

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 146

Senators Kunze, Antonio

A BILL

To amend sections 2919.25, 2929.13, and 2929.14 of 1
the Revised Code to expand the offense of 2
domestic violence to also prohibit a person from 3
knowingly impeding the normal breathing or 4
circulation of the blood of a family or 5
household member by applying pressure to the 6
family or household member's throat or neck or 7
blocking the family or household member's nose 8
or mouth. 9

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

Section 1. That sections 2919.25, 2929.13, and 2929.14 of 10
the Revised Code be amended to read as follows: 11

Sec. 2919.25. (A) No person shall knowingly cause or 12
attempt to cause physical harm to a family or household member. 13

(B) No person shall recklessly cause serious physical harm 14
to a family or household member. 15

(C) No person, by threat of force, shall knowingly cause a 16
family or household member to believe that the offender will 17
cause imminent physical harm to the family or household member. 18

(D) No person shall knowingly impede the normal breathing or circulation of the blood of a family or household member by applying pressure to the throat or neck, or by blocking the nose or mouth, of the family or household member. 19
20
21
22

(E) (1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided in divisions ~~(D)~~ (E) (2) to ~~(6)~~ (8) of this section. 23
24
25

(2) Except as otherwise provided in divisions ~~(D)~~ (E) (3) to (5) of this section, a violation of division (C) of this section is a misdemeanor of the fourth degree, and a violation of division (A) or (B) of this section is a misdemeanor of the first degree. 26
27
28
29
30

(3) Except as otherwise provided in division ~~(D)~~ (E) (4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of division (A) or (B) of this section is a felony of the fourth degree, and, if the offender knew that the victim of the violation was pregnant at the time of the 31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

violation, the court shall impose a mandatory prison term on the 49
offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, and 50
a violation of division (C) of this section is a misdemeanor of 51
the second degree. 52

(4) If the offender previously has pleaded guilty to or 53
been convicted of two or more offenses of domestic violence or 54
two or more violations or offenses of the type described in 55
division ~~(D)~~ (E) (3) of this section involving a person who was a 56
family or household member at the time of the violations or 57
offenses, a violation of division (A) or (B) of this section is 58
a felony of the third degree, and, if the offender knew that the 59
victim of the violation was pregnant at the time of the 60
violation, the court shall impose a mandatory prison term on the 61
offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, and 62
a violation of division (C) of this section is a misdemeanor of 63
the first degree. 64

(5) Except as otherwise provided in division ~~(D)~~ (E) (3) or 65
(4) of this section, if the offender knew that the victim of the 66
violation was pregnant at the time of the violation, a violation 67
of division (A) or (B) of this section is a felony of the fifth 68
degree, and the court shall impose a mandatory prison term on 69
the offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, 70
and a violation of division (C) of this section is a misdemeanor 71
of the third degree. 72

(6) Except as otherwise provided in division (E) (7) of 73
this section, a violation of division (D) of this section is a 74
felony of the third degree, and the court shall impose a 75
mandatory prison term on the offender pursuant to division (E) 76
(8) of this section. 77

(7) If the offender previously has pleaded guilty to or 78

been convicted of a violation of this section, or if the 79
offender previously has pleaded guilty to or been convicted of 80
two or more offenses of violence, a violation of division (D) of 81
this section is a felony of the second degree, and the court 82
shall impose as the minimum prison term for the offense a 83
mandatory prison term on the offender pursuant to division (E) 84
(8) of this section. 85

(8) If division ~~(D)~~(E) (3), (4), ~~or~~ (5), (6), or (7) of 86
this section requires the court that sentences an offender for a 87
violation of division (A) ~~or~~, (B), or (D) of this section to 88
impose a mandatory prison term on the offender pursuant to this 89
division, the court shall impose the mandatory prison term as 90
follows: 91

(a) If the violation of division (A) or (B) of this 92
section is a felony of the fourth or fifth degree, except as 93
otherwise provided in division ~~(D)~~(E) (8) (b) or (c) of this 94
section, the court shall impose a mandatory prison term on the 95
offender of at least six months. 96

(b) If the violation of division (A) or (B) of this 97
section is a felony of the fifth degree and the offender, in 98
committing the violation, caused serious physical harm to the 99
pregnant woman's unborn or caused the termination of the 100
pregnant woman's pregnancy, the court shall impose a mandatory 101
prison term on the offender of twelve months. 102

(c) If the violation of division (A) or (B) of this 103
section is a felony of the fourth degree and the offender, in 104
committing the violation, caused serious physical harm to the 105
pregnant woman's unborn or caused the termination of the 106
pregnant woman's pregnancy, the court shall impose a mandatory 107
prison term on the offender of at least twelve months. 108

(d) If the violation of division (A) ~~or~~, (B), or (D) of 109
this section is a felony of the third degree, except as 110
otherwise provided in division ~~(D) (6)~~ (E) (8) (e) of this section 111
and notwithstanding the range of definite prison terms 112
prescribed in division (A) (3) of section 2929.14 of the Revised 113
Code for a felony of the third degree, the court shall impose a 114
mandatory prison term on the offender of either a definite term 115
of six months or one of the prison terms prescribed in division 116
(A) (3) (b) of section 2929.14 of the Revised Code for felonies of 117
the third degree. 118

(e) If the violation of division (A) ~~or~~, (B), or (D) of 119
this section is a felony of the third degree and the offender, 120
in committing the violation, caused serious physical harm to the 121
pregnant woman's unborn or caused the termination of the 122
pregnant woman's pregnancy, notwithstanding the range of 123
definite prison terms prescribed in division (A) (3) of section 124
2929.14 of the Revised Code for a felony of the third degree, 125
the court shall impose a mandatory prison term on the offender 126
of either a definite term of one year or one of the prison terms 127
prescribed in division (A) (3) (b) of section 2929.14 of the 128
Revised Code for felonies of the third degree. 129

~~(E)~~ (f) If the violation of division (D) of this section 130
is a felony of the second degree, notwithstanding the range of 131
prison terms prescribed in section 2929.14 of the Revised Code 132
for a felony of the second degree, the court shall impose as the 133
minimum prison term for the offense a mandatory prison term that 134
is one of the minimum terms prescribed in division (A) (2) (a) of 135
that section for a felony of the second degree. 136

(F) Notwithstanding any provision of law to the contrary, 137
no court or unit of state or local government shall charge any 138

fee, cost, deposit, or money in connection with the filing of 139
charges against a person alleging that the person violated this 140
section or a municipal ordinance substantially similar to this 141
section or in connection with the prosecution of any charges so 142
filed. 143

~~(F)~~(G) It is not required in a prosecution under division 144
(D) of this section to allege or prove that the family or 145
household member who is the victim suffered physical harm or 146
serious physical harm or visible injury. 147

(H) It is an affirmative defense to a charge under 148
division (D) of this section that the act was done to the family 149
or household member as part of a medical or other procedure 150
undertaken to aid or benefit the victim. 151

(I) As used in this section and sections 2919.251 and 152
2919.26 of the Revised Code: 153

(1) "Family or household member" means any of the 154
following: 155

(a) Any of the following who is residing or has resided 156
with the offender: 157

(i) A spouse, a person living as a spouse, or a former 158
spouse of the offender; 159

