times the 170
amount of any other schedule I or II controlled substance other 171
than marihuana that is necessary to commit a felony of the third 172
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 173
of the Revised Code that is based on the possession of, sale of, 174
or offer to sell the controlled substance. 175

(X) "Mandatory prison term" means any of the following: 176

(1) Subject to division (X)(2) of this section, the term 177
in prison that must be imposed for the offenses or circumstances 178
set forth in divisions (F)(1) to (8) or (F)(12) to (21) of 179
section 2929.13 and division (B) of section 2929.14 of the 180
Revised Code. Except as provided in sections 2925.02, 2925.03, 181
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 182
maximum or another specific term is required under section 183
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 184
described in this division may be any prison term authorized for 185
the level of offense except that if the offense is a felony of 186
the first or second degree committed on or after March 22, 2019, 187
a mandatory prison term described in this division may be one of 188
the terms prescribed in division (A)(1)(a) or (2)(a) of section 189
2929.14 of the Revised Code, whichever is applicable, that is 190
authorized as the minimum term for the offense. 191

(2) The term of sixty or one hundred twenty days in prison 192
that a sentencing court is required to impose for a third or 193
fourth degree felony OVI offense pursuant to division (G)(2) of 194
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 195
of the Revised Code or the term of one, two, three, four, or 196

five years in prison that a sentencing court is required to 197
impose pursuant to division (G) (2) of section 2929.13 of the 198
Revised Code. 199

(3) The term in prison imposed pursuant to division (A) of 200
section 2971.03 of the Revised Code for the offenses and in the 201
circumstances described in division (F) (11) of section 2929.13 202
of the Revised Code or pursuant to division (B) (1) (a), (b), or 203
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 204
section 2971.03 of the Revised Code and that term as modified or 205
terminated pursuant to section 2971.05 of the Revised Code. 206

(Y) "Monitored time" means a period of time during which 207
an offender continues to be under the control of the sentencing 208
court or parole board, subject to no conditions other than 209
leading a law-abiding life. 210

(Z) "Offender" means a person who, in this state, is 211
convicted of or pleads guilty to a felony or a misdemeanor. 212

(AA) "Prison" means a residential facility used for the 213
confinement of convicted felony offenders that is under the 214
control of the department of rehabilitation and correction and 215
includes a violation sanction center operated under authority of 216
section 2967.141 of the Revised Code. 217

(BB) (1) "Prison term" includes either of the following 218
sanctions for an offender: 219

(a) A stated prison term; 220

(b) A term in a prison shortened by, or with the approval 221
of, the sentencing court pursuant to section 2929.143, 2929.20, 222
5120.031, 5120.032, or 5120.073 of the Revised Code or shortened 223
pursuant to section 2967.26 of the Revised Code. 224

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

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

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

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

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

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

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

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

(FF) (1) "Stated prison term" means the prison term, 253
mandatory prison term, or combination of all prison terms and 254
mandatory prison terms imposed by the sentencing court pursuant 255
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 256
under section 2919.25 of the Revised Code. "Stated prison term" 257
includes any credit received by the offender for time spent in 258
jail awaiting trial, sentencing, or transfer to prison for the 259
offense and any time spent under house arrest or house arrest 260
with electronic monitoring imposed after earning credits 261
pursuant to section 2967.193 or 2967.194 of the Revised Code. If 262
an offender is serving a prison term as a risk reduction 263
sentence under sections 2929.143 and 5120.036 of the Revised 264
Code, "stated prison term" includes any period of time by which 265
the prison term imposed upon the offender is shortened by the 266
offender's successful completion of all assessment and treatment 267
or programming pursuant to those sections. 268

(2) As used in the definition of "stated prison term" set 269
forth in division (FF) (1) of this section, a prison term is a 270
definite prison term imposed under section 2929.14 of the 271
Revised Code or any other provision of law, is the minimum and 272
maximum prison terms under a non-life felony indefinite prison 273
term, or is a term of life imprisonment except to the extent 274
that the use of that definition in a section of the Revised Code 275
clearly is not intended to include a term of life imprisonment. 276
With respect to an offender sentenced to a non-life felony 277
indefinite prison term, references in section 2967.191, 278
2967.193, or 2967.194 of the Revised Code or any other provision 279
of law to a reduction of, or deduction from, the offender's 280
stated prison term or to release of the offender before the 281
expiration of the offender's stated prison term mean a reduction 282
in, or deduction from, the minimum term imposed as part of the 283

indefinite term or a release of the offender before the 284
expiration of that minimum term, references in section 2929.19 285
or 2967.28 of the Revised Code to a stated prison term with 286
respect to a prison term imposed for a violation of a post- 287
release control sanction mean the minimum term so imposed, and 288
references in any provision of law to an offender's service of 289
the offender's stated prison term or the expiration of the 290
offender's stated prison term mean service or expiration of the 291
minimum term so imposed plus any additional period of 292
incarceration under the sentence that is required under section 293
2967.271 of the Revised Code. 294

(GG) "Victim-offender mediation" means a reconciliation or 295
mediation program that involves an offender and the victim of 296
the offense committed by the offender and that includes a 297
meeting in which the offender and the victim may discuss the 298
offense, discuss restitution, and consider other sanctions for 299
the offense. 300

(HH) "Fourth degree felony OVI offense" means a violation 301
of division (A) of section 4511.19 of the Revised Code that, 302
under division (G) of that section, is a felony of the fourth 303
degree. 304

(II) "Mandatory term of local incarceration" means the 305
term of sixty or one hundred twenty days in a jail, a community- 306
based correctional facility, a halfway house, or an alternative 307
residential facility that a sentencing court may impose upon a 308
person who is convicted of or pleads guilty to a fourth degree 309
felony OVI offense pursuant to division (G) (1) of section 310
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 311
section 4511.19 of the Revised Code. 312

(JJ) "Designated homicide, assault, or kidnapping 313

offense," "violent sex offense," "sexual motivation
specification," "sexually violent offense," "sexually violent
predator," and "sexually violent predator specification" have
the same meanings as in section 2971.01 of the Revised Code.

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

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

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

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

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

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

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

(RR) "Felony sex offense" has the same meaning as in

section 2967.28 of the Revised Code. 342

(SS) "Body armor" has the same meaning as in section 343
2941.1411 of the Revised Code. 344

(TT) "Electronic monitoring" means monitoring through the 345
use of an electronic monitoring device. 346

(UU) "Electronic monitoring device" means any of the 347
following: 348

(1) Any device that can be operated by electrical or 349
battery power and that conforms with all of the following: 350

(a) The device has a transmitter that can be attached to a 351
person, that will transmit a specified signal to a receiver of 352
the type described in division (UU) (1) (b) of this section if the 353
transmitter is removed from the person, turned off, or altered 354
in any manner without prior court approval in relation to 355
electronic monitoring or without prior approval of the 356
department of rehabilitation and correction in relation to the 357
use of an electronic monitoring device for an inmate on 358
transitional control or otherwise is tampered with, that can 359
transmit continuously and periodically a signal to that receiver 360
when the person is within a specified distance from the 361
receiver, and that can transmit an appropriate signal to that 362
receiver if the person to whom it is attached travels a 363
specified distance from that receiver. 364

(b) The device has a receiver that can receive 365
continuously the signals transmitted by a transmitter of the 366
type described in division (UU) (1) (a) of this section, can 367
transmit continuously those signals by a wireless or landline 368
telephone connection to a central monitoring computer of the 369
type described in division (UU) (1) (c) of this section, and can 370

transmit continuously an appropriate signal to that central 371
monitoring computer if the device has been turned off or altered 372
without prior court approval or otherwise tampered with. The 373
device is designed specifically for use in electronic 374
monitoring, is not a converted wireless phone or another 375
tracking device that is clearly not designed for electronic 376
monitoring, and provides a means of text-based or voice 377
communication with the person. 378

(c) The device has a central monitoring computer that can 379
receive continuously the signals transmitted by a wireless or 380
landline telephone connection by a receiver of the type 381
described in division (UU) (1) (b) of this section and can monitor 382
continuously the person to whom an electronic monitoring device 383
of the type described in division (UU) (1) (a) of this section is 384
attached. 385

(2) Any device that is not a device of the type described 386
in division (UU) (1) of this section and that conforms with all 387
of the following: 388

(a) The device includes a transmitter and receiver that 389
can monitor and determine the location of a subject person at 390
any time, or at a designated point in time, through the use of a 391
central monitoring computer or through other electronic means. 392

(b) The device includes a transmitter and receiver that 393
can determine at any time, or at a designated point in time, 394
through the use of a central monitoring computer or other 395
electronic means the fact that the transmitter is turned off or 396
altered in any manner without prior approval of the court in 397
relation to the electronic monitoring or without prior approval 398
of the department of rehabilitation and correction in relation 399
to the use of an electronic monitoring device for an inmate on 400

transitional control or otherwise is tampered with. 401

(3) Any type of technology that can adequately track or 402
determine the location of a subject person at any time and that 403
is approved by the director of rehabilitation and correction, 404
including, but not limited to, any satellite technology, voice 405
tracking system, or retinal scanning system that is so approved. 406

(VV) "Non-economic loss" means nonpecuniary harm suffered 407
by a victim of an offense as a result of or related to the 408
commission of the offense, including, but not limited to, pain 409
and suffering; loss of society, consortium, companionship, care, 410
assistance, attention, protection, advice, guidance, counsel, 411
instruction, training, or education; mental anguish; and any 412
other intangible loss. 413

(WW) "Prosecutor" has the same meaning as in section 414
2935.01 of the Revised Code. 415

(XX) "Continuous alcohol monitoring" means the ability to 416
automatically test and periodically transmit alcohol consumption 417
levels and tamper attempts at least every hour, regardless of 418
the location of the person who is being monitored. 419

(YY) A person is "adjudicated a sexually violent predator" 420
if the person is convicted of or pleads guilty to a violent sex 421
offense and also is convicted of or pleads guilty to a sexually 422
violent predator specification that was included in the 423
indictment, count in the indictment, or information charging 424
that violent sex offense or if the person is convicted of or 425
pleads guilty to a designated homicide, assault, or kidnapping 426
offense and also is convicted of or pleads guilty to both a 427
sexual motivation specification and a sexually violent predator 428
specification that were included in the indictment, count in the 429

indictment, or information charging that designated homicide, 430
assault, or kidnapping offense. 431

(ZZ) An offense is "committed in proximity to a school" if 432
the offender commits the offense in a school safety zone or 433
within five hundred feet of any school building or the 434
boundaries of any school premises, regardless of whether the 435
offender knows the offense is being committed in a school safety 436
zone or within five hundred feet of any school building or the 437
boundaries of any school premises. 438

(AAA) "Human trafficking" means a scheme or plan to which 439
all of the following apply: 440

(1) Its object is one or both of the following: 441

(a) To subject a victim or victims to involuntary 442
servitude, as defined in section 2905.31 of the Revised Code or 443
to compel a victim or victims to engage in sexual activity for 444
hire, to engage in a performance that is obscene, sexually 445
oriented, or nudity oriented, or to be a model or participant in 446
the production of material that is obscene, sexually oriented, 447
or nudity oriented; 448

(b) To facilitate, encourage, or recruit a victim who is a 449
minor or is a person with a developmental disability, or victims 450
who are minors or are persons with developmental disabilities, 451
for any purpose listed in divisions (A) (2) (a) to (c) of section 452
2905.32 of the Revised Code. 453

(2) It involves at least two felony offenses, whether or 454
not there has been a prior conviction for any of the felony 455
offenses, to which all of the following apply: 456

(a) Each of the felony offenses is a violation of section 457
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 458

division (A) (1) or (2) of section 2907.323, or division (B) (1), 459
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 460
is a violation of a law of any state other than this state that 461
is substantially similar to any of the sections or divisions of 462
the Revised Code identified in this division. 463

(b) At least one of the felony offenses was committed in 464
this state. 465

(c) The felony offenses are related to the same scheme or 466
plan and are not isolated instances. 467

(BBB) "Material," "nudity," "obscene," "performance," and 468
"sexual activity" have the same meanings as in section 2907.01 469
of the Revised Code. 470

(CCC) "Material that is obscene, sexually oriented, or 471
nudity oriented" means any material that is obscene, that shows 472
a person participating or engaging in sexual activity, 473
masturbation, or bestiality, or that shows a person in a state 474
of nudity. 475

(DDD) "Performance that is obscene, sexually oriented, or 476
nudity oriented" means any performance that is obscene, that 477
shows a person participating or engaging in sexual activity, 478
masturbation, or bestiality, or that shows a person in a state 479
of nudity. 480

(EEE) "Accelerant" means a fuel or oxidizing agent, such 481
as an ignitable liquid, used to initiate a fire or increase the 482
rate of growth or spread of a fire. 483

(FFF) "Permanent disabling harm" means serious physical 484
harm that results in permanent injury to the intellectual, 485
physical, or sensory functions and that permanently and 486
substantially impairs a person's ability to meet one or more of 487

the ordinary demands of life, including the functions of caring 488
for one's self, performing manual tasks, walking, seeing, 489
hearing, speaking, breathing, learning, and working. 490

(GGG) "Non-life felony indefinite prison term" means a 491
prison term imposed under division ~~(A)(1)(a) or (2)(a)~~ (A) of 492
section 2929.14 and section 2929.144 of the Revised Code ~~for a~~ 493
~~felony of the first or second degree committed on or after March~~ 494
~~22, 2019.~~ 495

Sec. 2929.14. (A) Except as provided in division (B) (1), 496
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 497
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 498
in division (D) (6) of section 2919.25 of the Revised Code and 499
except in relation to an offense for which a sentence of death 500
or life imprisonment is to be imposed, if the court imposing a 501
sentence upon an offender for a felony elects or is required to 502
impose a prison term on the offender pursuant to this chapter, 503
the court shall impose a prison term that shall be one of the 504
following: 505

