

As Passed by the Senate

136th General Assembly

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Sub. S. B. No. 393

Senators Timken, Manning

Cosponsors: Senators Antonio, Blackshear, Brenner, Cirino, Craig, DeMora, Hicks-Hudson, Ingram, Johnson, Landis, Lang, O'Brien, Reineke, Reynolds, Roegner, Wilkin

To amend sections 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. 5

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

Section 1. That sections 959.99, 2907.04, 2907.05, 6
2907.321, 2907.322, 2907.323, 2929.14, and 2950.01 be amended 7
and section 2941.1427 of the Revised Code be enacted to read as 8
follows: 9

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 10
of the Revised Code is guilty of a minor misdemeanor. 11

(B) Except as otherwise provided in this division, whoever 12
violates section 959.02 of the Revised Code is guilty of a 13
misdemeanor of the second degree. If the value of the animal 14
killed or the injury done amounts to three hundred dollars or 15
more, whoever violates section 959.02 of the Revised Code is 16
guilty of a misdemeanor of the first degree. 17

(C) Whoever violates section 959.03, 959.06, division (C) 18
of section 959.09, 959.12, or 959.17 or division (A) of section 19
959.15 of the Revised Code is guilty of a misdemeanor of the 20
fourth degree. 21

(D) Whoever violates division (A) of section 959.13 ~~or~~ 22
~~section 959.21~~ of the Revised Code is guilty of a misdemeanor of 23
the second degree. Whoever violates division (B) of section 24
959.21 of the Revised Code is guilty of a felony of the fifth 25
degree. Whoever violates division (C) of section 959.21 of the 26
Revised Code is guilty of a misdemeanor of the first degree. In 27
addition, the court may order the offender to forfeit the animal 28
or livestock and may provide for its disposition, including, but 29
not limited to, the sale of the animal or livestock. If an 30
animal or livestock is forfeited and sold pursuant to this 31
division, the proceeds from the sale first shall be applied to 32
pay the expenses incurred with regard to the care of the animal 33
from the time it was taken from the custody of the former owner. 34
The balance of the proceeds from the sale, if any, shall be paid 35
to the former owner of the animal. 36

(E) (1) Whoever violates division (B) or (E) of section 37
959.131 of the Revised Code is guilty of a misdemeanor of the 38
first degree on a first offense and a felony of the fifth degree 39
on each subsequent offense. 40

(2) Whoever violates division (C) of section 959.131 of 41
the Revised Code is guilty of a felony of the fifth degree. 42

(3) Whoever violates section 959.01 of the Revised Code or 43
division (D) of section 959.131 of the Revised Code is guilty of 44
a misdemeanor of the second degree on a first offense and a 45
misdemeanor of the first degree on each subsequent offense. 46

(4) Whoever violates division (F) of section 959.131 of the Revised Code is guilty of a felony of the fifth degree. 47
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(5) Whoever violates division (G) of section 959.131 of the Revised Code is guilty of a misdemeanor of the first degree. 49
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(6) (a) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to forfeit to an impounding agency, as defined in section 959.132 of the Revised Code, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time. 51
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(b) A court may order a person who is convicted of or pleads guilty to a violation of division (A) of section 959.13 or section 959.131 of the Revised Code to reimburse an impounding agency for the reasonable and necessary costs incurred by the agency for the care of an animal or livestock that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under section 959.132 of the Revised Code. 59
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(7) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of section 959.131 or 959.21 of the Revised Code has a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. 67
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(F) Whoever violates section 959.14 of the Revised Code is 75

guilty of a misdemeanor of the second degree on a first offense 76
and a misdemeanor of the first degree on each subsequent 77
offense. 78

(G) Whoever violates section 959.05 or 959.20 of the 79
Revised Code is guilty of a misdemeanor of the first degree. 80

(H) Whoever violates section 959.16 of the Revised Code is 81
guilty of a felony of the fourth degree for a first offense and 82
a felony of the third degree on each subsequent offense. 83

(I) Whoever violates division (B) or (C) of section 959.15 84
of the Revised Code is guilty of a felony and shall be fined not 85
more than ten thousand dollars. 86

Sec. 2907.04. (A) No person who is eighteen years of age 87
or older shall engage in sexual conduct with another when the 88
offender knows the other person is ~~thirteen years of age or~~ 89
~~elder but less than sixteen years of age,~~ either of the following 90
or the offender is reckless in ~~that~~ regard; 91

(1) Sixteen years of age or older and less than eighteen 92
years of age and four or more years younger than the offender; 93

(2) Thirteen years of age or older but less than sixteen 94
years of age. 95

(B) Whoever violates this section is guilty of unlawful 96
sexual conduct with a minor. 97

(1) Except as otherwise provided in divisions (B) (2), ~~(3),~~ 98
~~and (4),~~ and (6) of this section, unlawful sexual conduct with a 99
minor in violation of division (A) (2) of this section is a 100
felony of the fourth degree if the offender is four or more 101
years older and less than ten years older than the other person. 102

(2) Except as otherwise provided in ~~division~~ divisions (B) 103

(4) and (6) of this section, if the offender is less than four 104
years older than the other person, unlawful sexual conduct with 105
a minor in violation of division (A) (2) of this section is a 106
misdemeanor of the first degree. 107

(3) Except as otherwise provided in division ~~(B) (4)~~ (B) (6) 108
of this section, if the offender is ten or more years older than 109
the other person, unlawful sexual conduct with a minor in 110
violation of division (A) (1) of this section is a felony of the 111
~~third~~ fourth degree. 112

(4) Except as otherwise provided in division (B) (6) of 113
this section, if the offender is ten or more years older than 114
the other person, unlawful sexual conduct with a minor in 115
violation of division (A) (2) of this section is a felony of the 116
second degree. 117

(5) Except as otherwise provided in division (B) (6) of 118
this section, if the offender is less than ten years older than 119
the other person, unlawful sexual conduct with a minor in 120
violation of division (A) (1) of this section is a misdemeanor of 121
the first degree. 122

(6) If the offender previously has been convicted of or 123
pleaded guilty to a violation of section 2907.02, 2907.03, or 124
2907.04 of the Revised Code or a violation of former section 125
2907.12 of the Revised Code, unlawful sexual conduct with a 126
minor is a felony of the second degree. 127

Sec. 2907.05. (A) No person shall have sexual contact with 128
another; cause another to have sexual contact with the offender; 129
or cause two or more other persons to have sexual contact when 130
any of the following applies: 131

(1) The offender purposely compels the other person, or 132

one of the other persons, to submit by force or threat of force.	133
(2) For the purpose of preventing resistance, the offender	134
substantially impairs the judgment or control of the other	135
person or of one of the other persons by administering any drug,	136
intoxicant, or controlled substance to the other person	137
surreptitiously or by force, threat of force, or deception.	138
(3) The offender knows that the judgment or control of the	139
other person or of one of the other persons is substantially	140
impaired as a result of the influence of any drug or intoxicant	141
administered to the other person with the other person's consent	142
for the purpose of any kind of medical or dental examination,	143
treatment, or surgery.	144
(4) The other person, or one of the other persons, is less	145
than thirteen years of age, whether or not the offender knows	146
the age of that person.	147
(5) The ability of the other person to resist or consent	148
or the ability of one of the other persons to resist or consent	149
is substantially impaired because of a mental or physical	150
condition or because of advanced age, and the offender knows or	151
has reasonable cause to believe that the ability to resist or	152
consent of the other person or of one of the other persons is	153
substantially impaired because of a mental or physical condition	154
or because of advanced age.	155
(B) No person shall knowingly touch the genitalia of	156
another, when the touching is not through clothing, the other	157
person is less than twelve years of age, whether or not the	158
offender knows the age of that person, and the touching is done	159
with an intent to abuse, humiliate, harass, degrade, or arouse	160
or gratify the sexual desire of any person.	161

(C) No person shall have sexual contact with another, 162
cause another to have sexual contact with the offender, or cause 163
two or more other persons to have sexual contact when the 164
offender knows either of the following or the offender is 165
reckless in regard to either of the following: 166

(1) The other person or one of the other persons is 167
sixteen years of age or older and less than eighteen years of 168
age and four or more years younger than the offender. 169

(2) The other person or one of the other persons is 170
thirteen years of age or older but less than sixteen years of 171
age and four or more years younger than the offender. 172

(D) Whoever violates this section is guilty of gross 173
sexual imposition. 174

(1) Except as otherwise provided in this section, gross 175
sexual imposition committed in violation of division (A) (1), 176
(2), (3), or (5) of this section is a felony of the fourth 177
degree. If the offender under division (A) (2) of this section 178
substantially impairs the judgment or control of the other 179
person or one of the other persons by administering any 180
controlled substance, as defined in section 3719.01 of the 181
Revised Code, to the person surreptitiously or by force, threat 182
of force, or deception, gross sexual imposition committed in 183
violation of division (A) (2) of this section is a felony of the 184
third degree. 185

(2) Gross sexual imposition committed in violation of 186
division (A) (4) or (B) of this section is a felony of the third 187
degree. Except as otherwise provided in this division, for gross 188
sexual imposition committed in violation of division (A) (4) or 189
(B) of this section there is a presumption that a prison term 190

shall be imposed for the offense. The court shall impose on an 191
offender convicted of gross sexual imposition in violation of 192
division (A) (4) or (B) of this section a mandatory prison term, 193
as described in division ~~(C) (3)~~ (D) (4) of this section, for a 194
felony of the third degree if the offender previously was 195
convicted of or pleaded guilty to a violation of this section, 196
rape, the former offense of felonious sexual penetration, or 197
sexual battery, and the victim of the previous offense was less 198
than thirteen years of age. 199

(3) Gross sexual imposition committed in violation of 200
division (C) (1) of this section is a misdemeanor of the second 201
degree. Gross sexual imposition committed in violation of 202
division (C) (2) of this section is a felony of the fourth 203
degree. 204

(4) A mandatory prison term required under division ~~(C) (2)~~ 205
(D) (2) of this section shall be a definite term from the range 206
of prison terms provided in division (A) (3) (a) of section 207
2929.14 of the Revised Code for a felony of the third degree. 208

~~(D)~~ (E) A victim need not prove physical resistance to the 209
offender in prosecutions under this section. 210

~~(E)~~ (F) Evidence of specific instances of the victim's 211
sexual activity, opinion evidence of the victim's sexual 212
activity, and reputation evidence of the victim's sexual 213
activity shall not be admitted under this section unless it 214
involves evidence of the origin of semen, pregnancy, or sexually 215
transmitted disease or infection, or the victim's past sexual 216
activity with the offender, and only to the extent that the 217
court finds that the evidence is material to a fact at issue in 218
the case and that its inflammatory or prejudicial nature does 219
not outweigh its probative value. 220

Evidence of specific instances of the defendant's sexual activity, opinion evidence of the defendant's sexual activity, and reputation evidence of the defendant's sexual activity shall not be admitted under this section unless it involves evidence of the origin of semen, pregnancy, or sexually transmitted disease or infection, the defendant's past sexual activity with the victim, or is admissible against the defendant under section 2945.59 of the Revised Code, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

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

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

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

(1) Create, reproduce, or publish any obscene material that has a minor, a depiction of a purported minor, or an impaired person as one of its participants or portrayed

observers;	251
(2) Promote or advertise for sale or dissemination; sell,	252
deliver, disseminate, display, exhibit, present, rent, or	253
provide; or offer or agree to sell, deliver, disseminate,	254
display, exhibit, present, rent, or provide, any obscene	255
material that has a minor, <u>a depiction of a purported minor</u> , or	256
<u>an impaired</u> person as one of its participants or portrayed	257
observers;	258
(3) Create, direct, or produce an obscene performance that	259
has a minor, <u>a depiction of a purported minor</u> , or <u>an</u> impaired	260
person as one of its participants;	261
(4) Advertise or promote for presentation, present, or	262
participate in presenting an obscene performance that has a	263
minor, <u>a depiction of a purported minor</u> , or <u>an</u> impaired person	264
as one of its participants;	265
(5) Buy, procure, possess, or control any obscene	266
material, that has a minor, <u>a depiction of a purported minor</u> , or	267
<u>an impaired</u> person as one of its participants;	268
(6) Bring or cause to be brought into this state any	269
obscene material that has a minor, <u>a depiction of a purported</u>	270
<u>minor</u> , or <u>an</u> impaired person as one of its participants or	271
portrayed observers.	272
(B) (1) This section does not apply to any material or	273
performance that is sold, disseminated, displayed, possessed,	274
controlled, brought or caused to be brought into this state, or	275
presented for a bona fide medical, scientific, educational,	276
religious, governmental, judicial, or other proper purpose, by	277
or to a physician, psychologist, sociologist, scientist,	278
teacher, person pursuing bona fide studies or research,	279

librarian, member of the clergy, prosecutor, judge, or other 280
person having a proper interest in the material or performance. 281