(ii) A parent, a foster parent, or a child of the 160
offender, or another person related by consanguinity or affinity 161
to the offender; 162

(iii) A parent or a child of a spouse, person living as a 163
spouse, or former spouse of the offender, or another person 164
related by consanguinity or affinity to a spouse, person living 165
as a spouse, or former spouse of the offender. 166

(b) The natural parent of any child of whom the offender 167
is the other natural parent or is the putative other natural 168
parent. 169

(2) "Person living as a spouse" means a person who is 170
living or has lived with the offender in a common law marital 171
relationship, who otherwise is cohabiting with the offender, or 172
who otherwise has cohabited with the offender within five years 173
prior to the date of the alleged commission of the act in 174
question. 175

(3) "Pregnant woman's unborn" has the same meaning as 176
"such other person's unborn," as set forth in section 2903.09 of 177
the Revised Code, as it relates to the pregnant woman. Division 178
(C) of that section applies regarding the use of the term in 179
this section, except that the second and third sentences of 180
division (C)(1) of that section shall be construed for purposes 181
of this section as if they included a reference to this section 182
in the listing of Revised Code sections they contain. 183

(4) "Termination of the pregnant woman's pregnancy" has 184
the same meaning as "unlawful termination of another's 185
pregnancy," as set forth in section 2903.09 of the Revised Code, 186
as it relates to the pregnant woman. Division (C) of that 187
section applies regarding the use of the term in this section, 188
except that the second and third sentences of division (C)(1) of 189
that section shall be construed for purposes of this section as 190
if they included a reference to this section in the listing of 191
Revised Code sections they contain. 192

Sec. 2929.13. (A) Except as provided in division (E), (F), 193
or (G) of this section and unless a specific sanction is 194
required to be imposed or is precluded from being imposed 195
pursuant to law, a court that imposes a sentence upon an 196

offender for a felony may impose any sanction or combination of 197
sanctions on the offender that are provided in sections 2929.14 198
to 2929.18 of the Revised Code. 199

If the offender is eligible to be sentenced to community 200
control sanctions, the court shall consider the appropriateness 201
of imposing a financial sanction pursuant to section 2929.18 of 202
the Revised Code or a sanction of community service pursuant to 203
section 2929.17 of the Revised Code as the sole sanction for the 204
offense. Except as otherwise provided in this division, if the 205
court is required to impose a mandatory prison term for the 206
offense for which sentence is being imposed, the court also 207
shall impose any financial sanction pursuant to section 2929.18 208
of the Revised Code that is required for the offense and may 209
impose any other financial sanction pursuant to that section but 210
may not impose any additional sanction or combination of 211
sanctions under section 2929.16 or 2929.17 of the Revised Code. 212

If the offender is being sentenced for a fourth degree 213
felony OVI offense or for a third degree felony OVI offense, in 214
addition to the mandatory term of local incarceration or the 215
mandatory prison term required for the offense by division (G) 216
(1) or (2) of this section, the court shall impose upon the 217
offender a mandatory fine in accordance with division (B) (3) of 218
section 2929.18 of the Revised Code and may impose whichever of 219
the following is applicable: 220

(1) For a fourth degree felony OVI offense for which 221
sentence is imposed under division (G) (1) of this section, an 222
additional community control sanction or combination of 223
community control sanctions under section 2929.16 or 2929.17 of 224
the Revised Code. If the court imposes upon the offender a 225
community control sanction and the offender violates any 226

condition of the community control sanction, the court may take 227
any action prescribed in division (B) of section 2929.15 of the 228
Revised Code relative to the offender, including imposing a 229
prison term on the offender pursuant to that division. 230

(2) For a third or fourth degree felony OVI offense for 231
which sentence is imposed under division (G)(2) of this section, 232
an additional prison term as described in division (B)(4) of 233
section 2929.14 of the Revised Code or a community control 234
sanction as described in division (G)(2) of this section. 235

(B)(1)(a) Except as provided in division (B)(1)(b) of this 236
section, if an offender is convicted of or pleads guilty to a 237
felony of the fourth or fifth degree that is not an offense of 238
violence or that is a qualifying assault offense, the court 239
shall sentence the offender to a community control sanction or 240
combination of community control sanctions if all of the 241
following apply: 242

(i) The offender previously has not been convicted of or 243
pleaded guilty to a felony offense. 244

(ii) The most serious charge against the offender at the 245
time of sentencing is a felony of the fourth or fifth degree. 246

(iii) If the court made a request of the department of 247
rehabilitation and correction pursuant to division (B)(1)(c) of 248
this section, the department, within the forty-five-day period 249
specified in that division, provided the court with the names 250
of, contact information for, and program details of one or more 251
community control sanctions that are available for persons 252
sentenced by the court. 253

(iv) The offender previously has not been convicted of or 254
pleaded guilty to a misdemeanor offense of violence that the 255

offender committed within two years prior to the offense for	256
which sentence is being imposed.	257
(b) The court has discretion to impose a prison term upon	258
an offender who is convicted of or pleads guilty to a felony of	259
the fourth or fifth degree that is not an offense of violence or	260
that is a qualifying assault offense if any of the following	261
apply:	262
(i) The offender committed the offense while having a	263
firearm on or about the offender's person or under the	264
offender's control.	265
(ii) If the offense is a qualifying assault offense, the	266
offender caused serious physical harm to another person while	267
committing the offense, and, if the offense is not a qualifying	268
assault offense, the offender caused physical harm to another	269
person while committing the offense.	270
(iii) The offender violated a term of the conditions of	271
bond as set by the court.	272
(iv) The court made a request of the department of	273
rehabilitation and correction pursuant to division (B) (1) (c) of	274
this section, and the department, within the forty-five-day	275
period specified in that division, did not provide the court	276
with the name of, contact information for, and program details	277
of any community control sanction that is available for persons	278
sentenced by the court.	279
(v) The offense is a sex offense that is a fourth or fifth	280
degree felony violation of any provision of Chapter 2907. of the	281
Revised Code.	282
(vi) In committing the offense, the offender attempted to	283
cause or made an actual threat of physical harm to a person with	284

a deadly weapon.	285
(vii) In committing the offense, the offender attempted to	286
cause or made an actual threat of physical harm to a person, and	287
the offender previously was convicted of an offense that caused	288
physical harm to a person.	289
(viii) The offender held a public office or position of	290
trust, and the offense related to that office or position; the	291
offender's position obliged the offender to prevent the offense	292
or to bring those committing it to justice; or the offender's	293
professional reputation or position facilitated the offense or	294
was likely to influence the future conduct of others.	295
(ix) The offender committed the offense for hire or as	296
part of an organized criminal activity.	297
(x) The offender at the time of the offense was serving,	298
or the offender previously had served, a prison term.	299
(xi) The offender committed the offense while under a	300
community control sanction, while on probation, or while	301
released from custody on a bond or personal recognizance.	302
(c) If a court that is sentencing an offender who is	303
convicted of or pleads guilty to a felony of the fourth or fifth	304
degree that is not an offense of violence or that is a	305
qualifying assault offense believes that no community control	306
sanctions are available for its use that, if imposed on the	307
offender, will adequately fulfill the overriding principles and	308
purposes of sentencing, the court shall contact the department	309
of rehabilitation and correction and ask the department to	310
provide the court with the names of, contact information for,	311
and program details of one or more community control sanctions	312
that are available for persons sentenced by the court. Not later	313

than forty-five days after receipt of a request from a court 314
under this division, the department shall provide the court with 315
the names of, contact information for, and program details of 316
one or more community control sanctions that are available for 317
persons sentenced by the court, if any. Upon making a request 318
under this division that relates to a particular offender, a 319
court shall defer sentencing of that offender until it receives 320
from the department the names of, contact information for, and 321
program details of one or more community control sanctions that 322
are available for persons sentenced by the court or for forty- 323
five days, whichever is the earlier. 324

