

As Introduced

136th General Assembly

Regular Session

2025-2026

S. B. No. 393

Senators Timken, Manning

To amend sections 959.21, 959.99, 2907.04, 2907.05, 1
2907.321, 2907.322, 2907.323, 2929.14, and 2
2950.01 and to enact section 2941.1427 of the 3
Revised Code to make changes to various sexually 4
oriented offenses involving juvenile victims and 5
to create the offenses of creating or possessing 6
material depicting sexual conduct with an 7
animal. 8

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

Section 1. That sections 959.21, 959.99, 2907.04, 2907.05, 9
2907.321, 2907.322, 2907.323, 2929.14, and 2950.01 be amended 10
and section 2941.1427 of the Revised Code be enacted to read as 11
follows: 12

Sec. 959.21. (A) As used in this section: 13

(1) "Animal" means a nonhuman mammal, bird, reptile, or 14
amphibian, either dead or alive. 15

(2) "Offense" means a violation of this section or an 16
attempt, in violation of section 2923.02 of the Revised Code, to 17
violate this section. 18

(3) "Officer" has the same meaning as in section 959.132 19
of the Revised Code. 20

(4) "Sexual conduct" means either of the following 21
committed for the purpose of sexual gratification: 22

(a) Any act done between a person and animal that involves 23
contact of the penis of one and the vulva of the other, the 24
penis of one and the penis of the other, the penis of one and 25
the anus of the other, the mouth of one and the penis of the 26
other, the mouth of one and the anus of the other, the vulva of 27
one and the vulva of the other, the mouth of one and the vulva 28
of the other, any other contact between a reproductive organ of 29
one and a reproductive organ of the other, or any other 30
insertion of a reproductive organ of one into an orifice of the 31
other; 32

(b) Without a bona fide veterinary or animal husbandry 33
purpose to do so, the insertion, however slight, of any part of 34
a person's body or any instrument, apparatus, or other object 35
into the vaginal, anal, or reproductive opening of an animal. 36

(B) No person shall knowingly engage in sexual conduct 37
with an animal or knowingly possess, sell, or purchase an animal 38
with the intent that it be subjected to sexual conduct. 39

(C) No person shall knowingly organize, promote, aid, or 40
abet in the conduct of an act involving any sexual conduct with 41
an animal. 42

(D) Except as provided in division (F) of this section, no 43
person shall knowingly create, record, photograph, film, 44
develop, reproduce, or publish any obscene material that depicts 45
another person participating or engaging in any sexual conduct 46
with an animal. 47

(E) Except as provided in division (F) of this section, no 48
person shall knowingly possess any obscene material that depicts 49

another person participating or engaging in any sexual conduct 50
with an animal. 51

(F) Divisions (D) and (E) of this section do not apply if 52
the obscene material is created, recorded, photographed, filmed, 53
developed, reproduced, published, or possessed for a bona fide 54
artistic, medical, scientific, educational, religious, 55
governmental, judicial, or other proper purpose, by or to a 56
physician, psychologist, sociologist, scientist, teacher, person 57
pursuing bona fide studies or research, librarian, member of the 58
clergy, prosecutor, judge, or other person having a proper 59
interest in the material. 60

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 61
of the Revised Code is guilty of a minor misdemeanor. 62

(B) Except as otherwise provided in this division, whoever 63
violates section 959.02 of the Revised Code is guilty of a 64
misdemeanor of the second degree. If the value of the animal 65
killed or the injury done amounts to three hundred dollars or 66
more, whoever violates section 959.02 of the Revised Code is 67
guilty of a misdemeanor of the first degree. 68

(C) Whoever violates section 959.03, 959.06, division (C) 69
of section 959.09, 959.12, or 959.17 or division (A) of section 70
959.15 of the Revised Code is guilty of a misdemeanor of the 71
fourth degree. 72

(D) Whoever violates division (A) of section 959.13 ~~or~~ 73
~~section 959.21~~ of the Revised Code is guilty of a misdemeanor of 74
the second degree. Whoever violates division (B) of section 75
959.21 of the Revised Code is guilty of a felony of the fifth 76
degree. Whoever violates division (C) of section 959.21 of the 77
Revised Code is guilty of a misdemeanor of the first degree. In 78

addition, the court may order the offender to forfeit the animal 79
or livestock and may provide for its disposition, including, but 80
not limited to, the sale of the animal or livestock. If an 81
animal or livestock is forfeited and sold pursuant to this 82
division, the proceeds from the sale first shall be applied to 83
pay the expenses incurred with regard to the care of the animal 84
from the time it was taken from the custody of the former owner. 85
The balance of the proceeds from the sale, if any, shall be paid 86
to the former owner of the animal. 87

(E) (1) Whoever violates division (B) or (E) of section 88
959.131 of the Revised Code is guilty of a misdemeanor of the 89
first degree on a first offense and a felony of the fifth degree 90
on each subsequent offense. 91

(2) Whoever violates division (C) of section 959.131 of 92
the Revised Code is guilty of a felony of the fifth degree. 93

(3) Whoever violates section 959.01 of the Revised Code or 94
division (D) of section 959.131 of the Revised Code is guilty of 95
a misdemeanor of the second degree on a first offense and a 96
misdemeanor of the first degree on each subsequent offense. 97

(4) Whoever violates division (F) of section 959.131 of 98
the Revised Code is guilty of a felony of the fifth degree. 99

(5) Whoever violates division (G) of section 959.131 of 100
the Revised Code is guilty of a misdemeanor of the first degree. 101

(6) (a) A court may order a person who is convicted of or 102
pleads guilty to a violation of section 959.131 of the Revised 103
Code to forfeit to an impounding agency, as defined in section 104
959.132 of the Revised Code, any or all of the companion animals 105
in that person's ownership or care. The court also may prohibit 106
or place limitations on the person's ability to own or care for 107

any companion animals for a specified or indefinite period of 108
time. 109

(b) A court may order a person who is convicted of or 110
pleads guilty to a violation of division (A) of section 959.13 111
or section 959.131 of the Revised Code to reimburse an 112
impounding agency for the reasonable and necessary costs 113
incurred by the agency for the care of an animal or livestock 114
that the agency impounded as a result of the investigation or 115
prosecution of the violation, provided that the costs were not 116
otherwise paid under section 959.132 of the Revised Code. 117

(7) If a court has reason to believe that a person who is 118
convicted of or pleads guilty to a violation of section 959.131 119
or 959.21 of the Revised Code has a mental or emotional disorder 120
that contributed to the violation, the court may impose as a 121
community control sanction or as a condition of probation a 122
requirement that the offender undergo psychological evaluation 123
or counseling. The court shall order the offender to pay the 124
costs of the evaluation or counseling. 125

(F) Whoever violates section 959.14 of the Revised Code is 126
guilty of a misdemeanor of the second degree on a first offense 127
and a misdemeanor of the first degree on each subsequent 128
offense. 129

(G) Whoever violates section 959.05 or 959.20 of the 130
Revised Code is guilty of a misdemeanor of the first degree. 131

(H) Whoever violates section 959.16 of the Revised Code is 132
guilty of a felony of the fourth degree for a first offense and 133
a felony of the third degree on each subsequent offense. 134

(I) Whoever violates division (B) or (C) of section 959.15 135
of the Revised Code is guilty of a felony and shall be fined not 136

more than ten thousand dollars. 137

(J) Whoever violates division (D) of section 959.21 of the 138
Revised Code is guilty of a misdemeanor of the second degree. 139

(K) Whoever violates division (E) of section 959.21 of the 140
Revised Code is guilty of a misdemeanor of the third degree. 141

Sec. 2907.04. (A) No person who is eighteen years of age 142
or older shall engage in sexual conduct with another when the 143
offender knows the other person is ~~thirteen years of age or~~ 144
~~older but less than sixteen years of age,~~ either of the following 145
or the offender is reckless in ~~that~~ regard: 146

(1) Sixteen years of age or older and less than eighteen 147
years of age and four or more years younger than the offender; 148

(2) Thirteen years of age or older but less than sixteen 149
years of age. 150

(B) Whoever violates this section is guilty of unlawful 151
sexual conduct with a minor. 152

(1) Except as otherwise provided in divisions (B) (2), ~~(3),~~ 153
~~and (4),~~ and (6) of this section, unlawful sexual conduct with a 154
minor in violation of division (A) (2) of this section is a 155
felony of the fourth degree if the offender is four or more 156
years older and less than ten years older than the other person. 157

(2) Except as otherwise provided in ~~division~~ divisions (B) 158
(4) and (6) of this section, if the offender is less than four 159
years older than the other person, unlawful sexual conduct with 160
a minor in violation of division (A) (2) of this section is a 161
misdemeanor of the first degree. 162

(3) Except as otherwise provided in division ~~(B) (4)~~ (B) (6) 163
of this section, if the offender is ten or more years older than 164

the other person, unlawful sexual conduct with a minor in 165
violation of division (A) (1) of this section is a felony of the 166
third degree. 167

(4) Except as otherwise provided in division (B) (6) of 168
this section, if the offender is ten or more years older than 169
the other person, unlawful sexual conduct with a minor in 170
violation of division (A) (2) of this section is a felony of the 171
second degree. 172

(5) Except as otherwise provided in division (B) (6) of 173
this section, if the offender is less than ten years older than 174
the other person, unlawful sexual conduct with a minor in 175
violation of division (A) (1) of this section is a misdemeanor of 176
the first degree. 177

(6) If the offender previously has been convicted of or 178
pleaded guilty to a violation of section 2907.02, 2907.03, or 179
2907.04 of the Revised Code or a violation of former section 180
2907.12 of the Revised Code, unlawful sexual conduct with a 181
minor is a felony of the second degree. 182

Sec. 2907.05. (A) No person shall have sexual contact with 183
another; cause another to have sexual contact with the offender; 184
or cause two or more other persons to have sexual contact when 185
any of the following applies: 186

(1) The offender purposely compels the other person, or 187
one of the other persons, to submit by force or threat of force. 188

(2) For the purpose of preventing resistance, the offender 189
substantially impairs the judgment or control of the other 190
person or of one of the other persons by administering any drug, 191
intoxicant, or controlled substance to the other person 192
surreptitiously or by force, threat of force, or deception. 193

(3) The offender knows that the judgment or control of the 194
other person or of one of the other persons is substantially 195
impaired as a result of the influence of any drug or intoxicant 196
administered to the other person with the other person's consent 197
for the purpose of any kind of medical or dental examination, 198
treatment, or surgery. 199

(4) The other person, or one of the other persons, is less 200
than thirteen years of age, whether or not the offender knows 201
the age of that person. 202

(5) The ability of the other person to resist or consent 203
or the ability of one of the other persons to resist or consent 204
is substantially impaired because of a mental or physical 205
condition or because of advanced age, and the offender knows or 206
has reasonable cause to believe that the ability to resist or 207
consent of the other person or of one of the other persons is 208
substantially impaired because of a mental or physical condition 209
or because of advanced age. 210

(B) No person shall knowingly touch the genitalia of 211
another, when the touching is not through clothing, the other 212
person is less than twelve years of age, whether or not the 213
offender knows the age of that person, and the touching is done 214
with an intent to abuse, humiliate, harass, degrade, or arouse 215
or gratify the sexual desire of any person. 216

(C) No person shall have sexual contact with another, 217
cause another to have sexual contact with the offender, or cause 218
two or more other persons to have sexual contact when the 219
offender knows either of the following or the offender is 220
reckless in regard to either of the following: 221

(1) The other person or one of the other persons is 222

sixteen years of age or older and less than eighteen years of 223
age and four or more years younger than the offender. 224

(2) The other person or one of the other persons is 225
thirteen years of age or older but less than sixteen years of 226
age and four or more years younger than the offender. 227

(D) Whoever violates this section is guilty of gross 228
sexual imposition. 229

(1) Except as otherwise provided in this section, gross 230
sexual imposition committed in violation of division (A) (1), 231
(2), (3), or (5) of this section is a felony of the fourth 232
degree. If the offender under division (A) (2) of this section 233
substantially impairs the judgment or control of the other 234
person or one of the other persons by administering any 235
controlled substance, as defined in section 3719.01 of the 236
Revised Code, to the person surreptitiously or by force, threat 237
of force, or deception, gross sexual imposition committed in 238
violation of division (A) (2) of this section is a felony of the 239
third degree. 240

(2) Gross sexual imposition committed in violation of 241
division (A) (4) or (B) of this section is a felony of the third 242
degree. Except as otherwise provided in this division, for gross 243
sexual imposition committed in violation of division (A) (4) or 244
(B) of this section there is a presumption that a prison term 245
shall be imposed for the offense. The court shall impose on an 246
offender convicted of gross sexual imposition in violation of 247
division (A) (4) or (B) of this section a mandatory prison term, 248
as described in division ~~(C) (3)~~ (D) (4) of this section, for a 249
felony of the third degree if the offender previously was 250
convicted of or pleaded guilty to a violation of this section, 251
rape, the former offense of felonious sexual penetration, or 252

sexual battery, and the victim of the previous offense was less 253
than thirteen years of age. 254

(3) Gross sexual imposition committed in violation of 255
division (C) (1) of this section is a misdemeanor of the first 256
degree. Gross sexual imposition committed in violation of 257
division (C) (2) of this section is a felony of the fourth 258
degree. 259

(4) A mandatory prison term required under division ~~(C) (2)~~ 260
(D) (2) of this section shall be a definite term from the range 261
of prison terms provided in division (A) (3) (a) of section 262
2929.14 of the Revised Code for a felony of the third degree. 263

~~(D)~~ (E) A victim need not prove physical resistance to the 264
offender in prosecutions under this section. 265

~~(E)~~ (F) Evidence of specific instances of the victim's 266
sexual activity, opinion evidence of the victim's sexual 267
activity, and reputation evidence of the victim's sexual 268
activity shall not be admitted under this section unless it 269
involves evidence of the origin of semen, pregnancy, or sexually 270
transmitted disease or infection, or the victim's past sexual 271
activity with the offender, and only to the extent that the 272
court finds that the evidence is material to a fact at issue in 273
the case and that its inflammatory or prejudicial nature does 274
not outweigh its probative value. 275