(2) Mistake of age is not a defense to a charge under this 282
section. 283

(3) In a prosecution under this section, the trier of fact 284
may infer that a person in the material or performance involved 285
is a minor, a depiction of a purported minor, or an impaired 286
person if the material or performance, through its title, text, 287
visual representation, or otherwise, represents or depicts the 288
person as a minor, a depiction of a purported minor, or an 289
impaired person. 290

(C) Whoever violates this section is guilty of pandering 291
obscenity involving a minor, a depiction of a purported minor, 292
or an impaired person. ~~If~~ 293

(1) Except as otherwise provided in this division, if the 294
offense involves a minor or a depiction of a purported minor, a 295
violation of division (A) (1), (2), (3), (4), or (6) of this 296
section is a felony of the second degree. If the offense 297
involves a minor or a depiction of a purported minor and depicts 298
an offense of violence or involves a minor under the age of 299
thirteen or a depiction of a purported minor under the age of 300
thirteen, the court shall impose upon the offender as a 301
mandatory prison term one of the prison terms prescribed in 302
division (A) (2) (a) of section 2929.14 of the Revised Code for a 303
felony of the second degree. 304

(2) If the offense involves an impaired person, a 305
violation of division (A) (1), (2), (3), (4), or (6) of this 306
section is a felony of the third degree. ~~A~~ 307

(3) (a) Except as provided in division (C) (3) (b) or (c) of 308

this section, a violation of division (A) (5) of this section is 309
a felony of the fourth degree. ~~If~~ 310

(b) Except as provided in division (C) (3) (c) of this 311
section, if the offender previously has been convicted of or 312
pleaded guilty to a violation of this section or section 313
2907.322 or 2907.323 of the Revised Code, ~~pandering obscenity~~ 314
~~involving a minor or impaired person in a~~ violation of division 315
(A) (5) of this section is a felony of the third degree. 316

(c) A violation of division (A) (5) of this section is a 317
felony of the third degree and the court shall impose upon the 318
offender as a mandatory prison term one of the prison terms 319
prescribed in division (A) (3) (a) of section 2929.14 of the 320
Revised Code for a felony of the third degree if the material 321
depicts an offense of violence or the material includes a minor 322
under the age of thirteen or a depiction of a purported minor 323
under the age of thirteen. 324

(D) In addition to any other sanctions imposed pursuant to 325
division (C) (3) of this section for committing a violation of 326
division (A) (5) of this section, if the offender also is 327
convicted of or pleads guilty to a specification of the type 328
described in section 2941.1427 of the Revised Code that was 329
included in the indictment, count in the indictment, or 330
information charging the offense, the court shall sentence the 331
offender to a mandatory prison term under division (B) (12) of 332
section 2929.14 of the Revised Code. 333

(E) As used in this section and sections 2907.322 and 334
2907.323 of the Revised Code, ~~"impaired":~~ 335

(1) "Artificially generated depiction" means a visual 336
depiction of an actual person that was created or edited by 337

artificial intelligence or other computer-generated means and 338
that a reasonable person would believe depicts or represents an 339
actual person who is identifiable by the person's face, 340
likeness, or other distinguishing characteristic. 341

(2) "Depiction of a purported minor" means a visual 342
representation that appears to depict an actual minor that a 343
reasonable person would believe depicts or represents an actual 344
minor but may or may not depict an actual minor. 345

(3) "Impaired person" means a person whose ability to 346
resist or consent is substantially impaired because of a mental 347
or physical condition or because of advanced age, and the 348
offender knows or has reasonable cause to believe that the other 349
person's ability to resist or consent is substantially impaired 350
because of a mental or physical condition or because of advanced 351
age. 352

(4) "Offense of violence" has the same meaning as in 353
section 2901.01 of the Revised Code. 354

Sec. 2907.322. (A) No person, with knowledge of the 355
character of the material or performance involved, shall do any 356
of the following: 357

(1) Create, record, photograph, film, develop, reproduce, 358
or publish any material that shows a minor, an artificially 359
generated depiction of a minor, or an impaired person 360
participating or engaging in sexual activity, masturbation, or 361
bestiality; 362

(2) Advertise for sale or dissemination, sell, distribute, 363
transport, disseminate, exhibit, or display any material that 364
shows a minor, an artificially generated depiction of a minor, 365
or an impaired person participating or engaging in sexual 366

activity, masturbation, or bestiality; 367

(3) Create, direct, or produce a performance that shows a 368
minor, an artificially generated depiction of a minor, or an 369
impaired person participating or engaging in sexual activity, 370
masturbation, or bestiality; 371

(4) Advertise for presentation, present, or participate in 372
presenting a performance that shows a minor, an artificially 373
generated depiction of a minor, or an impaired person 374
participating or engaging in sexual activity, masturbation, or 375
bestiality; 376

(5) Knowingly solicit, receive, purchase, exchange, 377
possess, or control any material that shows a minor, an 378
artificially generated depiction of a minor, or an impaired 379
person participating or engaging in sexual activity, 380
masturbation, or bestiality; 381

(6) Bring or cause to be brought into this state any 382
material that shows a minor, an artificially generated depiction 383
of a minor, or an impaired person participating or engaging in 384
sexual activity, masturbation, or bestiality; 385

(7) Bring, cause to be brought, or finance the bringing of 386
any minor, an artificially generated depiction of a minor, or an 387
impaired person into or across this state with the intent that 388
the minor or impaired person engage in sexual activity, 389
masturbation, or bestiality in a performance or for the purpose 390
of producing material containing a visual representation 391
depicting the minor, an artificially generated depiction of a 392
minor, or an impaired person engaged in sexual activity, 393
masturbation, or bestiality. 394

(B) (1) This section does not apply to any material or 395

performance that is sold, disseminated, displayed, possessed, 396
controlled, brought or caused to be brought into this state, or 397
presented for a bona fide medical, scientific, educational, 398
religious, governmental, judicial, or other proper purpose, by 399
or to a physician, psychologist, sociologist, scientist, 400
teacher, person pursuing bona fide studies or research, 401
librarian, member of the clergy, prosecutor, judge, or other 402
person having a proper interest in the material or performance. 403

(2) Mistake of age is not a defense to a charge under this 404
section. 405

(3) In a prosecution under this section, the trier of fact 406
may infer that a person in the material or performance involved 407
is a minor, an artificially generated depiction of a minor, or 408
an impaired person if the material or performance, through its 409
title, text, visual representation, or otherwise, represents or 410
depicts the person as a minor, an artificially generated 411
depiction of a minor, or an impaired person. 412

(C) No person who is under eighteen years of age shall 413
knowingly possess or view any material or performance that shows 414
another who is at least fourteen years of age but less than 415
eighteen years of age engaging in sexual activity or 416
masturbation when both of the following apply: 417

(1) The material or performance depicts only the offender 418
or another person as described in division (C)(2) of this 419
section. 420

(2) The offender had reasonable cause to believe that all 421
persons depicted in the material or performance transmitted or 422
otherwise agreed to the transmission of the material or 423
performance. 424

(D) No person who is under eighteen years of age shall 425
knowingly deliver, furnish, disseminate, provide, exhibit, or 426
present any material or performance that depicts the offender 427
engaging in sexual activity or masturbation to another person 428
who is at least fourteen years of age but less than eighteen 429
years of age when both of the following apply: 430

(1) The material or performance depicts only the offender 431
or persons who are the recipient of the material or performance. 432

(2) The offender had reasonable cause to believe that any 433
person who received the material or performance solicited or 434
otherwise agreed to receive the material or performance. 435

(E) Whoever violates this section is guilty of pandering 436
sexually oriented matter involving a minor, an artificially 437
generated depiction of a minor, or an impaired person.~~If~~ 438

(1) Except as otherwise provided in this division, if the 439
offense involves a minor or an artificially generated depiction 440
of a minor, a violation of division (A) (1), (2), (3), (4), (6), 441
or (7) of this section is a felony of the second degree. If the 442
offense involves a minor or an artificially generated depiction 443
of a minor and depicts an offense of violence or involves a 444
minor under the age of thirteen or an artificially generated 445
depiction of a minor under the age of thirteen, the court shall 446
impose upon the offender as a mandatory prison term one of the 447
prison terms prescribed in division (A) (2) (a) of section 2929.14 448
of the Revised Code for a felony of the second degree. 449

(2) If the offense involves an impaired person, a 450
violation of division (A) (1), (2), (3), (4), (6), or (7) of this 451
section is a felony of the third degree.~~Violation~~ 452

(3) (a) Except as provided in division (E) (3) (b) or (c) of 453

this section, a violation of division (A) (5) of this section is 454
a felony of the fourth degree.~~If~~ 455

(b) Except as provided in division (E) (3) (c) of this 456
section, if the offender previously has been convicted of or 457
pleaded guilty to a violation of this section or section 458
2907.321 or 2907.323 of the Revised Code, ~~pandering sexually-~~ 459
~~oriented matter involving a minor or impaired person in a~~ 460
violation of division (A) (5) of this section is a felony of the 461
third degree. 462

(c) A violation of division (A) (5) of this section is a 463
felony of the third degree and the court shall impose upon the 464
offender as a mandatory prison term one of the prison terms 465
prescribed in division (A) (3) (a) of section 2929.14 of the 466
Revised Code for a felony of the third degree if the material 467
depicts an offense of violence or the material includes a minor 468
under the age of thirteen or an artificially generated depiction 469
of a minor under the age of thirteen. 470

(F) In addition to any other sanctions imposed pursuant to 471
division (E) (3) of this section for committing a violation of 472
division (A) (5) of this section, if the offender also is 473
convicted of or pleads guilty to a specification of the type 474
described in section 2941.1427 of the Revised Code that was 475
included in the indictment, count in the indictment, or 476
information charging the offense, the court shall sentence the 477
offender to a mandatory prison term under division (B) (12) of 478
section 2929.14 of the Revised Code. 479

(G) Whoever violates division (C) or (D) of this section 480
is guilty of a misdemeanor of the first degree. If the offender 481
has previously been adjudicated a delinquent child for 482
committing an act that would be a violation of division (C) of 483

this section, the offender is guilty of a felony of the fifth 484
degree. If the offender has previously been adjudicated a 485
delinquent child for committing an act that would be a violation 486
of division (D) of this section, the offender is guilty of a 487
felony of the second degree. 488

(H) A prosecution for a violation of division (C) or (D) 489
of this section does not preclude a prosecution for a violation 490
of any other section of the Revised Code. One or more acts, a 491
series of acts, or a course of behavior that can be prosecuted 492
under this section or any other section of the Revised Code may 493
be prosecuted under this section of the Revised Code, the other 494
section of the Revised Code, or both sections. 495

Sec. 2907.323. (A) No person shall do any of the 496
following: 497

(1) Photograph any minor or impaired person who is not the 498
person's child or ward in a state of nudity, or create, direct, 499
produce, or transfer any material or performance that shows the 500
minor, an artificially generated depiction of the minor, or the 501
impaired person in a state of nudity, unless both of the 502
following apply: 503

(a) The material or performance is, or is to be, sold, 504
disseminated, displayed, possessed, controlled, brought or 505
caused to be brought into this state, or presented for a bona 506
fide artistic, medical, scientific, educational, religious, 507
governmental, judicial, or other proper purpose, by or to a 508
physician, psychologist, sociologist, scientist, teacher, person 509
pursuing bona fide studies or research, librarian, member of the 510
clergy, prosecutor, judge, or other person having a proper 511
interest in the material or performance; 512

(b) The minor's or impaired person's parents, guardian, or 513
custodian consents in writing to the photographing of the minor 514
or impaired person, to the use of the minor, the artificially 515
generated depiction of the minor, or the impaired person in the 516
material or performance, or to the transfer of the material and 517
to the specific manner in which the material or performance is 518
to be used. 519

(2) Consent to the photographing of the person's child or 520
ward who is a minor or impaired person, or photograph the 521
person's child or ward who is a minor or impaired person, in a 522
state of nudity or consent to the use of the person's child or 523
ward who is a minor, an artificially generated depiction of the 524
minor, or an impaired person in a state of nudity in any 525
material or performance, or use or transfer a material or 526
performance of that nature, unless the material or performance 527
is sold, disseminated, displayed, possessed, controlled, brought 528
or caused to be brought into this state, or presented for a bona 529
fide artistic, medical, scientific, educational, religious, 530
governmental, judicial, or other proper purpose, by or to a 531
physician, psychologist, sociologist, scientist, teacher, person 532
pursuing bona fide studies or research, librarian, member of the 533
clergy, prosecutor, judge, or other person having a proper 534
interest in the material or performance; 535

(3) Possess or view any material or performance that shows 536
a minor, an artificially generated depiction of a minor, or an 537
impaired person who is not the person's child or ward in a state 538
of nudity, unless one of the following applies: 539