If the department provides the court with the names of, 325
contact information for, and program details of one or more 326
community control sanctions that are available for persons 327
sentenced by the court within the forty-five-day period 328
specified in this division, the court shall impose upon the 329
offender a community control sanction under division (B) (1) (a) 330
of this section, except that the court may impose a prison term 331
under division (B) (1) (b) of this section if a factor described 332
in division (B) (1) (b) (i) or (ii) of this section applies. If the 333
department does not provide the court with the names of, contact 334
information for, and program details of one or more community 335
control sanctions that are available for persons sentenced by 336
the court within the forty-five-day period specified in this 337
division, the court may impose upon the offender a prison term 338
under division (B) (1) (b) (iv) of this section. 339

(d) A sentencing court may impose an additional penalty 340
under division (B) of section 2929.15 of the Revised Code upon 341
an offender sentenced to a community control sanction under 342
division (B) (1) (a) of this section if the offender violates the 343
conditions of the community control sanction, violates a law, or 344

leaves the state without the permission of the court or the 345
offender's probation officer. 346

(2) If division (B) (1) of this section does not apply, 347
except as provided in division (E), (F), or (G) of this section, 348
in determining whether to impose a prison term as a sanction for 349
a felony of the fourth or fifth degree, the sentencing court 350
shall comply with the purposes and principles of sentencing 351
under section 2929.11 of the Revised Code and with section 352
2929.12 of the Revised Code. 353

(C) Except as provided in division (D), (E), (F), or (G) 354
of this section, in determining whether to impose a prison term 355
as a sanction for a felony of the third degree or a felony drug 356
offense that is a violation of a provision of Chapter 2925. of 357
the Revised Code and that is specified as being subject to this 358
division for purposes of sentencing, the sentencing court shall 359
comply with the purposes and principles of sentencing under 360
section 2929.11 of the Revised Code and with section 2929.12 of 361
the Revised Code. 362

(D) (1) Except as provided in division (E) or (F) of this 363
section, for a felony of the first or second degree, for a 364
felony drug offense that is a violation of any provision of 365
Chapter 2925., 3719., or 4729. of the Revised Code for which a 366
presumption in favor of a prison term is specified as being 367
applicable, and for a violation of division (A) (4) or (B) of 368
section 2907.05 of the Revised Code for which a presumption in 369
favor of a prison term is specified as being applicable, it is 370
presumed that a prison term is necessary in order to comply with 371
the purposes and principles of sentencing under section 2929.11 372
of the Revised Code. Division (D) (2) of this section does not 373
apply to a presumption established under this division for a 374

violation of division (A) (4) of section 2907.05 of the Revised Code. 375
376

(2) Notwithstanding the presumption established under 377
division (D) (1) of this section for the offenses listed in that 378
division other than a violation of division (A) (4) or (B) of 379
section 2907.05 of the Revised Code, the sentencing court may 380
impose a community control sanction or a combination of 381
community control sanctions instead of a prison term on an 382
offender for a felony of the first or second degree or for a 383
felony drug offense that is a violation of any provision of 384
Chapter 2925., 3719., or 4729. of the Revised Code for which a 385
presumption in favor of a prison term is specified as being 386
applicable if it makes both of the following findings: 387

(a) A community control sanction or a combination of 388
community control sanctions would adequately punish the offender 389
and protect the public from future crime, because the applicable 390
factors under section 2929.12 of the Revised Code indicating a 391
lesser likelihood of recidivism outweigh the applicable factors 392
under that section indicating a greater likelihood of 393
recidivism. 394

(b) A community control sanction or a combination of 395
community control sanctions would not demean the seriousness of 396
the offense, because one or more factors under section 2929.12 397
of the Revised Code that indicate that the offender's conduct 398
was less serious than conduct normally constituting the offense 399
are applicable, and they outweigh the applicable factors under 400
that section that indicate that the offender's conduct was more 401
serious than conduct normally constituting the offense. 402

(E) (1) Except as provided in division (F) of this section, 403
for any drug offense that is a violation of any provision of 404

Chapter 2925. of the Revised Code and that is a felony of the 405
third, fourth, or fifth degree, the applicability of a 406
presumption under division (D) of this section in favor of a 407
prison term or of division (B) or (C) of this section in 408
determining whether to impose a prison term for the offense 409
shall be determined as specified in section 2925.02, 2925.03, 410
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 411
2925.36, or 2925.37 of the Revised Code, whichever is applicable 412
regarding the violation. 413

(2) If an offender who was convicted of or pleaded guilty 414
to a felony violates the conditions of a community control 415
sanction imposed for the offense solely by reason of producing 416
positive results on a drug test or by acting pursuant to 417
division (B) (2) (b) of section 2925.11 of the Revised Code with 418
respect to a minor drug possession offense, the court, as 419
punishment for the violation of the sanction, shall not order 420
that the offender be imprisoned unless the court determines on 421
the record either of the following: 422

(a) The offender had been ordered as a sanction for the 423
felony to participate in a drug treatment program, in a drug 424
education program, or in narcotics anonymous or a similar 425
program, and the offender continued to use illegal drugs after a 426
reasonable period of participation in the program. 427

(b) The imprisonment of the offender for the violation is 428
consistent with the purposes and principles of sentencing set 429
forth in section 2929.11 of the Revised Code. 430

(3) A court that sentences an offender for a drug abuse 431
offense that is a felony of the third, fourth, or fifth degree 432
may require that the offender be assessed by a properly 433
credentialed professional within a specified period of time. The 434

court shall require the professional to file a written 435
assessment of the offender with the court. If the offender is 436
eligible for a community control sanction and after considering 437
the written assessment, the court may impose a community control 438
sanction that includes addiction services and recovery supports 439
included in a community-based continuum of care established 440
under section 340.032 of the Revised Code. If the court imposes 441
addiction services and recovery supports as a community control 442
sanction, the court shall direct the level and type of addiction 443
services and recovery supports after considering the assessment 444
and recommendation of community addiction services providers. 445

(F) Notwithstanding divisions (A) to (E) of this section, 446
the court shall impose a prison term or terms under sections 447
2929.02 to 2929.06, section 2929.14, section 2929.142, or 448
section 2971.03 of the Revised Code and except as specifically 449
provided in section 2929.20, divisions (C) to (I) of section 450
2967.19, or section 2967.191 of the Revised Code or when parole 451
is authorized for the offense under section 2967.13 of the 452
Revised Code shall not reduce the term or terms pursuant to 453
section 2929.20, section 2967.19, section 2967.193, or any other 454
provision of Chapter 2967. or Chapter 5120. of the Revised Code 455
for any of the following offenses: 456

(1) Aggravated murder when death is not imposed or murder; 457

(2) Any rape, regardless of whether force was involved and 458
regardless of the age of the victim, or an attempt to commit 459
rape if, had the offender completed the rape that was attempted, 460
the offender would have been guilty of a violation of division 461
(A) (1) (b) of section 2907.02 of the Revised Code and would be 462
sentenced under section 2971.03 of the Revised Code; 463

(3) Gross sexual imposition or sexual battery, if the 464

victim is less than thirteen years of age and if any of the following applies:

(a) Regarding gross sexual imposition, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and the victim of the previous offense was less than thirteen years of age;

(b) Regarding gross sexual imposition, the offense was committed on or after August 3, 2006, and evidence other than the testimony of the victim was admitted in the case corroborating the violation.