(1) (a) For a felony of the first degree committed on or 506
after March 22, 2019, the prison term shall be an indefinite 507
prison term with a stated minimum term selected by the court of 508
three, four, five, six, seven, eight, nine, ten, or eleven years 509
and a maximum term that is determined pursuant to section 510
2929.144 of the Revised Code, except that if the section that 511
criminalizes the conduct constituting the felony specifies a 512
different minimum term or penalty for the offense, the specific 513
language of that section shall control in determining the 514
minimum term or otherwise sentencing the offender but the 515
minimum term or sentence imposed under that specific language 516
shall be considered for purposes of the Revised Code as if it 517

had been imposed under this division. 518

(b) For a felony of the first degree committed prior to 519
March 22, 2019, the prison term shall be a definite prison term 520
of three, four, five, six, seven, eight, nine, ten, or eleven 521
years. 522

(2) (a) For a felony of the second degree committed on or 523
after March 22, 2019, the prison term shall be an indefinite 524
prison term with a stated minimum term selected by the court of 525
two, three, four, five, six, seven, or eight years and a maximum 526
term that is determined pursuant to section 2929.144 of the 527
Revised Code, except that if the section that criminalizes the 528
conduct constituting the felony specifies a different minimum 529
term or penalty for the offense, the specific language of that 530
section shall control in determining the minimum term or 531
otherwise sentencing the offender but the minimum term or 532
sentence imposed under that specific language shall be 533
considered for purposes of the Revised Code as if it had been 534
imposed under this division. 535

(b) For a felony of the second degree committed prior to 536
March 22, 2019, the prison term shall be a definite term of two, 537
three, four, five, six, seven, or eight years. 538

(3) (a) For a felony of the third degree that is a 539
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 540
2907.05, 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of 541
the Revised Code, that is a violation of division (A) of section 542
4511.19 of the Revised Code if the offender previously has been 543
convicted of or pleaded guilty to a violation of division (A) of 544
that section that was a felony, that is a violation of section 545
2911.02 or 2911.12 of the Revised Code if the offender 546
previously has been convicted of or pleaded guilty in two or 547

more separate proceedings to two or more violations of section 548
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 549
that is a violation of division (B) of section 2921.331 of the 550
Revised Code if division (C) (5) of that section applies, the 551
prison term shall be ~~a definite~~ an indefinite prison term with a 552
stated minimum term selected by the court of twelve, eighteen, 553
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 554
four, or sixty months and a maximum term that is determined 555
pursuant to section 2929.144 of the Revised Code, except that if 556
the section of the Revised Code that criminalizes the conduct 557
constituting the felony specifies a different minimum term or 558
penalty for the offense, the specific language of that section 559
controls in determining the minimum term or otherwise sentencing 560
the offender, but the minimum term or sentence imposed under 561
that specific language shall be considered for purposes of the 562
Revised Code as if it had been imposed under this division. 563

(b) For a felony of the third degree that is not an 564
offense for which division (A) (3) (a) of this section applies, 565
the prison term shall be ~~a definite~~ an indefinite prison term 566
with a stated minimum term selected by the court of nine, 567
twelve, eighteen, twenty-four, thirty, or thirty-six months and 568
a maximum term that is determined pursuant to section 2929.144 569
of the Revised Code, except that if the section of the Revised 570
Code that criminalizes the conduct constituting the felony 571
specifies a different minimum term or penalty for the offense, 572
the specific language of that section controls in determining 573
the minimum term or otherwise sentencing the offender, but the 574
minimum term or sentence imposed under that specific language 575
shall be considered for purposes of the Revised Code as if it 576
had been imposed under this division. 577

(4) For a felony of the fourth degree, the prison term 578

shall be ~~a definite~~an indefinite prison term with a stated 579
minimum term selected by the court of six, seven, eight, nine, 580
ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, 581
seventeen, or eighteen months and a maximum term that is 582
determined pursuant to section 2929.144 of the Revised Code, 583
except that if the section of the Revised Code that criminalizes 584
the conduct constituting the felony specifies a different 585
minimum term or penalty for the offense, the specific language 586
of that section controls in determining the minimum term or 587
otherwise sentencing the offender, but the minimum term or 588
sentence imposed under that specific language shall be 589
considered for purposes of the Revised Code as if it had been 590
imposed under this division. 591

(5) For a felony of the fifth degree, the prison term 592
shall be ~~a definite~~an indefinite prison term with a stated 593
minimum term selected by the court of six, seven, eight, nine, 594
ten, eleven, or twelve months and a maximum term that is 595
determined pursuant to section 2929.144 of the Revised Code, 596
except that if the section of the Revised Code that criminalizes 597
the conduct constituting the felony specifies a different 598
minimum term or penalty for the offense, the specific language 599
of that section controls in determining the minimum term or 600
otherwise sentencing the offender, but the minimum term or 601
sentence imposed under that specific language shall be 602
considered for purposes of the Revised Code as if it had been 603
imposed under this division. 604

(B) (1) (a) Except as provided in division (B) (1) (e) of this 605
section, if an offender who is convicted of or pleads guilty to 606
a felony also is convicted of or pleads guilty to a 607
specification of the type described in section 2941.141, 608
2941.144, or 2941.145 of the Revised Code, the court shall 609

impose on the offender one of the following prison terms: 610

(i) A prison term of six years if the specification is of 611
the type described in division (A) of section 2941.144 of the 612
Revised Code that charges the offender with having a firearm 613
that is an automatic firearm or that was equipped with a firearm 614
muffler or suppressor on or about the offender's person or under 615
the offender's control while committing the offense; 616

(ii) A prison term of three years if the specification is 617
of the type described in division (A) of section 2941.145 of the 618
Revised Code that charges the offender with having a firearm on 619
or about the offender's person or under the offender's control 620
while committing the offense and displaying the firearm, 621
brandishing the firearm, indicating that the offender possessed 622
the firearm, or using it to facilitate the offense; 623

(iii) A prison term of one year if the specification is of 624
the type described in division (A) of section 2941.141 of the 625
Revised Code that charges the offender with having a firearm on 626
or about the offender's person or under the offender's control 627
while committing the offense; 628

(iv) A prison term of nine years if the specification is 629
of the type described in division (D) of section 2941.144 of the 630
Revised Code that charges the offender with having a firearm 631
that is an automatic firearm or that was equipped with a firearm 632
muffler or suppressor on or about the offender's person or under 633
the offender's control while committing the offense and 634
specifies that the offender previously has been convicted of or 635
pleaded guilty to a specification of the type described in 636
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 637
the Revised Code; 638

(v) A prison term of fifty-four months if the 639
specification is of the type described in division (D) of 640
section 2941.145 of the Revised Code that charges the offender 641
with having a firearm on or about the offender's person or under 642
the offender's control while committing the offense and 643
displaying the firearm, brandishing the firearm, indicating that 644
the offender possessed the firearm, or using the firearm to 645
facilitate the offense and that the offender previously has been 646
convicted of or pleaded guilty to a specification of the type 647
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 648
2941.1412 of the Revised Code; 649

(vi) A prison term of eighteen months if the specification 650
is of the type described in division (D) of section 2941.141 of 651
the Revised Code that charges the offender with having a firearm 652
on or about the offender's person or under the offender's 653
control while committing the offense and that the offender 654
previously has been convicted of or pleaded guilty to a 655
specification of the type described in section 2941.141, 656
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 657

(b) If a court imposes a prison term on an offender under 658
division (B)(1)(a) of this section, the prison term shall not be 659
reduced pursuant to section 2929.20, division (A)(2) or (3) of 660
section 2967.193 or 2967.194, or any other provision of Chapter 661
2967. or Chapter 5120. of the Revised Code. Except as provided 662
in division (B)(1)(g) of this section, a court shall not impose 663
more than one prison term on an offender under division (B)(1) 664
(a) of this section for felonies committed as part of the same 665
act or transaction. 666

(c) (i) Except as provided in division (B)(1)(e) of this 667
section, if an offender who is convicted of or pleads guilty to 668

a violation of section 2923.161 of the Revised Code or to a 669
felony that includes, as an essential element, purposely or 670
knowingly causing or attempting to cause the death of or 671
physical harm to another, also is convicted of or pleads guilty 672
to a specification of the type described in division (A) of 673
section 2941.146 of the Revised Code that charges the offender 674
with committing the offense by discharging a firearm from a 675
motor vehicle other than a manufactured home, the court, after 676
imposing a prison term on the offender for the violation of 677
section 2923.161 of the Revised Code or for the other felony 678
offense under division (A), (B) (2), or (B) (3) of this section, 679
shall impose an additional prison term of five years upon the 680
offender that shall not be reduced pursuant to section 2929.20, 681
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 682
other provision of Chapter 2967. or Chapter 5120. of the Revised 683
Code. 684

(ii) Except as provided in division (B) (1) (e) of this 685
section, if an offender who is convicted of or pleads guilty to 686
a violation of section 2923.161 of the Revised Code or to a 687
felony that includes, as an essential element, purposely or 688
knowingly causing or attempting to cause the death of or 689
physical harm to another, also is convicted of or pleads guilty 690
to a specification of the type described in division (C) of 691
section 2941.146 of the Revised Code that charges the offender 692
with committing the offense by discharging a firearm from a 693
motor vehicle other than a manufactured home and that the 694
offender previously has been convicted of or pleaded guilty to a 695
specification of the type described in section 2941.141, 696
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 697
the court, after imposing a prison term on the offender for the 698
violation of section 2923.161 of the Revised Code or for the 699

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

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

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

additional prison term under division (B) (1) (d) of this section. 731

(e) The court shall not impose any of the prison terms 732
described in division (B) (1) (a) of this section or any of the 733
additional prison terms described in division (B) (1) (c) of this 734
section upon an offender for a violation of section 2923.12 or 735
2923.123 of the Revised Code. The court shall not impose any of 736
the prison terms described in division (B) (1) (a) or (b) of this 737
section upon an offender for a violation of section 2923.122 738
that involves a deadly weapon that is a firearm other than a 739
dangerous ordnance, section 2923.16, or section 2923.121 of the 740
Revised Code. The court shall not impose any of the prison terms 741
described in division (B) (1) (a) of this section or any of the 742
additional prison terms described in division (B) (1) (c) of this 743
section upon an offender for a violation of section 2923.13 of 744
the Revised Code unless all of the following apply: 745

(i) The offender previously has been convicted of 746
aggravated murder, murder, or any felony of the first or second 747
degree. 748

(ii) Less than five years have passed since the offender 749
was released from prison or post-release control, whichever is 750
later, for the prior offense. 751

(f) (i) If an offender is convicted of or pleads guilty to 752
a felony that includes, as an essential element, causing or 753
attempting to cause the death of or physical harm to another and 754
also is convicted of or pleads guilty to a specification of the 755
type described in division (A) of section 2941.1412 of the 756
Revised Code that charges the offender with committing the 757
offense by discharging a firearm at a peace officer as defined 758
in section 2935.01 of the Revised Code or a corrections officer, 759
as defined in section 2941.1412 of the Revised Code, the court, 760

after imposing a prison term on the offender for the felony 761
offense under division (A), (B) (2), or (B) (3) of this section, 762
shall impose an additional prison term of seven years upon the 763
offender that shall not be reduced pursuant to section 2929.20, 764
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 765
other provision of Chapter 2967. or Chapter 5120. of the Revised 766
Code. 767

(ii) If an offender is convicted of or pleads guilty to a 768
felony that includes, as an essential element, causing or 769
attempting to cause the death of or physical harm to another and 770
also is convicted of or pleads guilty to a specification of the 771
type described in division (B) of section 2941.1412 of the 772
Revised Code that charges the offender with committing the 773
offense by discharging a firearm at a peace officer, as defined 774
in section 2935.01 of the Revised Code, or a corrections 775
officer, as defined in section 2941.1412 of the Revised Code, 776
and that the offender previously has been convicted of or 777
pleaded guilty to a specification of the type described in 778
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 779
the Revised Code, the court, after imposing a prison term on the 780
offender for the felony offense under division (A), (B) (2), or 781
(3) of this section, shall impose an additional prison term of 782
one hundred twenty-six months upon the offender that shall not 783
be reduced pursuant to section 2929.20, division (A) (2) or (3) 784
of section 2967.193 or 2967.194, or any other provision of 785
Chapter 2967. or 5120. of the Revised Code. 786

(iii) If an offender is convicted of or pleads guilty to 787
two or more felonies that include, as an essential element, 788
causing or attempting to cause the death or physical harm to 789
another and also is convicted of or pleads guilty to a 790
specification of the type described under division (B) (1) (f) of 791

this section in connection with two or more of the felonies of 792
which the offender is convicted or to which the offender pleads 793
guilty, the sentencing court shall impose on the offender the 794
prison term specified under division (B) (1) (f) of this section 795
for each of two of the specifications of which the offender is 796
convicted or to which the offender pleads guilty and, in its 797
discretion, also may impose on the offender the prison term 798
specified under that division for any or all of the remaining 799
specifications. If a court imposes an additional prison term on 800
an offender under division (B) (1) (f) of this section relative to 801
an offense, the court shall not impose a prison term under 802
division (B) (1) (a) or (c) of this section relative to the same 803
offense. 804

(g) If an offender is convicted of or pleads guilty to two 805
or more felonies, if one or more of those felonies are 806
aggravated murder, murder, attempted aggravated murder, 807
attempted murder, aggravated robbery, felonious assault, or 808
rape, and if the offender is convicted of or pleads guilty to a 809
specification of the type described under division (B) (1) (a) of 810
this section in connection with two or more of the felonies, the 811
sentencing court shall impose on the offender the prison term 812
specified under division (B) (1) (a) of this section for each of 813
the two most serious specifications of which the offender is 814
convicted or to which the offender pleads guilty and, in its 815
discretion, also may impose on the offender the prison term 816
specified under that division for any or all of the remaining 817
specifications. 818