(a) The material or performance is sold, disseminated, 540
displayed, possessed, controlled, brought or caused to be 541
brought into this state, or presented for a bona fide artistic, 542

medical, scientific, educational, religious, governmental, 543
judicial, or other proper purpose, by or to a physician, 544
psychologist, sociologist, scientist, teacher, person pursuing 545
bona fide studies or research, librarian, member of the clergy, 546
prosecutor, judge, or other person having a proper interest in 547
the material or performance. 548

(b) The person knows that the minor's or impaired person's 549
parents, guardian, or custodian has consented in writing to the 550
photographing or use of the minor, an artificially generated 551
depiction of the minor, or the impaired person in a state of 552
nudity and to the manner in which the material or performance is 553
used or transferred. 554

(B) No person who is under eighteen years of age shall 555
knowingly possess or view any material or performance that shows 556
another who is at least fourteen years of age but less than 557
eighteen years of age in a state of nudity when both of the 558
following apply: 559

(1) The material or performance depicts only the other 560
person. 561

(2) The offender had reasonable cause to believe that the 562
other person transmitted or otherwise agreed to the transmission 563
of the material or performance. 564

(C) No person who is under eighteen years of age shall 565
knowingly deliver, furnish, disseminate, provide, exhibit, or 566
present any material or performance that depicts the offender in 567
a state of nudity to another person who is at least fourteen 568
years of age but less than eighteen years of age when both of 569
the following apply: 570

(1) The material or performance depicts only the offender. 571

(2) The offender had reasonable cause to believe that the 572
other person solicited or otherwise agreed to receive the 573
material or performance. 574

(D) Whoever violates this section is guilty of illegal use 575
of a minor, an artificially generated depiction of a minor, or 576
an impaired person in a nudity-oriented material or performance- 577
if- and shall be punished as follows: 578

(1) Except as otherwise provided in division (D) (2) or (4) 579
of this section, if the offense involves a minor or an 580
artificially generated depiction of a minor, whoever violates 581
division (A) (1) or (2) of this section is guilty of a felony of 582
the second degree. If the offense involves a minor under the age 583
of thirteen or an artificially generated depiction of a minor 584
under the age of thirteen, the court shall impose upon the 585
offender as a mandatory prison term one of the prison terms 586
prescribed in division (A) (2) (a) of section 2929.14 of the 587
Revised Code for a felony of the second degree. 588

(2) If-Except as otherwise provided in division (D) (4) of 589
this section, if the offense involves an impaired person, 590
whoever violates division (A) (1) or (2) of this section is 591
guilty of a felony of the third degree. 592

(3) (a) Except as otherwise provided in this division (D) 593
(3) (b) or (c) of this section, whoever violates division (A) (3) 594
of this section is guilty of a felony of the fifth degree. ~~If-~~ 595

(b) Except as provided in division (D) (3) (c) of this 596
section, if the offender previously has been convicted of or 597
pleaded guilty to a violation of this section or section 598
2907.321 or 2907.322 of the Revised Code, ~~illegal use of a minor~~ 599
~~or impaired person in a nudity-oriented material or performance-~~ 600

~~in a~~ violation of division (A) (3) of this section is a felony of 601
the fourth degree. 602

(c) A violation of division (A) (3) of this section is a 603
felony of the fourth degree and the court shall impose upon the 604
offender as a mandatory prison term one of the prison terms 605
prescribed in division (A) (4) of section 2929.14 of the Revised 606
Code for a felony of the fourth degree if the offense involves a 607
minor under the age of thirteen or an artificially generated 608
depiction of a minor under the age of thirteen. 609

(d) In addition to any other sanctions imposed pursuant to 610
division (D) (3) of this section for committing a violation of 611
division (A) (3) of this section, if the offender also is 612
convicted of or pleads guilty to a specification of the type 613
described in section 2941.1427 of the Revised Code that was 614
included in the indictment, count in the indictment, or 615
information charging the offense, the court shall sentence the 616
offender to a mandatory prison term under division (B) (12) of 617
section 2929.14 of the Revised Code. 618

(4) If the offender who commits a violation of division 619
(A) (1) or (2) of this section that involves a minor also is 620
convicted of or pleads guilty to a specification as described in 621
section 2941.1422 of the Revised Code that was included in the 622
indictment, count in the indictment, or information charging the 623
offense, the court shall sentence the offender to a mandatory 624
prison term as provided in division (B) (7) of section 2929.14 of 625
the Revised Code and shall order the offender to make 626
restitution as provided in division (B) (8) of section 2929.18 of 627
the Revised Code. 628

(5) Whoever violates division (B) or (C) of this section 629
is guilty of a misdemeanor of the first degree. If the offender 630

has previously been adjudicated a delinquent child for 631
committing an act that would be a violation of division (B) of 632
this section, the offender is guilty of a felony of the fifth 633
degree. If the offender has previously been adjudicated a 634
delinquent child for committing an act that would be a violation 635
of division (C) of this section, the offender is guilty of a 636
felony of the second degree. 637

(E) A prosecution for a violation of division (B) or (C) 638
of this section does not preclude a prosecution for a violation 639
of any other section of the Revised Code. One or more acts, a 640
series of acts, or a course of behavior that can be prosecuted 641
under this section or any other section of the Revised Code may 642
be prosecuted under this section of the Revised Code, the other 643
section of the Revised Code, or both sections. 644

Sec. 2929.14. (A) Except as provided in division (B)(1), 645
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), 646
(B)(10), (B)(11), (B)(12), (E), (G), (H), (J), or (K) of this 647
section or in division (D)(6) of section 2919.25 of the Revised 648
Code and except in relation to an offense for which a sentence 649
of death or life imprisonment is to be imposed, if the court 650
imposing a sentence upon an offender for a felony elects or is 651
required to impose a prison term on the offender pursuant to 652
this chapter, the court shall impose a prison term that shall be 653
one of the following: 654

(1) (a) For a felony of the first degree committed on or 655
after March 22, 2019, the prison term shall be an indefinite 656
prison term with a stated minimum term selected by the court of 657
three, four, five, six, seven, eight, nine, ten, or eleven years 658
and a maximum term that is determined pursuant to section 659
2929.144 of the Revised Code, except that if the section that 660

criminalizes the conduct constituting the felony specifies a 661
different minimum term or penalty for the offense, the specific 662
language of that section shall control in determining the 663
minimum term or otherwise sentencing the offender but the 664
minimum term or sentence imposed under that specific language 665
shall be considered for purposes of the Revised Code as if it 666
had been imposed under this division. 667

(b) For a felony of the first degree committed prior to 668
March 22, 2019, the prison term shall be a definite prison term 669
of three, four, five, six, seven, eight, nine, ten, or eleven 670
years. 671

(2) (a) For a felony of the second degree committed on or 672
after March 22, 2019, the prison term shall be an indefinite 673
prison term with a stated minimum term selected by the court of 674
two, three, four, five, six, seven, or eight years and a maximum 675
term that is determined pursuant to section 2929.144 of the 676
Revised Code, except that if the section that criminalizes the 677
conduct constituting the felony specifies a different minimum 678
term or penalty for the offense, the specific language of that 679
section shall control in determining the minimum term or 680
otherwise sentencing the offender but the minimum term or 681
sentence imposed under that specific language shall be 682
considered for purposes of the Revised Code as if it had been 683
imposed under this division. 684

(b) For a felony of the second degree committed prior to 685
March 22, 2019, the prison term shall be a definite term of two, 686
three, four, five, six, seven, or eight years. 687

(3) (a) For a felony of the third degree that is a 688
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 689
2907.05, 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of 690

the Revised Code, that is a violation of division (A) of section 691
4511.19 of the Revised Code if the offender previously has been 692
convicted of or pleaded guilty to a violation of division (A) of 693
that section that was a felony, that is a violation of section 694
2911.02 or 2911.12 of the Revised Code if the offender 695
previously has been convicted of or pleaded guilty in two or 696
more separate proceedings to two or more violations of section 697
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 698
that is a violation of division (B) of section 2921.331 of the 699
Revised Code if division (C) (5) of that section applies, the 700
prison term shall be a definite term of twelve, eighteen, 701
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 702
four, or sixty months. 703

(b) For a felony of the third degree that is not an 704
offense for which division (A) (3) (a) of this section applies, 705
the prison term shall be a definite term of nine, twelve, 706
eighteen, twenty-four, thirty, or thirty-six months. 707

(4) For a felony of the fourth degree, the prison term 708
shall be a definite term of six, seven, eight, nine, ten, 709
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 710
or eighteen months. 711

(5) For a felony of the fifth degree, the prison term 712
shall be a definite term of six, seven, eight, nine, ten, 713
eleven, or twelve months. 714

(B) (1) (a) Except as provided in division (B) (1) (e) of this 715
section, if an offender who is convicted of or pleads guilty to 716
a felony also is convicted of or pleads guilty to a 717
specification of the type described in section 2941.141, 718
2941.144, or 2941.145 of the Revised Code, the court shall 719
impose on the offender one of the following prison terms: 720

(i) A prison term of six years if the specification is of 721
the type described in division (A) of section 2941.144 of the 722
Revised Code that charges the offender with having a firearm 723
that is an automatic firearm or that was equipped with a firearm 724
muffler or suppressor on or about the offender's person or under 725
the offender's control while committing the offense; 726

(ii) A prison term of three years if the specification is 727
of the type described in division (A) of section 2941.145 of the 728
Revised Code that charges the offender with having a firearm on 729
or about the offender's person or under the offender's control 730
while committing the offense and displaying the firearm, 731
brandishing the firearm, indicating that the offender possessed 732
the firearm, or using it to facilitate the offense; 733

(iii) A prison term of one year if the specification is of 734
the type described in division (A) of section 2941.141 of the 735
Revised Code that charges the offender with having a firearm on 736
or about the offender's person or under the offender's control 737
while committing the offense; 738

(iv) A prison term of nine years if the specification is 739
of the type described in division (D) of section 2941.144 of the 740
Revised Code that charges the offender with having a firearm 741
that is an automatic firearm or that was equipped with a firearm 742
muffler or suppressor on or about the offender's person or under 743
the offender's control while committing the offense and 744
specifies that the offender previously has been convicted of or 745
pleaded guilty to a specification of the type described in 746
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 747
the Revised Code; 748

(v) A prison term of fifty-four months if the 749
specification is of the type described in division (D) of 750

section 2941.145 of the Revised Code that charges the offender 751
with having a firearm on or about the offender's person or under 752
the offender's control while committing the offense and 753
displaying the firearm, brandishing the firearm, indicating that 754
the offender possessed the firearm, or using the firearm to 755
facilitate the offense and that the offender previously has been 756
convicted of or pleaded guilty to a specification of the type 757
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 758
2941.1412 of the Revised Code; 759

(vi) A prison term of eighteen months if the specification 760
is of the type described in division (D) of section 2941.141 of 761
the Revised Code that charges the offender with having a firearm 762
on or about the offender's person or under the offender's 763
control while committing the offense and that the offender 764
previously has been convicted of or pleaded guilty to a 765
specification of the type described in section 2941.141, 766
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 767

(b) If a court imposes a prison term on an offender under 768
division (B) (1) (a) of this section, the prison term shall not be 769
reduced pursuant to section 2929.20, division (A) (2) or (3) of 770
section 2967.193 or 2967.194, or any other provision of Chapter 771
2967. or Chapter 5120. of the Revised Code. Except as provided 772
in division (B) (1) (g) of this section, a court shall not impose 773
more than one prison term on an offender under division (B) (1) 774
(a) of this section for felonies committed as part of the same 775
act or transaction. 776

(c) (i) Except as provided in division (B) (1) (e) of this 777
section, if an offender who is convicted of or pleads guilty to 778
a violation of section 2923.161 of the Revised Code or to a 779
felony that includes, as an essential element, purposely or 780

knowingly causing or attempting to cause the death of or 781
physical harm to another, also is convicted of or pleads guilty 782
to a specification of the type described in division (A) of 783
section 2941.146 of the Revised Code that charges the offender 784
with committing the offense by discharging a firearm from a 785
motor vehicle other than a manufactured home, the court, after 786
imposing a prison term on the offender for the violation of 787
section 2923.161 of the Revised Code or for the other felony 788
offense under division (A), (B) (2), or (B) (3) of this section, 789
shall impose an additional prison term of five years upon the 790
offender that shall not be reduced pursuant to section 2929.20, 791
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 792
other provision of Chapter 2967. or Chapter 5120. of the Revised 793
Code. 794