(c) Regarding sexual battery, either of the following applies:

(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.

(ii) The offense was committed on or after August 3, 2006.

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, or 2923.132 of the Revised Code if the section requires the imposition of a prison term;

(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term;

(6) Any offense that is a first or second degree felony 494
and that is not set forth in division (F) (1), (2), (3), or (4) 495
of this section, if the offender previously was convicted of or 496
pleaded guilty to aggravated murder, murder, any first or second 497
degree felony, or an offense under an existing or former law of 498
this state, another state, or the United States that is or was 499
substantially equivalent to one of those offenses; 500

(7) Any offense that is a third degree felony and either 501
is a violation of section 2903.04 of the Revised Code or an 502
attempt to commit a felony of the second degree that is an 503
offense of violence and involved an attempt to cause serious 504
physical harm to a person or that resulted in serious physical 505
harm to a person if the offender previously was convicted of or 506
pleaded guilty to any of the following offenses: 507

(a) Aggravated murder, murder, involuntary manslaughter, 508
rape, felonious sexual penetration as it existed under section 509
2907.12 of the Revised Code prior to September 3, 1996, a felony 510
of the first or second degree that resulted in the death of a 511
person or in physical harm to a person, or complicity in or an 512
attempt to commit any of those offenses; 513

(b) An offense under an existing or former law of this 514
state, another state, or the United States that is or was 515
substantially equivalent to an offense listed in division (F) (7) 516
(a) of this section that resulted in the death of a person or in 517
physical harm to a person. 518

(8) Any offense, other than a violation of section 2923.12 519
of the Revised Code, that is a felony, if the offender had a 520
firearm on or about the offender's person or under the 521
offender's control while committing the felony, with respect to 522
a portion of the sentence imposed pursuant to division (B) (1) (a) 523

of section 2929.14 of the Revised Code for having the firearm;	524
(9) Any offense of violence that is a felony, if the	525
offender wore or carried body armor while committing the felony	526
offense of violence, with respect to the portion of the sentence	527
imposed pursuant to division (B) (1) (d) of section 2929.14 of the	528
Revised Code for wearing or carrying the body armor;	529
(10) Corrupt activity in violation of section 2923.32 of	530
the Revised Code when the most serious offense in the pattern of	531
corrupt activity that is the basis of the offense is a felony of	532
the first degree;	533
(11) Any violent sex offense or designated homicide,	534
assault, or kidnapping offense if, in relation to that offense,	535
the offender is adjudicated a sexually violent predator;	536
(12) A violation of division (A) (1) or (2) of section	537
2921.36 of the Revised Code, or a violation of division (C) of	538
that section involving an item listed in division (A) (1) or (2)	539
of that section, if the offender is an officer or employee of	540
the department of rehabilitation and correction;	541
(13) A violation of division (A) (1) or (2) of section	542
2903.06 of the Revised Code if the victim of the offense is a	543
peace officer, as defined in section 2935.01 of the Revised	544
Code, or an investigator of the bureau of criminal	545
identification and investigation, as defined in section 2903.11	546
of the Revised Code, with respect to the portion of the sentence	547
imposed pursuant to division (B) (5) of section 2929.14 of the	548
Revised Code;	549
(14) A violation of division (A) (1) or (2) of section	550
2903.06 of the Revised Code if the offender has been convicted	551
of or pleaded guilty to three or more violations of division (A)	552

or (B) of section 4511.19 of the Revised Code or an equivalent 553
offense, as defined in section 2941.1415 of the Revised Code, or 554
three or more violations of any combination of those divisions 555
and offenses, with respect to the portion of the sentence 556
imposed pursuant to division (B) (6) of section 2929.14 of the 557
Revised Code; 558

(15) Kidnapping, in the circumstances specified in section 559
2971.03 of the Revised Code and when no other provision of 560
division (F) of this section applies; 561

(16) Kidnapping, abduction, compelling prostitution, 562
promoting prostitution, engaging in a pattern of corrupt 563
activity, a violation of division (A) (1) or (2) of section 564
2907.323 of the Revised Code that involves a minor, or 565
endangering children in violation of division (B) (1), (2), (3), 566
(4), or (5) of section 2919.22 of the Revised Code, if the 567
offender is convicted of or pleads guilty to a specification as 568
described in section 2941.1422 of the Revised Code that was 569
included in the indictment, count in the indictment, or 570
information charging the offense; 571

(17) A felony violation of division (A) ~~or, (B), or (D)~~ 572
of section 2919.25 of the Revised Code if division ~~(D)~~ (E) (3), 573
(4), ~~or (5), (6), or (7)~~ of that section, and division ~~(D)~~ (E) ~~(6)~~ 574
(8) of that section, require the imposition of a prison term; 575

(18) A felony violation of section 2903.11, 2903.12, or 576
2903.13 of the Revised Code, if the victim of the offense was a 577
woman that the offender knew was pregnant at the time of the 578
violation, with respect to a portion of the sentence imposed 579
pursuant to division (B) (8) of section 2929.14 of the Revised 580
Code; 581

(19) (a) Any violent felony offense if the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control during the commission of the violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense, with respect to the portion of the sentence imposed under division (K) of section 2929.14 of the Revised Code.

(b) As used in division (F) (19) (a) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code.

(20) Any violation of division (A) (1) of section 2903.11 of the Revised Code if the offender used an accelerant in committing the violation and the serious physical harm to another or another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity or any violation of division (A) (2) of that section if the offender used an accelerant in committing the violation, the violation caused physical harm to another or another's unborn, and the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity, with respect to a portion of the sentence imposed pursuant to division (B) (9) of section 2929.14 of the Revised Code. The provisions of this division and of division (D) (2) of section 2903.11, divisions (B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

(21) Any violation of division (A) of section 2903.11 of the Revised Code if the victim of the offense suffered permanent disabling harm as a result of the offense and the victim was under ten years of age at the time of the offense, with respect

to a portion of the sentence imposed pursuant to division (B) 612
(10) of section 2929.14 of the Revised Code. 613

(22) A felony violation of section 2925.03, 2925.05, or 614
2925.11 of the Revised Code, if the drug involved in the 615
violation is a fentanyl-related compound or a compound, mixture, 616
preparation, or substance containing a fentanyl-related compound 617
and the offender is convicted of or pleads guilty to a 618
specification of the type described in division (B) of section 619
2941.1410 of the Revised Code that was included in the 620
indictment, count in the indictment, or information charging the 621
offense, with respect to the portion of the sentence imposed 622
under division (B) (11) of section 2929.14 of the Revised Code. 623