Evidence of specific instances of the defendant's sexual 276
activity, opinion evidence of the defendant's sexual activity, 277
and reputation evidence of the defendant's sexual activity shall 278
not be admitted under this section unless it involves evidence 279
of the origin of semen, pregnancy, or sexually transmitted 280
disease or infection, the defendant's past sexual activity with 281

the victim, or is admissible against the defendant under section 282
2945.59 of the Revised Code, and only to the extent that the 283
court finds that the evidence is material to a fact at issue in 284
the case and that its inflammatory or prejudicial nature does 285
not outweigh its probative value. 286

~~(F)~~ (G) Prior to taking testimony or receiving evidence of 287
any sexual activity of the victim or the defendant in a 288
proceeding under this section, the court shall resolve the 289
admissibility of the proposed evidence in a hearing in chambers, 290
which shall be held at or before preliminary hearing and not 291
less than three days before trial, or for good cause shown 292
during the trial. 293

~~(G)~~ (H) Upon approval by the court, the victim may be 294
represented by counsel in any hearing in chambers or other 295
proceeding to resolve the admissibility of evidence. If the 296
victim is indigent or otherwise is unable to obtain the services 297
of counsel, the court, upon request, may appoint counsel to 298
represent the victim without cost to the victim. 299

Sec. 2907.321. (A) No person, with knowledge of the 300
character of the material or performance involved, shall do any 301
of the following: 302

(1) Create, reproduce, or publish any obscene material 303
that has a minor, an artificially generated depiction of a 304
minor, or an impaired person as one of its participants or 305
portrayed observers; 306

(2) Promote or advertise for sale or dissemination; sell, 307
deliver, disseminate, display, exhibit, present, rent, or 308
provide; or offer or agree to sell, deliver, disseminate, 309
display, exhibit, present, rent, or provide, any obscene 310

material that has a minor, an artificially generated depiction 311
of a minor, or an impaired person as one of its participants or 312
portrayed observers; 313

(3) Create, direct, or produce an obscene performance that 314
has a minor, an artificially generated depiction of a minor, or 315
an impaired person as one of its participants; 316

(4) Advertise or promote for presentation, present, or 317
participate in presenting an obscene performance that has a 318
minor, an artificially generated depiction of a minor, or an 319
impaired person as one of its participants; 320

(5) Buy, procure, possess, or control any obscene 321
material, that has a minor, an artificially generated depiction 322
of a minor, or an impaired person as one of its participants; 323

(6) Bring or cause to be brought into this state any 324
obscene material that has a minor, an artificially generated 325
depiction of a minor, or an impaired person as one of its 326
participants or portrayed observers. 327

(B) (1) This section does not apply to any material or 328
performance that is sold, disseminated, displayed, possessed, 329
controlled, brought or caused to be brought into this state, or 330
presented for a bona fide medical, scientific, educational, 331
religious, governmental, judicial, or other proper purpose, by 332
or to a physician, psychologist, sociologist, scientist, 333
teacher, person pursuing bona fide studies or research, 334
librarian, member of the clergy, prosecutor, judge, or other 335
person having a proper interest in the material or performance. 336

(2) Mistake of age is not a defense to a charge under this 337
section. 338

(3) In a prosecution under this section, the trier of fact 339

may infer that a person in the material or performance involved 340
is a minor, an artificially generated depiction of a minor, or 341
an impaired person if the material or performance, through its 342
title, text, visual representation, or otherwise, represents or 343
depicts the person as a minor, an artificially generated 344
depiction of a minor, or an impaired person. 345

(C) Whoever violates this section is guilty of pandering 346
obscenity involving a minor, an artificially generated depiction 347
of a minor, or an impaired person.~~If~~ 348

(1) Except as otherwise provided in this division, if the 349
offense involves a minor or an artificially generated depiction 350
of a minor, a violation of division (A) (1), (2), (3), (4), or 351
(6) of this section is a felony of the second degree. If the 352
offense involves a minor or an artificially generated depiction 353
of a minor and depicts an offense of violence or involves a 354
minor under the age of thirteen or an artificially generated 355
depiction of a minor under the age of thirteen, the court shall 356
impose upon the offender as a mandatory prison term one of the 357
prison terms prescribed in division (A) (2) (a) of section 2929.14 358
of the Revised Code for a felony of the second degree. 359

(2) If the offense involves an impaired person, a 360
violation of division (A) (1), (2), (3), (4), or (6) of this 361
section is a felony of the third degree.~~A~~ 362

(3) (a) Except as provided in division (C) (3) (b) or (c) of 363
this section, a violation of division (A) (5) of this section is 364
a felony of the fourth degree.~~If~~ 365

(b) Except as provided in division (C) (3) (c) of this 366
section, if the offender previously has been convicted of or 367
pleaded guilty to a violation of this section or section 368

2907.322 or 2907.323 of the Revised Code, ~~pandering obscenity~~ 369
~~involving a minor or impaired person in a~~ violation of division 370
(A) (5) of this section is a felony of the third degree. 371

(c) A violation of division (A) (5) of this section is a 372
felony of the third degree and the court shall impose upon the 373
offender as a mandatory prison term one of the prison terms 374
prescribed in division (A) (3) (a) of section 2929.14 of the 375
Revised Code for a felony of the third degree if the material 376
depicts an offense of violence or the material includes a minor 377
under the age of thirteen or an artificially generated depiction 378
of a minor under the age of thirteen. 379

(D) In addition to any other sanctions imposed pursuant to 380
division (C) (3) of this section for committing a violation of 381
division (A) (5) of this section, if the offender also is 382
convicted of or pleads guilty to a specification of the type 383
described in section 2941.1427 of the Revised Code that was 384
included in the indictment, count in the indictment, or 385
information charging the offense, the court shall sentence the 386
offender to a mandatory prison term under division (B) (12) of 387
section 2929.14 of the Revised Code. 388

(E) As used in this section and sections 2907.322 and 389
2907.323 of the Revised Code, ~~"impaired":~~ 390

(1) "Artificially generated depiction" means a visual 391
depiction of an actual person that was created or edited by 392
artificial intelligence or other computer-generated means and 393
that a reasonable person would believe depicts or represents an 394
actual person who is identifiable by the person's face, 395
likeness, or other distinguishing characteristic. 396

(2) "Impaired person" means a person whose ability to 397

resist or consent is substantially impaired because of a mental 398
or physical condition or because of advanced age, and the 399
offender knows or has reasonable cause to believe that the other 400
person's ability to resist or consent is substantially impaired 401
because of a mental or physical condition or because of advanced 402
age. 403

(3) "Offense of violence" has the same meaning as in 404
section 2901.01 of the Revised Code. 405

Sec. 2907.322. (A) No person, with knowledge of the 406
character of the material or performance involved, shall do any 407
of the following: 408

(1) Create, record, photograph, film, develop, reproduce, 409
or publish any material that shows a minor, an artificially 410
generated depiction of a minor, or an impaired person 411
participating or engaging in sexual activity, masturbation, or 412
bestiality; 413

(2) Advertise for sale or dissemination, sell, distribute, 414
transport, disseminate, exhibit, or display any material that 415
shows a minor, an artificially generated depiction of a minor, 416
or an impaired person participating or engaging in sexual 417
activity, masturbation, or bestiality; 418

(3) Create, direct, or produce a performance that shows a 419
minor, an artificially generated depiction of a minor, or an 420
impaired person participating or engaging in sexual activity, 421
masturbation, or bestiality; 422

(4) Advertise for presentation, present, or participate in 423
presenting a performance that shows a minor, an artificially 424
generated depiction of a minor, or an impaired person 425
participating or engaging in sexual activity, masturbation, or 426

bestiality; 427

(5) Knowingly solicit, receive, purchase, exchange, 428
possess, or control any material that shows a minor, an 429
artificially generated depiction of a minor, or an impaired 430
person participating or engaging in sexual activity, 431
masturbation, or bestiality; 432

(6) Bring or cause to be brought into this state any 433
material that shows a minor, an artificially generated depiction 434
of a minor, or an impaired person participating or engaging in 435
sexual activity, masturbation, or bestiality; 436

(7) Bring, cause to be brought, or finance the bringing of 437
any minor, an artificially generated depiction of a minor, or an 438
impaired person into or across this state with the intent that 439
the minor or impaired person engage in sexual activity, 440
masturbation, or bestiality in a performance or for the purpose 441
of producing material containing a visual representation 442
depicting the minor, an artificially generated depiction of a 443
minor, or an impaired person engaged in sexual activity, 444
masturbation, or bestiality. 445

(B) (1) This section does not apply to any material or 446
performance that is sold, disseminated, displayed, possessed, 447
controlled, brought or caused to be brought into this state, or 448
presented for a bona fide medical, scientific, educational, 449
religious, governmental, judicial, or other proper purpose, by 450
or to a physician, psychologist, sociologist, scientist, 451
teacher, person pursuing bona fide studies or research, 452
librarian, member of the clergy, prosecutor, judge, or other 453
person having a proper interest in the material or performance. 454

(2) Mistake of age is not a defense to a charge under this 455

section. 456

(3) In a prosecution under this section, the trier of fact 457
may infer that a person in the material or performance involved 458
is a minor, an artificially generated depiction of a minor, or 459
an impaired person if the material or performance, through its 460
title, text, visual representation, or otherwise, represents or 461
depicts the person as a minor, an artificially generated 462
depiction of a minor, or an impaired person. 463

(C) No person who is under eighteen years of age shall 464
knowingly possess or view any material or performance that shows 465
another who is at least fourteen years of age but less than 466
eighteen years of age engaging in masturbation when both of the 467
following apply: 468

(1) The material or performance depicts only the other 469
person. 470

(2) The offender had reasonable cause to believe that the 471
other person transmitted or otherwise agreed to the transmission 472
of the material or performance. 473

(D) No person who is under eighteen years of age shall 474
knowingly deliver, furnish, disseminate, provide, exhibit, or 475
present any material or performance that depicts the offender 476
engaging in masturbation to another person who is at least 477
fourteen years of age but less than eighteen years of age when 478
both of the following apply: 479

(1) The material or performance depicts only the offender. 480

(2) The offender had reasonable cause to believe that the 481
other person solicited or otherwise agreed to receive the 482
material or performance. 483

(E) Whoever violates this section is guilty of pandering 484
sexually oriented matter involving a minor, an artificially 485
generated depiction of a minor, or an impaired person.~~If~~ 486

(1) Except as otherwise provided in this division, if the 487
offense involves a minor or an artificially generated depiction 488
of a minor, a violation of division (A) (1), (2), (3), (4), (6), 489
or (7) of this section is a felony of the second degree. If the 490
offense involves a minor or an artificially generated depiction 491
of a minor and depicts an offense of violence or involves a 492
minor under the age of thirteen or an artificially generated 493
depiction of a minor under the age of thirteen, the court shall 494
impose upon the offender as a mandatory prison term one of the 495
prison terms prescribed in division (A) (2) (a) of section 2929.14 496
of the Revised Code for a felony of the second degree. 497

(2) If the offense involves an impaired person, a 498
violation of division (A) (1), (2), (3), (4), (6), or (7) of this 499
section is a felony of the third degree.~~Violation~~ 500

(3) (a) Except as provided in division (E) (3) (b) or (c) of 501
this section, a violation of division (A) (5) of this section is 502
a felony of the fourth degree.~~If~~ 503

(b) Except as provided in division (E) (3) (c) of this 504
section, if the offender previously has been convicted of or 505
pleaded guilty to a violation of this section or section 506
2907.321 or 2907.323 of the Revised Code, ~~pandering sexually~~ 507
~~oriented matter involving a minor or impaired person in a~~ 508
violation of division (A) (5) of this section is a felony of the 509
third degree. 510

(c) A violation of division (A) (5) of this section is a 511
felony of the third degree and the court shall impose upon the 512

offender as a mandatory prison term one of the prison terms 513
prescribed in division (A) (3) (a) of section 2929.14 of the 514
Revised Code for a felony of the third degree if the material 515
depicts an offense of violence or the material includes a minor 516
under the age of thirteen or an artificially generated depiction 517
of a minor under the age of thirteen. 518

(F) In addition to any other sanctions imposed pursuant to 519
division (E) (3) of this section for committing a violation of 520
division (A) (5) of this section, if the offender also is 521
convicted of or pleads guilty to a specification of the type 522
described in section 2941.1427 of the Revised Code that was 523
included in the indictment, count in the indictment, or 524
information charging the offense, the court shall sentence the 525
offender to a mandatory prison term under division (B) (12) of 526
section 2929.14 of the Revised Code. 527

(G) Whoever violates division (C) or (D) of this section 528
is guilty of a misdemeanor of the first degree. If the offender 529
has previously been adjudicated a delinquent child for 530
committing an act that would be a violation of division (C) of 531
this section, the offender is guilty of a felony of the fifth 532
degree. If the offender has previously been adjudicated a 533
delinquent child for committing an act that would be a violation 534
of division (D) of this section, the offender is guilty of a 535
felony of the second degree. 536

(H) A prosecution for a violation of division (C) or (D) 537
of this section does not preclude a prosecution for a violation 538
of any other section of the Revised Code. One or more acts, a 539
series of acts, or a course of behavior that can be prosecuted 540
under this section or any other section of the Revised Code may 541
be prosecuted under this section of the Revised Code, the other 542

section of the Revised Code, or both sections. 543

Sec. 2907.323. (A) No person shall do any of the 544
following: 545

(1) Photograph any minor or impaired person who is not the 546
person's child or ward in a state of nudity, or create, direct, 547
produce, or transfer any material or performance that shows the 548
minor, an artificially generated depiction of the minor, or the 549
impaired person in a state of nudity, unless both of the 550
following apply: 551

(a) The material or performance is, or is to be, sold, 552
disseminated, displayed, possessed, controlled, brought or 553
caused to be brought into this state, or presented for a bona 554
fide artistic, medical, scientific, educational, religious, 555
governmental, judicial, or other proper purpose, by or to a 556
physician, psychologist, sociologist, scientist, teacher, person 557
pursuing bona fide studies or research, librarian, member of the 558
clergy, prosecutor, judge, or other person having a proper 559
interest in the material or performance; 560