(2) (a) If division (B) (2) (b) of this section does not 819
apply, the court may impose on an offender, in addition to the 820
longest prison term authorized or required for the offense or, 821
for offenses for which division (A) (1) (a) or (2) (a) of this 822

section applies, in addition to the longest minimum prison term 823
authorized or required for the offense, an additional definite 824
prison term of one, two, three, four, five, six, seven, eight, 825
nine, or ten years if all of the following criteria are met: 826

(i) The offender is convicted of or pleads guilty to a 827
specification of the type described in section 2941.149 of the 828
Revised Code that the offender is a repeat violent offender. 829

(ii) The offense of which the offender currently is 830
convicted or to which the offender currently pleads guilty is 831
aggravated murder and the court does not impose a sentence of 832
death or life imprisonment without parole, murder, terrorism and 833
the court does not impose a sentence of life imprisonment 834
without parole, any felony of the first degree that is an 835
offense of violence and the court does not impose a sentence of 836
life imprisonment without parole, or any felony of the second 837
degree that is an offense of violence and the trier of fact 838
finds that the offense involved an attempt to cause or a threat 839
to cause serious physical harm to a person or resulted in 840
serious physical harm to a person. 841

(iii) The court imposes the longest prison term for the 842
offense or the longest minimum prison term for the offense, 843
whichever is applicable, that is not life imprisonment without 844
parole. 845

(iv) The court finds that the prison terms imposed 846
pursuant to division (B) (2) (a) (iii) of this section and, if 847
applicable, division (B) (1) or (3) of this section are 848
inadequate to punish the offender and protect the public from 849
future crime, because the applicable factors under section 850
2929.12 of the Revised Code indicating a greater likelihood of 851
recidivism outweigh the applicable factors under that section 852

indicating a lesser likelihood of recidivism. 853

(v) The court finds that the prison terms imposed pursuant 854
to division (B) (2) (a) (iii) of this section and, if applicable, 855
division (B) (1) or (3) of this section are demeaning to the 856
seriousness of the offense, because one or more of the factors 857
under section 2929.12 of the Revised Code indicating that the 858
offender's conduct is more serious than conduct normally 859
constituting the offense are present, and they outweigh the 860
applicable factors under that section indicating that the 861
offender's conduct is less serious than conduct normally 862
constituting the offense. 863

(b) The court shall impose on an offender the longest 864
prison term authorized or required for the offense or, for 865
offenses for which division (A) (1) (a) or (2) (a) of this section 866
applies, the longest minimum prison term authorized or required 867
for the offense, and shall impose on the offender an additional 868
definite prison term of one, two, three, four, five, six, seven, 869
eight, nine, or ten years if all of the following criteria are 870
met: 871

(i) The offender is convicted of or pleads guilty to a 872
specification of the type described in section 2941.149 of the 873
Revised Code that the offender is a repeat violent offender. 874

(ii) The offender within the preceding twenty years has 875
been convicted of or pleaded guilty to three or more offenses 876
described in division (CC) (1) of section 2929.01 of the Revised 877
Code, including all offenses described in that division of which 878
the offender is convicted or to which the offender pleads guilty 879
in the current prosecution and all offenses described in that 880
division of which the offender previously has been convicted or 881
to which the offender previously pleaded guilty, whether 882

prosecuted together or separately. 883

(iii) The offense or offenses of which the offender 884
currently is convicted or to which the offender currently pleads 885
guilty is aggravated murder and the court does not impose a 886
sentence of death or life imprisonment without parole, murder, 887
terrorism and the court does not impose a sentence of life 888
imprisonment without parole, any felony of the first degree that 889
is an offense of violence and the court does not impose a 890
sentence of life imprisonment without parole, or any felony of 891
the second degree that is an offense of violence and the trier 892
of fact finds that the offense involved an attempt to cause or a 893
threat to cause serious physical harm to a person or resulted in 894
serious physical harm to a person. 895

(c) For purposes of division (B) (2) (b) of this section, 896
two or more offenses committed at the same time or as part of 897
the same act or event shall be considered one offense, and that 898
one offense shall be the offense with the greatest penalty. 899

(d) A sentence imposed under division (B) (2) (a) or (b) of 900
this section shall not be reduced pursuant to section 2929.20, 901
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 902
other provision of Chapter 2967. or Chapter 5120. of the Revised 903
Code. The offender shall serve an additional prison term imposed 904
under division (B) (2) (a) or (b) of this section consecutively to 905
and prior to the prison term imposed for the underlying offense. 906

(e) When imposing a sentence pursuant to division (B) (2) 907
(a) or (b) of this section, the court shall state its findings 908
explaining the imposed sentence. 909

(3) Except when an offender commits a violation of section 910
2903.01 or 2907.02 of the Revised Code and the penalty imposed 911

for the violation is life imprisonment or commits a violation of 912
section 2903.02 of the Revised Code, if the offender commits a 913
violation of section 2925.03 or 2925.11 of the Revised Code and 914
that section classifies the offender as a major drug offender, 915
if the offender commits a violation of section 2925.05 of the 916
Revised Code and division (E)(1) of that section classifies the 917
offender as a major drug offender, if the offender commits a 918
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 919
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 920
division (C) or (D) of section 3719.172, division (E) of section 921
4729.51, or division (J) of section 4729.54 of the Revised Code 922
that includes the sale, offer to sell, or possession of a 923
schedule I or II controlled substance, with the exception of 924
marihuana, and the court imposing sentence upon the offender 925
finds that the offender is guilty of a specification of the type 926
described in division (A) of section 2941.1410 of the Revised 927
Code charging that the offender is a major drug offender, if the 928
court imposing sentence upon an offender for a felony finds that 929
the offender is guilty of corrupt activity with the most serious 930
offense in the pattern of corrupt activity being a felony of the 931
first degree, or if the offender is guilty of an attempted 932
violation of section 2907.02 of the Revised Code and, had the 933
offender completed the violation of section 2907.02 of the 934
Revised Code that was attempted, the offender would have been 935
subject to a sentence of life imprisonment or life imprisonment 936
without parole for the violation of section 2907.02 of the 937
Revised Code, the court shall impose upon the offender for the 938
felony violation a mandatory prison term determined as described 939
in this division that cannot be reduced pursuant to section 940
2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 941
or any other provision of Chapter 2967. or 5120. of the Revised 942
Code. The mandatory prison term shall be the maximum definite 943

prison term prescribed in division (A) (1) (b) of this section for 944
a felony of the first degree, except that for offenses for which 945
division (A) (1) (a) of this section applies, the mandatory prison 946
term shall be the longest minimum prison term prescribed in that 947
division for the offense. 948

(4) If the offender is being sentenced for a third or 949
fourth degree felony OVI offense under division (G) (2) of 950
section 2929.13 of the Revised Code, the sentencing court shall 951
impose upon the offender a mandatory prison term in accordance 952
with that division. In addition to the mandatory prison term, if 953
the offender is being sentenced for a fourth degree felony OVI 954
offense, the court, notwithstanding division (A) (4) of this 955
section, may sentence the offender to a definite prison term of 956
not less than six months and not more than thirty months, and if 957
the offender is being sentenced for a third degree felony OVI 958
offense, the sentencing court may sentence the offender to an 959
additional prison term of any duration specified in division (A) 960
(3) of this section. In either case, the additional prison term 961
imposed shall be reduced by the sixty or one hundred twenty days 962
imposed upon the offender as the mandatory prison term. The 963
total of the additional prison term imposed under division (B) 964
(4) of this section plus the sixty or one hundred twenty days 965
imposed as the mandatory prison term shall equal a definite term 966
in the range of six months to thirty months for a fourth degree 967
felony OVI offense and shall equal one of the authorized prison 968
terms specified in division (A) (3) of this section for a third 969
degree felony OVI offense. If the court imposes an additional 970
prison term under division (B) (4) of this section, the offender 971
shall serve the additional prison term after the offender has 972
served the mandatory prison term required for the offense. In 973
addition to the mandatory prison term or mandatory and 974

additional prison term imposed as described in division (B) (4) 975
of this section, the court also may sentence the offender to a 976
community control sanction under section 2929.16 or 2929.17 of 977
the Revised Code, but the offender shall serve all of the prison 978
terms so imposed prior to serving the community control 979
sanction. 980

If the offender is being sentenced for a fourth degree 981
felony OVI offense under division (G) (1) of section 2929.13 of 982
the Revised Code and the court imposes a mandatory term of local 983
incarceration, the court may impose a prison term as described 984
in division (A) (1) of that section. 985

(5) If an offender is convicted of or pleads guilty to a 986
violation of division (A) (1) or (2) of section 2903.06 of the 987
Revised Code and also is convicted of or pleads guilty to a 988
specification of the type described in section 2941.1414 of the 989
Revised Code that charges that the victim of the offense is a 990
peace officer, as defined in section 2935.01 of the Revised 991
Code, an investigator of the bureau of criminal identification 992
and investigation, as defined in section 2903.11 of the Revised 993
Code, or a firefighter or emergency medical worker, both as 994
defined in section 2941.1414 of the Revised Code, the court 995
shall impose on the offender a prison term of five years. If a 996
court imposes a prison term on an offender under division (B) (5) 997
of this section, the prison term shall not be reduced pursuant 998
to section 2929.20, division (A) (2) or (3) of section 2967.193 999
or 2967.194, or any other provision of Chapter 2967. or Chapter 1000
5120. of the Revised Code. A court shall not impose more than 1001
one prison term on an offender under division (B) (5) of this 1002
section for felonies committed as part of the same act. 1003

(6) If an offender is convicted of or pleads guilty to a 1004

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

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

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

shall impose as the minimum prison term a mandatory term of not 1036
less than five years and not greater than eleven years; 1037

(ii) If the offense is a felony of the second or third 1038
degree, a definite prison term of not less than three years and 1039
not greater than the maximum prison term allowed for the offense 1040
by division (A) (2) (b) or (3) of this section, except that if the 1041
offense is a felony of the second degree committed on or after 1042
March 22, 2019, the court shall impose as the minimum prison 1043
term a mandatory term of not less than three years and not 1044
greater than eight years; 1045

(iii) If the offense is a felony of the fourth or fifth 1046
degree, a definite prison term that is the maximum prison term 1047
allowed for the offense by division (A) of section 2929.14 of 1048
the Revised Code. 1049

(b) The prison term imposed under division (B) (7) (a) of 1050
this section shall not be reduced pursuant to section 2929.20, 1051
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 1052
other provision of Chapter 2967. of the Revised Code. A court 1053
shall not impose more than one prison term on an offender under 1054
division (B) (7) (a) of this section for felonies committed as 1055
part of the same act, scheme, or plan. 1056

(8) If an offender is convicted of or pleads guilty to a 1057
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1058
Revised Code and also is convicted of or pleads guilty to a 1059
specification of the type described in section 2941.1423 of the 1060
Revised Code that charges that the victim of the violation was a 1061
woman whom the offender knew was pregnant at the time of the 1062
violation, notwithstanding the range prescribed in division (A) 1063
of this section as the definite prison term or minimum prison 1064
term for felonies of the same degree as the violation, the court 1065

shall impose on the offender a mandatory prison term that is 1066
either a definite prison term of six months or one of the prison 1067
terms prescribed in division (A) of this section for felonies of 1068
the same degree as the violation, except that if the violation 1069
is a felony of the first or second degree committed on or after 1070
March 22, 2019, the court shall impose as the minimum prison 1071
term under division (A) (1) (a) or (2) (a) of this section a 1072
mandatory term that is one of the terms prescribed in that 1073
division, whichever is applicable, for the offense. 1074

(9) (a) If an offender is convicted of or pleads guilty to 1075
a violation of division (A) (1) or (2) of section 2903.11 of the 1076
Revised Code and also is convicted of or pleads guilty to a 1077
specification of the type described in section 2941.1425 of the 1078
Revised Code, the court shall impose on the offender a mandatory 1079
prison term of six years if either of the following applies: 1080

(i) The violation is a violation of division (A) (1) of 1081
section 2903.11 of the Revised Code and the specification 1082
charges that the offender used an accelerant in committing the 1083
violation and the serious physical harm to another or to 1084
another's unborn caused by the violation resulted in a 1085
permanent, serious disfigurement or permanent, substantial 1086
incapacity; 1087

(ii) The violation is a violation of division (A) (2) of 1088
section 2903.11 of the Revised Code and the specification 1089
charges that the offender used an accelerant in committing the 1090
violation, that the violation caused physical harm to another or 1091
to another's unborn, and that the physical harm resulted in a 1092
permanent, serious disfigurement or permanent, substantial 1093
incapacity. 1094

(b) If a court imposes a prison term on an offender under 1095

division (B) (9) (a) of this section, the prison term shall not be 1096
reduced pursuant to section 2929.20, division (A) (2) or (3) of 1097
section 2967.193 or 2967.194, or any other provision of Chapter 1098
2967. or Chapter 5120. of the Revised Code. A court shall not 1099
impose more than one prison term on an offender under division 1100
(B) (9) of this section for felonies committed as part of the 1101
same act. 1102

(c) The provisions of divisions (B) (9) and (C) (6) of this 1103
section and of division (D) (2) of section 2903.11, division (F) 1104
(20) of section 2929.13, and section 2941.1425 of the Revised 1105
Code shall be known as "Judy's Law." 1106

(10) If an offender is convicted of or pleads guilty to a 1107
violation of division (A) of section 2903.11 of the Revised Code 1108
and also is convicted of or pleads guilty to a specification of 1109
the type described in section 2941.1426 of the Revised Code that 1110
charges that the victim of the offense suffered permanent 1111
disabling harm as a result of the offense and that the victim 1112
was under ten years of age at the time of the offense, 1113
regardless of whether the offender knew the age of the victim, 1114
the court shall impose upon the offender an additional definite 1115
prison term of six years. A prison term imposed on an offender 1116
under division (B) (10) of this section shall not be reduced 1117
pursuant to section 2929.20, division (A) (2) or (3) of section 1118
2967.193 or 2967.194, or any other provision of Chapter 2967. or 1119
Chapter 5120. of the Revised Code. If a court imposes an 1120
additional prison term on an offender under this division 1121
relative to a violation of division (A) of section 2903.11 of 1122
the Revised Code, the court shall not impose any other 1123
additional prison term on the offender relative to the same 1124
offense. 1125