(ii) Except as provided in division (B) (1) (e) of this 795
section, if an offender who is convicted of or pleads guilty to 796
a violation of section 2923.161 of the Revised Code or to a 797
felony that includes, as an essential element, purposely or 798
knowingly causing or attempting to cause the death of or 799
physical harm to another, also is convicted of or pleads guilty 800
to a specification of the type described in division (C) of 801
section 2941.146 of the Revised Code that charges the offender 802
with committing the offense by discharging a firearm from a 803
motor vehicle other than a manufactured home and that the 804
offender previously has been convicted of or pleaded guilty to a 805
specification of the type described in section 2941.141, 806
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 807
the court, after imposing a prison term on the offender for the 808
violation of section 2923.161 of the Revised Code or for the 809
other felony offense under division (A), (B) (2), or (3) of this 810
section, shall impose an additional prison term of ninety months 811

upon the offender that shall not be reduced pursuant to section 812
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 813
or any other provision of Chapter 2967. or Chapter 5120. of the 814
Revised Code. 815

(iii) A court shall not impose more than one additional 816
prison term on an offender under division (B) (1) (c) of this 817
section for felonies committed as part of the same act or 818
transaction. If a court imposes an additional prison term on an 819
offender under division (B) (1) (c) of this section relative to an 820
offense, the court also shall impose a prison term under 821
division (B) (1) (a) of this section relative to the same offense, 822
provided the criteria specified in that division for imposing an 823
additional prison term are satisfied relative to the offender 824
and the offense. 825

(d) If an offender who is convicted of or pleads guilty to 826
an offense of violence that is a felony also is convicted of or 827
pleads guilty to a specification of the type described in 828
section 2941.1411 of the Revised Code that charges the offender 829
with wearing or carrying body armor while committing the felony 830
offense of violence, the court shall impose on the offender an 831
additional prison term of two years. The prison term so imposed 832
shall not be reduced pursuant to section 2929.20, division (A) 833
(2) or (3) of section 2967.193 or 2967.194, or any other 834
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 835
A court shall not impose more than one prison term on an 836
offender under division (B) (1) (d) of this section for felonies 837
committed as part of the same act or transaction. If a court 838
imposes an additional prison term under division (B) (1) (a) or 839
(c) of this section, the court is not precluded from imposing an 840
additional prison term under division (B) (1) (d) of this section. 841

(e) The court shall not impose any of the prison terms 842
described in division (B) (1) (a) of this section or any of the 843
additional prison terms described in division (B) (1) (c) of this 844
section upon an offender for a violation of section 2923.12 or 845
2923.123 of the Revised Code. The court shall not impose any of 846
the prison terms described in division (B) (1) (a) or (b) of this 847
section upon an offender for a violation of section 2923.122 848
that involves a deadly weapon that is a firearm other than a 849
dangerous ordnance, section 2923.16, or section 2923.121 of the 850
Revised Code. The court shall not impose any of the prison terms 851
described in division (B) (1) (a) of this section or any of the 852
additional prison terms described in division (B) (1) (c) of this 853
section upon an offender for a violation of section 2923.13 of 854
the Revised Code unless all of the following apply: 855

(i) The offender previously has been convicted of 856
aggravated murder, murder, or any felony of the first or second 857
degree. 858

(ii) Less than five years have passed since the offender 859
was released from prison or post-release control, whichever is 860
later, for the prior offense. 861

(f) (i) If an offender is convicted of or pleads guilty to 862
a felony that includes, as an essential element, causing or 863
attempting to cause the death of or physical harm to another and 864
also is convicted of or pleads guilty to a specification of the 865
type described in division (A) of section 2941.1412 of the 866
Revised Code that charges the offender with committing the 867
offense by discharging a firearm at a peace officer as defined 868
in section 2935.01 of the Revised Code or a corrections officer, 869
as defined in section 2941.1412 of the Revised Code, the court, 870
after imposing a prison term on the offender for the felony 871

offense under division (A), (B) (2), or (B) (3) of this section, 872
shall impose an additional prison term of seven years upon the 873
offender that shall not be reduced pursuant to section 2929.20, 874
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 875
other provision of Chapter 2967. or Chapter 5120. of the Revised 876
Code. 877

(ii) If an offender is convicted of or pleads guilty to a 878
felony that includes, as an essential element, causing or 879
attempting to cause the death of or physical harm to another and 880
also is convicted of or pleads guilty to a specification of the 881
type described in division (B) of section 2941.1412 of the 882
Revised Code that charges the offender with committing the 883
offense by discharging a firearm at a peace officer, as defined 884
in section 2935.01 of the Revised Code, or a corrections 885
officer, as defined in section 2941.1412 of the Revised Code, 886
and that the offender previously has been convicted of or 887
pleaded guilty to a specification of the type described in 888
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 889
the Revised Code, the court, after imposing a prison term on the 890
offender for the felony offense under division (A), (B) (2), or 891
(3) of this section, shall impose an additional prison term of 892
one hundred twenty-six months upon the offender that shall not 893
be reduced pursuant to section 2929.20, division (A) (2) or (3) 894
of section 2967.193 or 2967.194, or any other provision of 895
Chapter 2967. or 5120. of the Revised Code. 896

(iii) If an offender is convicted of or pleads guilty to 897
two or more felonies that include, as an essential element, 898
causing or attempting to cause the death or physical harm to 899
another and also is convicted of or pleads guilty to a 900
specification of the type described under division (B) (1) (f) of 901
this section in connection with two or more of the felonies of 902

which the offender is convicted or to which the offender pleads 903
guilty, the sentencing court shall impose on the offender the 904
prison term specified under division (B) (1) (f) of this section 905
for each of two of the specifications of which the offender is 906
convicted or to which the offender pleads guilty and, in its 907
discretion, also may impose on the offender the prison term 908
specified under that division for any or all of the remaining 909
specifications. If a court imposes an additional prison term on 910
an offender under division (B) (1) (f) of this section relative to 911
an offense, the court shall not impose a prison term under 912
division (B) (1) (a) or (c) of this section relative to the same 913
offense. 914

(g) If an offender is convicted of or pleads guilty to two 915
or more felonies, if one or more of those felonies are 916
aggravated murder, murder, attempted aggravated murder, 917
attempted murder, aggravated robbery, felonious assault, or 918
rape, and if the offender is convicted of or pleads guilty to a 919
specification of the type described under division (B) (1) (a) of 920
this section in connection with two or more of the felonies, the 921
sentencing court shall impose on the offender the prison term 922
specified under division (B) (1) (a) of this section for each of 923
the two most serious specifications of which the offender is 924
convicted or to which the offender pleads guilty and, in its 925
discretion, also may impose on the offender the prison term 926
specified under that division for any or all of the remaining 927
specifications. 928

(2) (a) If division (B) (2) (b) of this section does not 929
apply, the court may impose on an offender, in addition to the 930
longest prison term authorized or required for the offense or, 931
for offenses for which division (A) (1) (a) or (2) (a) of this 932
section applies, in addition to the longest minimum prison term 933

authorized or required for the offense, an additional definite 934
prison term of one, two, three, four, five, six, seven, eight, 935
nine, or ten years if all of the following criteria are met: 936

(i) The offender is convicted of or pleads guilty to a 937
specification of the type described in section 2941.149 of the 938
Revised Code that the offender is a repeat violent offender. 939

(ii) The offense of which the offender currently is 940
convicted or to which the offender currently pleads guilty is 941
aggravated murder and the court does not impose a sentence of 942
death or life imprisonment without parole, murder, terrorism and 943
the court does not impose a sentence of life imprisonment 944
without parole, any felony of the first degree that is an 945
offense of violence and the court does not impose a sentence of 946
life imprisonment without parole, or any felony of the second 947
degree that is an offense of violence and the trier of fact 948
finds that the offense involved an attempt to cause or a threat 949
to cause serious physical harm to a person or resulted in 950
serious physical harm to a person. 951

(iii) The court imposes the longest prison term for the 952
offense or the longest minimum prison term for the offense, 953
whichever is applicable, that is not life imprisonment without 954
parole. 955

(iv) The court finds that the prison terms imposed 956
pursuant to division (B) (2) (a) (iii) of this section and, if 957
applicable, division (B) (1) or (3) of this section are 958
inadequate to punish the offender and protect the public from 959
future crime, because the applicable factors under section 960
2929.12 of the Revised Code indicating a greater likelihood of 961
recidivism outweigh the applicable factors under that section 962
indicating a lesser likelihood of recidivism. 963

(v) The court finds that the prison terms imposed pursuant 964
to division (B) (2) (a) (iii) of this section and, if applicable, 965
division (B) (1) or (3) of this section are demeaning to the 966
seriousness of the offense, because one or more of the factors 967
under section 2929.12 of the Revised Code indicating that the 968
offender's conduct is more serious than conduct normally 969
constituting the offense are present, and they outweigh the 970
applicable factors under that section indicating that the 971
offender's conduct is less serious than conduct normally 972
constituting the offense. 973

(b) The court shall impose on an offender the longest 974
prison term authorized or required for the offense or, for 975
offenses for which division (A) (1) (a) or (2) (a) of this section 976
applies, the longest minimum prison term authorized or required 977
for the offense, and shall impose on the offender an additional 978
definite prison term of one, two, three, four, five, six, seven, 979
eight, nine, or ten years if all of the following criteria are 980
met: 981

(i) The offender is convicted of or pleads guilty to a 982
specification of the type described in section 2941.149 of the 983
Revised Code that the offender is a repeat violent offender. 984

(ii) The offender within the preceding twenty years has 985
been convicted of or pleaded guilty to three or more offenses 986
described in division (CC) (1) of section 2929.01 of the Revised 987
Code, including all offenses described in that division of which 988
the offender is convicted or to which the offender pleads guilty 989
in the current prosecution and all offenses described in that 990
division of which the offender previously has been convicted or 991
to which the offender previously pleaded guilty, whether 992
prosecuted together or separately. 993

(iii) The offense or offenses of which the offender 994
currently is convicted or to which the offender currently pleads 995
guilty is aggravated murder and the court does not impose a 996
sentence of death or life imprisonment without parole, murder, 997
terrorism and the court does not impose a sentence of life 998
imprisonment without parole, any felony of the first degree that 999
is an offense of violence and the court does not impose a 1000
sentence of life imprisonment without parole, or any felony of 1001
the second degree that is an offense of violence and the trier 1002
of fact finds that the offense involved an attempt to cause or a 1003
threat to cause serious physical harm to a person or resulted in 1004
serious physical harm to a person. 1005

(c) For purposes of division (B) (2) (b) of this section, 1006
two or more offenses committed at the same time or as part of 1007
the same act or event shall be considered one offense, and that 1008
one offense shall be the offense with the greatest penalty. 1009

(d) A sentence imposed under division (B) (2) (a) or (b) of 1010
this section shall not be reduced pursuant to section 2929.20, 1011
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 1012
other provision of Chapter 2967. or Chapter 5120. of the Revised 1013
Code. The offender shall serve an additional prison term imposed 1014
under division (B) (2) (a) or (b) of this section consecutively to 1015
and prior to the prison term imposed for the underlying offense. 1016

(e) When imposing a sentence pursuant to division (B) (2) 1017
(a) or (b) of this section, the court shall state its findings 1018
explaining the imposed sentence. 1019

(3) Except when an offender commits a violation of section 1020
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1021
for the violation is life imprisonment or commits a violation of 1022
section 2903.02 of the Revised Code, if the offender commits a 1023

violation of section 2925.03 or 2925.11 of the Revised Code and 1024
that section classifies the offender as a major drug offender, 1025
if the offender commits a violation of section 2925.05 of the 1026
Revised Code and division (E)(1) of that section classifies the 1027
offender as a major drug offender, if the offender commits a 1028
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1029
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1030
division (C) or (D) of section 3719.172, division (E) of section 1031
4729.51, or division (J) of section 4729.54 of the Revised Code 1032
that includes the sale, offer to sell, or possession of a 1033
schedule I or II controlled substance, with the exception of 1034
marihuana, and the court imposing sentence upon the offender 1035
finds that the offender is guilty of a specification of the type 1036
described in division (A) of section 2941.1410 of the Revised 1037
Code charging that the offender is a major drug offender, if the 1038
court imposing sentence upon an offender for a felony finds that 1039
the offender is guilty of corrupt activity with the most serious 1040
offense in the pattern of corrupt activity being a felony of the 1041
first degree, or if the offender is guilty of an attempted 1042
violation of section 2907.02 of the Revised Code and, had the 1043
offender completed the violation of section 2907.02 of the 1044
Revised Code that was attempted, the offender would have been 1045
subject to a sentence of life imprisonment or life imprisonment 1046
without parole for the violation of section 2907.02 of the 1047
Revised Code, the court shall impose upon the offender for the 1048
felony violation a mandatory prison term determined as described 1049
in this division that cannot be reduced pursuant to section 1050
2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 1051
or any other provision of Chapter 2967. or 5120. of the Revised 1052
Code. The mandatory prison term shall be the maximum definite 1053
prison term prescribed in division (A)(1)(b) of this section for 1054
a felony of the first degree, except that for offenses for which 1055

division (A)(1)(a) of this section applies, the mandatory prison 1056
term shall be the longest minimum prison term prescribed in that 1057
division for the offense. 1058