(b) The minor's or impaired person's parents, guardian, or 561
custodian consents in writing to the photographing of the minor 562
or impaired person, to the use of the minor, the artificially 563
generated depiction of the minor, or the impaired person in the 564
material or performance, or to the transfer of the material and 565
to the specific manner in which the material or performance is 566
to be used. 567

(2) Consent to the photographing of the person's child or 568
ward who is a minor or impaired person, or photograph the 569
person's child or ward who is a minor or impaired person, in a 570
state of nudity or consent to the use of the person's child or 571

ward who is a minor, an artificially generated depiction of the 572
minor, or an impaired person in a state of nudity in any 573
material or performance, or use or transfer a material or 574
performance of that nature, unless the material or performance 575
is sold, disseminated, displayed, possessed, controlled, brought 576
or caused to be brought into this state, or presented for a bona 577
fide artistic, medical, scientific, educational, religious, 578
governmental, judicial, or other proper purpose, by or to a 579
physician, psychologist, sociologist, scientist, teacher, person 580
pursuing bona fide studies or research, librarian, member of the 581
clergy, prosecutor, judge, or other person having a proper 582
interest in the material or performance; 583

(3) Possess or view any material or performance that shows 584
a minor, an artificially generated depiction of a minor, or an 585
impaired person who is not the person's child or ward in a state 586
of nudity, unless one of the following applies: 587

(a) The material or performance is sold, disseminated, 588
displayed, possessed, controlled, brought or caused to be 589
brought into this state, or presented for a bona fide artistic, 590
medical, scientific, educational, religious, governmental, 591
judicial, or other proper purpose, by or to a physician, 592
psychologist, sociologist, scientist, teacher, person pursuing 593
bona fide studies or research, librarian, member of the clergy, 594
prosecutor, judge, or other person having a proper interest in 595
the material or performance. 596

(b) The person knows that the minor's or impaired person's 597
parents, guardian, or custodian has consented in writing to the 598
photographing or use of the minor, an artificially generated 599
depiction of the minor, or the impaired person in a state of 600
nudity and to the manner in which the material or performance is 601

used or transferred. 602

(B) No person who is under eighteen years of age shall 603
knowingly possess or view any material or performance that shows 604
another who is at least fourteen years of age but less than 605
eighteen years of age in a state of nudity when both of the 606
following apply: 607

(1) The material or performance depicts only the other 608
person. 609

(2) The offender had reasonable cause to believe that the 610
other person transmitted or otherwise agreed to the transmission 611
of the material or performance. 612

(C) No person who is under eighteen years of age shall 613
knowingly deliver, furnish, disseminate, provide, exhibit, or 614
present any material or performance that depicts the offender in 615
a state of nudity to another person who is at least fourteen 616
years of age but less than eighteen years of age when both of 617
the following apply: 618

(1) The material or performance depicts only the offender. 619

(2) The offender had reasonable cause to believe that the 620
other person solicited or otherwise agreed to receive the 621
material or performance. 622

(D) Whoever violates this section is guilty of illegal use 623
of a minor, an artificially generated depiction of a minor, or 624
an impaired person in a nudity-oriented material or performance- 625
if- and shall be punished as follows: 626

(1) Except as otherwise provided in division (D) (2) or (4) 627
of this section, if the offense involves a minor or an 628
artificially generated depiction of a minor, whoever violates 629

division (A) (1) or (2) of this section is guilty of a felony of 630
the second degree. If the offense involves a minor under the age 631
of thirteen or an artificially generated depiction of a minor 632
under the age of thirteen, the court shall impose upon the 633
offender as a mandatory prison term one of the prison terms 634
prescribed in division (A) (2) (a) of section 2929.14 of the 635
Revised Code for a felony of the second degree. 636

(2) ~~If~~ Except as otherwise provided in division (D) (4) of 637
this section, if the offense involves an impaired person, 638
whoever violates division (A) (1) or (2) of this section is 639
guilty of a felony of the third degree. 640

(3) (a) Except as otherwise provided in ~~this~~ division (D) 641
(3) (b) or (c) of this section, whoever violates division (A) (3) 642
of this section is guilty of a felony of the fifth degree. ~~If~~ 643

(b) Except as provided in division (B) (3) (c) of this 644
section, if the offender previously has been convicted of or 645
pleaded guilty to a violation of this section or section 646
2907.321 or 2907.322 of the Revised Code, ~~illegal use of a minor~~ 647
~~or impaired person in a nudity-oriented material or performance~~ 648
~~in a~~ violation of division (A) (3) of this section is a felony of 649
the fourth degree. 650

(c) A violation of division of (A) (3) of this section is a 651
felony of the fourth degree and the court shall impose upon the 652
offender as a mandatory prison term one of the prison terms 653
prescribed in division (A) (4) of section 2929.14 of the Revised 654
Code for a felony of the fourth degree if the offense involves a 655
minor under the age of thirteen or an artificially generated 656
depiction of a minor under the age of thirteen. 657

(4) If the offender who commits a violation of division 658

(A) (1) or (2) of this section that involves a minor also is 659
convicted of or pleads guilty to a specification as described in 660
section 2941.1422 of the Revised Code that was included in the 661
indictment, count in the indictment, or information charging the 662
offense, the court shall sentence the offender to a mandatory 663
prison term as provided in division (B) (7) of section 2929.14 of 664
the Revised Code and shall order the offender to make 665
restitution as provided in division (B) (8) of section 2929.18 of 666
the Revised Code. 667

(5) Whoever violates division (B) or (C) of this section 668
is guilty of a misdemeanor of the first degree. If the offender 669
has previously been adjudicated a delinquent child for 670
committing an act that would be a violation of division (B) of 671
this section, the offender is guilty of a felony of the fifth 672
degree. If the offender has previously been adjudicated a 673
delinquent child for committing an act that would be a violation 674
of division (C) of this section, the offender is guilty of a 675
felony of the second degree. 676

(E) A prosecution for a violation of division (B) or (C) 677
of this section does not preclude a prosecution for a violation 678
of any other section of the Revised Code. One or more acts, a 679
series of acts, or a course of behavior that can be prosecuted 680
under this section or any other section of the Revised Code may 681
be prosecuted under this section of the Revised Code, the other 682
section of the Revised Code, or both sections. 683

Sec. 2929.14. (A) Except as provided in division (B) (1), 684
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 685
(B) (10), (B) (11), (B) (12), (E), (G), (H), (J), or (K) of this 686
section or in division (D) (6) of section 2919.25 of the Revised 687
Code and except in relation to an offense for which a sentence 688

of death or life imprisonment is to be imposed, if the court 689
imposing a sentence upon an offender for a felony elects or is 690
required to impose a prison term on the offender pursuant to 691
this chapter, the court shall impose a prison term that shall be 692
one of the following: 693

(1) (a) For a felony of the first degree committed on or 694
after March 22, 2019, the prison term shall be an indefinite 695
prison term with a stated minimum term selected by the court of 696
three, four, five, six, seven, eight, nine, ten, or eleven years 697
and a maximum term that is determined pursuant to section 698
2929.144 of the Revised Code, except that if the section that 699
criminalizes the conduct constituting the felony specifies a 700
different minimum term or penalty for the offense, the specific 701
language of that section shall control in determining the 702
minimum term or otherwise sentencing the offender but the 703
minimum term or sentence imposed under that specific language 704
shall be considered for purposes of the Revised Code as if it 705
had been imposed under this division. 706

(b) For a felony of the first degree committed prior to 707
March 22, 2019, the prison term shall be a definite prison term 708
of three, four, five, six, seven, eight, nine, ten, or eleven 709
years. 710

(2) (a) For a felony of the second degree committed on or 711
after March 22, 2019, the prison term shall be an indefinite 712
prison term with a stated minimum term selected by the court of 713
two, three, four, five, six, seven, or eight years and a maximum 714
term that is determined pursuant to section 2929.144 of the 715
Revised Code, except that if the section that criminalizes the 716
conduct constituting the felony specifies a different minimum 717
term or penalty for the offense, the specific language of that 718

section shall control in determining the minimum term or 719
otherwise sentencing the offender but the minimum term or 720
sentence imposed under that specific language shall be 721
considered for purposes of the Revised Code as if it had been 722
imposed under this division. 723

(b) For a felony of the second degree committed prior to 724
March 22, 2019, the prison term shall be a definite term of two, 725
three, four, five, six, seven, or eight years. 726

(3) (a) For a felony of the third degree that is a 727
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 728
2907.05, 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of 729
the Revised Code, that is a violation of division (A) of section 730
4511.19 of the Revised Code if the offender previously has been 731
convicted of or pleaded guilty to a violation of division (A) of 732
that section that was a felony, that is a violation of section 733
2911.02 or 2911.12 of the Revised Code if the offender 734
previously has been convicted of or pleaded guilty in two or 735
more separate proceedings to two or more violations of section 736
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 737
that is a violation of division (B) of section 2921.331 of the 738
Revised Code if division (C) (5) of that section applies, the 739
prison term shall be a definite term of twelve, eighteen, 740
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 741
four, or sixty months. 742

(b) For a felony of the third degree that is not an 743
offense for which division (A) (3) (a) of this section applies, 744
the prison term shall be a definite term of nine, twelve, 745
eighteen, twenty-four, thirty, or thirty-six months. 746

(4) For a felony of the fourth degree, the prison term 747
shall be a definite term of six, seven, eight, nine, ten, 748

eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 749
or eighteen months. 750

(5) For a felony of the fifth degree, the prison term 751
shall be a definite term of six, seven, eight, nine, ten, 752
eleven, or twelve months. 753

(B) (1) (a) Except as provided in division (B) (1) (e) of this 754
section, if an offender who is convicted of or pleads guilty to 755
a felony also is convicted of or pleads guilty to a 756
specification of the type described in section 2941.141, 757
2941.144, or 2941.145 of the Revised Code, the court shall 758
impose on the offender one of the following prison terms: 759

(i) A prison term of six years if the specification is of 760
the type described in division (A) of section 2941.144 of the 761
Revised Code that charges the offender with having a firearm 762
that is an automatic firearm or that was equipped with a firearm 763
muffler or suppressor on or about the offender's person or under 764
the offender's control while committing the offense; 765

(ii) A prison term of three years if the specification is 766
of the type described in division (A) of section 2941.145 of the 767
Revised Code that charges the offender with having a firearm on 768
or about the offender's person or under the offender's control 769
while committing the offense and displaying the firearm, 770
brandishing the firearm, indicating that the offender possessed 771
the firearm, or using it to facilitate the offense; 772

(iii) A prison term of one year if the specification is of 773
the type described in division (A) of section 2941.141 of the 774
Revised Code that charges the offender with having a firearm on 775
or about the offender's person or under the offender's control 776
while committing the offense; 777

(iv) A prison term of nine years if the specification is 778
of the type described in division (D) of section 2941.144 of the 779
Revised Code that charges the offender with having a firearm 780
that is an automatic firearm or that was equipped with a firearm 781
muffler or suppressor on or about the offender's person or under 782
the offender's control while committing the offense and 783
specifies that the offender previously has been convicted of or 784
pleaded guilty to a specification of the type described in 785
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 786
the Revised Code; 787

(v) A prison term of fifty-four months if the 788
specification is of the type described in division (D) of 789
section 2941.145 of the Revised Code that charges the offender 790
with having a firearm on or about the offender's person or under 791
the offender's control while committing the offense and 792
displaying the firearm, brandishing the firearm, indicating that 793
the offender possessed the firearm, or using the firearm to 794
facilitate the offense and that the offender previously has been 795
convicted of or pleaded guilty to a specification of the type 796
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 797
2941.1412 of the Revised Code; 798

(vi) A prison term of eighteen months if the specification 799
is of the type described in division (D) of section 2941.141 of 800
the Revised Code that charges the offender with having a firearm 801
on or about the offender's person or under the offender's 802
control while committing the offense and that the offender 803
previously has been convicted of or pleaded guilty to a 804
specification of the type described in section 2941.141, 805
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 806

(b) If a court imposes a prison term on an offender under 807

division (B) (1) (a) of this section, the prison term shall not be 808
reduced pursuant to section 2929.20, division (A) (2) or (3) of 809
section 2967.193 or 2967.194, or any other provision of Chapter 810
2967. or Chapter 5120. of the Revised Code. Except as provided 811
in division (B) (1) (g) of this section, a court shall not impose 812
more than one prison term on an offender under division (B) (1) 813
(a) of this section for felonies committed as part of the same 814
act or transaction. 815

(c) (i) Except as provided in division (B) (1) (e) of this 816
section, if an offender who is convicted of or pleads guilty to 817
a violation of section 2923.161 of the Revised Code or to a 818
felony that includes, as an essential element, purposely or 819
knowingly causing or attempting to cause the death of or 820
physical harm to another, also is convicted of or pleads guilty 821
to a specification of the type described in division (A) of 822
section 2941.146 of the Revised Code that charges the offender 823
with committing the offense by discharging a firearm from a 824
motor vehicle other than a manufactured home, the court, after 825
imposing a prison term on the offender for the violation of 826
section 2923.161 of the Revised Code or for the other felony 827
offense under division (A), (B) (2), or (B) (3) of this section, 828
shall impose an additional prison term of five years upon the 829
offender that shall not be reduced pursuant to section 2929.20, 830
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 831
other provision of Chapter 2967. or Chapter 5120. of the Revised 832
Code. 833

(ii) Except as provided in division (B) (1) (e) of this 834
section, if an offender who is convicted of or pleads guilty to 835
a violation of section 2923.161 of the Revised Code or to a 836
felony that includes, as an essential element, purposely or 837
knowingly causing or attempting to cause the death of or 838

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

(iii) A court shall not impose more than one additional 855
prison term on an offender under division (B) (1) (c) of this 856
section for felonies committed as part of the same act or 857
transaction. If a court imposes an additional prison term on an 858
offender under division (B) (1) (c) of this section relative to an 859
offense, the court also shall impose a prison term under 860
division (B) (1) (a) of this section relative to the same offense, 861
provided the criteria specified in that division for imposing an 862
additional prison term are satisfied relative to the offender 863
and the offense. 864