(G) Notwithstanding divisions (A) to (E) of this section, 624
if an offender is being sentenced for a fourth degree felony OVI 625
offense or for a third degree felony OVI offense, the court 626
shall impose upon the offender a mandatory term of local 627
incarceration or a mandatory prison term in accordance with the 628
following: 629

(1) If the offender is being sentenced for a fourth degree 630
felony OVI offense and if the offender has not been convicted of 631
and has not pleaded guilty to a specification of the type 632
described in section 2941.1413 of the Revised Code, the court 633
may impose upon the offender a mandatory term of local 634
incarceration of sixty days or one hundred twenty days as 635
specified in division (G) (1) (d) of section 4511.19 of the 636
Revised Code. The court shall not reduce the term pursuant to 637
section 2929.20, 2967.193, or any other provision of the Revised 638
Code. The court that imposes a mandatory term of local 639
incarceration under this division shall specify whether the term 640
is to be served in a jail, a community-based correctional 641

facility, a halfway house, or an alternative residential 642
facility, and the offender shall serve the term in the type of 643
facility specified by the court. A mandatory term of local 644
incarceration imposed under division (G)(1) of this section is 645
not subject to any other Revised Code provision that pertains to 646
a prison term except as provided in division (A)(1) of this 647
section. 648

(2) If the offender is being sentenced for a third degree 649
felony OVI offense, or if the offender is being sentenced for a 650
fourth degree felony OVI offense and the court does not impose a 651
mandatory term of local incarceration under division (G)(1) of 652
this section, the court shall impose upon the offender a 653
mandatory prison term of one, two, three, four, or five years if 654
the offender also is convicted of or also pleads guilty to a 655
specification of the type described in section 2941.1413 of the 656
Revised Code or shall impose upon the offender a mandatory 657
prison term of sixty days or one hundred twenty days as 658
specified in division (G)(1)(d) or (e) of section 4511.19 of the 659
Revised Code if the offender has not been convicted of and has 660
not pleaded guilty to a specification of that type. Subject to 661
divisions (C) to (I) of section 2967.19 of the Revised Code, the 662
court shall not reduce the term pursuant to section 2929.20, 663
2967.19, 2967.193, or any other provision of the Revised Code. 664
The offender shall serve the one-, two-, three-, four-, or five- 665
year mandatory prison term consecutively to and prior to the 666
prison term imposed for the underlying offense and consecutively 667
to any other mandatory prison term imposed in relation to the 668
offense. In no case shall an offender who once has been 669
sentenced to a mandatory term of local incarceration pursuant to 670
division (G)(1) of this section for a fourth degree felony OVI 671
offense be sentenced to another mandatory term of local 672

incarceration under that division for any violation of division 673
(A) of section 4511.19 of the Revised Code. In addition to the 674
mandatory prison term described in division (G) (2) of this 675
section, the court may sentence the offender to a community 676
control sanction under section 2929.16 or 2929.17 of the Revised 677
Code, but the offender shall serve the prison term prior to 678
serving the community control sanction. The department of 679
rehabilitation and correction may place an offender sentenced to 680
a mandatory prison term under this division in an intensive 681
program prison established pursuant to section 5120.033 of the 682
Revised Code if the department gave the sentencing judge prior 683
notice of its intent to place the offender in an intensive 684
program prison established under that section and if the judge 685
did not notify the department that the judge disapproved the 686
placement. Upon the establishment of the initial intensive 687
program prison pursuant to section 5120.033 of the Revised Code 688
that is privately operated and managed by a contractor pursuant 689
to a contract entered into under section 9.06 of the Revised 690
Code, both of the following apply: 691

(a) The department of rehabilitation and correction shall 692
make a reasonable effort to ensure that a sufficient number of 693
offenders sentenced to a mandatory prison term under this 694
division are placed in the privately operated and managed prison 695
so that the privately operated and managed prison has full 696
occupancy. 697

(b) Unless the privately operated and managed prison has 698
full occupancy, the department of rehabilitation and correction 699
shall not place any offender sentenced to a mandatory prison 700
term under this division in any intensive program prison 701
established pursuant to section 5120.033 of the Revised Code 702
other than the privately operated and managed prison. 703

(H) If an offender is being sentenced for a sexually 704
oriented offense or child-victim oriented offense that is a 705
felony committed on or after January 1, 1997, the judge shall 706
require the offender to submit to a DNA specimen collection 707
procedure pursuant to section 2901.07 of the Revised Code. 708

(I) If an offender is being sentenced for a sexually 709
oriented offense or a child-victim oriented offense committed on 710
or after January 1, 1997, the judge shall include in the 711
sentence a summary of the offender's duties imposed under 712
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 713
Code and the duration of the duties. The judge shall inform the 714
offender, at the time of sentencing, of those duties and of 715
their duration. If required under division (A)(2) of section 716
2950.03 of the Revised Code, the judge shall perform the duties 717
specified in that section, or, if required under division (A)(6) 718
of section 2950.03 of the Revised Code, the judge shall perform 719
the duties specified in that division. 720

(J)(1) Except as provided in division (J)(2) of this 721
section, when considering sentencing factors under this section 722
in relation to an offender who is convicted of or pleads guilty 723
to an attempt to commit an offense in violation of section 724
2923.02 of the Revised Code, the sentencing court shall consider 725
the factors applicable to the felony category of the violation 726
of section 2923.02 of the Revised Code instead of the factors 727
applicable to the felony category of the offense attempted. 728

(2) When considering sentencing factors under this section 729
in relation to an offender who is convicted of or pleads guilty 730
to an attempt to commit a drug abuse offense for which the 731
penalty is determined by the amount or number of unit doses of 732
the controlled substance involved in the drug abuse offense, the 733

sentencing court shall consider the factors applicable to the 734
felony category that the drug abuse offense attempted would be 735
if that drug abuse offense had been committed and had involved 736
an amount or number of unit doses of the controlled substance 737
that is within the next lower range of controlled substance 738
amounts than was involved in the attempt. 739

(K) As used in this section: 740

(1) "Community addiction services provider" has the same 741
meaning as in section 5119.01 of the Revised Code. 742

(2) "Drug abuse offense" has the same meaning as in 743
section 2925.01 of the Revised Code. 744

(3) "Minor drug possession offense" has the same meaning 745
as in section 2925.11 of the Revised Code. 746

(4) "Qualifying assault offense" means a violation of 747
section 2903.13 of the Revised Code for which the penalty 748
provision in division (C) (8) (b) or (C) (9) (b) of that section 749
applies. 750

(L) At the time of sentencing an offender for any sexually 751
oriented offense, if the offender is a tier III sex 752
offender/child-victim offender relative to that offense and the 753
offender does not serve a prison term or jail term, the court 754
may require that the offender be monitored by means of a global 755
positioning device. If the court requires such monitoring, the 756
cost of monitoring shall be borne by the offender. If the 757
offender is indigent, the cost of compliance shall be paid by 758
the crime victims reparations fund. 759