(4) If the offender is being sentenced for a third or 1059
fourth degree felony OVI offense under division (G)(2) of 1060
section 2929.13 of the Revised Code, the sentencing court shall 1061
impose upon the offender a mandatory prison term in accordance 1062
with that division. In addition to the mandatory prison term, if 1063
the offender is being sentenced for a fourth degree felony OVI 1064
offense, the court, notwithstanding division (A)(4) of this 1065
section, may sentence the offender to a definite prison term of 1066
not less than six months and not more than thirty months, and if 1067
the offender is being sentenced for a third degree felony OVI 1068
offense, the sentencing court may sentence the offender to an 1069
additional prison term of any duration specified in division (A) 1070
(3) of this section. In either case, the additional prison term 1071
imposed shall be reduced by the sixty or one hundred twenty days 1072
imposed upon the offender as the mandatory prison term. The 1073
total of the additional prison term imposed under division (B) 1074
(4) of this section plus the sixty or one hundred twenty days 1075
imposed as the mandatory prison term shall equal a definite term 1076
in the range of six months to thirty months for a fourth degree 1077
felony OVI offense and shall equal one of the authorized prison 1078
terms specified in division (A)(3) of this section for a third 1079
degree felony OVI offense. If the court imposes an additional 1080
prison term under division (B)(4) of this section, the offender 1081
shall serve the additional prison term after the offender has 1082
served the mandatory prison term required for the offense. In 1083
addition to the mandatory prison term or mandatory and 1084
additional prison term imposed as described in division (B)(4) 1085
of this section, the court also may sentence the offender to a 1086

community control sanction under section 2929.16 or 2929.17 of 1087
the Revised Code, but the offender shall serve all of the prison 1088
terms so imposed prior to serving the community control 1089
sanction. 1090

If the offender is being sentenced for a fourth degree 1091
felony OVI offense under division (G)(1) of section 2929.13 of 1092
the Revised Code and the court imposes a mandatory term of local 1093
incarceration, the court may impose a prison term as described 1094
in division (A)(1) of that section. 1095

(5) If an offender is convicted of or pleads guilty to a 1096
violation of division (A)(1) or (2) of section 2903.06 of the 1097
Revised Code and also is convicted of or pleads guilty to a 1098
specification of the type described in section 2941.1414 of the 1099
Revised Code that charges that the victim of the offense is a 1100
peace officer, as defined in section 2935.01 of the Revised 1101
Code, an investigator of the bureau of criminal identification 1102
and investigation, as defined in section 2903.11 of the Revised 1103
Code, or a firefighter or emergency medical worker, both as 1104
defined in section 2941.1414 of the Revised Code, the court 1105
shall impose on the offender a prison term of five years. If a 1106
court imposes a prison term on an offender under division (B)(5) 1107
of this section, the prison term shall not be reduced pursuant 1108
to section 2929.20, division (A)(2) or (3) of section 2967.193 1109
or 2967.194, or any other provision of Chapter 2967. or Chapter 1110
5120. of the Revised Code. A court shall not impose more than 1111
one prison term on an offender under division (B)(5) of this 1112
section for felonies committed as part of the same act. 1113

(6) If an offender is convicted of or pleads guilty to a 1114
violation of division (A)(1) or (2) of section 2903.06 of the 1115
Revised Code and also is convicted of or pleads guilty to a 1116

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

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

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

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

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

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

(8) If an offender is convicted of or pleads guilty to a felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range prescribed in division (A) of this section as the definite prison term or minimum prison term for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison

terms prescribed in division (A) of this section for felonies of 1178
the same degree as the violation, except that if the violation 1179
is a felony of the first or second degree committed on or after 1180
March 22, 2019, the court shall impose as the minimum prison 1181
term under division (A)(1)(a) or (2)(a) of this section a 1182
mandatory term that is one of the terms prescribed in that 1183
division, whichever is applicable, for the offense. 1184

(9)(a) If an offender is convicted of or pleads guilty to 1185
a violation of division (A)(1) or (2) of section 2903.11 of the 1186
Revised Code and also is convicted of or pleads guilty to a 1187
specification of the type described in section 2941.1425 of the 1188
Revised Code, the court shall impose on the offender a mandatory 1189
prison term of six years if either of the following applies: 1190

(i) The violation is a violation of division (A)(1) of 1191
section 2903.11 of the Revised Code and the specification 1192
charges that the offender used an accelerant in committing the 1193
violation and the serious physical harm to another or to 1194
another's unborn caused by the violation resulted in a 1195
permanent, serious disfigurement or permanent, substantial 1196
incapacity; 1197

(ii) The violation is a violation of division (A)(2) of 1198
section 2903.11 of the Revised Code and the specification 1199
charges that the offender used an accelerant in committing the 1200
violation, that the violation caused physical harm to another or 1201
to another's unborn, and that the physical harm resulted in a 1202
permanent, serious disfigurement or permanent, substantial 1203
incapacity. 1204

(b) If a court imposes a prison term on an offender under 1205
division (B)(9)(a) of this section, the prison term shall not be 1206
reduced pursuant to section 2929.20, division (A)(2) or (3) of 1207

section 2967.193 or 2967.194, or any other provision of Chapter 1208
2967. or Chapter 5120. of the Revised Code. A court shall not 1209
impose more than one prison term on an offender under division 1210
(B) (9) of this section for felonies committed as part of the 1211
same act. 1212

(c) The provisions of divisions (B) (9) and (C) (6) of this 1213
section and of division (D) (2) of section 2903.11, division (F) 1214
(20) of section 2929.13, and section 2941.1425 of the Revised 1215
Code shall be known as "Judy's Law." 1216

(10) If an offender is convicted of or pleads guilty to a 1217
violation of division (A) of section 2903.11 of the Revised Code 1218
and also is convicted of or pleads guilty to a specification of 1219
the type described in section 2941.1426 of the Revised Code that 1220
charges that the victim of the offense suffered permanent 1221
disabling harm as a result of the offense and that the victim 1222
was under ten years of age at the time of the offense, 1223
regardless of whether the offender knew the age of the victim, 1224
the court shall impose upon the offender an additional definite 1225
prison term of six years. A prison term imposed on an offender 1226
under division (B) (10) of this section shall not be reduced 1227
pursuant to section 2929.20, division (A) (2) or (3) of section 1228
2967.193 or 2967.194, or any other provision of Chapter 2967. or 1229
Chapter 5120. of the Revised Code. If a court imposes an 1230
additional prison term on an offender under this division 1231
relative to a violation of division (A) of section 2903.11 of 1232
the Revised Code, the court shall not impose any other 1233
additional prison term on the offender relative to the same 1234
offense. 1235

(11) If an offender is convicted of or pleads guilty to a 1236
felony violation of section 2925.03 or 2925.05 of the Revised 1237

Code or a felony violation of section 2925.11 of the Revised 1238
Code for which division (C) (11) of that section applies in 1239
determining the sentence for the violation, if the drug involved 1240
in the violation is a fentanyl-related compound or a compound, 1241
mixture, preparation, or substance containing a fentanyl-related 1242
compound, and if the offender also is convicted of or pleads 1243
guilty to a specification of the type described in division (B) 1244
of section 2941.1410 of the Revised Code that charges that the 1245
offender is a major drug offender, in addition to any other 1246
penalty imposed for the violation, the court shall impose on the 1247
offender a mandatory prison term of three, four, five, six, 1248
seven, or eight years. If a court imposes a prison term on an 1249
offender under division (B) (11) of this section, the prison term 1250
shall not be reduced pursuant to section 2929.20, division (A) 1251
(2) or (3) of section 2967.193 or 2967.194, or any other 1252
provision of Chapter 2967. or 5120. of the Revised Code. A court 1253
shall not impose more than one prison term on an offender under 1254
division (B) (11) of this section for felonies committed as part 1255
of the same act. 1256

(12) If an offender is convicted of or pleads guilty to a 1257
violation of division (A) (5) of section 2907.321 or 2907.322, or 1258
division (A) (3) of section 2907.323 of the Revised Code and also 1259
is convicted of or pleads guilty to a specification of the type 1260
described in section 2941.1427 of the Revised Code that charges 1261
that the offender was at least eighteen years of age at the time 1262
of the offense and the material possessed by the offender 1263
consisted of one hundred or more images, the court shall impose 1264
upon the offender a definite prison term of five years. 1265

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1266
if a mandatory prison term is imposed upon an offender pursuant 1267
to division (B) (1) (a) of this section for having a firearm on or 1268

about the offender's person or under the offender's control 1269
while committing a felony, if a mandatory prison term is imposed 1270
upon an offender pursuant to division (B) (1) (c) of this section 1271
for committing a felony specified in that division by 1272
discharging a firearm from a motor vehicle, or if both types of 1273
mandatory prison terms are imposed, the offender shall serve any 1274
mandatory prison term imposed under either division 1275
consecutively to any other mandatory prison term imposed under 1276
either division or under division (B) (1) (d) of this section, 1277
consecutively to and prior to any prison term imposed for the 1278
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1279
this section or any other section of the Revised Code, and 1280
consecutively to any other prison term or mandatory prison term 1281
previously or subsequently imposed upon the offender. 1282

(b) If a mandatory prison term is imposed upon an offender 1283
pursuant to division (B) (1) (d) of this section for wearing or 1284
carrying body armor while committing an offense of violence that 1285
is a felony, the offender shall serve the mandatory term so 1286
imposed consecutively to any other mandatory prison term imposed 1287
under that division or under division (B) (1) (a) or (c) of this 1288
section, consecutively to and prior to any prison term imposed 1289
for the underlying felony under division (A), (B) (2), or (B) (3) 1290
of this section or any other section of the Revised Code, and 1291
consecutively to any other prison term or mandatory prison term 1292
previously or subsequently imposed upon the offender. 1293

(c) If a mandatory prison term is imposed upon an offender 1294
pursuant to division (B) (1) (f) of this section, the offender 1295
shall serve the mandatory prison term so imposed consecutively 1296
to and prior to any prison term imposed for the underlying 1297
felony under division (A), (B) (2), or (B) (3) of this section or 1298
any other section of the Revised Code, and consecutively to any 1299

other prison term or mandatory prison term previously or 1300
subsequently imposed upon the offender. 1301

(d) If a mandatory prison term is imposed upon an offender 1302
pursuant to division (B) (7) or (8) of this section, the offender 1303
shall serve the mandatory prison term so imposed consecutively 1304
to any other mandatory prison term imposed under that division 1305
or under any other provision of law and consecutively to any 1306
other prison term or mandatory prison term previously or 1307
subsequently imposed upon the offender. 1308

(e) If a mandatory prison term is imposed upon an offender 1309
pursuant to division (B) (11) of this section, the offender shall 1310
serve the mandatory prison term consecutively to any other 1311
mandatory prison term imposed under that division, consecutively 1312
to and prior to any prison term imposed for the underlying 1313
felony, and consecutively to any other prison term or mandatory 1314
prison term previously or subsequently imposed upon the 1315
offender. 1316

(f) If a mandatory prison term is imposed upon an offender 1317
pursuant to division (B) (12) of this section, the offender shall 1318
serve the mandatory prison term so imposed consecutively to any 1319
other mandatory prison term imposed under that division, 1320
consecutively to and prior to any prison term imposed for the 1321
underlying felony, and consecutively to any other prison term or 1322
mandatory prison term previously or subsequently imposed upon 1323
the offender. 1324

(2) If an offender who is an inmate in a jail, prison, or 1325
other residential detention facility violates section 2917.02, 1326
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1327
(2) of section 2921.34 of the Revised Code, if an offender who 1328
is under detention at a detention facility commits a felony 1329

violation of section 2923.131 of the Revised Code, or if an 1330
offender who is an inmate in a jail, prison, or other 1331
residential detention facility or is under detention at a 1332
detention facility commits another felony while the offender is 1333
an escapee in violation of division (A) (1) or (2) of section 1334
2921.34 of the Revised Code, any prison term imposed upon the 1335
offender for one of those violations shall be served by the 1336
offender consecutively to the prison term or term of 1337
imprisonment the offender was serving when the offender 1338
committed that offense and to any other prison term previously 1339
or subsequently imposed upon the offender. 1340

(3) If a prison term is imposed for a violation of 1341
division (B) of section 2911.01 of the Revised Code, a violation 1342
of division (A) of section 2913.02 of the Revised Code in which 1343
the stolen property is a firearm or dangerous ordnance, or a 1344
felony violation of division (B) of section 2921.331 of the 1345
Revised Code, the offender shall serve that prison term 1346
consecutively to any other prison term or mandatory prison term 1347
previously or subsequently imposed upon the offender. 1348

(4) If multiple prison terms are imposed on an offender 1349
for convictions of multiple offenses, the court may require the 1350
offender to serve the prison terms consecutively if the court 1351
finds that the consecutive service is necessary to protect the 1352
public from future crime or to punish the offender and that 1353
consecutive sentences are not disproportionate to the 1354
seriousness of the offender's conduct and to the danger the 1355
offender poses to the public, and if the court also finds any of 1356
the following: 1357