(d) If an offender who is convicted of or pleads guilty to 865
an offense of violence that is a felony also is convicted of or 866
pleads guilty to a specification of the type described in 867
section 2941.1411 of the Revised Code that charges the offender 868
with wearing or carrying body armor while committing the felony 869

offense of violence, the court shall impose on the offender an 870
additional prison term of two years. The prison term so imposed 871
shall not be reduced pursuant to section 2929.20, division (A) 872
(2) or (3) of section 2967.193 or 2967.194, or any other 873
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 874
A court shall not impose more than one prison term on an 875
offender under division (B)(1)(d) of this section for felonies 876
committed as part of the same act or transaction. If a court 877
imposes an additional prison term under division (B)(1)(a) or 878
(c) of this section, the court is not precluded from imposing an 879
additional prison term under division (B)(1)(d) of this section. 880

(e) The court shall not impose any of the prison terms 881
described in division (B)(1)(a) of this section or any of the 882
additional prison terms described in division (B)(1)(c) of this 883
section upon an offender for a violation of section 2923.12 or 884
2923.123 of the Revised Code. The court shall not impose any of 885
the prison terms described in division (B)(1)(a) or (b) of this 886
section upon an offender for a violation of section 2923.122 887
that involves a deadly weapon that is a firearm other than a 888
dangerous ordnance, section 2923.16, or section 2923.121 of the 889
Revised Code. The court shall not impose any of the prison terms 890
described in division (B)(1)(a) of this section or any of the 891
additional prison terms described in division (B)(1)(c) of this 892
section upon an offender for a violation of section 2923.13 of 893
the Revised Code unless all of the following apply: 894

(i) The offender previously has been convicted of 895
aggravated murder, murder, or any felony of the first or second 896
degree. 897

(ii) Less than five years have passed since the offender 898
was released from prison or post-release control, whichever is 899

later, for the prior offense. 900

(f) (i) If an offender is convicted of or pleads guilty to 901
a felony that includes, as an essential element, causing or 902
attempting to cause the death of or physical harm to another and 903
also is convicted of or pleads guilty to a specification of the 904
type described in division (A) of section 2941.1412 of the 905
Revised Code that charges the offender with committing the 906
offense by discharging a firearm at a peace officer as defined 907
in section 2935.01 of the Revised Code or a corrections officer, 908
as defined in section 2941.1412 of the Revised Code, the court, 909
after imposing a prison term on the offender for the felony 910
offense under division (A), (B) (2), or (B) (3) of this section, 911
shall impose an additional prison term of seven years upon the 912
offender that shall not be reduced pursuant to section 2929.20, 913
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 914
other provision of Chapter 2967. or Chapter 5120. of the Revised 915
Code. 916

(ii) If an offender is convicted of or pleads guilty to a 917
felony that includes, as an essential element, causing or 918
attempting to cause the death of or physical harm to another and 919
also is convicted of or pleads guilty to a specification of the 920
type described in division (B) of section 2941.1412 of the 921
Revised Code that charges the offender with committing the 922
offense by discharging a firearm at a peace officer, as defined 923
in section 2935.01 of the Revised Code, or a corrections 924
officer, as defined in section 2941.1412 of the Revised Code, 925
and that the offender previously has been convicted of or 926
pleaded guilty to a specification of the type described in 927
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 928
the Revised Code, the court, after imposing a prison term on the 929
offender for the felony offense under division (A), (B) (2), or 930

(3) of this section, shall impose an additional prison term of 931
one hundred twenty-six months upon the offender that shall not 932
be reduced pursuant to section 2929.20, division (A)(2) or (3) 933
of section 2967.193 or 2967.194, or any other provision of 934
Chapter 2967. or 5120. of the Revised Code. 935

(iii) If an offender is convicted of or pleads guilty to 936
two or more felonies that include, as an essential element, 937
causing or attempting to cause the death or physical harm to 938
another and also is convicted of or pleads guilty to a 939
specification of the type described under division (B)(1)(f) of 940
this section in connection with two or more of the felonies of 941
which the offender is convicted or to which the offender pleads 942
guilty, the sentencing court shall impose on the offender the 943
prison term specified under division (B)(1)(f) of this section 944
for each of two of the specifications of which the offender is 945
convicted or to which the offender pleads guilty and, in its 946
discretion, also may impose on the offender the prison term 947
specified under that division for any or all of the remaining 948
specifications. If a court imposes an additional prison term on 949
an offender under division (B)(1)(f) of this section relative to 950
an offense, the court shall not impose a prison term under 951
division (B)(1)(a) or (c) of this section relative to the same 952
offense. 953

(g) If an offender is convicted of or pleads guilty to two 954
or more felonies, if one or more of those felonies are 955
aggravated murder, murder, attempted aggravated murder, 956
attempted murder, aggravated robbery, felonious assault, or 957
rape, and if the offender is convicted of or pleads guilty to a 958
specification of the type described under division (B)(1)(a) of 959
this section in connection with two or more of the felonies, the 960
sentencing court shall impose on the offender the prison term 961

specified under division (B) (1) (a) of this section for each of 962
the two most serious specifications of which the offender is 963
convicted or to which the offender pleads guilty and, in its 964
discretion, also may impose on the offender the prison term 965
specified under that division for any or all of the remaining 966
specifications. 967

(2) (a) If division (B) (2) (b) of this section does not 968
apply, the court may impose on an offender, in addition to the 969
longest prison term authorized or required for the offense or, 970
for offenses for which division (A) (1) (a) or (2) (a) of this 971
section applies, in addition to the longest minimum prison term 972
authorized or required for the offense, an additional definite 973
prison term of one, two, three, four, five, six, seven, eight, 974
nine, or ten years if all of the following criteria are met: 975

(i) The offender is convicted of or pleads guilty to a 976
specification of the type described in section 2941.149 of the 977
Revised Code that the offender is a repeat violent offender. 978

(ii) The offense of which the offender currently is 979
convicted or to which the offender currently pleads guilty is 980
aggravated murder and the court does not impose a sentence of 981
death or life imprisonment without parole, murder, terrorism and 982
the court does not impose a sentence of life imprisonment 983
without parole, any felony of the first degree that is an 984
offense of violence and the court does not impose a sentence of 985
life imprisonment without parole, or any felony of the second 986
degree that is an offense of violence and the trier of fact 987
finds that the offense involved an attempt to cause or a threat 988
to cause serious physical harm to a person or resulted in 989
serious physical harm to a person. 990

(iii) The court imposes the longest prison term for the 991

offense or the longest minimum prison term for the offense, 992
whichever is applicable, that is not life imprisonment without 993
parole. 994

(iv) The court finds that the prison terms imposed 995
pursuant to division (B)(2)(a)(iii) of this section and, if 996
applicable, division (B)(1) or (3) of this section are 997
inadequate to punish the offender and protect the public from 998
future crime, because the applicable factors under section 999
2929.12 of the Revised Code indicating a greater likelihood of 1000
recidivism outweigh the applicable factors under that section 1001
indicating a lesser likelihood of recidivism. 1002

(v) The court finds that the prison terms imposed pursuant 1003
to division (B)(2)(a)(iii) of this section and, if applicable, 1004
division (B)(1) or (3) of this section are demeaning to the 1005
seriousness of the offense, because one or more of the factors 1006
under section 2929.12 of the Revised Code indicating that the 1007
offender's conduct is more serious than conduct normally 1008
constituting the offense are present, and they outweigh the 1009
applicable factors under that section indicating that the 1010
offender's conduct is less serious than conduct normally 1011
constituting the offense. 1012

(b) The court shall impose on an offender the longest 1013
prison term authorized or required for the offense or, for 1014
offenses for which division (A)(1)(a) or (2)(a) of this section 1015
applies, the longest minimum prison term authorized or required 1016
for the offense, and shall impose on the offender an additional 1017
definite prison term of one, two, three, four, five, six, seven, 1018
eight, nine, or ten years if all of the following criteria are 1019
met: 1020

(i) The offender is convicted of or pleads guilty to a 1021

specification of the type described in section 2941.149 of the 1022
Revised Code that the offender is a repeat violent offender. 1023

(ii) The offender within the preceding twenty years has 1024
been convicted of or pleaded guilty to three or more offenses 1025
described in division (CC)(1) of section 2929.01 of the Revised 1026
Code, including all offenses described in that division of which 1027
the offender is convicted or to which the offender pleads guilty 1028
in the current prosecution and all offenses described in that 1029
division of which the offender previously has been convicted or 1030
to which the offender previously pleaded guilty, whether 1031
prosecuted together or separately. 1032

(iii) The offense or offenses of which the offender 1033
currently is convicted or to which the offender currently pleads 1034
guilty is aggravated murder and the court does not impose a 1035
sentence of death or life imprisonment without parole, murder, 1036
terrorism and the court does not impose a sentence of life 1037
imprisonment without parole, any felony of the first degree that 1038
is an offense of violence and the court does not impose a 1039
sentence of life imprisonment without parole, or any felony of 1040
the second degree that is an offense of violence and the trier 1041
of fact finds that the offense involved an attempt to cause or a 1042
threat to cause serious physical harm to a person or resulted in 1043
serious physical harm to a person. 1044

(c) For purposes of division (B)(2)(b) of this section, 1045
two or more offenses committed at the same time or as part of 1046
the same act or event shall be considered one offense, and that 1047
one offense shall be the offense with the greatest penalty. 1048

(d) A sentence imposed under division (B)(2)(a) or (b) of 1049
this section shall not be reduced pursuant to section 2929.20, 1050
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 1051

other provision of Chapter 2967. or Chapter 5120. of the Revised 1052
Code. The offender shall serve an additional prison term imposed 1053
under division (B) (2) (a) or (b) of this section consecutively to 1054
and prior to the prison term imposed for the underlying offense. 1055

(e) When imposing a sentence pursuant to division (B) (2) 1056
(a) or (b) of this section, the court shall state its findings 1057
explaining the imposed sentence. 1058

(3) Except when an offender commits a violation of section 1059
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1060
for the violation is life imprisonment or commits a violation of 1061
section 2903.02 of the Revised Code, if the offender commits a 1062
violation of section 2925.03 or 2925.11 of the Revised Code and 1063
that section classifies the offender as a major drug offender, 1064
if the offender commits a violation of section 2925.05 of the 1065
Revised Code and division (E) (1) of that section classifies the 1066
offender as a major drug offender, if the offender commits a 1067
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1068
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1069
division (C) or (D) of section 3719.172, division (E) of section 1070
4729.51, or division (J) of section 4729.54 of the Revised Code 1071
that includes the sale, offer to sell, or possession of a 1072
schedule I or II controlled substance, with the exception of 1073
marihuana, and the court imposing sentence upon the offender 1074
finds that the offender is guilty of a specification of the type 1075
described in division (A) of section 2941.1410 of the Revised 1076
Code charging that the offender is a major drug offender, if the 1077
court imposing sentence upon an offender for a felony finds that 1078
the offender is guilty of corrupt activity with the most serious 1079
offense in the pattern of corrupt activity being a felony of the 1080
first degree, or if the offender is guilty of an attempted 1081
violation of section 2907.02 of the Revised Code and, had the 1082

offender completed the violation of section 2907.02 of the 1083
Revised Code that was attempted, the offender would have been 1084
subject to a sentence of life imprisonment or life imprisonment 1085
without parole for the violation of section 2907.02 of the 1086
Revised Code, the court shall impose upon the offender for the 1087
felony violation a mandatory prison term determined as described 1088
in this division that cannot be reduced pursuant to section 1089
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 1090
or any other provision of Chapter 2967. or 5120. of the Revised 1091
Code. The mandatory prison term shall be the maximum definite 1092
prison term prescribed in division (A) (1) (b) of this section for 1093
a felony of the first degree, except that for offenses for which 1094
division (A) (1) (a) of this section applies, the mandatory prison 1095
term shall be the longest minimum prison term prescribed in that 1096
division for the offense. 1097

(4) If the offender is being sentenced for a third or 1098
fourth degree felony OVI offense under division (G) (2) of 1099
section 2929.13 of the Revised Code, the sentencing court shall 1100
impose upon the offender a mandatory prison term in accordance 1101
with that division. In addition to the mandatory prison term, if 1102
the offender is being sentenced for a fourth degree felony OVI 1103
offense, the court, notwithstanding division (A) (4) of this 1104
section, may sentence the offender to a definite prison term of 1105
not less than six months and not more than thirty months, and if 1106
the offender is being sentenced for a third degree felony OVI 1107
offense, the sentencing court may sentence the offender to an 1108
additional prison term of any duration specified in division (A) 1109
(3) of this section. In either case, the additional prison term 1110
imposed shall be reduced by the sixty or one hundred twenty days 1111
imposed upon the offender as the mandatory prison term. The 1112
total of the additional prison term imposed under division (B) 1113

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

If the offender is being sentenced for a fourth degree 1130
felony OVI offense under division (G) (1) of section 2929.13 of 1131
the Revised Code and the court imposes a mandatory term of local 1132
incarceration, the court may impose a prison term as described 1133
in division (A) (1) of that section. 1134

(5) If an offender is convicted of or pleads guilty to a 1135
violation of division (A) (1) or (2) of section 2903.06 of the 1136
Revised Code and also is convicted of or pleads guilty to a 1137
specification of the type described in section 2941.1414 of the 1138
Revised Code that charges that the victim of the offense is a 1139
peace officer, as defined in section 2935.01 of the Revised 1140
Code, an investigator of the bureau of criminal identification 1141
and investigation, as defined in section 2903.11 of the Revised 1142
Code, or a firefighter or emergency medical worker, both as 1143
defined in section 2941.1414 of the Revised Code, the court 1144

shall impose on the offender a prison term of five years. If a 1145
court imposes a prison term on an offender under division (B) (5) 1146
of this section, the prison term shall not be reduced pursuant 1147
to section 2929.20, division (A) (2) or (3) of section 2967.193 1148
or 2967.194, or any other provision of Chapter 2967. or Chapter 1149
5120. of the Revised Code. A court shall not impose more than 1150
one prison term on an offender under division (B) (5) of this 1151
section for felonies committed as part of the same act. 1152