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

(C) (1) (a) Subject to division (C) (1) (b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of mandatory prison terms are imposed, the offender shall serve any mandatory prison term imposed under either division

consecutively to any other mandatory prison term imposed under 1157
either division or under division (B) (1) (d) of this section, 1158
consecutively to and prior to any prison term imposed for the 1159
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1160
this section or any other section of the Revised Code, and 1161
consecutively to any other prison term or mandatory prison term 1162
previously or subsequently imposed upon the offender. 1163

(b) If a mandatory prison term is imposed upon an offender 1164
pursuant to division (B) (1) (d) of this section for wearing or 1165
carrying body armor while committing an offense of violence that 1166
is a felony, the offender shall serve the mandatory term so 1167
imposed consecutively to any other mandatory prison term imposed 1168
under that division or under division (B) (1) (a) or (c) of this 1169
section, consecutively to and prior to any prison term imposed 1170
for the underlying felony under division (A), (B) (2), or (B) (3) 1171
of this section or any other section of the Revised Code, and 1172
consecutively to any other prison term or mandatory prison term 1173
previously or subsequently imposed upon the offender. 1174

(c) If a mandatory prison term is imposed upon an offender 1175
pursuant to division (B) (1) (f) of this section, the offender 1176
shall serve the mandatory prison term so imposed consecutively 1177
to and prior to any prison term imposed for the underlying 1178
felony under division (A), (B) (2), or (B) (3) of this section or 1179
any other section of the Revised Code, and consecutively to any 1180
other prison term or mandatory prison term previously or 1181
subsequently imposed upon the offender. 1182

(d) If a mandatory prison term is imposed upon an offender 1183
pursuant to division (B) (7) or (8) of this section, the offender 1184
shall serve the mandatory prison term so imposed consecutively 1185
to any other mandatory prison term imposed under that division 1186

or under any other provision of law and consecutively to any 1187
other prison term or mandatory prison term previously or 1188
subsequently imposed upon the offender. 1189

(e) If a mandatory prison term is imposed upon an offender 1190
pursuant to division (B)(11) of this section, the offender shall 1191
serve the mandatory prison term consecutively to any other 1192
mandatory prison term imposed under that division, consecutively 1193
to and prior to any prison term imposed for the underlying 1194
felony, and consecutively to any other prison term or mandatory 1195
prison term previously or subsequently imposed upon the 1196
offender. 1197

(2) If an offender who is an inmate in a jail, prison, or 1198
other residential detention facility violates section 2917.02, 1199
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 1200
(2) of section 2921.34 of the Revised Code, if an offender who 1201
is under detention at a detention facility commits a felony 1202
violation of section 2923.131 of the Revised Code, or if an 1203
offender who is an inmate in a jail, prison, or other 1204
residential detention facility or is under detention at a 1205
detention facility commits another felony while the offender is 1206
an escapee in violation of division (A)(1) or (2) of section 1207
2921.34 of the Revised Code, any prison term imposed upon the 1208
offender for one of those violations shall be served by the 1209
offender consecutively to the prison term or term of 1210
imprisonment the offender was serving when the offender 1211
committed that offense and to any other prison term previously 1212
or subsequently imposed upon the offender. 1213

(3) If a prison term is imposed for a violation of 1214
division (B) of section 2911.01 of the Revised Code, a violation 1215
of division (A) of section 2913.02 of the Revised Code in which 1216

the stolen property is a firearm or dangerous ordnance, or a 1217
felony violation of division (B) of section 2921.331 of the 1218
Revised Code, the offender shall serve that prison term 1219
consecutively to any other prison term or mandatory prison term 1220
previously or subsequently imposed upon the offender. 1221

(4) If multiple prison terms are imposed on an offender 1222
for convictions of multiple offenses, the court may require the 1223
offender to serve the prison terms consecutively if the court 1224
finds that the consecutive service is necessary to protect the 1225
public from future crime or to punish the offender and that 1226
consecutive sentences are not disproportionate to the 1227
seriousness of the offender's conduct and to the danger the 1228
offender poses to the public, and if the court also finds any of 1229
the following: 1230

(a) The offender committed one or more of the multiple 1231
offenses while the offender was awaiting trial or sentencing, 1232
was under a sanction imposed pursuant to section 2929.16, 1233
2929.17, or 2929.18 of the Revised Code, or was under post- 1234
release control for a prior offense. 1235

(b) At least two of the multiple offenses were committed 1236
as part of one or more courses of conduct, and the harm caused 1237
by two or more of the multiple offenses so committed was so 1238
great or unusual that no single prison term for any of the 1239
offenses committed as part of any of the courses of conduct 1240
adequately reflects the seriousness of the offender's conduct. 1241

(c) The offender's history of criminal conduct 1242
demonstrates that consecutive sentences are necessary to protect 1243
the public from future crime by the offender. 1244

(5) If a mandatory prison term is imposed upon an offender 1245

pursuant to division (B) (5) or (6) of this section, the offender 1246
shall serve the mandatory prison term consecutively to and prior 1247
to any prison term imposed for the underlying violation of 1248
division (A) (1) or (2) of section 2903.06 of the Revised Code 1249
pursuant to division (A) of this section or section 2929.142 of 1250
the Revised Code. If a mandatory prison term is imposed upon an 1251
offender pursuant to division (B) (5) of this section, and if a 1252
mandatory prison term also is imposed upon the offender pursuant 1253
to division (B) (6) of this section in relation to the same 1254
violation, the offender shall serve the mandatory prison term 1255
imposed pursuant to division (B) (5) of this section 1256
consecutively to and prior to the mandatory prison term imposed 1257
pursuant to division (B) (6) of this section and consecutively to 1258
and prior to any prison term imposed for the underlying 1259
violation of division (A) (1) or (2) of section 2903.06 of the 1260
Revised Code pursuant to division (A) of this section or section 1261
2929.142 of the Revised Code. 1262

(6) If a mandatory prison term is imposed on an offender 1263
pursuant to division (B) (9) of this section, the offender shall 1264
serve the mandatory prison term consecutively to and prior to 1265
any prison term imposed for the underlying violation of division 1266
(A) (1) or (2) of section 2903.11 of the Revised Code and 1267
consecutively to and prior to any other prison term or mandatory 1268
prison term previously or subsequently imposed on the offender. 1269

(7) If a mandatory prison term is imposed on an offender 1270
pursuant to division (B) (10) of this section, the offender shall 1271
serve that mandatory prison term consecutively to and prior to 1272
any prison term imposed for the underlying felonious assault. 1273
Except as otherwise provided in division (C) of this section, 1274
any other prison term or mandatory prison term previously or 1275
subsequently imposed upon the offender may be served 1276

concurrently with, or consecutively to, the prison term imposed 1277
pursuant to division (B)(10) of this section. 1278

(8) Any prison term imposed for a violation of section 1279
2903.04 of the Revised Code that is based on a violation of 1280
section 2925.03 or 2925.11 of the Revised Code or on a violation 1281
of section 2925.05 of the Revised Code that is not funding of 1282
marihuana trafficking shall run consecutively to any prison term 1283
imposed for the violation of section 2925.03 or 2925.11 of the 1284
Revised Code or for the violation of section 2925.05 of the 1285
Revised Code that is not funding of marihuana trafficking. 1286

(9) When consecutive prison terms are imposed pursuant to 1287
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 1288
division (H)(1) or (2) of this section, subject to division (C) 1289
(10) of this section, the term to be served is the aggregate of 1290
all of the terms so imposed. 1291

(10) When a court sentences an offender to a non-life 1292
felony indefinite prison term, any definite prison term or 1293
mandatory definite prison term previously or subsequently 1294
imposed on the offender in addition to that indefinite sentence 1295
that is required to be served consecutively to that indefinite 1296
sentence shall be served prior to the indefinite sentence. 1297

(11) If a court is sentencing an offender for a felony of 1298
the first or second degree, if division (A)(1)(a) or (2)(a) of 1299
this section applies with respect to the sentencing for the 1300
offense, and if the court is required under the Revised Code 1301
section that sets forth the offense or any other Revised Code 1302
provision to impose a mandatory prison term for the offense, the 1303
court shall impose the required mandatory prison term as the 1304
minimum term imposed under division (A)(1)(a) or (2)(a) of this 1305
section, whichever is applicable. 1306

(D) (1) If a court imposes a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and that is not a felony sex offense, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with section 2967.28 of the Revised Code. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a court to include a post-release control requirement in the sentence pursuant to this division does not negate, limit, or otherwise affect the mandatory period of post-release control that is required for the offender under division (B) of section 2967.28 of the Revised Code. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control. 1307
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(2) If a court imposes a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (D) (1) of this section, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division, if the parole board determines that a period of post-release control is necessary. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control. 1326
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(E) The court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment if any of the following apply:

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

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

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

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

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and

division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1367
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1368
(a) (iv) of section 2929.03, or division (A) or (B) of section 1369
2929.06 of the Revised Code requires the court to sentence the 1370
offender pursuant to division (B) (3) of section 2971.03 of the 1371
Revised Code. 1372

(6) A person is convicted of or pleads guilty to murder 1373
committed on or after January 1, 2008, and division (B) (2) of 1374
section 2929.02 of the Revised Code requires the court to 1375
sentence the offender pursuant to section 2971.03 of the Revised 1376
Code. 1377

(F) If a person who has been convicted of or pleaded 1378
guilty to a felony is sentenced to a prison term or term of 1379
imprisonment under this section, sections 2929.02 to 2929.06 of 1380
the Revised Code, section 2929.142 of the Revised Code, section 1381
2971.03 of the Revised Code, or any other provision of law, 1382
section 5120.163 of the Revised Code applies regarding the 1383
person while the person is confined in a state correctional 1384
institution. 1385

(G) If an offender who is convicted of or pleads guilty to 1386
a felony that is an offense of violence also is convicted of or 1387
pleads guilty to a specification of the type described in 1388
section 2941.142 of the Revised Code that charges the offender 1389
with having committed the felony while participating in a 1390
criminal gang, the court shall impose upon the offender an 1391
additional prison term of one, two, or three years. 1392

(H) (1) If an offender who is convicted of or pleads guilty 1393
to aggravated murder, murder, or a felony of the first, second, 1394
or third degree that is an offense of violence also is convicted 1395
of or pleads guilty to a specification of the type described in 1396

section 2941.143 of the Revised Code that charges the offender 1397
with having committed the offense in a school safety zone or 1398
towards a person in a school safety zone, the court shall impose 1399
upon the offender an additional prison term of two years. The 1400
offender shall serve the additional two years consecutively to 1401
and prior to the prison term imposed for the underlying offense. 1402

(2) (a) If an offender is convicted of or pleads guilty to 1403
a felony violation of section 2907.22, 2907.24, 2907.241, or 1404
2907.25 of the Revised Code and to a specification of the type 1405
described in section 2941.1421 of the Revised Code and if the 1406
court imposes a prison term on the offender for the felony 1407
violation, the court may impose upon the offender an additional 1408
prison term as follows: 1409

(i) Subject to division (H) (2) (a) (ii) of this section, an 1410
additional prison term of one, two, three, four, five, or six 1411
months; 1412

(ii) If the offender previously has been convicted of or 1413
pleaded guilty to one or more felony or misdemeanor violations 1414
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1415
the Revised Code and also was convicted of or pleaded guilty to 1416
a specification of the type described in section 2941.1421 of 1417
the Revised Code regarding one or more of those violations, an 1418
additional prison term of one, two, three, four, five, six, 1419
seven, eight, nine, ten, eleven, or twelve months. 1420

(b) In lieu of imposing an additional prison term under 1421
division (H) (2) (a) of this section, the court may directly 1422
impose on the offender a sanction that requires the offender to 1423
wear a real-time processing, continual tracking electronic 1424
monitoring device during the period of time specified by the 1425
court. The period of time specified by the court shall equal the 1426

duration of an additional prison term that the court could have 1427
imposed upon the offender under division (H) (2) (a) of this 1428
section. A sanction imposed under this division shall commence 1429
on the date specified by the court, provided that the sanction 1430
shall not commence until after the offender has served the 1431
prison term imposed for the felony violation of section 2907.22, 1432
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1433
residential sanction imposed for the violation under section 1434
2929.16 of the Revised Code. A sanction imposed under this 1435
division shall be considered to be a community control sanction 1436
for purposes of section 2929.15 of the Revised Code, and all 1437
provisions of the Revised Code that pertain to community control 1438
sanctions shall apply to a sanction imposed under this division, 1439
except to the extent that they would by their nature be clearly 1440
inapplicable. The offender shall pay all costs associated with a 1441
sanction imposed under this division, including the cost of the 1442
use of the monitoring device. 1443

(I) At the time of sentencing, the court may recommend the 1444
offender for placement in a program of shock incarceration under 1445
section 5120.031 of the Revised Code or for placement in an 1446
intensive program prison under section 5120.032 of the Revised 1447
Code, disapprove placement of the offender in a program of shock 1448
incarceration or an intensive program prison of that nature, or 1449
make no recommendation on placement of the offender. In no case 1450
shall the department of rehabilitation and correction place the 1451
offender in a program or prison of that nature unless the 1452
department determines as specified in section 5120.031 or 1453
5120.032 of the Revised Code, whichever is applicable, that the 1454
offender is eligible for the placement. 1455