(a) The offender committed one or more of the multiple 1358
offenses while the offender was awaiting trial or sentencing, 1359

was under a sanction imposed pursuant to section 2929.16, 1360
2929.17, or 2929.18 of the Revised Code, or was under post- 1361
release control for a prior offense. 1362

(b) At least two of the multiple offenses were committed 1363
as part of one or more courses of conduct, and the harm caused 1364
by two or more of the multiple offenses so committed was so 1365
great or unusual that no single prison term for any of the 1366
offenses committed as part of any of the courses of conduct 1367
adequately reflects the seriousness of the offender's conduct. 1368

(c) The offender's history of criminal conduct 1369
demonstrates that consecutive sentences are necessary to protect 1370
the public from future crime by the offender. 1371

(5) If a mandatory prison term is imposed upon an offender 1372
pursuant to division (B) (5) or (6) of this section, the offender 1373
shall serve the mandatory prison term consecutively to and prior 1374
to any prison term imposed for the underlying violation of 1375
division (A) (1) or (2) of section 2903.06 of the Revised Code 1376
pursuant to division (A) of this section or section 2929.142 of 1377
the Revised Code. If a mandatory prison term is imposed upon an 1378
offender pursuant to division (B) (5) of this section, and if a 1379
mandatory prison term also is imposed upon the offender pursuant 1380
to division (B) (6) of this section in relation to the same 1381
violation, the offender shall serve the mandatory prison term 1382
imposed pursuant to division (B) (5) of this section 1383
consecutively to and prior to the mandatory prison term imposed 1384
pursuant to division (B) (6) of this section and consecutively to 1385
and prior to any prison term imposed for the underlying 1386
violation of division (A) (1) or (2) of section 2903.06 of the 1387
Revised Code pursuant to division (A) of this section or section 1388
2929.142 of the Revised Code. 1389

(6) If a mandatory prison term is imposed on an offender 1390
pursuant to division (B) (9) of this section, the offender shall 1391
serve the mandatory prison term consecutively to and prior to 1392
any prison term imposed for the underlying violation of division 1393
(A) (1) or (2) of section 2903.11 of the Revised Code and 1394
consecutively to and prior to any other prison term or mandatory 1395
prison term previously or subsequently imposed on the offender. 1396

(7) If a mandatory prison term is imposed on an offender 1397
pursuant to division (B) (10) of this section, the offender shall 1398
serve that mandatory prison term consecutively to and prior to 1399
any prison term imposed for the underlying felonious assault. 1400
Except as otherwise provided in division (C) of this section, 1401
any other prison term or mandatory prison term previously or 1402
subsequently imposed upon the offender may be served 1403
concurrently with, or consecutively to, the prison term imposed 1404
pursuant to division (B) (10) of this section. 1405

(8) Any prison term imposed for a violation of section 1406
2903.04 of the Revised Code that is based on a violation of 1407
section 2925.03 or 2925.11 of the Revised Code or on a violation 1408
of section 2925.05 of the Revised Code that is not funding of 1409
marihuana trafficking shall run consecutively to any prison term 1410
imposed for the violation of section 2925.03 or 2925.11 of the 1411
Revised Code or for the violation of section 2925.05 of the 1412
Revised Code that is not funding of marihuana trafficking. 1413

(9) When consecutive prison terms are imposed pursuant to 1414
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 1415
division (H) (1) or (2) of this section, subject to division (C) 1416
(10) of this section, the term to be served is the aggregate of 1417
all of the terms so imposed. 1418

(10) When a court sentences an offender to a non-life 1419

felony indefinite prison term, any definite prison term or 1420
mandatory definite prison term previously or subsequently 1421
imposed on the offender in addition to that indefinite sentence 1422
that is required to be served consecutively to that indefinite 1423
sentence shall be served prior to the indefinite sentence. 1424

(11) If a court is sentencing an offender for a felony of 1425
the first or second degree, if division (A) (1) (a) or (2) (a) of 1426
this section applies with respect to the sentencing for the 1427
offense, and if the court is required under the Revised Code 1428
section that sets forth the offense or any other Revised Code 1429
provision to impose a mandatory prison term for the offense, the 1430
court shall impose the required mandatory prison term as the 1431
minimum term imposed under division (A) (1) (a) or (2) (a) of this 1432
section, whichever is applicable. 1433

(D) (1) If a court imposes a prison term, other than a term 1434
of life imprisonment, for a felony of the first degree, for a 1435
felony of the second degree, for a felony sex offense, or for a 1436
felony of the third degree that is an offense of violence and 1437
that is not a felony sex offense, it shall include in the 1438
sentence a requirement that the offender be subject to a period 1439
of post-release control after the offender's release from 1440
imprisonment, in accordance with section 2967.28 of the Revised 1441
Code. If a court imposes a sentence including a prison term of a 1442
type described in this division on or after July 11, 2006, the 1443
failure of a court to include a post-release control requirement 1444
in the sentence pursuant to this division does not negate, 1445
limit, or otherwise affect the mandatory period of post-release 1446
control that is required for the offender under division (B) of 1447
section 2967.28 of the Revised Code. Section 2929.191 of the 1448
Revised Code applies if, prior to July 11, 2006, a court imposed 1449
a sentence including a prison term of a type described in this 1450

division and failed to include in the sentence pursuant to this 1451
division a statement regarding post-release control. 1452

(2) If a court imposes a prison term for a felony of the 1453
third, fourth, or fifth degree that is not subject to division 1454
(D) (1) of this section, it shall include in the sentence a 1455
requirement that the offender be subject to a period of post- 1456
release control after the offender's release from imprisonment, 1457
in accordance with that division, if the parole board determines 1458
that a period of post-release control is necessary. Section 1459
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1460
a court imposed a sentence including a prison term of a type 1461
described in this division and failed to include in the sentence 1462
pursuant to this division a statement regarding post-release 1463
control. 1464

(E) The court shall impose sentence upon the offender in 1465
accordance with section 2971.03 of the Revised Code, and Chapter 1466
2971. of the Revised Code applies regarding the prison term or 1467
term of life imprisonment without parole imposed upon the 1468
offender and the service of that term of imprisonment if any of 1469
the following apply: 1470

(1) A person is convicted of or pleads guilty to a violent 1471
sex offense or a designated homicide, assault, or kidnapping 1472
offense, and, in relation to that offense, the offender is 1473
adjudicated a sexually violent predator. 1474

(2) A person is convicted of or pleads guilty to a 1475
violation of division (A) (1) (b) of section 2907.02 of the 1476
Revised Code committed on or after January 2, 2007, and either 1477
the court does not impose a sentence of life without parole when 1478
authorized pursuant to division (B) of section 2907.02 of the 1479
Revised Code, or division (B) of section 2907.02 of the Revised 1480

Code provides that the court shall not sentence the offender 1481
pursuant to section 2971.03 of the Revised Code. 1482

(3) A person is convicted of or pleads guilty to attempted 1483
rape committed on or after January 2, 2007, and a specification 1484
of the type described in section 2941.1418, 2941.1419, or 1485
2941.1420 of the Revised Code. 1486

(4) A person is convicted of or pleads guilty to a 1487
violation of section 2905.01 of the Revised Code committed on or 1488
after January 1, 2008, and that section requires the court to 1489
sentence the offender pursuant to section 2971.03 of the Revised 1490
Code. 1491

(5) A person is convicted of or pleads guilty to 1492
aggravated murder committed on or after January 1, 2008, and 1493
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1494
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1495
(a) (iv) of section 2929.03, or division (A) or (B) of section 1496
2929.06 of the Revised Code requires the court to sentence the 1497
offender pursuant to division (B) (3) of section 2971.03 of the 1498
Revised Code. 1499

(6) A person is convicted of or pleads guilty to murder 1500
committed on or after January 1, 2008, and division (B) (2) of 1501
section 2929.02 of the Revised Code requires the court to 1502
sentence the offender pursuant to section 2971.03 of the Revised 1503
Code. 1504

(F) If a person who has been convicted of or pleaded 1505
guilty to a felony is sentenced to a prison term or term of 1506
imprisonment under this section, sections 2929.02 to 2929.06 of 1507
the Revised Code, section 2929.142 of the Revised Code, section 1508
2971.03 of the Revised Code, or any other provision of law, 1509

section 5120.163 of the Revised Code applies regarding the 1510
person while the person is confined in a state correctional 1511
institution. 1512

(G) If an offender who is convicted of or pleads guilty to 1513
a felony that is an offense of violence also is convicted of or 1514
pleads guilty to a specification of the type described in 1515
section 2941.142 of the Revised Code that charges the offender 1516
with having committed the felony while participating in a 1517
criminal gang, the court shall impose upon the offender an 1518
additional prison term of one, two, or three years. 1519

(H) (1) If an offender who is convicted of or pleads guilty 1520
to aggravated murder, murder, or a felony of the first, second, 1521
or third degree that is an offense of violence also is convicted 1522
of or pleads guilty to a specification of the type described in 1523
section 2941.143 of the Revised Code that charges the offender 1524
with having committed the offense in a school safety zone or 1525
towards a person in a school safety zone, the court shall impose 1526
upon the offender an additional prison term of two years. The 1527
offender shall serve the additional two years consecutively to 1528
and prior to the prison term imposed for the underlying offense. 1529

(2) (a) If an offender is convicted of or pleads guilty to 1530
a felony violation of section 2907.22, 2907.24, 2907.241, or 1531
2907.25 of the Revised Code and to a specification of the type 1532
described in section 2941.1421 of the Revised Code and if the 1533
court imposes a prison term on the offender for the felony 1534
violation, the court may impose upon the offender an additional 1535
prison term as follows: 1536

(i) Subject to division (H) (2) (a) (ii) of this section, an 1537
additional prison term of one, two, three, four, five, or six 1538
months; 1539

(ii) If the offender previously has been convicted of or 1540
pleaded guilty to one or more felony or misdemeanor violations 1541
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1542
the Revised Code and also was convicted of or pleaded guilty to 1543
a specification of the type described in section 2941.1421 of 1544
the Revised Code regarding one or more of those violations, an 1545
additional prison term of one, two, three, four, five, six, 1546
seven, eight, nine, ten, eleven, or twelve months. 1547

(b) In lieu of imposing an additional prison term under 1548
division (H) (2) (a) of this section, the court may directly 1549
impose on the offender a sanction that requires the offender to 1550
wear a real-time processing, continual tracking electronic 1551
monitoring device during the period of time specified by the 1552
court. The period of time specified by the court shall equal the 1553
duration of an additional prison term that the court could have 1554
imposed upon the offender under division (H) (2) (a) of this 1555
section. A sanction imposed under this division shall commence 1556
on the date specified by the court, provided that the sanction 1557
shall not commence until after the offender has served the 1558
prison term imposed for the felony violation of section 2907.22, 1559
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1560
residential sanction imposed for the violation under section 1561
2929.16 of the Revised Code. A sanction imposed under this 1562
division shall be considered to be a community control sanction 1563
for purposes of section 2929.15 of the Revised Code, and all 1564
provisions of the Revised Code that pertain to community control 1565
sanctions shall apply to a sanction imposed under this division, 1566
except to the extent that they would by their nature be clearly 1567
inapplicable. The offender shall pay all costs associated with a 1568
sanction imposed under this division, including the cost of the 1569
use of the monitoring device. 1570

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

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

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

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

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

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

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

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

prison term imposed for the underlying offense. The prison term 1632
shall not be reduced pursuant to section 2929.20, division (A) 1633
(2) or (3) of section 2967.193 or 2967.194, or any other 1634
provision of Chapter 2967. or 5120. of the Revised Code. A court 1635
may not impose more than one sentence under division (B) (2) (a) 1636
of this section and this division for acts committed as part of 1637
the same act or transaction. 1638

(2) As used in division (K) (1) of this section, "violent 1639
career criminal" and "violent felony offense" have the same 1640
meanings as in section 2923.132 of the Revised Code. 1641

(L) If an offender receives or received a sentence of life 1642
imprisonment without parole, a sentence of life imprisonment, a 1643
definite sentence, or a sentence to an indefinite prison term 1644
under this chapter for a felony offense that was committed when 1645
the offender was under eighteen years of age, the offender's 1646
parole eligibility shall be determined under section 2967.132 of 1647
the Revised Code. 1648

Sec. 2941.1427. Imposition of a mandatory five-year prison 1649
term under division (B) (12) of section 2929.14 of the Revised 1650
Code is precluded unless the offender is convicted of or pleads 1651
guilty to a violation of division (A) (5) of section 2907.321 or 1652
2907.322, or division (A) (3) of section 2907.323 of the Revised 1653
Code and unless the indictment, count in the indictment, or 1654
information charging the offense specifies that the offender was 1655
at least eighteen years of age at the time of the offense and 1656
the material possessed by the offender consisted of one hundred 1657
or more images. The specification shall be stated at the end of 1658
the body of the indictment, count, or information and shall be 1659
stated in substantially the following form: 1660

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1661

Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender was at least eighteen years of age at the time of the offense and the material possessed by the offender consisted of one hundred or more images)."