Sec. 2929.14. (A) Except as provided in division (B) (1), 760
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 761
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 762

in division ~~(D) (6)~~ (E) (8) of section 2919.25 of the Revised Code 763
and except in relation to an offense for which a sentence of 764
death or life imprisonment is to be imposed, if the court 765
imposing a sentence upon an offender for a felony elects or is 766
required to impose a prison term on the offender pursuant to 767
this chapter, the court shall impose a prison term that shall be 768
one of the following: 769

(1) (a) For a felony of the first degree committed on or 770
after the effective date of this amendment, the prison term 771
shall be an indefinite prison term with a stated minimum term 772
selected by the court of three, four, five, six, seven, eight, 773
nine, ten, or eleven years and a maximum term that is determined 774
pursuant to section 2929.144 of the Revised Code, except that if 775
the section that criminalizes the conduct constituting the 776
felony specifies a different minimum term or penalty for the 777
offense, the specific language of that section shall control in 778
determining the minimum term or otherwise sentencing the 779
offender but the minimum term or sentence imposed under that 780
specific language shall be considered for purposes of the 781
Revised Code as if it had been imposed under this division. 782

(b) For a felony of the first degree committed prior to 783
the effective date of this amendment, the prison term shall be a 784
definite prison term of three, four, five, six, seven, eight, 785
nine, ten, or eleven years. 786

(2) (a) For a felony of the second degree committed on or 787
after the effective date of this amendment, the prison term 788
shall be an indefinite prison term with a stated minimum term 789
selected by the court of two, three, four, five, six, seven, or 790
eight years and a maximum term that is determined pursuant to 791
section 2929.144 of the Revised Code, except that if the section 792

that criminalizes the conduct constituting the felony specifies 793
a different minimum term or penalty for the offense, the 794
specific language of that section shall control in determining 795
the minimum term or otherwise sentencing the offender but the 796
minimum term or sentence imposed under that specific language 797
shall be considered for purposes of the Revised Code as if it 798
had been imposed under this division. 799

(b) For a felony of the second degree committed prior to 800
the effective date of this amendment, the prison term shall be a 801
definite term of two, three, four, five, six, seven, or eight 802
years. 803

(3) (a) For a felony of the third degree that is a 804
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 805
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 806
Code or that is a violation of section 2911.02 or 2911.12 of the 807
Revised Code if the offender previously has been convicted of or 808
pleaded guilty in two or more separate proceedings to two or 809
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 810
of the Revised Code, the prison term shall be a definite term of 811
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 812
forty-eight, fifty-four, or sixty months. 813

(b) For a felony of the third degree that is not an 814
offense for which division (A) (3) (a) of this section applies, 815
the prison term shall be a definite term of nine, twelve, 816
eighteen, twenty-four, thirty, or thirty-six months. 817

(4) For a felony of the fourth degree, the prison term 818
shall be a definite term of six, seven, eight, nine, ten, 819
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 820
or eighteen months. 821

(5) For a felony of the fifth degree, the prison term 822
shall be a definite term of six, seven, eight, nine, ten, 823
eleven, or twelve months. 824

(B) (1) (a) Except as provided in division (B) (1) (e) of this 825
section, if an offender who is convicted of or pleads guilty to 826
a felony also is convicted of or pleads guilty to a 827
specification of the type described in section 2941.141, 828
2941.144, or 2941.145 of the Revised Code, the court shall 829
impose on the offender one of the following prison terms: 830

(i) A prison term of six years if the specification is of 831
the type described in division (A) of section 2941.144 of the 832
Revised Code that charges the offender with having a firearm 833
that is an automatic firearm or that was equipped with a firearm 834
muffler or suppressor on or about the offender's person or under 835
the offender's control while committing the offense; 836

(ii) A prison term of three years if the specification is 837
of the type described in division (A) of section 2941.145 of the 838
Revised Code that charges the offender with having a firearm on 839
or about the offender's person or under the offender's control 840
while committing the offense and displaying the firearm, 841
brandishing the firearm, indicating that the offender possessed 842
the firearm, or using it to facilitate the offense; 843

(iii) A prison term of one year if the specification is of 844
the type described in division (A) of section 2941.141 of the 845
Revised Code that charges the offender with having a firearm on 846
or about the offender's person or under the offender's control 847
while committing the offense; 848

(iv) A prison term of nine years if the specification is 849
of the type described in division (D) of section 2941.144 of the 850

Revised Code that charges the offender with having a firearm 851
that is an automatic firearm or that was equipped with a firearm 852
muffler or suppressor on or about the offender's person or under 853
the offender's control while committing the offense and 854
specifies that the offender previously has been convicted of or 855
pleaded guilty to a specification of the type described in 856
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 857
the Revised Code; 858

(v) A prison term of fifty-four months if the 859
specification is of the type described in division (D) of 860
section 2941.145 of the Revised Code that charges the offender 861
with having a firearm on or about the offender's person or under 862
the offender's control while committing the offense and 863
displaying the firearm, brandishing the firearm, indicating that 864
the offender possessed the firearm, or using the firearm to 865
facilitate the offense and that the offender previously has been 866
convicted of or pleaded guilty to a specification of the type 867
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 868
2941.1412 of the Revised Code; 869

(vi) A prison term of eighteen months if the specification 870
is of the type described in division (D) of section 2941.141 of 871
the Revised Code that charges the offender with having a firearm 872
on or about the offender's person or under the offender's 873
control while committing the offense and that the offender 874
previously has been convicted of or pleaded guilty to a 875
specification of the type described in section 2941.141, 876
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 877

(b) If a court imposes a prison term on an offender under 878
division (B)(1)(a) of this section, the prison term shall not be 879
reduced pursuant to section 2967.19, section 2929.20, section 880

2967.193, or any other provision of Chapter 2967. or Chapter 881
5120. of the Revised Code. Except as provided in division (B) (1) 882
(g) of this section, a court shall not impose more than one 883
prison term on an offender under division (B) (1) (a) of this 884
section for felonies committed as part of the same act or 885
transaction. 886

(c) (i) Except as provided in division (B) (1) (e) of this 887
section, if an offender who is convicted of or pleads guilty to 888
a violation of section 2923.161 of the Revised Code or to a 889
felony that includes, as an essential element, purposely or 890
knowingly causing or attempting to cause the death of or 891
physical harm to another, also is convicted of or pleads guilty 892
to a specification of the type described in division (A) of 893
section 2941.146 of the Revised Code that charges the offender 894
with committing the offense by discharging a firearm from a 895
motor vehicle other than a manufactured home, the court, after 896
imposing a prison term on the offender for the violation of 897
section 2923.161 of the Revised Code or for the other felony 898
offense under division (A), (B) (2), or (B) (3) of this section, 899
shall impose an additional prison term of five years upon the 900
offender that shall not be reduced pursuant to section 2929.20, 901
section 2967.19, section 2967.193, or any other provision of 902
Chapter 2967. or Chapter 5120. of the Revised Code. 903