(6) If an offender is convicted of or pleads guilty to a 1153
violation of division (A) (1) or (2) of section 2903.06 of the 1154
Revised Code and also is convicted of or pleads guilty to a 1155
specification of the type described in section 2941.1415 of the 1156
Revised Code that charges that the offender previously has been 1157
convicted of or pleaded guilty to three or more violations of 1158
division (A) of section 4511.19 of the Revised Code or an 1159
equivalent offense, as defined in section 2941.1415 of the 1160
Revised Code, or three or more violations of any combination of 1161
those offenses, the court shall impose on the offender a prison 1162
term of three years. If a court imposes a prison term on an 1163
offender under division (B) (6) of this section, the prison term 1164
shall not be reduced pursuant to section 2929.20, division (A) 1165
(2) or (3) of section 2967.193 or 2967.194, or any other 1166
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1167
A court shall not impose more than one prison term on an 1168
offender under division (B) (6) of this section for felonies 1169
committed as part of the same act. 1170

(7) (a) If an offender is convicted of or pleads guilty to 1171
a felony violation of section 2905.01, 2905.02, 2907.21, 1172
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1173
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1174
section 2919.22 of the Revised Code and also is convicted of or 1175

pleads guilty to a specification of the type described in 1176
section 2941.1422 of the Revised Code that charges that the 1177
offender knowingly committed the offense in furtherance of human 1178
trafficking, the court shall impose on the offender a mandatory 1179
prison term that is one of the following: 1180

(i) If the offense is a felony of the first degree, a 1181
definite prison term of not less than five years and not greater 1182
than eleven years, except that if the offense is a felony of the 1183
first degree committed on or after March 22, 2019, the court 1184
shall impose as the minimum prison term a mandatory term of not 1185
less than five years and not greater than eleven years; 1186

(ii) If the offense is a felony of the second or third 1187
degree, a definite prison term of not less than three years and 1188
not greater than the maximum prison term allowed for the offense 1189
by division (A) (2) (b) or (3) of this section, except that if the 1190
offense is a felony of the second degree committed on or after 1191
March 22, 2019, the court shall impose as the minimum prison 1192
term a mandatory term of not less than three years and not 1193
greater than eight years; 1194

(iii) If the offense is a felony of the fourth or fifth 1195
degree, a definite prison term that is the maximum prison term 1196
allowed for the offense by division (A) of section 2929.14 of 1197
the Revised Code. 1198

(b) The prison term imposed under division (B) (7) (a) of 1199
this section shall not be reduced pursuant to section 2929.20, 1200
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 1201
other provision of Chapter 2967. of the Revised Code. A court 1202
shall not impose more than one prison term on an offender under 1203
division (B) (7) (a) of this section for felonies committed as 1204
part of the same act, scheme, or plan. 1205

(8) If an offender is convicted of or pleads guilty to a 1206
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1207
Revised Code and also is convicted of or pleads guilty to a 1208
specification of the type described in section 2941.1423 of the 1209
Revised Code that charges that the victim of the violation was a 1210
woman whom the offender knew was pregnant at the time of the 1211
violation, notwithstanding the range prescribed in division (A) 1212
of this section as the definite prison term or minimum prison 1213
term for felonies of the same degree as the violation, the court 1214
shall impose on the offender a mandatory prison term that is 1215
either a definite prison term of six months or one of the prison 1216
terms prescribed in division (A) of this section for felonies of 1217
the same degree as the violation, except that if the violation 1218
is a felony of the first or second degree committed on or after 1219
March 22, 2019, the court shall impose as the minimum prison 1220
term under division (A) (1) (a) or (2) (a) of this section a 1221
mandatory term that is one of the terms prescribed in that 1222
division, whichever is applicable, for the offense. 1223

(9) (a) If an offender is convicted of or pleads guilty to 1224
a violation of division (A) (1) or (2) of section 2903.11 of the 1225
Revised Code and also is convicted of or pleads guilty to a 1226
specification of the type described in section 2941.1425 of the 1227
Revised Code, the court shall impose on the offender a mandatory 1228
prison term of six years if either of the following applies: 1229

(i) The violation is a violation of division (A) (1) of 1230
section 2903.11 of the Revised Code and the specification 1231
charges that the offender used an accelerant in committing the 1232
violation and the serious physical harm to another or to 1233
another's unborn caused by the violation resulted in a 1234
permanent, serious disfigurement or permanent, substantial 1235
incapacity; 1236

(ii) The violation is a violation of division (A) (2) of 1237
section 2903.11 of the Revised Code and the specification 1238
charges that the offender used an accelerant in committing the 1239
violation, that the violation caused physical harm to another or 1240
to another's unborn, and that the physical harm resulted in a 1241
permanent, serious disfigurement or permanent, substantial 1242
incapacity. 1243

(b) If a court imposes a prison term on an offender under 1244
division (B) (9) (a) of this section, the prison term shall not be 1245
reduced pursuant to section 2929.20, division (A) (2) or (3) of 1246
section 2967.193 or 2967.194, or any other provision of Chapter 1247
2967. or Chapter 5120. of the Revised Code. A court shall not 1248
impose more than one prison term on an offender under division 1249
(B) (9) of this section for felonies committed as part of the 1250
same act. 1251

(c) The provisions of divisions (B) (9) and (C) (6) of this 1252
section and of division (D) (2) of section 2903.11, division (F) 1253
(20) of section 2929.13, and section 2941.1425 of the Revised 1254
Code shall be known as "Judy's Law." 1255

(10) If an offender is convicted of or pleads guilty to a 1256
violation of division (A) of section 2903.11 of the Revised Code 1257
and also is convicted of or pleads guilty to a specification of 1258
the type described in section 2941.1426 of the Revised Code that 1259
charges that the victim of the offense suffered permanent 1260
disabling harm as a result of the offense and that the victim 1261
was under ten years of age at the time of the offense, 1262
regardless of whether the offender knew the age of the victim, 1263
the court shall impose upon the offender an additional definite 1264
prison term of six years. A prison term imposed on an offender 1265
under division (B) (10) of this section shall not be reduced 1266

pursuant to section 2929.20, division (A) (2) or (3) of section 1267
2967.193 or 2967.194, or any other provision of Chapter 2967. or 1268
Chapter 5120. of the Revised Code. If a court imposes an 1269
additional prison term on an offender under this division 1270
relative to a violation of division (A) of section 2903.11 of 1271
the Revised Code, the court shall not impose any other 1272
additional prison term on the offender relative to the same 1273
offense. 1274

(11) If an offender is convicted of or pleads guilty to a 1275
felony violation of section 2925.03 or 2925.05 of the Revised 1276
Code or a felony violation of section 2925.11 of the Revised 1277
Code for which division (C) (11) of that section applies in 1278
determining the sentence for the violation, if the drug involved 1279
in the violation is a fentanyl-related compound or a compound, 1280
mixture, preparation, or substance containing a fentanyl-related 1281
compound, and if the offender also is convicted of or pleads 1282
guilty to a specification of the type described in division (B) 1283
of section 2941.1410 of the Revised Code that charges that the 1284
offender is a major drug offender, in addition to any other 1285
penalty imposed for the violation, the court shall impose on the 1286
offender a mandatory prison term of three, four, five, six, 1287
seven, or eight years. If a court imposes a prison term on an 1288
offender under division (B) (11) of this section, the prison term 1289
shall not be reduced pursuant to section 2929.20, division (A) 1290
(2) or (3) of section 2967.193 or 2967.194, or any other 1291
provision of Chapter 2967. or 5120. of the Revised Code. A court 1292
shall not impose more than one prison term on an offender under 1293
division (B) (11) of this section for felonies committed as part 1294
of the same act. 1295

(12) If an offender is convicted of or pleads guilty to a 1296
violation of division (C) (3) (c) of section 2907.321 or division 1297

(E) (3) (c) of section 2907.322 of the Revised Code and also is 1298
convicted of or pleads guilty to a specification of the type 1299
described in section 2941.1427 of the Revised Code that charges 1300
that the material possessed by the offender consisted of one 1301
hundred or more images, the court shall impose upon the offender 1302
a definite prison term of five years. 1303

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1304
if a mandatory prison term is imposed upon an offender pursuant 1305
to division (B) (1) (a) of this section for having a firearm on or 1306
about the offender's person or under the offender's control 1307
while committing a felony, if a mandatory prison term is imposed 1308
upon an offender pursuant to division (B) (1) (c) of this section 1309
for committing a felony specified in that division by 1310
discharging a firearm from a motor vehicle, or if both types of 1311
mandatory prison terms are imposed, the offender shall serve any 1312
mandatory prison term imposed under either division 1313
consecutively to any other mandatory prison term imposed under 1314
either division or under division (B) (1) (d) of this section, 1315
consecutively to and prior to any prison term imposed for the 1316
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1317
this section or any other section of the Revised Code, and 1318
consecutively to any other prison term or mandatory prison term 1319
previously or subsequently imposed upon the offender. 1320

(b) If a mandatory prison term is imposed upon an offender 1321
pursuant to division (B) (1) (d) of this section for wearing or 1322
carrying body armor while committing an offense of violence that 1323
is a felony, the offender shall serve the mandatory term so 1324
imposed consecutively to any other mandatory prison term imposed 1325
under that division or under division (B) (1) (a) or (c) of this 1326
section, consecutively to and prior to any prison term imposed 1327
for the underlying felony under division (A), (B) (2), or (B) (3) 1328

of this section or any other section of the Revised Code, and 1329
consecutively to any other prison term or mandatory prison term 1330
previously or subsequently imposed upon the offender. 1331

(c) If a mandatory prison term is imposed upon an offender 1332
pursuant to division (B)(1)(f) of this section, the offender 1333
shall serve the mandatory prison term so imposed consecutively 1334
to and prior to any prison term imposed for the underlying 1335
felony under division (A), (B)(2), or (B)(3) of this section or 1336
any other section of the Revised Code, and consecutively to any 1337
other prison term or mandatory prison term previously or 1338
subsequently imposed upon the offender. 1339

(d) If a mandatory prison term is imposed upon an offender 1340
pursuant to division (B)(7) or (8) of this section, the offender 1341
shall serve the mandatory prison term so imposed consecutively 1342
to any other mandatory prison term imposed under that division 1343
or under any other provision of law and consecutively to any 1344
other prison term or mandatory prison term previously or 1345
subsequently imposed upon the offender. 1346

(e) If a mandatory prison term is imposed upon an offender 1347
pursuant to division (B)(11) of this section, the offender shall 1348
serve the mandatory prison term consecutively to any other 1349
mandatory prison term imposed under that division, consecutively 1350
to and prior to any prison term imposed for the underlying 1351
felony, and consecutively to any other prison term or mandatory 1352
prison term previously or subsequently imposed upon the 1353
offender. 1354

(f) If a mandatory prison term is imposed upon an offender 1355
pursuant to division (B)(12) of this section, the offender shall 1356
serve the mandatory prison term so imposed consecutively to any 1357
other mandatory prison term imposed under that division, 1358

consecutively to and prior to any prison term imposed for the 1359
underlying felony, and consecutively to any other prison term or 1360
mandatory prison term previously or subsequently imposed upon 1361
the offender. 1362

(2) If an offender who is an inmate in a jail, prison, or 1363
other residential detention facility violates section 2917.02, 1364
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1365
(2) of section 2921.34 of the Revised Code, if an offender who 1366
is under detention at a detention facility commits a felony 1367
violation of section 2923.131 of the Revised Code, or if an 1368
offender who is an inmate in a jail, prison, or other 1369
residential detention facility or is under detention at a 1370
detention facility commits another felony while the offender is 1371
an escapee in violation of division (A) (1) or (2) of section 1372
2921.34 of the Revised Code, any prison term imposed upon the 1373
offender for one of those violations shall be served by the 1374
offender consecutively to the prison term or term of 1375
imprisonment the offender was serving when the offender 1376
committed that offense and to any other prison term previously 1377
or subsequently imposed upon the offender. 1378

(3) If a prison term is imposed for a violation of 1379
division (B) of section 2911.01 of the Revised Code, a violation 1380
of division (A) of section 2913.02 of the Revised Code in which 1381
the stolen property is a firearm or dangerous ordnance, or a 1382
felony violation of division (B) of section 2921.331 of the 1383
Revised Code, the offender shall serve that prison term 1384
consecutively to any other prison term or mandatory prison term 1385
previously or subsequently imposed upon the offender. 1386

(4) If multiple prison terms are imposed on an offender 1387
for convictions of multiple offenses, the court may require the 1388

offender to serve the prison terms consecutively if the court 1389
finds that the consecutive service is necessary to protect the 1390
public from future crime or to punish the offender and that 1391
consecutive sentences are not disproportionate to the 1392
seriousness of the offender's conduct and to the danger the 1393
offender poses to the public, and if the court also finds any of 1394
the following: 1395

(a) The offender committed one or more of the multiple 1396
offenses while the offender was awaiting trial or sentencing, 1397
was under a sanction imposed pursuant to section 2929.16, 1398
2929.17, or 2929.18 of the Revised Code, or was under post- 1399
release control for a prior offense. 1400

(b) At least two of the multiple offenses were committed 1401
as part of one or more courses of conduct, and the harm caused 1402
by two or more of the multiple offenses so committed was so 1403
great or unusual that no single prison term for any of the 1404
offenses committed as part of any of the courses of conduct 1405
adequately reflects the seriousness of the offender's conduct. 1406

(c) The offender's history of criminal conduct 1407
demonstrates that consecutive sentences are necessary to protect 1408
the public from future crime by the offender. 1409

(5) If a mandatory prison term is imposed upon an offender 1410
pursuant to division (B) (5) or (6) of this section, the offender 1411
shall serve the mandatory prison term consecutively to and prior 1412
to any prison term imposed for the underlying violation of 1413
division (A) (1) or (2) of section 2903.06 of the Revised Code 1414
pursuant to division (A) of this section or section 2929.142 of 1415
the Revised Code. If a mandatory prison term is imposed upon an 1416
offender pursuant to division (B) (5) of this section, and if a 1417
mandatory prison term also is imposed upon the offender pursuant 1418

to division (B) (6) of this section in relation to the same 1419
violation, the offender shall serve the mandatory prison term 1420
imposed pursuant to division (B) (5) of this section 1421
consecutively to and prior to the mandatory prison term imposed 1422
pursuant to division (B) (6) of this section and consecutively to 1423
and prior to any prison term imposed for the underlying 1424
violation of division (A) (1) or (2) of section 2903.06 of the 1425
Revised Code pursuant to division (A) of this section or section 1426
2929.142 of the Revised Code. 1427