If the court disapproves placement of the offender in a 1456
program or prison of that nature, the department of 1457

rehabilitation and correction shall not place the offender in 1458
any program of shock incarceration or intensive program prison. 1459

If the court recommends placement of the offender in a 1460
program of shock incarceration or in an intensive program 1461
prison, and if the offender is subsequently placed in the 1462
recommended program or prison, the department shall notify the 1463
court of the placement and shall include with the notice a brief 1464
description of the placement. 1465

If the court recommends placement of the offender in a 1466
program of shock incarceration or in an intensive program prison 1467
and the department does not subsequently place the offender in 1468
the recommended program or prison, the department shall send a 1469
notice to the court indicating why the offender was not placed 1470
in the recommended program or prison. 1471

If the court does not make a recommendation under this 1472
division with respect to an offender and if the department 1473
determines as specified in section 5120.031 or 5120.032 of the 1474
Revised Code, whichever is applicable, that the offender is 1475
eligible for placement in a program or prison of that nature, 1476
the department shall screen the offender and determine if there 1477
is an available program of shock incarceration or an intensive 1478
program prison for which the offender is suited. If there is an 1479
available program of shock incarceration or an intensive program 1480
prison for which the offender is suited, the department shall 1481
notify the court of the proposed placement of the offender as 1482
specified in section 5120.031 or 5120.032 of the Revised Code 1483
and shall include with the notice a brief description of the 1484
placement. The court shall have ten days from receipt of the 1485
notice to disapprove the placement. 1486

(J) If a person is convicted of or pleads guilty to 1487

aggravated vehicular homicide in violation of division (A) (1) of 1488
section 2903.06 of the Revised Code and division (B) (2) (c) or 1489
(d) of that section applies, the person shall be sentenced 1490
pursuant to section 2929.142 of the Revised Code. 1491

(K) (1) The court shall impose an additional mandatory 1492
prison term of two, three, four, five, six, seven, eight, nine, 1493
ten, or eleven years on an offender who is convicted of or 1494
pleads guilty to a violent felony offense if the offender also 1495
is convicted of or pleads guilty to a specification of the type 1496
described in section 2941.1424 of the Revised Code that charges 1497
that the offender is a violent career criminal and had a firearm 1498
on or about the offender's person or under the offender's 1499
control while committing the presently charged violent felony 1500
offense and displayed or brandished the firearm, indicated that 1501
the offender possessed a firearm, or used the firearm to 1502
facilitate the offense. The offender shall serve the prison term 1503
imposed under this division consecutively to and prior to the 1504
prison term imposed for the underlying offense. The prison term 1505
shall not be reduced pursuant to section 2929.20, division (A) 1506
(2) or (3) of section 2967.193 or 2967.194, or any other 1507
provision of Chapter 2967. or 5120. of the Revised Code. A court 1508
may not impose more than one sentence under division (B) (2) (a) 1509
of this section and this division for acts committed as part of 1510
the same act or transaction. 1511

(2) As used in division (K) (1) of this section, "violent 1512
career criminal" and "violent felony offense" have the same 1513
meanings as in section 2923.132 of the Revised Code. 1514

(L) If an offender receives or received a sentence of life 1515
imprisonment without parole, a sentence of life imprisonment, a 1516
definite sentence, or a sentence to an indefinite prison term 1517

under this chapter for a felony offense that was committed when 1518
the offender was under eighteen years of age, the offender's 1519
parole eligibility shall be determined under section 2967.132 of 1520
the Revised Code. 1521

Sec. 2929.144. (A) ~~As used in this section, "qualifying-~~ 1522
~~felony of the first or second degree" means a felony of the~~ 1523
~~first or second degree committed on or after the effective date~~ 1524
~~of this section.~~ 1525

~~(B)~~The court imposing a an indefinite prison term on an 1526
offender under division ~~(A) (1) (a) or (2) (a)~~ (A) of section 1527
2929.14 of the Revised Code ~~for a qualifying felony of the first~~ 1528
~~or second degree~~ shall determine the maximum prison term that is 1529
part of the sentence in accordance with the following: 1530

(1) If the offender is being sentenced for ~~one felony and~~ 1531
~~the felony is a qualifying a~~ felony of the first ~~or second~~ 1532
degree, the maximum prison term shall be equal to the minimum 1533
term imposed on the offender under division ~~(A) (1) (a) or (2) (a)~~ 1534
(A) of section 2929.14 of the Revised Code plus ~~fifty per cent-~~ 1535
~~of that term~~ five years. 1536

(2) If the offender is being sentenced for ~~more than one~~ 1537
~~felony, if one or more of the felonies is a qualifying~~ felony of 1538
the ~~first or second~~ degree, and if the court orders that ~~some or~~ 1539
~~all of the prison terms imposed are to be served consecutively,~~ 1540
~~the court shall add all of the minimum terms imposed on the~~ 1541
~~offender under division (A) (1) (a) or (2) (a) of section 2929.14~~ 1542
~~of the Revised Code for a qualifying felony of the first or~~ 1543
~~second degree that are to be served consecutively and all of the~~ 1544
~~definite terms of the felonies that are not qualifying felonies~~ 1545
~~of the first or second degree that are to be served~~ 1546
~~consecutively, and the maximum term shall be equal to the total~~ 1547

~~of those terms so added by the court~~ minimum term imposed on the 1548
offender under division (A) of section 2929.14 of the Revised 1549
Code plus fifty per cent of the longest minimum term or definite 1550
term for the most serious felony being sentenced three years. 1551

~~(3)~~ (3) (a) If the offender is being sentenced for ~~more than~~ 1552
~~one a~~ felony, if one or more of the felonies is a qualifying 1553
~~felony of the first or second degree, and if the court orders~~ 1554
~~that all of the prison terms imposed are to run concurrently~~ of 1555
the third degree that is a violation of section 2903.06, 1556
2903.08, 2907.03, 2907.04, 2907.05, 2907.321, 2907.322, 1557
2907.323, 2919.25, or 3795.04 of the Revised Code, that is a 1558
violation of division (A) of section 4511.19 of the Revised Code 1559
if the offender previously has been convicted of or pleaded 1560
guilty to a violation of division (A) of that section that was a 1561
felony, that is a violation of section 2911.02 or 2911.12 of the 1562
Revised Code if the offender previously has been convicted of or 1563
pleaded guilty in two or more separate proceedings to two or 1564
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 1565
of the Revised Code, or that is a violation of division (B) of 1566
section 2921.331 of the Revised Code if division (C) (5) of that 1567
section applies, the maximum term shall be equal to ~~the longest~~ 1568
~~of the minimum terms~~ term imposed on the offender under division 1569
~~(A) (1) (a) or (2) (a)~~ (A) of section 2929.14 of the Revised Code 1570
~~for a qualifying felony of the first or second degree for which~~ 1571
~~the sentence is being imposed plus fifty per cent of the longest~~ 1572
~~minimum term for the most serious qualifying felony being~~ 1573
~~sentenced~~ two years. 1574

(b) If the offender is being sentenced for a felony of the 1575
third degree that is not included in division (A) (3) (a) of this 1576
section, the maximum term shall be equal to the minimum term 1577
imposed on the offender under division (A) of section 2929.14 of 1578

the Revised Code plus one or two years. 1579

(4) If the offender is being sentenced for a felony of the 1580
fourth or fifth degree, the maximum term shall be equal to the 1581
minimum term imposed on the offender under division (A) of 1582
section 2929.14 of the Revised Code plus six months. 1583

(5) (a) If the offender is being sentenced for multiple 1584
felonies and the court orders that all of the prison terms are 1585
to run concurrently, the maximum term shall be equal to the 1586
longest of the minimum terms imposed on the offender under 1587
division (A) of section 2929.14 of the Revised Code, plus the 1588
additional term imposed based on the degree of felony for the 1589
longest term in division (A) (1) to (4) of this section. 1590

(b) If the offender is being sentenced for multiple 1591
felonies and the court orders that some or all of the prison 1592
terms are to run consecutively, the maximum term shall be equal 1593
to the total of all of the minimum terms to be served 1594
consecutively, plus the additional term imposed based on the 1595
degree of felony for the longest term in division (A) (1) to (4) 1596
of this section. 1597

(6) Any mandatory prison term, or portion of a mandatory 1598
prison term, that is imposed or to be imposed on the offender 1599
under division (B), (G), or (H) of section 2929.14 of the 1600
Revised Code or under any other provision of the Revised Code, 1601
with respect to a conviction of or plea of guilty to a 1602
specification, and that is in addition to the sentence imposed 1603
for the underlying offense is separate from the sentence being 1604
imposed for the ~~qualifying first or second degree felony~~ 1605
~~committed on or after the effective date of this section~~ and 1606
shall not be considered or included in determining a maximum 1607
prison term for the offender under divisions ~~(B) (1)~~ (A) (1) to ~~(3)~~ 1608

(4) of this section. 1609

~~(C)~~(B) The court imposing a prison term on an offender 1610
pursuant to division ~~(A) (1) (a) or (2) (a)~~(A) of section 2929.14 1611
of the Revised Code ~~for a qualifying felony of the first or~~ 1612
~~second degree~~ shall sentence the offender, as part of the 1613
sentence, to the maximum prison term determined under division 1614
~~(B)~~(A) of this section. The court shall impose this maximum term 1615
at sentencing as part of the sentence it imposes under section 1616
2929.14 of the Revised Code, and shall state the minimum term it 1617
imposes under division ~~(A) (1) (a) or (2) (a)~~(A) of that section, 1618
and this maximum term, in the sentencing entry. 1619

~~(D)~~(C) If a court imposes a prison term on an offender 1620
pursuant to division ~~(A) (1) (a) or (2) (a)~~(A) of section 2929.14 1621
of the Revised Code ~~for a qualifying felony of the first or~~ 1622
~~second degree~~, section 2967.271 of the Revised Code applies with 1623
respect to the offender's service of the prison term. 1624

Sec. 2929.19. (A) The court shall hold a sentencing 1625
hearing before imposing a sentence under this chapter upon an 1626
offender who was convicted of or pleaded guilty to a felony and 1627
before resentencing an offender who was convicted of or pleaded 1628
guilty to a felony and whose case was remanded pursuant to 1629
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 1630
the offender, the prosecuting attorney, the victim or the 1631
victim's representative in accordance with section 2930.14 of 1632
the Revised Code, and, with the approval of the court, any other 1633
person may present information relevant to the imposition of 1634
sentence in the case. The court shall inform the offender of the 1635
verdict of the jury or finding of the court and ask the offender 1636
whether the offender has anything to say as to why sentence 1637
should not be imposed upon the offender. 1638

(B) (1) At the sentencing hearing, the court, before 1639
imposing sentence, shall do all of the following: 1640

(a) Consider the record, any information presented at the 1641
hearing by any person pursuant to division (A) of this section, 1642
and, if one was prepared, the presentence investigation report 1643
made pursuant to section 2951.03 of the Revised Code or Criminal 1644
Rule 32.2, and any victim impact statement made pursuant to 1645
section 2947.051 of the Revised Code; 1646

(b) If the offense was committed when the offender was 1647
under eighteen years of age, in addition to other factors 1648
considered, consider youth and its characteristics as mitigating 1649
factors, including: 1650

(i) The chronological age of the offender at the time of 1651
the offense and that age's hallmark features, including 1652
intellectual capacity, immaturity, impetuosity, and a failure to 1653
appreciate risks and consequences; 1654

(ii) The family and home environment of the offender at 1655
the time of the offense, the offender's inability to control the 1656
offender's surroundings, a history of trauma regarding the 1657
offender, and the offender's school and special education 1658
history; 1659

(iii) The circumstances of the offense, including the 1660
extent of the offender's participation in the conduct and the 1661
way familial and peer pressures may have impacted the offender's 1662
conduct; 1663

(iv) Whether the offender might have been charged and 1664
convicted of a lesser offense if not for the incompetencies 1665
associated with youth, such as the offender's inability to deal 1666
with police officers and prosecutors during the offender's 1667

interrogation or possible plea agreement or the offender's 1668
inability to assist the offender's own attorney; 1669

(v) Examples of the offender's rehabilitation, including 1670
any subsequent growth or increase in maturity during 1671
confinement. 1672

(2) Subject to division (B) (3) of this section, if the 1673
sentencing court determines at the sentencing hearing that a 1674
prison term is necessary or required, the court shall do all of 1675
the following: 1676

(a) Impose a stated prison term and, if the court imposes 1677
a mandatory prison term, notify the offender that the prison 1678
term is a mandatory prison term; 1679

(b) In addition to any other information, include in the 1680
sentencing entry the name and section reference to the offense 1681
or offenses, the sentence or sentences imposed and whether the 1682
sentence or sentences contain mandatory prison terms, if 1683
sentences are imposed for multiple counts whether the sentences 1684
are to be served concurrently or consecutively, and the name and 1685
section reference of any specification or specifications for 1686
which sentence is imposed and the sentence or sentences imposed 1687
for the specification or specifications; 1688

(c) If the prison term is a non-life felony indefinite 1689
prison term, notify the offender of all of the following: 1690

(i) That it is rebuttably presumed that the offender will 1691
be released from service of the sentence on the expiration of 1692
the minimum prison term imposed as part of the sentence or on 1693
the offender's presumptive earned early release date, as defined 1694
in section 2967.271 of the Revised Code, whichever is earlier; 1695

(ii) That the department of rehabilitation and correction 1696

may rebut the presumption described in division (B) (2) (c) (i) of 1697
this section if, at a hearing held under section 2967.271 of the 1698
Revised Code, the department makes specified determinations 1699
regarding the offender's conduct while confined, the offender's 1700
rehabilitation, the offender's threat to society, the offender's 1701
restrictive housing, if any, while confined, and the offender's 1702
security classification; 1703