(ii) Except as provided in division (B) (1) (e) of this 904
section, if an offender who is convicted of or pleads guilty to 905
a violation of section 2923.161 of the Revised Code or to a 906
felony that includes, as an essential element, purposely or 907
knowingly causing or attempting to cause the death of or 908
physical harm to another, also is convicted of or pleads guilty 909
to a specification of the type described in division (C) of 910
section 2941.146 of the Revised Code that charges the offender 911

with committing the offense by discharging a firearm from a 912
motor vehicle other than a manufactured home and that the 913
offender previously has been convicted of or pleaded guilty to a 914
specification of the type described in section 2941.141, 915
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 916
the court, after imposing a prison term on the offender for the 917
violation of section 2923.161 of the Revised Code or for the 918
other felony offense under division (A), (B) (2), or (3) of this 919
section, shall impose an additional prison term of ninety months 920
upon the offender that shall not be reduced pursuant to section 921
2929.20, 2967.19, 2967.193, or any other provision of Chapter 922
2967. or Chapter 5120. of the Revised Code. 923

(iii) A court shall not impose more than one additional 924
prison term on an offender under division (B) (1) (c) of this 925
section for felonies committed as part of the same act or 926
transaction. If a court imposes an additional prison term on an 927
offender under division (B) (1) (c) of this section relative to an 928
offense, the court also shall impose a prison term under 929
division (B) (1) (a) of this section relative to the same offense, 930
provided the criteria specified in that division for imposing an 931
additional prison term are satisfied relative to the offender 932
and the offense. 933

(d) If an offender who is convicted of or pleads guilty to 934
an offense of violence that is a felony also is convicted of or 935
pleads guilty to a specification of the type described in 936
section 2941.1411 of the Revised Code that charges the offender 937
with wearing or carrying body armor while committing the felony 938
offense of violence, the court shall impose on the offender an 939
additional prison term of two years. The prison term so imposed, 940
subject to divisions (C) to (I) of section 2967.19 of the 941
Revised Code, shall not be reduced pursuant to section 2929.20, 942

section 2967.19, section 2967.193, or any other provision of 943
Chapter 2967. or Chapter 5120. of the Revised Code. A court 944
shall not impose more than one prison term on an offender under 945
division (B) (1) (d) of this section for felonies committed as 946
part of the same act or transaction. If a court imposes an 947
additional prison term under division (B) (1) (a) or (c) of this 948
section, the court is not precluded from imposing an additional 949
prison term under division (B) (1) (d) of this section. 950

(e) The court shall not impose any of the prison terms 951
described in division (B) (1) (a) of this section or any of the 952
additional prison terms described in division (B) (1) (c) of this 953
section upon an offender for a violation of section 2923.12 or 954
2923.123 of the Revised Code. The court shall not impose any of 955
the prison terms described in division (B) (1) (a) or (b) of this 956
section upon an offender for a violation of section 2923.122 957
that involves a deadly weapon that is a firearm other than a 958
dangerous ordnance, section 2923.16, or section 2923.121 of the 959
Revised Code. The court shall not impose any of the prison terms 960
described in division (B) (1) (a) of this section or any of the 961
additional prison terms described in division (B) (1) (c) of this 962
section upon an offender for a violation of section 2923.13 of 963
the Revised Code unless all of the following apply: 964

(i) The offender previously has been convicted of 965
aggravated murder, murder, or any felony of the first or second 966
degree. 967

(ii) Less than five years have passed since the offender 968
was released from prison or post-release control, whichever is 969
later, for the prior offense. 970

(f) (i) If an offender is convicted of or pleads guilty to 971
a felony that includes, as an essential element, causing or 972

attempting to cause the death of or physical harm to another and 973
also is convicted of or pleads guilty to a specification of the 974
type described in division (A) of section 2941.1412 of the 975
Revised Code that charges the offender with committing the 976
offense by discharging a firearm at a peace officer as defined 977
in section 2935.01 of the Revised Code or a corrections officer, 978
as defined in section 2941.1412 of the Revised Code, the court, 979
after imposing a prison term on the offender for the felony 980
offense under division (A), (B) (2), or (B) (3) of this section, 981
shall impose an additional prison term of seven years upon the 982
offender that shall not be reduced pursuant to section 2929.20, 983
section 2967.19, section 2967.193, or any other provision of 984
Chapter 2967. or Chapter 5120. of the Revised Code. 985

(ii) If an offender is convicted of or pleads guilty to a 986
felony that includes, as an essential element, causing or 987
attempting to cause the death of or physical harm to another and 988
also is convicted of or pleads guilty to a specification of the 989
type described in division (B) of section 2941.1412 of the 990
Revised Code that charges the offender with committing the 991
offense by discharging a firearm at a peace officer, as defined 992
in section 2935.01 of the Revised Code, or a corrections 993
officer, as defined in section 2941.1412 of the Revised Code, 994
and that the offender previously has been convicted of or 995
pleaded guilty to a specification of the type described in 996
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 997
the Revised Code, the court, after imposing a prison term on the 998
offender for the felony offense under division (A), (B) (2), or 999
(3) of this section, shall impose an additional prison term of 1000
one hundred twenty-six months upon the offender that shall not 1001
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1002
any other provision of Chapter 2967. or 5120. of the Revised 1003

Code. 1004

(iii) If an offender is convicted of or pleads guilty to 1005
two or more felonies that include, as an essential element, 1006
causing or attempting to cause the death or physical harm to 1007
another and also is convicted of or pleads guilty to a 1008
specification of the type described under division (B)(1)(f) of 1009
this section in connection with two or more of the felonies of 1010
which the offender is convicted or to which the offender pleads 1011
guilty, the sentencing court shall impose on the offender the 1012
prison term specified under division (B)(1)(f) of this section 1013
for each of two of the specifications of which the offender is 1014
convicted or to which the offender pleads guilty and, in its 1015
discretion, also may impose on the offender the prison term 1016
specified under that division for any or all of the remaining 1017
specifications. If a court imposes an additional prison term on 1018
an offender under division (B)(1)(f) of this section relative to 1019
an offense, the court shall not impose a prison term under 1020
division (B)(1)(a) or (c) of this section relative to the same 1021
offense. 1022

(g) If an offender is convicted of or pleads guilty to two 1023
or more felonies, if one or more of those felonies are 1024
aggravated murder, murder, attempted aggravated murder, 1025
attempted murder, aggravated robbery, felonious assault, or 1026
rape, and if the offender is convicted of or pleads guilty to a 1027
specification of the type described under division (B)(1)(a) of 1028
this section in connection with two or more of the felonies, the 1029
sentencing court shall impose on the offender the prison term 1030
specified under division (B)(1)(a) of this section for each of 1031
the two most serious specifications of which the offender is 1032
convicted or to which the offender pleads guilty and, in its 1033
discretion, also may impose on the offender the prison term 1034

specified under that division for any or all of the remaining 1035
specifications. 1036

(2) (a) If division (B) (2) (b) of this section does not 1037
apply, the court may impose on an offender, in addition to the 1038
longest prison term authorized or required for the offense or, 1039
for offenses for which division (A) (1) (a) or (2) (a) of this 1040
section applies, in addition to the longest minimum prison term 1041
authorized or required for the offense, an additional definite 1042
prison term of one, two, three, four, five, six, seven, eight, 1043
nine, or ten years if all of the following criteria are met: 1044

(i) The offender is convicted of or pleads guilty to a 1045
specification of the type described in section 2941.149 of the 1046
Revised Code that the offender is a repeat violent offender. 1047