(6) If a mandatory prison term is imposed on an offender 1428
pursuant to division (B) (9) of this section, the offender shall 1429
serve the mandatory prison term consecutively to and prior to 1430
any prison term imposed for the underlying violation of division 1431
(A) (1) or (2) of section 2903.11 of the Revised Code and 1432
consecutively to and prior to any other prison term or mandatory 1433
prison term previously or subsequently imposed on the offender. 1434

(7) If a mandatory prison term is imposed on an offender 1435
pursuant to division (B) (10) of this section, the offender shall 1436
serve that mandatory prison term consecutively to and prior to 1437
any prison term imposed for the underlying felonious assault. 1438
Except as otherwise provided in division (C) of this section, 1439
any other prison term or mandatory prison term previously or 1440
subsequently imposed upon the offender may be served 1441
concurrently with, or consecutively to, the prison term imposed 1442
pursuant to division (B) (10) of this section. 1443

(8) Any prison term imposed for a violation of section 1444
2903.04 of the Revised Code that is based on a violation of 1445
section 2925.03 or 2925.11 of the Revised Code or on a violation 1446
of section 2925.05 of the Revised Code that is not funding of 1447
marihuana trafficking shall run consecutively to any prison term 1448

imposed for the violation of section 2925.03 or 2925.11 of the 1449
Revised Code or for the violation of section 2925.05 of the 1450
Revised Code that is not funding of marihuana trafficking. 1451

(9) When consecutive prison terms are imposed pursuant to 1452
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 1453
division (H)(1) or (2) of this section, subject to division (C) 1454
(10) of this section, the term to be served is the aggregate of 1455
all of the terms so imposed. 1456

(10) When a court sentences an offender to a non-life 1457
felony indefinite prison term, any definite prison term or 1458
mandatory definite prison term previously or subsequently 1459
imposed on the offender in addition to that indefinite sentence 1460
that is required to be served consecutively to that indefinite 1461
sentence shall be served prior to the indefinite sentence. 1462

(11) If a court is sentencing an offender for a felony of 1463
the first or second degree, if division (A)(1)(a) or (2)(a) of 1464
this section applies with respect to the sentencing for the 1465
offense, and if the court is required under the Revised Code 1466
section that sets forth the offense or any other Revised Code 1467
provision to impose a mandatory prison term for the offense, the 1468
court shall impose the required mandatory prison term as the 1469
minimum term imposed under division (A)(1)(a) or (2)(a) of this 1470
section, whichever is applicable. 1471

(D)(1) If a court imposes a prison term, other than a term 1472
of life imprisonment, for a felony of the first degree, for a 1473
felony of the second degree, for a felony sex offense, or for a 1474
felony of the third degree that is an offense of violence and 1475
that is not a felony sex offense, it shall include in the 1476
sentence a requirement that the offender be subject to a period 1477
of post-release control after the offender's release from 1478

imprisonment, in accordance with section 2967.28 of the Revised 1479
Code. If a court imposes a sentence including a prison term of a 1480
type described in this division on or after July 11, 2006, the 1481
failure of a court to include a post-release control requirement 1482
in the sentence pursuant to this division does not negate, 1483
limit, or otherwise affect the mandatory period of post-release 1484
control that is required for the offender under division (B) of 1485
section 2967.28 of the Revised Code. Section 2929.191 of the 1486
Revised Code applies if, prior to July 11, 2006, a court imposed 1487
a sentence including a prison term of a type described in this 1488
division and failed to include in the sentence pursuant to this 1489
division a statement regarding post-release control. 1490

(2) If a court imposes a prison term for a felony of the 1491
third, fourth, or fifth degree that is not subject to division 1492
(D) (1) of this section, it shall include in the sentence a 1493
requirement that the offender be subject to a period of post- 1494
release control after the offender's release from imprisonment, 1495
in accordance with that division, if the parole board determines 1496
that a period of post-release control is necessary. Section 1497
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1498
a court imposed a sentence including a prison term of a type 1499
described in this division and failed to include in the sentence 1500
pursuant to this division a statement regarding post-release 1501
control. 1502

(E) The court shall impose sentence upon the offender in 1503
accordance with section 2971.03 of the Revised Code, and Chapter 1504
2971. of the Revised Code applies regarding the prison term or 1505
term of life imprisonment without parole imposed upon the 1506
offender and the service of that term of imprisonment if any of 1507
the following apply: 1508

(1) A person is convicted of or pleads guilty to a violent 1509
sex offense or a designated homicide, assault, or kidnapping 1510
offense, and, in relation to that offense, the offender is 1511
adjudicated a sexually violent predator. 1512

(2) A person is convicted of or pleads guilty to a 1513
violation of division (A) (1) (b) of section 2907.02 of the 1514
Revised Code committed on or after January 2, 2007, and either 1515
the court does not impose a sentence of life without parole when 1516
authorized pursuant to division (B) of section 2907.02 of the 1517
Revised Code, or division (B) of section 2907.02 of the Revised 1518
Code provides that the court shall not sentence the offender 1519
pursuant to section 2971.03 of the Revised Code. 1520

(3) A person is convicted of or pleads guilty to attempted 1521
rape committed on or after January 2, 2007, and a specification 1522
of the type described in section 2941.1418, 2941.1419, or 1523
2941.1420 of the Revised Code. 1524

(4) A person is convicted of or pleads guilty to a 1525
violation of section 2905.01 of the Revised Code committed on or 1526
after January 1, 2008, and that section requires the court to 1527
sentence the offender pursuant to section 2971.03 of the Revised 1528
Code. 1529

(5) A person is convicted of or pleads guilty to 1530
aggravated murder committed on or after January 1, 2008, and 1531
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1532
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1533
(a) (iv) of section 2929.03, or division (A) or (B) of section 1534
2929.06 of the Revised Code requires the court to sentence the 1535
offender pursuant to division (B) (3) of section 2971.03 of the 1536
Revised Code. 1537

(6) A person is convicted of or pleads guilty to murder 1538
committed on or after January 1, 2008, and division (B)(2) of 1539
section 2929.02 of the Revised Code requires the court to 1540
sentence the offender pursuant to section 2971.03 of the Revised 1541
Code. 1542

(F) If a person who has been convicted of or pleaded 1543
guilty to a felony is sentenced to a prison term or term of 1544
imprisonment under this section, sections 2929.02 to 2929.06 of 1545
the Revised Code, section 2929.142 of the Revised Code, section 1546
2971.03 of the Revised Code, or any other provision of law, 1547
section 5120.163 of the Revised Code applies regarding the 1548
person while the person is confined in a state correctional 1549
institution. 1550

(G) If an offender who is convicted of or pleads guilty to 1551
a felony that is an offense of violence also is convicted of or 1552
pleads guilty to a specification of the type described in 1553
section 2941.142 of the Revised Code that charges the offender 1554
with having committed the felony while participating in a 1555
criminal gang, the court shall impose upon the offender an 1556
additional prison term of one, two, or three years. 1557

(H) (1) If an offender who is convicted of or pleads guilty 1558
to aggravated murder, murder, or a felony of the first, second, 1559
or third degree that is an offense of violence also is convicted 1560
of or pleads guilty to a specification of the type described in 1561
section 2941.143 of the Revised Code that charges the offender 1562
with having committed the offense in a school safety zone or 1563
towards a person in a school safety zone, the court shall impose 1564
upon the offender an additional prison term of two years. The 1565
offender shall serve the additional two years consecutively to 1566
and prior to the prison term imposed for the underlying offense. 1567

(2) (a) If an offender is convicted of or pleads guilty to 1568
a felony violation of section 2907.22, 2907.24, 2907.241, or 1569
2907.25 of the Revised Code and to a specification of the type 1570
described in section 2941.1421 of the Revised Code and if the 1571
court imposes a prison term on the offender for the felony 1572
violation, the court may impose upon the offender an additional 1573
prison term as follows: 1574

(i) Subject to division (H) (2) (a) (ii) of this section, an 1575
additional prison term of one, two, three, four, five, or six 1576
months; 1577

(ii) If the offender previously has been convicted of or 1578
pleaded guilty to one or more felony or misdemeanor violations 1579
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1580
the Revised Code and also was convicted of or pleaded guilty to 1581
a specification of the type described in section 2941.1421 of 1582
the Revised Code regarding one or more of those violations, an 1583
additional prison term of one, two, three, four, five, six, 1584
seven, eight, nine, ten, eleven, or twelve months. 1585

(b) In lieu of imposing an additional prison term under 1586
division (H) (2) (a) of this section, the court may directly 1587
impose on the offender a sanction that requires the offender to 1588
wear a real-time processing, continual tracking electronic 1589
monitoring device during the period of time specified by the 1590
court. The period of time specified by the court shall equal the 1591
duration of an additional prison term that the court could have 1592
imposed upon the offender under division (H) (2) (a) of this 1593
section. A sanction imposed under this division shall commence 1594
on the date specified by the court, provided that the sanction 1595
shall not commence until after the offender has served the 1596
prison term imposed for the felony violation of section 2907.22, 1597

2907.24, 2907.241, or 2907.25 of the Revised Code and any 1598
residential sanction imposed for the violation under section 1599
2929.16 of the Revised Code. A sanction imposed under this 1600
division shall be considered to be a community control sanction 1601
for purposes of section 2929.15 of the Revised Code, and all 1602
provisions of the Revised Code that pertain to community control 1603
sanctions shall apply to a sanction imposed under this division, 1604
except to the extent that they would by their nature be clearly 1605
inapplicable. The offender shall pay all costs associated with a 1606
sanction imposed under this division, including the cost of the 1607
use of the monitoring device. 1608

(I) At the time of sentencing, the court may recommend the 1609
offender for placement in a program of shock incarceration under 1610
section 5120.031 of the Revised Code or for placement in an 1611
intensive program prison under section 5120.032 of the Revised 1612
Code, disapprove placement of the offender in a program of shock 1613
incarceration or an intensive program prison of that nature, or 1614
make no recommendation on placement of the offender. In no case 1615
shall the department of rehabilitation and correction place the 1616
offender in a program or prison of that nature unless the 1617
department determines as specified in section 5120.031 or 1618
5120.032 of the Revised Code, whichever is applicable, that the 1619
offender is eligible for the placement. 1620

If the court disapproves placement of the offender in a 1621
program or prison of that nature, the department of 1622
rehabilitation and correction shall not place the offender in 1623
any program of shock incarceration or intensive program prison. 1624

If the court recommends placement of the offender in a 1625
program of shock incarceration or in an intensive program 1626
prison, and if the offender is subsequently placed in the 1627

recommended program or prison, the department shall notify the 1628
court of the placement and shall include with the notice a brief 1629
description of the placement. 1630

If the court recommends placement of the offender in a 1631
program of shock incarceration or in an intensive program prison 1632
and the department does not subsequently place the offender in 1633
the recommended program or prison, the department shall send a 1634
notice to the court indicating why the offender was not placed 1635
in the recommended program or prison. 1636

If the court does not make a recommendation under this 1637
division with respect to an offender and if the department 1638
determines as specified in section 5120.031 or 5120.032 of the 1639
Revised Code, whichever is applicable, that the offender is 1640
eligible for placement in a program or prison of that nature, 1641
the department shall screen the offender and determine if there 1642
is an available program of shock incarceration or an intensive 1643
program prison for which the offender is suited. If there is an 1644
available program of shock incarceration or an intensive program 1645
prison for which the offender is suited, the department shall 1646
notify the court of the proposed placement of the offender as 1647
specified in section 5120.031 or 5120.032 of the Revised Code 1648
and shall include with the notice a brief description of the 1649
placement. The court shall have ten days from receipt of the 1650
notice to disapprove the placement. 1651

(J) If a person is convicted of or pleads guilty to 1652
aggravated vehicular homicide in violation of division (A) (1) of 1653
section 2903.06 of the Revised Code and division (B) (2) (c) or 1654
(d) of that section applies, the person shall be sentenced 1655
pursuant to section 2929.142 of the Revised Code. 1656

(K) (1) The court shall impose an additional mandatory 1657

prison term of two, three, four, five, six, seven, eight, nine, 1658
ten, or eleven years on an offender who is convicted of or 1659
pleads guilty to a violent felony offense if the offender also 1660
is convicted of or pleads guilty to a specification of the type 1661
described in section 2941.1424 of the Revised Code that charges 1662
that the offender is a violent career criminal and had a firearm 1663
on or about the offender's person or under the offender's 1664
control while committing the presently charged violent felony 1665
offense and displayed or brandished the firearm, indicated that 1666
the offender possessed a firearm, or used the firearm to 1667
facilitate the offense. The offender shall serve the prison term 1668
imposed under this division consecutively to and prior to the 1669
prison term imposed for the underlying offense. The prison term 1670
shall not be reduced pursuant to section 2929.20, division (A) 1671
(2) or (3) of section 2967.193 or 2967.194, or any other 1672
provision of Chapter 2967. or 5120. of the Revised Code. A court 1673
may not impose more than one sentence under division (B) (2) (a) 1674
of this section and this division for acts committed as part of 1675
the same act or transaction. 1676

(2) As used in division (K) (1) of this section, "violent 1677
career criminal" and "violent felony offense" have the same 1678
meanings as in section 2923.132 of the Revised Code. 1679

(L) If an offender receives or received a sentence of life 1680
imprisonment without parole, a sentence of life imprisonment, a 1681
definite sentence, or a sentence to an indefinite prison term 1682
under this chapter for a felony offense that was committed when 1683
the offender was under eighteen years of age, the offender's 1684
parole eligibility shall be determined under section 2967.132 of 1685
the Revised Code. 1686