(iii) That if, as described in division (B) (2) (c) (ii) of 1704
this section, the department at the hearing makes the specified 1705
determinations and rebuts the presumption, the department may 1706
maintain the offender's incarceration after the expiration of 1707
that minimum term or after that presumptive earned early release 1708
date for the length of time the department determines to be 1709
reasonable, subject to the limitation specified in section 1710
2967.271 of the Revised Code; 1711

(iv) That the department may make the specified 1712
determinations and maintain the offender's incarceration under 1713
the provisions described in divisions (B) (2) (c) (i) and (ii) of 1714
this section more than one time, subject to the limitation 1715
specified in section 2967.271 of the Revised Code; 1716

(v) That if the offender has not been released prior to 1717
the expiration of the offender's maximum prison term imposed as 1718
part of the sentence, the offender must be released upon the 1719
expiration of that term. 1720

(d) Notify the offender that the offender will be 1721
supervised under section 2967.28 of the Revised Code after the 1722
offender leaves prison if the offender is being sentenced, other 1723
than to a sentence of life imprisonment, for a felony of the 1724
first degree or second degree, for a felony sex offense, or for 1725
a felony of the third degree that is an offense of violence and 1726

is not a felony sex offense. This division applies with respect 1727
to all prison terms imposed for an offense of a type described 1728
in this division, including a non-life felony indefinite prison 1729
term and including a term imposed for any offense of a type 1730
described in this division that is a risk reduction sentence, as 1731
defined in section 2967.28 of the Revised Code. If a court 1732
imposes a sentence including a prison term of a type described 1733
in division (B) (2) (d) of this section on or after July 11, 2006, 1734
the failure of a court to notify the offender pursuant to 1735
division (B) (2) (d) of this section that the offender will be 1736
supervised under section 2967.28 of the Revised Code after the 1737
offender leaves prison or to include in the judgment of 1738
conviction entered on the journal a statement to that effect 1739
does not negate, limit, or otherwise affect the mandatory period 1740
of supervision that is required for the offender under division 1741
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1742
the Revised Code applies if, prior to July 11, 2006, a court 1743
imposed a sentence including a prison term of a type described 1744
in division (B) (2) (d) of this section and failed to notify the 1745
offender pursuant to division (B) (2) (d) of this section 1746
regarding post-release control or to include in the judgment of 1747
conviction entered on the journal or in the sentence a statement 1748
regarding post-release control. 1749

(e) Notify the offender that the offender may be 1750
supervised under section 2967.28 of the Revised Code after the 1751
offender leaves prison if the offender is being sentenced for a 1752
felony of the third, fourth, or fifth degree that is not subject 1753
to division (B) (2) (d) of this section. This division applies 1754
with respect to all prison terms imposed for an offense of a 1755
type described in this division, including a term imposed for 1756
any such offense that is a risk reduction sentence, as defined 1757

in section 2967.28 of the Revised Code. Section 2929.191 of the 1758
Revised Code applies if, prior to July 11, 2006, a court imposed 1759
a sentence including a prison term of a type described in 1760
division (B) (2) (e) of this section and failed to notify the 1761
offender pursuant to division (B) (2) (e) of this section 1762
regarding post-release control or to include in the judgment of 1763
conviction entered on the journal or in the sentence a statement 1764
regarding post-release control. 1765

(f) Notify the offender that, if a period of supervision 1766
is imposed following the offender's release from prison, as 1767
described in division (B) (2) (d) or (e) of this section, and if 1768
the offender violates that supervision or a condition of post- 1769
release control imposed under division (B) of section 2967.131 1770
of the Revised Code, the parole board may impose a prison term, 1771
as part of the sentence, of up to one-half of the definite 1772
prison term originally imposed upon the offender as the 1773
offender's stated prison term or up to one-half of the minimum 1774
prison term originally imposed upon the offender as part of the 1775
offender's stated non-life felony indefinite prison term. If a 1776
court imposes a sentence including a prison term on or after 1777
July 11, 2006, the failure of a court to notify the offender 1778
pursuant to division (B) (2) (f) of this section that the parole 1779
board may impose a prison term as described in division (B) (2) 1780
(f) of this section for a violation of that supervision or a 1781
condition of post-release control imposed under division (B) of 1782
section 2967.131 of the Revised Code or to include in the 1783
judgment of conviction entered on the journal a statement to 1784
that effect does not negate, limit, or otherwise affect the 1785
authority of the parole board to so impose a prison term for a 1786
violation of that nature if, pursuant to division (D) (1) of 1787
section 2967.28 of the Revised Code, the parole board notifies 1788

the offender prior to the offender's release of the board's 1789
authority to so impose a prison term. Section 2929.191 of the 1790
Revised Code applies if, prior to July 11, 2006, a court imposed 1791
a sentence including a prison term and failed to notify the 1792
offender pursuant to division (B) (2) (f) of this section 1793
regarding the possibility of the parole board imposing a prison 1794
term for a violation of supervision or a condition of post- 1795
release control. 1796

(g) (i) Determine, notify the offender of, and include in 1797
the sentencing entry the total number of days, including the 1798
sentencing date but excluding conveyance time, that the offender 1799
has been confined for any reason arising out of the offense for 1800
which the offender is being sentenced and by which the 1801
department of rehabilitation and correction must reduce the 1802
definite prison term imposed on the offender as the offender's 1803
stated prison term or, if the offense is an offense for which a 1804
non-life felony indefinite prison term is imposed under division 1805
~~(A) (1) (a) or (2) (a)~~ (A) of section 2929.14 of the Revised Code, 1806
the minimum and maximum prison terms imposed on the offender as 1807
part of that non-life felony indefinite prison term, under 1808
section 2967.191 of the Revised Code. The court's calculation 1809
shall not include the number of days, if any, that the offender 1810
served in the custody of the department of rehabilitation and 1811
correction arising out of any prior offense for which the 1812
prisoner was convicted and sentenced. 1813

(ii) In making a determination under division (B) (2) (g) (i) 1814
of this section, the court shall consider the arguments of the 1815
parties and conduct a hearing if one is requested. 1816

(iii) The sentencing court retains continuing jurisdiction 1817
to correct any error not previously raised at sentencing in 1818

making a determination under division (B) (2) (g) (i) of this 1819
section. The offender may, at any time after sentencing, file a 1820
motion in the sentencing court to correct any error made in 1821
making a determination under division (B) (2) (g) (i) of this 1822
section, and the court may in its discretion grant or deny that 1823
motion. If the court changes the number of days in its 1824
determination or redetermination, the court shall cause the 1825
entry granting that change to be delivered to the department of 1826
rehabilitation and correction without delay. Sections 2931.15 1827
and 2953.21 of the Revised Code do not apply to a motion made 1828
under this section. 1829

(iv) An inaccurate determination under division (B) (2) (g) 1830
(i) of this section is not grounds for setting aside the 1831
offender's conviction or sentence and does not otherwise render 1832
the sentence void or voidable. 1833

(v) The department of rehabilitation and correction shall 1834
rely upon the latest journal entry of the court in determining 1835
the total days of local confinement for purposes of division (B) 1836
(2) (g) (i) to (iii) of this section and section 2967.191 of the 1837
Revised Code. 1838

(3) (a) The court shall include in the offender's sentence 1839
a statement that the offender is a tier III sex offender/child- 1840
victim offender, and the court shall comply with the 1841
requirements of section 2950.03 of the Revised Code if any of 1842
the following apply: 1843

(i) The offender is being sentenced for a violent sex 1844
offense or designated homicide, assault, or kidnapping offense 1845
that the offender committed on or after January 1, 1997, and the 1846
offender is adjudicated a sexually violent predator in relation 1847
to that offense. 1848

(ii) The offender is being sentenced for a sexually 1849
oriented offense that the offender committed on or after January 1850
1, 1997, and the offender is a tier III sex offender/child- 1851
victim offender relative to that offense. 1852

(iii) The offender is being sentenced on or after July 31, 1853
2003, for a child-victim oriented offense, and the offender is a 1854
tier III sex offender/child-victim offender relative to that 1855
offense. 1856

(iv) The offender is being sentenced under section 2971.03 1857
of the Revised Code for a violation of division (A) (1) (b) of 1858
section 2907.02 of the Revised Code committed on or after 1859
January 2, 2007. 1860

(v) The offender is sentenced to a term of life without 1861
parole under division (B) of section 2907.02 of the Revised 1862
Code. 1863

(vi) The offender is being sentenced for attempted rape 1864
committed on or after January 2, 2007, and a specification of 1865
the type described in section 2941.1418, 2941.1419, or 2941.1420 1866
of the Revised Code. 1867

(vii) The offender is being sentenced under division (B) 1868
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 1869
for an offense described in those divisions committed on or 1870
after January 1, 2008. 1871

(b) Additionally, if any criterion set forth in divisions 1872
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 1873
circumstances described in division (E) of section 2929.14 of 1874
the Revised Code, the court shall impose sentence on the 1875
offender as described in that division. 1876

(4) If the sentencing court determines at the sentencing 1877

hearing that a community control sanction should be imposed and 1878
the court is not prohibited from imposing a community control 1879
sanction, the court shall impose a community control sanction. 1880
The court shall notify the offender that, if the conditions of 1881
the sanction are violated, if the offender commits a violation 1882
of any law, or if the offender leaves this state without the 1883
permission of the court or the offender's probation officer, the 1884
court may impose a longer time under the same sanction, may 1885
impose a more restrictive sanction, or may impose a prison term 1886
on the offender and shall indicate the range from which the 1887
prison term may be imposed as a sanction for the violation, 1888
which shall be the range of prison terms for the offense that is 1889
specified pursuant to section 2929.14 of the Revised Code and as 1890
described in section 2929.15 of the Revised Code." 1891

(5) Before imposing a financial sanction under section 1892
2929.18 of the Revised Code or a fine under section 2929.32 of 1893
the Revised Code, the court shall consider the offender's 1894
present and future ability to pay the amount of the sanction or 1895
fine. 1896

(6) If the sentencing court sentences the offender to a 1897
sanction of confinement pursuant to section 2929.14 or 2929.16 1898
of the Revised Code that is to be served in a local detention 1899
facility, as defined in section 2929.36 of the Revised Code, and 1900
if the local detention facility is covered by a policy adopted 1901
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 1902
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 1903
and section 2929.37 of the Revised Code, both of the following 1904
apply: 1905

(a) The court shall specify both of the following as part 1906
of the sentence: 1907

(i) If the offender is presented with an itemized bill 1908
pursuant to section 2929.37 of the Revised Code for payment of 1909
the costs of confinement, the offender is required to pay the 1910
bill in accordance with that section. 1911

(ii) If the offender does not dispute the bill described 1912
in division (B) (6) (a) (i) of this section and does not pay the 1913
bill by the times specified in section 2929.37 of the Revised 1914
Code, the clerk of the court may issue a certificate of judgment 1915
against the offender as described in that section. 1916

(b) The sentence automatically includes any certificate of 1917
judgment issued as described in division (B) (6) (a) (ii) of this 1918
section. 1919

(7) The failure of the court to notify the offender that a 1920
prison term is a mandatory prison term pursuant to division (B) 1921
(2) (a) of this section or to include in the sentencing entry any 1922
information required by division (B) (2) (b) of this section does 1923
not affect the validity of the imposed sentence or sentences. If 1924
the sentencing court notifies the offender at the sentencing 1925
hearing that a prison term is mandatory but the sentencing entry 1926
does not specify that the prison term is mandatory, the court 1927
may complete a corrected journal entry and send copies of the 1928
corrected entry to the offender and the department of 1929
rehabilitation and correction, or, at the request of the state, 1930
the court shall complete a corrected journal entry and send 1931
copies of the corrected entry to the offender and department of 1932
rehabilitation and correction. 1933

(C) (1) If the offender is being sentenced for a fourth 1934
degree felony OVI offense under division (G) (1) of section 1935
2929.13 of the Revised Code, the court shall impose the 1936
mandatory term of local incarceration in accordance with that 1937

division, shall impose a mandatory fine in accordance with 1938
division (B) (3) of section 2929.18 of the Revised Code, and, in 1939
addition, may impose additional sanctions as specified in 1940
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 1941
Code. The court shall not impose a prison term on the offender 1942
except that the court may impose a prison term upon the offender 1943
as provided in division (A) (1) of section 2929.13 of the Revised 1944
Code. 1945

(2) If the offender is being sentenced for a third or 1946
fourth degree felony OVI offense under division (G) (2) of 1947
section 2929.13 of the Revised Code, the court shall impose the 1948
mandatory prison term in accordance with that division, shall 1949
impose a mandatory fine in accordance with division (B) (3) of 1950
section 2929.18 of the Revised Code, and, in addition, may 1951
impose an additional prison term as specified in section 2929.14 1952
of the Revised Code. In addition to the mandatory prison term or 1953
mandatory prison term and additional prison term the court 1954
imposes, the court also may impose a community control sanction 1955
on the offender, but the offender shall serve all of the prison 1956
terms so imposed prior to serving the community control 1957
sanction. 1958

(D) The sentencing court, pursuant to division (I) (1) of 1959
section 2929.14 of the Revised Code, may recommend placement of 1960
the offender in a program of shock incarceration under section 1961
5120.031 of the Revised Code or an intensive program prison 1962
under section 5120.032 of the Revised Code, disapprove placement 1963
of the offender in a program or prison of that nature, or make 1964
no recommendation. If the court recommends or disapproves 1965
placement, it shall make a finding that gives its reasons for 1966
its recommendation or disapproval. 1967

Sec. 2953.08. (A) In addition to any other right to appeal 1968
and except as provided in division (D) of this section, a 1969
defendant who is convicted of or pleads guilty to a felony may 1970
appeal as a matter of right the sentence imposed upon the 1971
defendant on one of the following grounds: 1972