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

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

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

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

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

(3) A violation of division (A) (2) of section 2907.04 of the Revised Code when the offender is at least four years older than the other person with whom the offender engaged in sexual

conduct or when the offender is less than four years older than 1691
the other person with whom the offender engaged in sexual 1692
conduct and the offender previously has been convicted of or 1693
pleaded guilty to a violation of section 2907.02, 2907.03, or 1694
2907.04 of the Revised Code or a violation of former section 1695
2907.12 of the Revised Code; 1696

(4) A violation of section 2903.01, 2903.02, or 2903.11 of 1697
the Revised Code when the violation was committed with a sexual 1698
motivation; 1699

(5) A violation of division (A) of section 2903.04 of the 1700
Revised Code when the offender committed or attempted to commit 1701
the felony that is the basis of the violation with a sexual 1702
motivation; 1703

(6) A violation of division (A) (3) of section 2903.211 of 1704
the Revised Code; 1705

(7) A violation of division (A) (1), (2), (3), or (5) of 1706
section 2905.01 of the Revised Code when the offense is 1707
committed with a sexual motivation; 1708

(8) A violation of division (A) (4) of section 2905.01 of 1709
the Revised Code; 1710

(9) A violation of division (B) of section 2905.01 of the 1711
Revised Code when the victim of the offense is under eighteen 1712
years of age and the offender is not a parent of the victim of 1713
the offense; 1714

(10) A violation of division (B) of section 2903.03, of 1715
division (B) of section 2905.02, of division (B) of section 1716
2905.03, of division (B) of section 2905.05, or of division (B) 1717
(5) of section 2919.22 of the Revised Code; 1718

(11) A violation of section 2905.32 of the Revised Code 1719
when either of the following applies: 1720

(a) The violation is a violation of division (A)(1) of 1721
that section and the offender knowingly recruited, lured, 1722
enticed, isolated, harbored, transported, provided, obtained, or 1723
maintained, or knowingly attempted to recruit, lure, entice, 1724
isolate, harbor, transport, provide, obtain, or maintain, 1725
another person knowing that the person would be compelled to 1726
engage in sexual activity for hire, engage in a performance that 1727
was obscene, sexually oriented, or nudity oriented, or be a 1728
model or participant in the production of material that was 1729
obscene, sexually oriented, or nudity oriented. 1730

(b) The violation is a violation of division (A)(2) of 1731
that section and the offender knowingly recruited, lured, 1732
enticed, isolated, harbored, transported, provided, obtained, or 1733
maintained, or knowingly attempted to recruit, lure, entice, 1734
isolate, harbor, transport, provide, obtain, or maintain a 1735
person who is less than eighteen years of age or is a person 1736
with a developmental disability whom the offender knows or has 1737
reasonable cause to believe is a person with a developmental 1738
disability for any purpose listed in divisions (A)(2)(a) to (c) 1739
of that section. 1740

(12) A violation of division (B)(4) of section 2907.09 of 1741
the Revised Code if the sentencing court classifies the offender 1742
as a tier I sex offender/child-victim offender relative to that 1743
offense pursuant to division (D) of that section; 1744

(13) A violation of any former law of this state, any 1745
existing or former municipal ordinance or law of another state 1746
or the United States, any existing or former law applicable in a 1747
military court or in an Indian tribal court, or any existing or 1748

former law of any nation other than the United States that is or 1749
was substantially equivalent to any offense listed in division 1750
(A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or 1751
(12) of this section; 1752

(14) Any attempt to commit, conspiracy to commit, or 1753
complicity in committing any offense listed in division (A) (1), 1754
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or 1755
(13) of this section. 1756

(B) (1) "Sex offender" means, subject to division (B) (2) of 1757
this section, a person who is convicted of, pleads guilty to, 1758
has been convicted of, has pleaded guilty to, is adjudicated a 1759
delinquent child for committing, or has been adjudicated a 1760
delinquent child for committing any sexually oriented offense. 1761

(2) "Sex offender" does not include a person who is 1762
convicted of, pleads guilty to, has been convicted of, has 1763
pleaded guilty to, is adjudicated a delinquent child for 1764
committing, or has been adjudicated a delinquent child for 1765
committing—a either of the following: 1766

(a) A sexually oriented offense if the offense involves 1767
consensual sexual conduct—or, consensual sexual contact, and 1768
either of the following applies: 1769

~~(a)~~ (i) The victim of the sexually oriented offense was 1770
eighteen years of age or older and at the time of the sexually 1771
oriented offense was not under the custodial authority of the 1772
person who is convicted of, pleads guilty to, has been convicted 1773
of, has pleaded guilty to, is adjudicated a delinquent child for 1774
committing, or has been adjudicated a delinquent child for 1775
committing the sexually oriented offense. 1776

~~(b)~~ (ii) The victim of the offense was thirteen years of 1777

age or older, and the person who is convicted of, pleads guilty 1778
to, has been convicted of, has pleaded guilty to, is adjudicated 1779
a delinquent child for committing, or has been adjudicated a 1780
delinquent child for committing the sexually oriented offense is 1781
not more than four years older than the victim. 1782

(b) A violation of division (C) or (D) of section 2907.322 1783
or division (B) or (C) of section 2907.323 of the Revised Code. 1784

(C) "Child-victim oriented offense" means any of the 1785
following violations or offenses committed by a person, 1786
regardless of the person's age, when the victim is under 1787
eighteen years of age and is not a child of the person who 1788
commits the violation: 1789

(1) A violation of division (A) (1), (2), (3), or (5) of 1790
section 2905.01 of the Revised Code when the violation is not 1791
included in division (A) (7) of this section; 1792

(2) A violation of division (A) of section 2905.02, 1793
division (A) of section 2905.03, or division (A) of section 1794
2905.05 of the Revised Code; 1795

(3) A violation of any former law of this state, any 1796
existing or former municipal ordinance or law of another state 1797
or the United States, any existing or former law applicable in a 1798
military court or in an Indian tribal court, or any existing or 1799
former law of any nation other than the United States that is or 1800
was substantially equivalent to any offense listed in division 1801
(C) (1) or (2) of this section; 1802

(4) Any attempt to commit, conspiracy to commit, or 1803
complicity in committing any offense listed in division (C) (1), 1804
(2), or (3) of this section. 1805

(D) "Child-victim offender" means a person who is 1806

convicted of, pleads guilty to, has been convicted of, has 1807
pleaded guilty to, is adjudicated a delinquent child for 1808
committing, or has been adjudicated a delinquent child for 1809
committing any child-victim oriented offense. 1810

(E) "Tier I sex offender/child-victim offender" means any 1811
of the following: 1812

(1) A sex offender who is convicted of, pleads guilty to, 1813
has been convicted of, or has pleaded guilty to any of the 1814
following sexually oriented offenses: 1815

(a) A violation of section 2907.06, 2907.07, 2907.08, 1816
2907.22, or 2907.32 of the Revised Code; 1817

(b) A violation of division (A)(2) of section 2907.04 of 1818
the Revised Code when the offender is less than four years older 1819
than the other person with whom the offender engaged in sexual 1820
conduct, the other person did not consent to the sexual conduct, 1821
and the offender previously has not been convicted of or pleaded 1822
guilty to a violation of section 2907.02, 2907.03, or 2907.04 of 1823
the Revised Code or a violation of former section 2907.12 of the 1824
Revised Code; 1825

(c) A violation of division (A)(1), (2), (3), or (5) or 1826
(C) of section 2907.05 of the Revised Code; 1827

(d) A violation of division (A)(3) of section 2907.323 of 1828
the Revised Code; 1829

(e) A violation of division (A)(3) of section 2903.211, of 1830
division (B) of section 2905.03, or of division (B) of section 1831
2905.05 of the Revised Code; 1832

(f) A violation of division (B)(4) of section 2907.09 of 1833
the Revised Code if the sentencing court classifies the offender 1834

as a tier I sex offender/child-victim offender relative to that offense pursuant to division (D) of that section;

(g) 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 (E)(1)(a), (b), (c), (d), (e), or (f) of this section;

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

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

(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 I 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 who a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier I sex offender/child-victim offender relative to the

offense. 1864

(F) "Tier II sex offender/child-victim offender" means any 1865
of the following: 1866

(1) A sex offender who is convicted of, pleads guilty to, 1867
has been convicted of, or has pleaded guilty to any of the 1868
following sexually oriented offenses: 1869

(a) A violation of section 2907.21~~r~~ or 2907.321~~r~~ of the 1870
Revised Code or division (A) of section 2907.322 of the Revised 1871
Code; 1872

(b) A violation of division (A) (1) of section 2907.04 of 1873
the Revised Code or a violation of division (A) (2) of section 1874
2907.04 of the Revised Code when the offender is at least four 1875
years older than the other person with whom the offender engaged in 1876
sexual conduct, or when the offender is less than four years 1877
older than the other person with whom the offender engaged in 1878
sexual conduct and the offender previously has been convicted of 1879
or pleaded guilty to a violation of section 2907.02, 2907.03, or 1880
2907.04 of the Revised Code or former section 2907.12 of the 1881
Revised Code; 1882

(c) A violation of section 2907.03 of the Revised Code if 1883
the sexual activity involved is sexual contact; 1884

(d) A violation of division (A) (4) of section 2907.05 or 1885
of division (A) (1) or (2) of section 2907.323 of the Revised 1886
Code; 1887

(e) A violation of division (A) (1), (2), (3), or (5) of 1888
section 2905.01 of the Revised Code when the offense is 1889
committed with a sexual motivation; 1890

(f) A violation of division (A) (4) of section 2905.01 of 1891

the Revised Code when the victim of the offense is eighteen 1892
years of age or older; 1893

(g) A violation of division (B) of section 2905.02 or of 1894
division (B) (5) of section 2919.22 of the Revised Code; 1895

(h) A violation of section 2905.32 of the Revised Code 1896
that is described in division (A) (11) (a) or (b) of this section; 1897

(i) A violation of any former law of this state, any 1898
existing or former municipal ordinance or law of another state 1899
or the United States, any existing or former law applicable in a 1900
military court or in an Indian tribal court, or any existing or 1901
former law of any nation other than the United States that is or 1902
was substantially equivalent to any offense listed in division 1903
(F) (1) (a), (b), (c), (d), (e), (f), (g), or (h) of this section; 1904

(j) Any attempt to commit, conspiracy to commit, or 1905
complicity in committing any offense listed in division (F) (1) 1906
(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this section; 1907

(k) Any sexually oriented offense that is committed after 1908
the sex offender previously has been convicted of, pleaded 1909
guilty to, or has been adjudicated a delinquent child for 1910
committing any sexually oriented offense or child-victim 1911
oriented offense for which the offender was classified a tier I 1912
sex offender/child-victim offender. 1913

(2) A child-victim offender who is convicted of, pleads 1914
guilty to, has been convicted of, or has pleaded guilty to any 1915
child-victim oriented offense when the child-victim oriented 1916
offense is committed after the child-victim offender previously 1917
has been convicted of, pleaded guilty to, or been adjudicated a 1918
delinquent child for committing any sexually oriented offense or 1919
child-victim oriented offense for which the offender was 1920

classified a tier I sex offender/child-victim offender. 1921

(3) A sex offender who is adjudicated a delinquent child 1922
for committing or has been adjudicated a delinquent child for 1923
committing any sexually oriented offense and who a juvenile 1924
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 1925
of the Revised Code, classifies a tier II sex offender/child- 1926
victim offender relative to the offense. 1927

(4) A child-victim offender who is adjudicated a 1928
delinquent child for committing or has been adjudicated a 1929
delinquent child for committing any child-victim oriented 1930
offense and whom a juvenile court, pursuant to section 2152.82, 1931
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 1932
tier II sex offender/child-victim offender relative to the 1933
current offense. 1934

(5) A sex offender or child-victim offender who is not in 1935
any category of tier II sex offender/child-victim offender set 1936
forth in division (F) (1), (2), (3), or (4) of this section, who 1937
prior to January 1, 2008, was adjudicated a delinquent child for 1938
committing a sexually oriented offense or child-victim oriented 1939
offense, and who prior to that date was determined to be a 1940
habitual sex offender or determined to be a habitual child- 1941
victim offender, unless either of the following applies: 1942

(a) The sex offender or child-victim offender is 1943
reclassified pursuant to section 2950.031 or 2950.032 of the 1944
Revised Code as a tier I sex offender/child-victim offender or a 1945
tier III sex offender/child-victim offender relative to the 1946
offense. 1947