Sec. 2941.1427. Imposition of a mandatory five-year prison 1687

term under division (B) (12) of section 2929.14 of the Revised 1688
Code is precluded unless the offender is convicted of or pleads 1689
guilty to a violation of division (C) (3) (c) of section 2907.321 1690
or division (E) (3) (c) of section 2907.322 of the Revised Code 1691
and unless the indictment, count in the indictment, or 1692
information charging the offense specifies that the material 1693
possessed by the offender consisted of one hundred or more 1694
images. The specification shall be stated at the end of the body 1695
of the indictment, count, or information and shall be stated in 1696
substantially the following form: 1697

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1698
Grand Jurors (or insert the person's or the prosecuting 1699
attorney's name when appropriate) further find and specify that 1700
(set forth that the material possessed by the offender consisted 1701
of one hundred or more images)." 1702

For purposes of this section, a single motion picture 1703
film, video, or digital recording shall be deemed equivalent to 1704
seventy-five images. 1705

Sec. 2950.01. As used in this chapter, unless the context 1706
clearly requires otherwise: 1707

(A) "Sexually oriented offense" means any of the following 1708
violations or offenses committed by a person, regardless of the 1709
person's age: 1710

(1) A violation of division (A) (1) of section 2907.04 or 1711
section 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 1712
2907.21, 2907.22, 2907.32, 2907.321, 2907.322, or 2907.323 of 1713
the Revised Code; 1714

(2) A violation of division (A) (2) of section 2907.04 of 1715
the Revised Code when the offender is less than four years older 1716

than the other person with whom the offender engaged in sexual 1717
conduct, the other person did not consent to the sexual conduct, 1718
and the offender previously has not been convicted of or pleaded 1719
guilty to a violation of section 2907.02, 2907.03, or 2907.04 of 1720
the Revised Code or a violation of former section 2907.12 of the 1721
Revised Code; 1722

(3) A violation of division (A)(2) of section 2907.04 of 1723
the Revised Code when the offender is at least four years older 1724
than the other person with whom the offender engaged in sexual 1725
conduct or when the offender is less than four years older than 1726
the other person with whom the offender engaged in sexual 1727
conduct and the offender previously has been convicted of or 1728
pleaded guilty to a violation of section 2907.02, 2907.03, or 1729
2907.04 of the Revised Code or a violation of former section 1730
2907.12 of the Revised Code; 1731

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 1732
the Revised Code when the violation was committed with a sexual 1733
motivation; 1734

(5) A violation of division (A) of section 2903.04 of the 1735
Revised Code when the offender committed or attempted to commit 1736
the felony that is the basis of the violation with a sexual 1737
motivation; 1738

(6) A violation of division (A)(3) of section 2903.211 of 1739
the Revised Code; 1740

(7) A violation of division (A)(1), (2), (3), or (5) of 1741
section 2905.01 of the Revised Code when the offense is 1742
committed with a sexual motivation; 1743

(8) A violation of division (A)(4) of section 2905.01 of 1744
the Revised Code; 1745

(9) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the offense;

(10) A violation of division (B) of section 2903.03, of division (B) of section 2905.02, of division (B) of section 2905.03, of division (B) of section 2905.05, or of division (B) (5) of section 2919.22 of the Revised Code;

(11) A violation of section 2905.32 of the Revised Code when either of the following applies:

(a) The violation is a violation of division (A) (1) of that section and the offender knowingly recruited, lured, enticed, isolated, harbored, transported, provided, obtained, or maintained, or knowingly attempted to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person knowing that the person would be compelled to engage in sexual activity for hire, engage in a performance that was obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that was obscene, sexually oriented, or nudity oriented.

(b) The violation is a violation of division (A) (2) of that section and the offender knowingly recruited, lured, enticed, isolated, harbored, transported, provided, obtained, or maintained, or knowingly attempted to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain a person who is less than eighteen years of age or is a person with a developmental disability whom the offender knows or has reasonable cause to believe is a person with a developmental disability for any purpose listed in divisions (A) (2) (a) to (c) of that section.

(12) A violation of division (B) (4) of section 2907.09 of 1776
the Revised Code if the sentencing court classifies the offender 1777
as a tier I sex offender/child-victim offender relative to that 1778
offense pursuant to division (D) of that section; 1779

(13) A violation of any former law of this state, any 1780
existing or former municipal ordinance or law of another state 1781
or the United States, any existing or former law applicable in a 1782
military court or in an Indian tribal court, or any existing or 1783
former law of any nation other than the United States that is or 1784
was substantially equivalent to any offense listed in division 1785
(A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or 1786
(12) of this section; 1787

(14) Any attempt to commit, conspiracy to commit, or 1788
complicity in committing any offense listed in division (A) (1), 1789
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or 1790
(13) of this section. 1791

(B) (1) "Sex offender" means, subject to division (B) (2) of 1792
this section, a person who is convicted of, pleads guilty to, 1793
has been convicted of, has pleaded guilty to, is adjudicated a 1794
delinquent child for committing, or has been adjudicated a 1795
delinquent child for committing any sexually oriented offense. 1796

(2) "Sex offender" does not include a person who is 1797
convicted of, pleads guilty to, has been convicted of, has 1798
pleaded guilty to, is adjudicated a delinquent child for 1799
committing, or has been adjudicated a delinquent child for 1800
committing a sexually oriented offense if the offense involves 1801
consensual sexual conduct or consensual sexual contact and 1802
either of the following applies: 1803

(a) The victim of the sexually oriented offense was 1804

eighteen years of age or older and at the time of the sexually 1805
oriented offense was not under the custodial authority of the 1806
person who is convicted of, pleads guilty to, has been convicted 1807
of, has pleaded guilty to, is adjudicated a delinquent child for 1808
committing, or has been adjudicated a delinquent child for 1809
committing the sexually oriented offense. 1810

(b) The victim of the offense was thirteen years of age or 1811
older, and the person who is convicted of, pleads guilty to, has 1812
been convicted of, has pleaded guilty to, is adjudicated a 1813
delinquent child for committing, or has been adjudicated a 1814
delinquent child for committing the sexually oriented offense is 1815
not more than four years older than the victim. 1816

(C) "Child-victim oriented offense" means any of the 1817
following violations or offenses committed by a person, 1818
regardless of the person's age, when the victim is under 1819
eighteen years of age and is not a child of the person who 1820
commits the violation: 1821

(1) A violation of division (A)(1), (2), (3), or (5) of 1822
section 2905.01 of the Revised Code when the violation is not 1823
included in division (A)(7) of this section; 1824

(2) A violation of division (A) of section 2905.02, 1825
division (A) of section 2905.03, or division (A) of section 1826
2905.05 of the Revised Code; 1827

(3) A violation of any former law of this state, any 1828
existing or former municipal ordinance or law of another state 1829
or the United States, any existing or former law applicable in a 1830
military court or in an Indian tribal court, or any existing or 1831
former law of any nation other than the United States that is or 1832
was substantially equivalent to any offense listed in division 1833

(C) (1) or (2) of this section; 1834

(4) Any attempt to commit, conspiracy to commit, or 1835
complicity in committing any offense listed in division (C) (1), 1836
(2), or (3) of this section. 1837

(D) "Child-victim offender" means a person who is 1838
convicted of, pleads guilty to, has been convicted of, has 1839
pleaded guilty to, is adjudicated a delinquent child for 1840
committing, or has been adjudicated a delinquent child for 1841
committing any child-victim oriented offense. 1842

(E) "Tier I sex offender/child-victim offender" means any 1843
of the following: 1844

(1) A sex offender who is convicted of, pleads guilty to, 1845
has been convicted of, or has pleaded guilty to any of the 1846
following sexually oriented offenses: 1847

(a) A violation of section 2907.06, 2907.07, 2907.08, 1848
2907.22, or 2907.32 of the Revised Code; 1849

(b) A violation of division (A) (2) of section 2907.04 of 1850
the Revised Code when the offender is less than four years older 1851
than the other person with whom the offender engaged in sexual 1852
conduct, the other person did not consent to the sexual conduct, 1853
and the offender previously has not been convicted of or pleaded 1854
guilty to a violation of section 2907.02, 2907.03, or 2907.04 of 1855
the Revised Code or a violation of former section 2907.12 of the 1856
Revised Code; 1857

(c) A violation of division (A) (1), (2), (3), or (5) or 1858
(C) of section 2907.05 of the Revised Code; 1859

(d) A violation of division (A) (3) of section 2907.323 of 1860
the Revised Code; 1861

(e) A violation of division (A) (3) of section 2903.211, of 1862
division (B) of section 2905.03, or of division (B) of section 1863
2905.05 of the Revised Code; 1864

(f) A violation of division (B) (4) of section 2907.09 of 1865
the Revised Code if the sentencing court classifies the offender 1866
as a tier I sex offender/child-victim offender relative to that 1867
offense pursuant to division (D) of that section; 1868

(g) A violation of any former law of this state, any 1869
existing or former municipal ordinance or law of another state 1870
or the United States, any existing or former law applicable in a 1871
military court or in an Indian tribal court, or any existing or 1872
former law of any nation other than the United States, that is 1873
or was substantially equivalent to any offense listed in 1874
division (E) (1) (a), (b), (c), (d), (e), or (f) of this section; 1875

(h) Any attempt to commit, conspiracy to commit, or 1876
complicity in committing any offense listed in division (E) (1) 1877
(a), (b), (c), (d), (e), (f), or (g) of this section. 1878

(2) A child-victim offender who is convicted of, pleads 1879
guilty to, has been convicted of, or has pleaded guilty to a 1880
child-victim oriented offense and who is not within either 1881
category of child-victim offender described in division (F) (2) 1882
or (G) (2) of this section. 1883

(3) A sex offender who is adjudicated a delinquent child 1884
for committing or has been adjudicated a delinquent child for 1885
committing any sexually oriented offense and who a juvenile 1886
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 1887
of the Revised Code, classifies a tier I sex offender/child- 1888
victim offender relative to the offense. 1889

(4) A child-victim offender who is adjudicated a 1890

delinquent child for committing or has been adjudicated a 1891
delinquent child for committing any child-victim oriented 1892
offense and who a juvenile court, pursuant to section 2152.82, 1893
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 1894
tier I sex offender/child-victim offender relative to the 1895
offense. 1896

(F) "Tier II sex offender/child-victim offender" means any 1897
of the following: 1898

(1) A sex offender who is convicted of, pleads guilty to, 1899
has been convicted of, or has pleaded guilty to any of the 1900
following sexually oriented offenses: 1901

(a) A violation of section 2907.21, 2907.321, or 2907.322 1902
of the Revised Code; 1903

(b) A violation of division (A)(1) of section 2907.04 of 1904
the Revised Code or a violation of division (A)(2) of section 1905
2907.04 of the Revised Code when the offender is at least four 1906
years older than the other person with whom the offender engaged 1907
in sexual conduct, or when the offender is less than four years 1908
older than the other person with whom the offender engaged in 1909
sexual conduct and the offender previously has been convicted of 1910
or pleaded guilty to a violation of section 2907.02, 2907.03, or 1911
2907.04 of the Revised Code or former section 2907.12 of the 1912
Revised Code; 1913

(c) A violation of section 2907.03 of the Revised Code if 1914
the sexual activity involved is sexual contact; 1915

(d) A violation of division (A)(4) of section 2907.05 or 1916
of division (A)(1) or (2) of section 2907.323 of the Revised 1917
Code; 1918

(e) A violation of division (A)(1), (2), (3), or (5) of 1919

section 2905.01 of the Revised Code when the offense is 1920
committed with a sexual motivation; 1921

(f) A violation of division (A) (4) of section 2905.01 of 1922
the Revised Code when the victim of the offense is eighteen 1923
years of age or older; 1924

(g) A violation of division (B) of section 2905.02 or of 1925
division (B) (5) of section 2919.22 of the Revised Code; 1926

(h) A violation of section 2905.32 of the Revised Code 1927
that is described in division (A) (11) (a) or (b) of this section; 1928

(i) A violation of any former law of this state, any 1929
existing or former municipal ordinance or law of another state 1930
or the United States, any existing or former law applicable in a 1931
military court or in an Indian tribal court, or any existing or 1932
former law of any nation other than the United States that is or 1933
was substantially equivalent to any offense listed in division 1934
(F) (1) (a), (b), (c), (d), (e), (f), (g), or (h) of this section; 1935

(j) Any attempt to commit, conspiracy to commit, or 1936
complicity in committing any offense listed in division (F) (1) 1937
(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section; 1938

(k) Any sexually oriented offense that is committed after 1939
the sex offender previously has been convicted of, pleaded 1940
guilty to, or has been adjudicated a delinquent child for 1941
committing any sexually oriented offense or child-victim 1942
oriented offense for which the offender was classified a tier I 1943
sex offender/child-victim offender. 1944

(2) A child-victim offender who is convicted of, pleads 1945
guilty to, has been convicted of, or has pleaded guilty to any 1946
child-victim oriented offense when the child-victim oriented 1947
offense is committed after the child-victim offender previously 1948

has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier I sex offender/child-victim offender.

(3) A sex offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any sexually oriented offense and who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier II sex offender/child-victim offender relative to the offense.

(4) A child-victim offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any child-victim oriented offense and whom a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier II sex offender/child-victim offender relative to the current offense.

(5) A sex offender or child-victim offender who is not in any category of tier II sex offender/child-victim offender set forth in division (F)(1), (2), (3), or (4) of this section, who prior to January 1, 2008, was adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense, and who prior to that date was determined to be a habitual sex offender or determined to be a habitual child-victim offender, unless either of the following applies:

(a) The sex offender or child-victim offender is reclassified pursuant to section 2950.031 or 2950.032 of the Revised Code as a tier I sex offender/child-victim offender or a tier III sex offender/child-victim offender relative to the offense.