(1) The sentence consisted of or included the maximum 1973
definite prison term allowed for the offense by division (A) of 1974
section 2929.14 or section 2929.142 of the Revised Code or, with 1975
respect to a non-life felony indefinite prison term, the longest 1976
minimum prison term allowed for the offense by division ~~(A) (1)~~ 1977
~~(a) or (2) (a)~~ (A) of section 2929.14 of the Revised Code, the 1978
maximum definite prison term or longest minimum prison term was 1979
not required for the offense pursuant to Chapter 2925. or any 1980
other provision of the Revised Code, and the court imposed the 1981
sentence under one of the following circumstances: 1982

(a) The sentence was imposed for only one offense. 1983

(b) The sentence was imposed for two or more offenses 1984
arising out of a single incident, and the court imposed the 1985
maximum definite prison term or longest minimum prison term for 1986
the offense of the highest degree. 1987

(2) The sentence consisted of or included a prison term 1988
and the offense for which it was imposed is a felony of the 1989
fourth or fifth degree or is a felony drug offense that is a 1990
violation of a provision of Chapter 2925. of the Revised Code 1991
and that is specified as being subject to division (B) of 1992
section 2929.13 of the Revised Code for purposes of sentencing. 1993
If the court specifies that it found one or more of the factors 1994
in division (B) (1) (b) of section 2929.13 of the Revised Code to 1995
apply relative to the defendant, the defendant is not entitled 1996
under this division to appeal as a matter of right the sentence 1997

imposed upon the offender. 1998

(3) The person was convicted of or pleaded guilty to a 1999
violent sex offense or a designated homicide, assault, or 2000
kidnapping offense, was adjudicated a sexually violent predator 2001
in relation to that offense, and was sentenced pursuant to 2002
division (A) (3) of section 2971.03 of the Revised Code, if the 2003
minimum term of the indefinite term imposed pursuant to division 2004
(A) (3) of section 2971.03 of the Revised Code is the longest 2005
term available for the offense from among the range of definite 2006
terms listed in section 2929.14 of the Revised Code or, with 2007
respect to a non-life felony indefinite prison term, the longest 2008
minimum prison term allowed for the offense by division ~~(A) (1)~~ 2009
~~(a) or (2) (a) (A)~~ of section 2929.14 of the Revised Code. As used 2010
in this division, "designated homicide, assault, or kidnapping 2011
offense" and "violent sex offense" have the same meanings as in 2012
section 2971.01 of the Revised Code. As used in this division, 2013
"adjudicated a sexually violent predator" has the same meaning 2014
as in section 2929.01 of the Revised Code, and a person is 2015
"adjudicated a sexually violent predator" in the same manner and 2016
the same circumstances as are described in that section. 2017

(4) The sentence is contrary to law. 2018

(5) The sentence consisted of an additional prison term of 2019
ten years imposed pursuant to division (B) (2) (a) of section 2020
2929.14 of the Revised Code. 2021

(B) In addition to any other right to appeal and except as 2022
provided in division (D) of this section, a prosecuting 2023
attorney, a city director of law, village solicitor, or similar 2024
chief legal officer of a municipal corporation, or the attorney 2025
general, if one of those persons prosecuted the case, may appeal 2026
as a matter of right a sentence imposed upon a defendant who is 2027

convicted of or pleads guilty to a felony or, in the 2028
circumstances described in division (B) (3) of this section the 2029
modification of a sentence imposed upon such a defendant, on any 2030
of the following grounds: 2031

(1) The sentence did not include a prison term despite a 2032
presumption favoring a prison term for the offense for which it 2033
was imposed, as set forth in section 2929.13 or Chapter 2925. of 2034
the Revised Code. 2035

(2) The sentence is contrary to law. 2036

(3) The sentence is a modification under section 2929.20 2037
of the Revised Code of a sentence that was imposed for a felony 2038
of the first or second degree. 2039

(C) (1) In addition to the right to appeal a sentence 2040
granted under division (A) or (B) of this section, a defendant 2041
who is convicted of or pleads guilty to a felony may seek leave 2042
to appeal a sentence imposed upon the defendant on the basis 2043
that the sentencing judge has imposed consecutive sentences 2044
under division (C) (3) of section 2929.14 of the Revised Code and 2045
that the consecutive sentences exceed the maximum definite 2046
prison term allowed by division (A) of that section for the most 2047
serious offense of which the defendant was convicted or, with 2048
respect to a non-life felony indefinite prison term, exceed the 2049
longest minimum prison term allowed by division ~~(A) (1) (a) or (2)~~ 2050
~~(a)~~ (A) of that section for the most serious such offense. Upon 2051
the filing of a motion under this division, the court of appeals 2052
may grant leave to appeal the sentence if the court determines 2053
that the allegation included as the basis of the motion is true. 2054

(2) A defendant may seek leave to appeal an additional 2055
sentence imposed upon the defendant pursuant to division (B) (2) 2056

(a) or (b) of section 2929.14 of the Revised Code if the 2057
additional sentence is for a definite prison term that is longer 2058
than five years. 2059

(D) (1) A sentence imposed upon a defendant is not subject 2060
to review under this section if the sentence is authorized by 2061
law, has been recommended jointly by the defendant and the 2062
prosecution in the case, and is imposed by a sentencing judge. 2063

(2) Except as provided in division (C) (2) of this section, 2064
a sentence imposed upon a defendant is not subject to review 2065
under this section if the sentence is imposed pursuant to 2066
division (B) (2) (b) of section 2929.14 of the Revised Code. 2067
Except as otherwise provided in this division, a defendant 2068
retains all rights to appeal as provided under this chapter or 2069
any other provision of the Revised Code. A defendant has the 2070
right to appeal under this chapter or any other provision of the 2071
Revised Code the court's application of division (B) (2) (c) of 2072
section 2929.14 of the Revised Code. 2073

(3) A sentence imposed for aggravated murder or murder 2074
pursuant to sections 2929.02 to 2929.06 of the Revised Code is 2075
not subject to review under this section. 2076

(E) A defendant, prosecuting attorney, city director of 2077
law, village solicitor, or chief municipal legal officer shall 2078
file an appeal of a sentence under this section to a court of 2079
appeals within the time limits specified in Rule 4(B) of the 2080
Rules of Appellate Procedure, provided that if the appeal is 2081
pursuant to division (B) (3) of this section, the time limits 2082
specified in that rule shall not commence running until the 2083
court grants the motion that makes the sentence modification in 2084
question. A sentence appeal under this section shall be 2085
consolidated with any other appeal in the case. If no other 2086

appeal is filed, the court of appeals may review only the 2087
portions of the trial record that pertain to sentencing. 2088

(F) On the appeal of a sentence under this section, the 2089
record to be reviewed shall include all of the following, as 2090
applicable: 2091

(1) Any presentence, psychiatric, or other investigative 2092
report that was submitted to the court in writing before the 2093
sentence was imposed. An appellate court that reviews a 2094
presentence investigation report prepared pursuant to section 2095
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 2096
connection with the appeal of a sentence under this section 2097
shall comply with division (D) (3) of section 2951.03 of the 2098
Revised Code when the appellate court is not using the 2099
presentence investigation report, and the appellate court's use 2100
of a presentence investigation report of that nature in 2101
connection with the appeal of a sentence under this section does 2102
not affect the otherwise confidential character of the contents 2103
of that report as described in division (D) (1) of section 2104
2951.03 of the Revised Code and does not cause that report to 2105
become a public record, as defined in section 149.43 of the 2106
Revised Code, following the appellate court's use of the report. 2107

(2) The trial record in the case in which the sentence was 2108
imposed; 2109

(3) Any oral or written statements made to or by the court 2110
at the sentencing hearing at which the sentence was imposed; 2111

(4) Any written findings that the court was required to 2112
make in connection with the modification of the sentence 2113
pursuant to a judicial release under division (I) of section 2114
2929.20 of the Revised Code. 2115

(G) (1) If the sentencing court was required to make the findings required by division (B) or (D) of section 2929.13 or division (I) of section 2929.20 of the Revised Code, or to state the findings of the trier of fact required by division (B) (2) (e) of section 2929.14 of the Revised Code, relative to the imposition or modification of the sentence, and if the sentencing court failed to state the required findings on the record, the court hearing an appeal under division (A), (B), or (C) of this section shall remand the case to the sentencing court and instruct the sentencing court to state, on the record, the required findings.

(2) The court hearing an appeal under division (A), (B), or (C) of this section shall review the record, including the findings underlying the sentence or modification given by the sentencing court.

The appellate court may increase, reduce, or otherwise modify a sentence that is appealed under this section or may vacate the sentence and remand the matter to the sentencing court for resentencing. The appellate court's standard for review is not whether the sentencing court abused its discretion. The appellate court may take any action authorized by this division if it clearly and convincingly finds either of the following:

(a) That the record does not support the sentencing court's findings under division (B) or (D) of section 2929.13, division (B) (2) (e) or (C) (4) of section 2929.14, or division (I) of section 2929.20 of the Revised Code, whichever, if any, is relevant;

(b) That the sentence is otherwise contrary to law.

(H) A judgment or final order of a court of appeals under 2145
this section may be appealed, by leave of court, to the supreme 2146
court. 2147

(I) As used in this section, "non-life felony indefinite 2148
prison term" has the same meaning as in section 2929.01 of the 2149
Revised Code. 2150

Sec. 2967.193. (A) (1) The provisions of this section apply 2151
until April 4, 2024, to persons confined in a state correctional 2152
institution or in the substance use disorder treatment program. 2153
On and after April 4, 2024, the provisions of section 2967.194 2154
of the Revised Code apply to persons so confined, in the manner 2155
specified in division (G) of that section. 2156

(2) Except as provided in division (C) of this section and 2157
subject to the maximum aggregate total specified in division (A) 2158
(4) of this section, a person confined in a state correctional 2159
institution or placed in the substance use disorder treatment 2160
program may provisionally earn one day or five days of credit, 2161
based on the category set forth in division (D) (1), (2), (3), 2162
(4), or (5) of this section in which the person is included, 2163
toward satisfaction of the person's stated prison term, as 2164
described in division (F) of this section, for each completed 2165
month during which the person, if confined in a state 2166
correctional institution, productively participates in an 2167
education program, vocational training, employment in prison 2168
industries, treatment for substance abuse, or any other 2169
constructive program developed by the department of 2170
rehabilitation and correction with specific standards for 2171
performance by prisoners or during which the person, if placed 2172
in the substance use disorder treatment program, productively 2173
participates in the program. Except as provided in division (C) 2174

of this section and subject to the maximum aggregate total 2175
specified in division (A) (4) of this section, a person so 2176
confined in a state correctional institution who successfully 2177
completes two programs or activities of that type may, in 2178
addition, provisionally earn up to five days of credit toward 2179
satisfaction of the person's stated prison term, as described in 2180
division (F) of this section, for the successful completion of 2181
the second program or activity. The person shall not be awarded 2182
any provisional days of credit for the successful completion of 2183
the first program or activity or for the successful completion 2184
of any program or activity that is completed after the second 2185
program or activity. At the end of each calendar month in which 2186
a person productively participates in a program or activity 2187
listed in this division or successfully completes a program or 2188
activity listed in this division, the department of 2189
rehabilitation and correction shall determine and record the 2190
total number of days credit that the person provisionally earned 2191
in that calendar month. If the person in a state correctional 2192
institution violates prison rules or the person in the substance 2193
use disorder treatment program violates program or department 2194
rules, the department may deny the person a credit that 2195
otherwise could have been provisionally awarded to the person or 2196
may withdraw one or more credits previously provisionally earned 2197
by the person. Days of credit provisionally earned by a person 2198
shall be finalized and awarded by the department subject to 2199
administrative review by the department of the person's conduct. 2200

(3) Unless a person is serving a mandatory prison term or 2201
a prison term for an offense of violence or a sexually oriented 2202
offense, and notwithstanding the maximum aggregate total 2203
specified in division (A) (4) of this section, a person who 2204
successfully completes any of the following shall earn ninety 2205

days of credit toward satisfaction of the person's stated prison term or a ten per cent reduction of the person's stated prison term, whichever is less:

(a) An Ohio high school diploma or Ohio certificate of high school equivalence certified by the Ohio central school system;

(b) A therapeutic drug community program;

(c) All three phases of the department of rehabilitation and correction's intensive outpatient drug treatment program;

(d) A career technical vocational school program;

(e) A college certification program;

(f) The criteria for a certificate of achievement and employability as specified in division (A)(1) of section 2961.22 of the Revised Code.

(4) (a) Except for persons described in division (A)(3) of this section and subject to division (A)(4)(b) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed eight per cent of the total number of days in the person's stated prison term.

(b) If a person is confined in a state correctional institution or in the substance use disorder treatment program after ~~the effective date of this amendment~~ October 3, 2023, and if the person as of ~~that effective date~~ October 3, 2023, has met the eight per cent limit specified in division (A)(4)(a) of this section or the person meets that eight per cent limit between

~~that effective date~~ October 3, 2023, and April 3, 2024, both of 2234
the following apply with respect to the person: 2235

(i) On and after ~~the effective date of this amendment~~ 2236
October 3, 2023, the eight per cent limit specified in division 2237
(A) (4) (a) of this section no longer applies to the person; 2238

(ii) On and after ~~the effective date of this amendment~~ 2239
October 3, 2023, the aggregate days of credit provisionally 2240
earned by a person for program or activity participation and 2241
program and activity completion under this section and the 2242
aggregate days of credit finally credited to a person under this 2243
section shall not exceed fifteen per cent of the total number of 2244
days in the person's stated prison term. 2245

(B) The department of rehabilitation and correction shall 2246
adopt rules that specify the programs or activities for which 2247
credit may be earned under this section, the criteria for 2248
determining productive participation in, or completion of, the 2249
programs or activities and the criteria for awarding credit, 2250
including criteria for awarding additional credit for successful 2251
program or activity completion, and the criteria for denying or 2252
withdrawing previously provisionally earned credit as a result 2253
of a violation of prison rules, or program or department rules, 2254
whichever is applicable. 2255

(C) No person confined in a state correctional institution 2256
or placed in a substance use disorder treatment program to whom 2257
any of the following applies shall be awarded any days of credit 2258
under division (A) of this section: 2259

(1) The person is serving a prison term that section 2260
2929.13 or section 2929.14 of the Revised Code specifies cannot 2261
be reduced pursuant to this section or this chapter or is 2262

2263 serving a sentence for which section 2967.13 or division (B) of
2264 section 2929.143 of the Revised Code specifies that the person
2265 is not entitled to any earned credit under this section.