(b) A juvenile court, pursuant to section 2152.82, 1948
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the 1949

child a tier I sex offender/child-victim offender or a tier III
sex offender/child-victim offender relative to the offense. 1950
1951

(G) "Tier III sex offender/child-victim offender" means 1952
any of the following: 1953

(1) A sex offender who is convicted of, pleads guilty to,
has been convicted of, or has pleaded guilty to any of the 1954
following sexually oriented offenses: 1955
1956

(a) A violation of section 2907.02 of the Revised Code or 1957
a violation of section 2907.03 of the Revised Code if the sexual 1958
activity involved is sexual conduct; 1959

(b) A violation of division (B) of section 2907.05 of the 1960
Revised Code; 1961

(c) A violation of section 2903.01, 2903.02, or 2903.11 of 1962
the Revised Code when the violation was committed with a sexual 1963
motivation; 1964

(d) A violation of division (A) of section 2903.04 of the 1965
Revised Code when the offender committed or attempted to commit 1966
the felony that is the basis of the violation with a sexual 1967
motivation; 1968

(e) A violation of division (A)(4) of section 2905.01 of 1969
the Revised Code when the victim of the offense is under 1970
eighteen years of age; 1971

(f) A violation of division (B) of section 2905.01 of the 1972
Revised Code when the victim of the offense is under eighteen 1973
years of age and the offender is not a parent of the victim of 1974
the offense; 1975

(g) A violation of division (B) of section 2903.03 of the 1976
Revised Code; 1977

(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; 1978
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(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; 1985
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(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. 1988
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(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. 1995
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(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 2004
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of the Revised Code, classifies a tier III sex offender/child-victim offender relative to the offense. 2008
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(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 III sex offender/child-victim offender relative to the current offense. 2010
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(5) A sex offender or child-victim offender who is not in any category of tier III sex offender/child-victim offender set forth in division (G) (1), (2), (3), or (4) of this section, who prior to January 1, 2008, was convicted of or pleaded guilty to a sexually oriented offense or child-victim oriented offense or was adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense and classified a juvenile offender registrant, and who prior to that date was adjudicated a sexual predator or adjudicated a child-victim predator, unless either of the following applies: 2017
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(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 II sex offender/child-victim offender relative to the offense. 2027
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(b) The sex offender or child-victim offender is a delinquent child, and a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the child a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender relative to the offense. 2032
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(6) A sex offender who is convicted of, pleads guilty to, 2038
was convicted of, or pleaded guilty to a sexually oriented 2039
offense, if the sexually oriented offense and the circumstances 2040
in which it was committed are such that division (F) of section 2041
2971.03 of the Revised Code automatically classifies the 2042
offender as a tier III sex offender/child-victim offender; 2043

(7) A sex offender or child-victim offender who is 2044
convicted of, pleads guilty to, was convicted of, pleaded guilty 2045
to, is adjudicated a delinquent child for committing, or was 2046
adjudicated a delinquent child for committing a sexually 2047
oriented offense or child-victim offense in another state, in a 2048
federal court, military court, or Indian tribal court, or in a 2049
court in any nation other than the United States if both of the 2050
following apply: 2051

(a) Under the law of the jurisdiction in which the 2052
offender was convicted or pleaded guilty or the delinquent child 2053
was adjudicated, the offender or delinquent child is in a 2054
category substantially equivalent to a category of tier III sex 2055
offender/child-victim offender described in division (G)(1), 2056
(2), (3), (4), (5), or (6) of this section. 2057

(b) Subsequent to the conviction, plea of guilty, or 2058
adjudication in the other jurisdiction, the offender or 2059
delinquent child resides, has temporary domicile, attends school 2060
or an institution of higher education, is employed, or intends 2061
to reside in this state in any manner and for any period of time 2062
that subjects the offender or delinquent child to a duty to 2063
register or provide notice of intent to reside under section 2064
2950.04 or 2950.041 of the Revised Code. 2065

(H) "Confinement" includes, but is not limited to, a 2066
community residential sanction imposed pursuant to section 2067

2929.16 or 2929.26 of the Revised Code. 2068

(I) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 2069
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(J) "Supervised release" means a release of an offender from a prison term, a term of imprisonment, or another type of confinement that satisfies either of the following conditions: 2071
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(1) The release is on parole, a conditional pardon, under a community control sanction, under transitional control, or under a post-release control sanction, and it requires the person to report to or be supervised by a parole officer, probation officer, field officer, or another type of supervising officer. 2074
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(2) The release is any type of release that is not described in division (J)(1) of this section and that requires the person to report to or be supervised by a probation officer, a parole officer, a field officer, or another type of supervising officer. 2080
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(K) "Sexually violent predator specification," "sexually violent predator," "sexually violent offense," "sexual motivation specification," "designated homicide, assault, or kidnapping offense," and "violent sex offense" have the same meanings as in section 2971.01 of the Revised Code. 2085
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(L) "Post-release control sanction" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code. 2090
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(M) "Juvenile offender registrant" means a person who is adjudicated a delinquent child for committing on or after January 1, 2002, a sexually oriented offense or a child-victim oriented offense, who is fourteen years of age or older at the 2093
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time of committing the offense, and who a juvenile court judge, 2097
pursuant to an order issued under section 2152.82, 2152.83, 2098
2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a 2099
juvenile offender registrant and specifies has a duty to comply 2100
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 2101
Revised Code. "Juvenile offender registrant" includes a person 2102
who prior to January 1, 2008, was a "juvenile offender 2103
registrant" under the definition of the term in existence prior 2104
to January 1, 2008, and a person who prior to July 31, 2003, was 2105
a "juvenile sex offender registrant" under the former definition 2106
of that former term. 2107

(N) "Public registry-qualified juvenile offender 2108
registrant" means a person who is adjudicated a delinquent child 2109
and on whom a juvenile court has imposed a serious youthful 2110
offender dispositional sentence under section 2152.13 of the 2111
Revised Code before, on, or after January 1, 2008, and to whom 2112
all of the following apply: 2113

(1) The person is adjudicated a delinquent child for 2114
committing, attempting to commit, conspiring to commit, or 2115
complicity in committing one of the following acts: 2116

(a) A violation of section 2907.02 of the Revised Code, 2117
division (B) of section 2907.05 of the Revised Code, or section 2118
2907.03 of the Revised Code if the victim of the violation was 2119
less than twelve years of age; 2120

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 2121
the Revised Code that was committed with a purpose to gratify 2122
the sexual needs or desires of the child; 2123

(c) A violation of division (B) of section 2903.03 of the 2124
Revised Code. 2125

(2) The person was fourteen, fifteen, sixteen, or 2126
seventeen years of age at the time of committing the act. 2127

(3) A juvenile court judge, pursuant to an order issued 2128
under section 2152.86 of the Revised Code, classifies the person 2129
a juvenile offender registrant, specifies the person has a duty 2130
to comply with sections 2950.04, 2950.05, and 2950.06 of the 2131
Revised Code, and classifies the person a public registry- 2132
qualified juvenile offender registrant, and the classification 2133
of the person as a public registry-qualified juvenile offender 2134
registrant has not been terminated pursuant to division (D) of 2135
section 2152.86 of the Revised Code. 2136

(O) "Secure facility" means any facility that is designed 2137
and operated to ensure that all of its entrances and exits are 2138
locked and under the exclusive control of its staff and to 2139
ensure that, because of that exclusive control, no person who is 2140
institutionalized or confined in the facility may leave the 2141
facility without permission or supervision. 2142

(P) "Out-of-state juvenile offender registrant" means a 2143
person who is adjudicated a delinquent child in a court in 2144
another state, in a federal court, military court, or Indian 2145
tribal court, or in a court in any nation other than the United 2146
States for committing a sexually oriented offense or a child- 2147
victim oriented offense, who on or after January 1, 2002, moves 2148
to and resides in this state or temporarily is domiciled in this 2149
state for more than five days, and who has a duty under section 2150
2950.04 or 2950.041 of the Revised Code to register in this 2151
state and the duty to otherwise comply with that applicable 2152
section and sections 2950.05 and 2950.06 of the Revised Code. 2153
"Out-of-state juvenile offender registrant" includes a person 2154
who prior to January 1, 2008, was an "out-of-state juvenile 2155

offender registrant" under the definition of the term in 2156
existence prior to January 1, 2008, and a person who prior to 2157
July 31, 2003, was an "out-of-state juvenile sex offender 2158
registrant" under the former definition of that former term. 2159

(Q) "Juvenile court judge" includes a magistrate to whom 2160
the juvenile court judge confers duties pursuant to division (A) 2161
(15) of section 2151.23 of the Revised Code. 2162

(R) "Adjudicated a delinquent child for committing a 2163
sexually oriented offense" includes a child who receives a 2164
serious youthful offender dispositional sentence under section 2165
2152.13 of the Revised Code for committing a sexually oriented 2166
offense. 2167

(S) "School" and "school premises" have the same meanings 2168
as in section 2925.01 of the Revised Code. 2169

(T) "Residential premises" means the building in which a 2170
residential unit is located and the grounds upon which that 2171
building stands, extending to the perimeter of the property. 2172
"Residential premises" includes any type of structure in which a 2173
residential unit is located, including, but not limited to, 2174
multi-unit buildings and mobile and manufactured homes. 2175

(U) "Residential unit" means a dwelling unit for 2176
residential use and occupancy, and includes the structure or 2177
part of a structure that is used as a home, residence, or 2178
sleeping place by one person who maintains a household or two or 2179
more persons who maintain a common household. "Residential unit" 2180
does not include a halfway house or a community-based 2181
correctional facility. 2182

(V) "Multi-unit building" means a building in which is 2183
located more than twelve residential units that have entry doors 2184

that open directly into the unit from a hallway that is shared 2185
with one or more other units. A residential unit is not 2186
considered located in a multi-unit building if the unit does not 2187
have an entry door that opens directly into the unit from a 2188
hallway that is shared with one or more other units or if the 2189
unit is in a building that is not a multi-unit building as 2190
described in this division. 2191

(W) "Community control sanction" has the same meaning as 2192
in section 2929.01 of the Revised Code. 2193

(X) "Halfway house" and "community-based correctional 2194
facility" have the same meanings as in section 2929.01 of the 2195
Revised Code. 2196

(Y) A person is in a "restricted offender category" if 2197
both of the following apply with respect to the person: 2198

(1) The person has been convicted of, is convicted of, has 2199
pleaded guilty to, or pleads guilty to a sexually oriented 2200
offense where the victim was under the age of eighteen or a 2201
child-victim oriented offense. 2202

(2) With respect to the offense described in division (Y) 2203
(1) of this section, one of the following applies: 2204

(a) With respect to that offense, the person is a tier II 2205
sex offender/child-victim offender or is a tier III sex 2206
offender/child-victim offender who is subject to the duties 2207
imposed by sections 2950.04, 2950.041, 2950.05, and 2950.06 of 2208
the Revised Code. 2209

(b) With respect to that offense if it was committed prior 2210
to January 1, 2008, under the version of Chapter 2950. of the 2211
Revised Code in effect prior to January 1, 2008, the person was 2212
adjudicated a sexual predator, was adjudicated a child-victim 2213

predator, was classified a habitual sex offender, or was 2214
classified a habitual child-victim sex offender. 2215

(Z) "Adjudicated a sexual predator," "adjudicated a child- 2216
victim predator," "habitual sex offender," and "habitual child- 2217
victim offender" have the meanings of those terms that applied 2218
to them under Chapter 2950. of the Revised Code prior to January 2219
1, 2008. 2220

(AA) "Fixed residence address" means a permanent 2221
residential address. "Fixed residence address" does not include 2222
a temporary address, including a place or places that a homeless 2223
person stays or intends to stay, unless that place is a shelter 2224
that intends to allow the homeless person to stay for thirty or 2225
more consecutive days. 2226

(BB) "Homeless" has the same meaning as in 42 U.S.C. 2227
11302. 2228

Section 2. That existing sections 959.99, 2907.04, 2229
2907.05, 2907.321, 2907.322, 2907.323, 2929.14, and 2950.01 of 2230
the Revised Code are hereby repealed. 2231

Section 3. The General Assembly, applying the principle 2232
stated in division (B) of section 1.52 of the Revised Code that 2233
amendments are to be harmonized if reasonably capable of 2234
simultaneous operation, finds that the following sections, 2235
presented in this act as composites of the sections as amended 2236
by the acts indicated, are the resulting versions of the 2237
sections in effect prior to the effective date of the sections 2238
as presented in this act: 2239

Section 959.99 of the Revised Code as amended by both H.B. 2240
281 and S.B. 164 of the 134th General Assembly. 2241

Section 2929.14 of the Revised Code as amended by H.B. 37, 2242

H.B. 56, H.B. 111, and S.B. 106, all of the 135th General Assembly.	2243
	2244
Section 2950.01 of the Revised Code as amended by both	2245
H.B. 289 and S.B. 109 of the 135th General Assembly.	2246