(b) A juvenile court, pursuant to section 2152.82, 1979
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the 1980
child a tier I sex offender/child-victim offender or a tier III 1981
sex offender/child-victim offender relative to the offense. 1982

(G) "Tier III sex offender/child-victim offender" means 1983
any of the following: 1984

(1) A sex offender who is convicted of, pleads guilty to, 1985
has been convicted of, or has pleaded guilty to any of the 1986
following sexually oriented offenses: 1987

(a) A violation of section 2907.02 of the Revised Code or 1988
a violation of section 2907.03 of the Revised Code if the sexual 1989
activity involved is sexual conduct; 1990

(b) A violation of division (B) of section 2907.05 of the 1991
Revised Code; 1992

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 1993
the Revised Code when the violation was committed with a sexual 1994
motivation; 1995

(d) A violation of division (A) of section 2903.04 of the 1996
Revised Code when the offender committed or attempted to commit 1997
the felony that is the basis of the violation with a sexual 1998
motivation; 1999

(e) A violation of division (A)(4) of section 2905.01 of 2000
the Revised Code when the victim of the offense is under 2001
eighteen years of age; 2002

(f) A violation of division (B) of section 2905.01 of the 2003
Revised Code when the victim of the offense is under eighteen 2004
years of age and the offender is not a parent of the victim of 2005
the offense; 2006

(g) A violation of division (B) of section 2903.03 of the Revised Code;	2007 2008
(h) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (G) (1) (a), (b), (c), (d), (e), (f), or (g) of this section;	2009 2010 2011 2012 2013 2014 2015
(i) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (G) (1) (a), (b), (c), (d), (e), (f), (g), or (h) of this section;	2016 2017 2018
(j) Any sexually oriented offense that is committed after the sex offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier II sex offender/child-victim offender or a tier III sex offender/child-victim offender.	2019 2020 2021 2022 2023 2024 2025
(2) A child-victim offender who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to any child-victim oriented offense when the child-victim oriented offense is committed after the child-victim offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing any sexually oriented offense or child-victim oriented offense for which the offender was classified a tier II sex offender/child-victim offender or a tier III sex offender/child-victim offender.	2026 2027 2028 2029 2030 2031 2032 2033 2034
(3) A sex offender who is adjudicated a delinquent child	2035

for committing or has been adjudicated a delinquent child for 2036
committing any sexually oriented offense and who a juvenile 2037
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 2038
of the Revised Code, classifies a tier III sex offender/child- 2039
victim offender relative to the offense. 2040

(4) A child-victim offender who is adjudicated a 2041
delinquent child for committing or has been adjudicated a 2042
delinquent child for committing any child-victim oriented 2043
offense and whom a juvenile court, pursuant to section 2152.82, 2044
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 2045
tier III sex offender/child-victim offender relative to the 2046
current offense. 2047

(5) A sex offender or child-victim offender who is not in 2048
any category of tier III sex offender/child-victim offender set 2049
forth in division (G)(1), (2), (3), or (4) of this section, who 2050
prior to January 1, 2008, was convicted of or pleaded guilty to 2051
a sexually oriented offense or child-victim oriented offense or 2052
was adjudicated a delinquent child for committing a sexually 2053
oriented offense or child-victim oriented offense and classified 2054
a juvenile offender registrant, and who prior to that date was 2055
adjudicated a sexual predator or adjudicated a child-victim 2056
predator, unless either of the following applies: 2057

(a) The sex offender or child-victim offender is 2058
reclassified pursuant to section 2950.031 or 2950.032 of the 2059
Revised Code as a tier I sex offender/child-victim offender or a 2060
tier II sex offender/child-victim offender relative to the 2061
offense. 2062

(b) The sex offender or child-victim offender is a 2063
delinquent child, and a juvenile court, pursuant to section 2064
2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, 2065

classifies the child a tier I sex offender/child-victim offender 2066
or a tier II sex offender/child-victim offender relative to the 2067
offense. 2068

(6) A sex offender who is convicted of, pleads guilty to, 2069
was convicted of, or pleaded guilty to a sexually oriented 2070
offense, if the sexually oriented offense and the circumstances 2071
in which it was committed are such that division (F) of section 2072
2971.03 of the Revised Code automatically classifies the 2073
offender as a tier III sex offender/child-victim offender; 2074

(7) A sex offender or child-victim offender who is 2075
convicted of, pleads guilty to, was convicted of, pleaded guilty 2076
to, is adjudicated a delinquent child for committing, or was 2077
adjudicated a delinquent child for committing a sexually 2078
oriented offense or child-victim offense in another state, in a 2079
federal court, military court, or Indian tribal court, or in a 2080
court in any nation other than the United States if both of the 2081
following apply: 2082

(a) Under the law of the jurisdiction in which the 2083
offender was convicted or pleaded guilty or the delinquent child 2084
was adjudicated, the offender or delinquent child is in a 2085
category substantially equivalent to a category of tier III sex 2086
offender/child-victim offender described in division (G)(1), 2087
(2), (3), (4), (5), or (6) of this section. 2088

(b) Subsequent to the conviction, plea of guilty, or 2089
adjudication in the other jurisdiction, the offender or 2090
delinquent child resides, has temporary domicile, attends school 2091
or an institution of higher education, is employed, or intends 2092
to reside in this state in any manner and for any period of time 2093
that subjects the offender or delinquent child to a duty to 2094
register or provide notice of intent to reside under section 2095

2950.04 or 2950.041 of the Revised Code. 2096

(H) "Confinement" includes, but is not limited to, a 2097
community residential sanction imposed pursuant to section 2098
2929.16 or 2929.26 of the Revised Code. 2099

(I) "Prosecutor" has the same meaning as in section 2100
2935.01 of the Revised Code. 2101

(J) "Supervised release" means a release of an offender 2102
from a prison term, a term of imprisonment, or another type of 2103
confinement that satisfies either of the following conditions: 2104

(1) The release is on parole, a conditional pardon, under 2105
a community control sanction, under transitional control, or 2106
under a post-release control sanction, and it requires the 2107
person to report to or be supervised by a parole officer, 2108
probation officer, field officer, or another type of supervising 2109
officer. 2110

(2) The release is any type of release that is not 2111
described in division (J) (1) of this section and that requires 2112
the person to report to or be supervised by a probation officer, 2113
a parole officer, a field officer, or another type of 2114
supervising officer. 2115

(K) "Sexually violent predator specification," "sexually 2116
violent predator," "sexually violent offense," "sexual 2117
motivation specification," "designated homicide, assault, or 2118
kidnapping offense," and "violent sex offense" have the same 2119
meanings as in section 2971.01 of the Revised Code. 2120

(L) "Post-release control sanction" and "transitional 2121
control" have the same meanings as in section 2967.01 of the 2122
Revised Code. 2123

(M) "Juvenile offender registrant" means a person who is 2124
adjudicated a delinquent child for committing on or after 2125
January 1, 2002, a sexually oriented offense or a child-victim 2126
oriented offense, who is fourteen years of age or older at the 2127
time of committing the offense, and who a juvenile court judge, 2128
pursuant to an order issued under section 2152.82, 2152.83, 2129
2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a 2130
juvenile offender registrant and specifies has a duty to comply 2131
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 2132
Revised Code. "Juvenile offender registrant" includes a person 2133
who prior to January 1, 2008, was a "juvenile offender 2134
registrant" under the definition of the term in existence prior 2135
to January 1, 2008, and a person who prior to July 31, 2003, was 2136
a "juvenile sex offender registrant" under the former definition 2137
of that former term. 2138

(N) "Public registry-qualified juvenile offender 2139
registrant" means a person who is adjudicated a delinquent child 2140
and on whom a juvenile court has imposed a serious youthful 2141
offender dispositional sentence under section 2152.13 of the 2142
Revised Code before, on, or after January 1, 2008, and to whom 2143
all of the following apply: 2144

(1) The person is adjudicated a delinquent child for 2145
committing, attempting to commit, conspiring to commit, or 2146
complicity in committing one of the following acts: 2147

(a) A violation of section 2907.02 of the Revised Code, 2148
division (B) of section 2907.05 of the Revised Code, or section 2149
2907.03 of the Revised Code if the victim of the violation was 2150
less than twelve years of age; 2151

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 2152
the Revised Code that was committed with a purpose to gratify 2153

the sexual needs or desires of the child; 2154

(c) A violation of division (B) of section 2903.03 of the 2155
Revised Code. 2156

(2) The person was fourteen, fifteen, sixteen, or 2157
seventeen years of age at the time of committing the act. 2158

(3) A juvenile court judge, pursuant to an order issued 2159
under section 2152.86 of the Revised Code, classifies the person 2160
a juvenile offender registrant, specifies the person has a duty 2161
to comply with sections 2950.04, 2950.05, and 2950.06 of the 2162
Revised Code, and classifies the person a public registry- 2163
qualified juvenile offender registrant, and the classification 2164
of the person as a public registry-qualified juvenile offender 2165
registrant has not been terminated pursuant to division (D) of 2166
section 2152.86 of the Revised Code. 2167

(O) "Secure facility" means any facility that is designed 2168
and operated to ensure that all of its entrances and exits are 2169
locked and under the exclusive control of its staff and to 2170
ensure that, because of that exclusive control, no person who is 2171
institutionalized or confined in the facility may leave the 2172
facility without permission or supervision. 2173

(P) "Out-of-state juvenile offender registrant" means a 2174
person who is adjudicated a delinquent child in a court in 2175
another state, in a federal court, military court, or Indian 2176
tribal court, or in a court in any nation other than the United 2177
States for committing a sexually oriented offense or a child- 2178
victim oriented offense, who on or after January 1, 2002, moves 2179
to and resides in this state or temporarily is domiciled in this 2180
state for more than five days, and who has a duty under section 2181
2950.04 or 2950.041 of the Revised Code to register in this 2182

state and the duty to otherwise comply with that applicable 2183
section and sections 2950.05 and 2950.06 of the Revised Code. 2184
"Out-of-state juvenile offender registrant" includes a person 2185
who prior to January 1, 2008, was an "out-of-state juvenile 2186
offender registrant" under the definition of the term in 2187
existence prior to January 1, 2008, and a person who prior to 2188
July 31, 2003, was an "out-of-state juvenile sex offender 2189
registrant" under the former definition of that former term. 2190

(Q) "Juvenile court judge" includes a magistrate to whom 2191
the juvenile court judge confers duties pursuant to division (A) 2192
(15) of section 2151.23 of the Revised Code. 2193

(R) "Adjudicated a delinquent child for committing a 2194
sexually oriented offense" includes a child who receives a 2195
serious youthful offender dispositional sentence under section 2196
2152.13 of the Revised Code for committing a sexually oriented 2197
offense. 2198

(S) "School" and "school premises" have the same meanings 2199
as in section 2925.01 of the Revised Code. 2200

(T) "Residential premises" means the building in which a 2201
residential unit is located and the grounds upon which that 2202
building stands, extending to the perimeter of the property. 2203
"Residential premises" includes any type of structure in which a 2204
residential unit is located, including, but not limited to, 2205
multi-unit buildings and mobile and manufactured homes. 2206

(U) "Residential unit" means a dwelling unit for 2207
residential use and occupancy, and includes the structure or 2208
part of a structure that is used as a home, residence, or 2209
sleeping place by one person who maintains a household or two or 2210
more persons who maintain a common household. "Residential unit" 2211

does not include a halfway house or a community-based 2212
correctional facility. 2213

(V) "Multi-unit building" means a building in which is 2214
located more than twelve residential units that have entry doors 2215
that open directly into the unit from a hallway that is shared 2216
with one or more other units. A residential unit is not 2217
considered located in a multi-unit building if the unit does not 2218
have an entry door that opens directly into the unit from a 2219
hallway that is shared with one or more other units or if the 2220
unit is in a building that is not a multi-unit building as 2221
described in this division. 2222

(W) "Community control sanction" has the same meaning as 2223
in section 2929.01 of the Revised Code. 2224

(X) "Halfway house" and "community-based correctional 2225
facility" have the same meanings as in section 2929.01 of the 2226
Revised Code. 2227

(Y) A person is in a "restricted offender category" if 2228
both of the following apply with respect to the person: 2229

(1) The person has been convicted of, is convicted of, has 2230
pleaded guilty to, or pleads guilty to a sexually oriented 2231
offense where the victim was under the age of eighteen or a 2232
child-victim oriented offense. 2233

(2) With respect to the offense described in division (Y) 2234
(1) of this section, one of the following applies: 2235

(a) With respect to that offense, the person is a tier II 2236
sex offender/child-victim offender or is a tier III sex 2237
offender/child-victim offender who is subject to the duties 2238
imposed by sections 2950.04, 2950.041, 2950.05, and 2950.06 of 2239
the Revised Code. 2240

(b) With respect to that offense if it was committed prior 2241
to January 1, 2008, under the version of Chapter 2950. of the 2242
Revised Code in effect prior to January 1, 2008, the person was 2243
adjudicated a sexual predator, was adjudicated a child-victim 2244
predator, was classified a habitual sex offender, or was 2245
classified a habitual child-victim sex offender. 2246

(Z) "Adjudicated a sexual predator," "adjudicated a child- 2247
victim predator," "habitual sex offender," and "habitual child- 2248
victim offender" have the meanings of those terms that applied 2249
to them under Chapter 2950. of the Revised Code prior to January 2250
1, 2008. 2251

(AA) "Fixed residence address" means a permanent 2252
residential address. "Fixed residence address" does not include 2253
a temporary address, including a place or places that a homeless 2254
person stays or intends to stay, unless that place is a shelter 2255
that intends to allow the homeless person to stay for thirty or 2256
more consecutive days. 2257

(BB) "Homeless" has the same meaning as in 42 U.S.C. 2258
11302. 2259

Section 2. That existing sections 959.21, 959.99, 2907.04, 2260
2907.05, 2907.321, 2907.322, 2907.323, 2929.14, and 2950.01 of 2261
the Revised Code are hereby repealed. 2262

Section 3. The General Assembly, applying the principle 2263
stated in division (B) of section 1.52 of the Revised Code that 2264
amendments are to be harmonized if reasonably capable of 2265
simultaneous operation, finds that the following sections, 2266
presented in this act as composites of the sections as amended 2267
by the acts indicated, are the resulting versions of the 2268
sections in effect prior to the effective date of the sections 2269

as presented in this act:	2270
Section 959.99 of the Revised Code as amended by both H.B.	2271
281 and S.B. 164 of the 134th General Assembly.	2272
Section 2929.14 of the Revised Code as amended by H.B. 37,	2273
H.B. 56, H.B. 111, and S.B. 106, all of the 135th General	2274
Assembly.	2275
Section 2950.01 of the Revised Code as amended by both	2276
H.B. 289 and S.B. 109 of the 135th General Assembly.	2277