2266 (2) The person is sentenced to death or is serving a
2267 prison term or a term of life imprisonment for aggravated
2268 murder, murder, or a conspiracy or attempt to commit, or
2269 complicity in committing, aggravated murder or murder.

2270 (3) The person is serving a sentence of life imprisonment
2271 without parole imposed pursuant to section 2929.03 or 2929.06 of
2272 the Revised Code, a prison term or a term of life imprisonment
2273 without parole imposed pursuant to section 2971.03 of the
2274 Revised Code, or a sentence for a sexually oriented offense that
2275 was committed on or after September 30, 2011.

2276 (D) This division does not apply to a determination of
2277 whether a person confined in a state correctional institution or
2278 placed in a substance use disorder treatment program may earn
2279 any days of credit under division (A) of this section for
2280 successful completion of a second program or activity. The
2281 determination of whether a person confined in a state
2282 correctional institution may earn one day of credit or five days
2283 of credit under division (A) of this section for each completed
2284 month during which the person productively participates in a
2285 program or activity specified under that division shall be made
2286 in accordance with the following:

2287 (1) The offender may earn one day of credit under division
2288 (A) of this section, except as provided in division (C) of this
2289 section, if the most serious offense for which the offender is
2290 confined is any of the following that is a felony of the first
2291 or second degree:

(a) A violation of division (A) of section 2903.04 or of 2292
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 2293
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 2294
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 2295
2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, 2296
or 2927.24 of the Revised Code; 2297

(b) A conspiracy or attempt to commit, or complicity in 2298
committing, any other offense for which the maximum penalty is 2299
imprisonment for life or any offense listed in division (D) (1) 2300
(a) of this section. 2301

(2) The offender may earn one day of credit under division 2302
(A) of this section, except as provided in division (C) of this 2303
section, if the offender is serving a stated prison term that 2304
includes a prison term imposed for a sexually oriented offense 2305
that the offender committed prior to September 30, 2011. 2306

(3) The offender may earn one day of credit under division 2307
(A) of this section, except as provided in division (C) of this 2308
section, if the offender is serving a stated prison term that 2309
includes a prison term imposed for a felony other than carrying 2310
a concealed weapon an essential element of which is any conduct 2311
or failure to act expressly involving any deadly weapon or 2312
dangerous ordnance. 2313

(4) Except as provided in division (C) of this section, if 2314
the most serious offense for which the offender is confined is a 2315
felony of the first or second degree and divisions (D) (1), (2), 2316
and (3) of this section do not apply to the offender, the 2317
offender may earn one day of credit under division (A) of this 2318
section if the offender committed that offense prior to 2319
September 30, 2011, and the offender may earn five days of 2320
credit under division (A) of this section if the offender 2321

committed that offense on or after September 30, 2011. 2322

(5) Except as provided in division (C) of this section, if 2323
the most serious offense for which the offender is confined is a 2324
felony of the third, fourth, or fifth degree or an unclassified 2325
felony and neither division (D) (2) nor (3) of this section 2326
applies to the offender, the offender may earn one day of credit 2327
under division (A) of this section if the offender committed 2328
that offense prior to September 30, 2011, and the offender may 2329
earn five days of credit under division (A) of this section if 2330
the offender committed that offense on or after September 30, 2331
2011. 2332

(E) The department annually shall seek and consider the 2333
written feedback of the Ohio prosecuting attorneys association, 2334
the Ohio judicial conference, the Ohio public defender, the Ohio 2335
association of criminal defense lawyers, and other organizations 2336
and associations that have an interest in the operation of the 2337
corrections system and the earned credits program under this 2338
section as part of its evaluation of the program and in 2339
determining whether to modify the program. 2340

(F) Days of credit awarded under this section shall be 2341
applied toward satisfaction of a person's stated prison term as 2342
follows: 2343

(1) Toward the definite prison term of a prisoner serving 2344
a definite prison term as a stated prison term; 2345

(2) Toward the minimum and maximum terms of a prisoner 2346
serving an indefinite prison term imposed under division ~~(A)(1)~~ 2347
~~(a) or (2)(a)~~ (A) of section 2929.14 of the Revised Code ~~for a~~ 2348
~~felony of the first or second degree committed on or after March~~ 2349
~~22, 2019.~~ 2350

(G) As used in this section:	2351
(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	2352 2353
(2) "Substance use disorder treatment program" means the substance use disorder treatment program established by the department of rehabilitation and correction under section 5120.035 of the Revised Code.	2354 2355 2356 2357
Sec. 2967.194. (A) (1) Beginning April 4, 2024, the provisions of this section shall apply, in the manner described in division (G) of this section, to persons confined on or after that date in a state correctional institution or in the substance use disorder treatment program.	2358 2359 2360 2361 2362
(2) Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A) (4) of this section, a person confined in a state correctional institution or placed in the substance use disorder treatment program may provisionally earn one day or five days of credit, based on the category set forth in division (D) (1) or (2) of this section in which the person is included, toward satisfaction of the person's stated prison term, as described in division (F) of this section, for each completed month during which the person, if confined in a state correctional institution, productively participates in an education program, vocational training, employment in prison industries, treatment for substance abuse, or any other constructive program developed by the department of rehabilitation and correction with specific standards for performance by prisoners or during which the person, if placed in the substance use disorder treatment program, productively participates in the program. Except as provided in division (C) of this section and subject to the	2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380

maximum aggregate total specified in division (A) (4) of this 2381
section, a person so confined in a state correctional 2382
institution who successfully completes two programs or 2383
activities of that type may, in addition, provisionally earn up 2384
to five days of credit toward satisfaction of the person's 2385
stated prison term, as described in division (F) of this 2386
section, for the successful completion of the second program or 2387
activity. The person shall not be awarded any provisional days 2388
of credit for the successful completion of the first program or 2389
activity or for the successful completion of any program or 2390
activity that is completed after the second program or activity. 2391
At the end of each calendar month in which a person productively 2392
participates in a program or activity listed in this division or 2393
successfully completes a program or activity listed in this 2394
division, the department of rehabilitation and correction shall 2395
determine and record the total number of days credit that the 2396
person provisionally earned in that calendar month. If the 2397
person in a state correctional institution violates prison rules 2398
or the person in the substance use disorder treatment program 2399
violates program or department rules, the department may deny 2400
the person a credit that otherwise could have been provisionally 2401
awarded to the person or may withdraw one or more credits 2402
previously provisionally earned by the person. Days of credit 2403
provisionally earned by a person shall be finalized and awarded 2404
by the department subject to administrative review by the 2405
department of the person's conduct. 2406

(3) Except as provided in division (C) of this section, 2407
unless a person is serving a mandatory prison term or a prison 2408
term for an offense of violence or a sexually oriented offense, 2409
and notwithstanding the maximum aggregate total specified in 2410
division (A) (4) of this section, a person who successfully 2411

completes any diploma, equivalence, program, or criteria 2412
identified in divisions (A) (3) (a) to (g) of this section shall 2413
earn ninety days of credit toward satisfaction of the person's 2414
stated prison term or a ten per cent reduction of the person's 2415
stated prison term, whichever is less, for each such diploma, 2416
equivalence, program, or criteria successfully completed. The 2417
diplomas, equivalences, programs, and criteria for which credit 2418
shall be granted under this division, upon successful 2419
completion, are: 2420

(a) An Ohio high school diploma or Ohio certificate of 2421
high school equivalence certified by the Ohio central school 2422
system; 2423

(b) A therapeutic drug community program; 2424

(c) All three phases of the department of rehabilitation 2425
and correction's intensive outpatient drug treatment program; 2426

(d) A career technical vocational school program; 2427

(e) A college certification program; 2428

(f) The criteria for a certificate of achievement and 2429
employability as specified in division (A) (1) of section 2961.22 2430
of the Revised Code; 2431

(g) Any other constructive program developed by the 2432
department of rehabilitation and correction with specific 2433
standards for performance by prisoners. 2434

(4) Except for persons described in division (A) (3) of 2435
this section, the aggregate days of credit provisionally earned 2436
by a person for program or activity participation and program 2437
and activity completion under this section and the aggregate 2438
days of credit finally credited to a person under this section 2439

shall not exceed fifteen per cent of the total number of days in 2440
the person's stated prison term. 2441

(B) The department of rehabilitation and correction shall 2442
adopt rules that specify the programs or activities for which 2443
credit may be earned under this section, the criteria for 2444
determining productive participation in, or completion of, the 2445
programs or activities and the criteria for awarding credit, 2446
including criteria for awarding additional credit for successful 2447
program or activity completion, and the criteria for denying or 2448
withdrawing previously provisionally earned credit as a result 2449
of a violation of prison rules, or program or department rules, 2450
whichever is applicable. 2451

(C) No person confined in a state correctional institution 2452
or placed in a substance use disorder treatment program to whom 2453
any of the following applies shall be awarded any days of credit 2454
under division (A) (2) or (3) of this section: 2455

(1) The person is serving a prison term that section 2456
2929.13 or section 2929.14 of the Revised Code specifies cannot 2457
be reduced pursuant to this section or this chapter or is 2458
serving a sentence for which section 2967.13 or division (B) of 2459
section 2929.143 of the Revised Code specifies that the person 2460
is not entitled to any earned credit under this section. 2461

(2) The person is sentenced to death or is serving a 2462
prison term or a term of life imprisonment for aggravated 2463
murder, murder, or a conspiracy or attempt to commit, or 2464
complicity in committing, aggravated murder or murder. 2465

(3) The person is serving a sentence of life imprisonment 2466
without parole imposed pursuant to section 2929.03 or 2929.06 of 2467
the Revised Code, a prison term or a term of life imprisonment 2468

without parole imposed pursuant to section 2971.03 of the Revised Code, or a sentence for a sexually oriented offense that was committed on or after September 30, 2011.

(D) This division does not apply to a determination of whether a person confined in a state correctional institution or placed in a substance use disorder treatment program may earn any days of credit under division (A)(2) of this section for successful completion of a second program or activity. The determination of whether a person confined in a state correctional institution may earn one day of credit or five days of credit under division (A)(2) of this section for each completed month during which the person productively participates in a program or activity specified under that division shall be made in accordance with the following:

(1) The offender may earn one day of credit under division (A)(2) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a sexually oriented offense that the offender committed prior to September 30, 2011.

(2) Except as provided in division (C) of this section, if division (D)(1) of this section does not apply to the offender, the offender may earn five days of credit under division (A)(2) of this section.

(E) The department annually shall seek and consider the written feedback of the Ohio prosecuting attorneys association, the Ohio judicial conference, the Ohio public defender, the Ohio association of criminal defense lawyers, and other organizations and associations that have an interest in the operation of the corrections system and the earned credits program under this section as part of its evaluation of the program and in

determining whether to modify the program. 2499

(F) Days of credit awarded under this section shall be 2500
applied toward satisfaction of a person's stated prison term as 2501
follows: 2502

(1) Toward the definite prison term of a prisoner serving 2503
a definite prison term as a stated prison term; 2504

(2) Toward the minimum and maximum terms of a prisoner 2505
serving an indefinite prison term imposed under division ~~(A)(1)~~ 2506
~~(a) or (2) (a) (A)~~ of section 2929.14 of the Revised Code ~~for a~~ 2507
~~felony of the first or second degree committed on or after March~~ 2508
~~22, 2019.~~ 2509

(G) The provisions of this section apply to persons 2510
confined in a state correctional institution or in the substance 2511
use disorder treatment program on or after April 4, 2024, as 2512
follows: 2513

(1) Subject to division (G)(2) of this section, the 2514
provisions apply to a person so confined regardless of whether 2515
the person committed the offense for which the person is 2516
confined in the institution or was placed in the program prior 2517
to, on, or after April 4, 2024, and regardless of whether the 2518
person was convicted of or pleaded guilty to that offense prior 2519
to, on, or after April 4, 2024. 2520

(2) The provisions apply to a person so confined only with 2521
respect to the time that the person is so confined on and after 2522
April 4, 2024, and the provisions of section 2967.193 of the 2523
Revised Code that were in effect prior to April 4, 2024, and 2524
that applied to the person prior to that date, including the 2525
provisions of division (A)(4) of that section as amended by ~~this~~ 2526
~~act~~ H.B. 33 of the 135th general assembly, apply to the person 2527

with respect to the time that the person was so confined prior 2528
to April 4, 2024. 2529

(H) As used in this section: 2530

(1) "Sexually oriented offense" has the same meaning as in 2531
section 2950.01 of the Revised Code. 2532

(2) "Substance use disorder treatment program" means the 2533
substance use disorder treatment program established by the 2534
department of rehabilitation and correction under section 2535
5120.035 of the Revised Code. 2536

Section 2. That existing sections 2929.01, 2929.14, 2537
2929.144, 2929.19, 2953.08, 2967.193, and 2967.194 of the 2538
Revised Code are hereby repealed. 2539

Section 3. Section 2929.14 of the Revised Code is 2540
presented in this act as a composite of the section as amended 2541
by H.B. 37, H.B. 56, H.B. 111, and S.B. 106, all of the 135th 2542
General Assembly. The General Assembly, applying the principle 2543
stated in division (B) of section 1.52 of the Revised Code that 2544
amendments are to be harmonized if reasonably capable of 2545
simultaneous operation, finds that the composite is the 2546
resulting version of the section in effect prior to the 2547
effective date of the section as presented in this act. 2548