(ii) The offense of which the offender currently is 1048
convicted or to which the offender currently pleads guilty is 1049
aggravated murder and the court does not impose a sentence of 1050
death or life imprisonment without parole, murder, terrorism and 1051
the court does not impose a sentence of life imprisonment 1052
without parole, any felony of the first degree that is an 1053
offense of violence and the court does not impose a sentence of 1054
life imprisonment without parole, or any felony of the second 1055
degree that is an offense of violence and the trier of fact 1056
finds that the offense involved an attempt to cause or a threat 1057
to cause serious physical harm to a person or resulted in 1058
serious physical harm to a person. 1059

(iii) The court imposes the longest prison term for the 1060
offense or the longest minimum prison term for the offense, 1061
whichever is applicable, that is not life imprisonment without 1062
parole. 1063

(iv) The court finds that the prison terms imposed 1064
pursuant to division (B) (2) (a) (iii) of this section and, if 1065
applicable, division (B) (1) or (3) of this section are 1066
inadequate to punish the offender and protect the public from 1067
future crime, because the applicable factors under section 1068
2929.12 of the Revised Code indicating a greater likelihood of 1069
recidivism outweigh the applicable factors under that section 1070
indicating a lesser likelihood of recidivism. 1071

(v) The court finds that the prison terms imposed pursuant 1072
to division (B) (2) (a) (iii) of this section and, if applicable, 1073
division (B) (1) or (3) of this section are demeaning to the 1074
seriousness of the offense, because one or more of the factors 1075
under section 2929.12 of the Revised Code indicating that the 1076
offender's conduct is more serious than conduct normally 1077
constituting the offense are present, and they outweigh the 1078
applicable factors under that section indicating that the 1079
offender's conduct is less serious than conduct normally 1080
constituting the offense. 1081

(b) The court shall impose on an offender the longest 1082
prison term authorized or required for the offense or, for 1083
offenses for which division (A) (1) (a) or (2) (a) of this section 1084
applies, the longest minimum prison term authorized or required 1085
for the offense, and shall impose on the offender an additional 1086
definite prison term of one, two, three, four, five, six, seven, 1087
eight, nine, or ten years if all of the following criteria are 1088
met: 1089

(i) The offender is convicted of or pleads guilty to a 1090
specification of the type described in section 2941.149 of the 1091
Revised Code that the offender is a repeat violent offender. 1092

(ii) The offender within the preceding twenty years has 1093

been convicted of or pleaded guilty to three or more offenses 1094
described in division (CC) (1) of section 2929.01 of the Revised 1095
Code, including all offenses described in that division of which 1096
the offender is convicted or to which the offender pleads guilty 1097
in the current prosecution and all offenses described in that 1098
division of which the offender previously has been convicted or 1099
to which the offender previously pleaded guilty, whether 1100
prosecuted together or separately. 1101

(iii) The offense or offenses of which the offender 1102
currently is convicted or to which the offender currently pleads 1103
guilty is aggravated murder and the court does not impose a 1104
sentence of death or life imprisonment without parole, murder, 1105
terrorism and the court does not impose a sentence of life 1106
imprisonment without parole, any felony of the first degree that 1107
is an offense of violence and the court does not impose a 1108
sentence of life imprisonment without parole, or any felony of 1109
the second degree that is an offense of violence and the trier 1110
of fact finds that the offense involved an attempt to cause or a 1111
threat to cause serious physical harm to a person or resulted in 1112
serious physical harm to a person. 1113

(c) For purposes of division (B) (2) (b) of this section, 1114
two or more offenses committed at the same time or as part of 1115
the same act or event shall be considered one offense, and that 1116
one offense shall be the offense with the greatest penalty. 1117

(d) A sentence imposed under division (B) (2) (a) or (b) of 1118
this section shall not be reduced pursuant to section 2929.20, 1119
section 2967.19, or section 2967.193, or any other provision of 1120
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1121
shall serve an additional prison term imposed under division (B) 1122
(2) (a) or (b) of this section consecutively to and prior to the 1123

prison term imposed for the underlying offense. 1124

(e) When imposing a sentence pursuant to division (B) (2) 1125
(a) or (b) of this section, the court shall state its findings 1126
explaining the imposed sentence. 1127

(3) Except when an offender commits a violation of section 1128
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1129
for the violation is life imprisonment or commits a violation of 1130
section 2903.02 of the Revised Code, if the offender commits a 1131
violation of section 2925.03 or 2925.11 of the Revised Code and 1132
that section classifies the offender as a major drug offender, 1133
if the offender commits a violation of section 2925.05 of the 1134
Revised Code and division (E) (1) of that section classifies the 1135
offender as a major drug offender, if the offender commits a 1136
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1137
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1138
division (C) or (D) of section 3719.172, division (E) of section 1139
4729.51, or division (J) of section 4729.54 of the Revised Code 1140
that includes the sale, offer to sell, or possession of a 1141
schedule I or II controlled substance, with the exception of 1142
marihuana, and the court imposing sentence upon the offender 1143
finds that the offender is guilty of a specification of the type 1144
described in division (A) of section 2941.1410 of the Revised 1145
Code charging that the offender is a major drug offender, if the 1146
court imposing sentence upon an offender for a felony finds that 1147
the offender is guilty of corrupt activity with the most serious 1148
offense in the pattern of corrupt activity being a felony of the 1149
first degree, or if the offender is guilty of an attempted 1150
violation of section 2907.02 of the Revised Code and, had the 1151
offender completed the violation of section 2907.02 of the 1152
Revised Code that was attempted, the offender would have been 1153
subject to a sentence of life imprisonment or life imprisonment 1154

without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term determined as described in this division that, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, cannot be reduced pursuant to section 2929.20, section 2967.19, or any other provision of Chapter 2967. or 5120. of the Revised Code. The mandatory prison term shall be the maximum definite prison term prescribed in division (A) (1) (b) of this section for a felony of the first degree, except that for offenses for which division (A) (1) (a) of this section applies, the mandatory prison term shall be the longest minimum prison term prescribed in that division for the offense.

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

in the range of six months to thirty months for a fourth degree 1186
felony OVI offense and shall equal one of the authorized prison 1187
terms specified in division (A) (3) of this section for a third 1188
degree felony OVI offense. If the court imposes an additional 1189
prison term under division (B) (4) of this section, the offender 1190
shall serve the additional prison term after the offender has 1191
served the mandatory prison term required for the offense. In 1192
addition to the mandatory prison term or mandatory and 1193
additional prison term imposed as described in division (B) (4) 1194
of this section, the court also may sentence the offender to a 1195
community control sanction under section 2929.16 or 2929.17 of 1196
the Revised Code, but the offender shall serve all of the prison 1197
terms so imposed prior to serving the community control 1198
sanction. 1199

If the offender is being sentenced for a fourth degree 1200
felony OVI offense under division (G) (1) of section 2929.13 of 1201
the Revised Code and the court imposes a mandatory term of local 1202
incarceration, the court may impose a prison term as described 1203
in division (A) (1) of that section. 1204

(5) If an offender is convicted of or pleads guilty to a 1205
violation of division (A) (1) or (2) of section 2903.06 of the 1206
Revised Code and also is convicted of or pleads guilty to a 1207
specification of the type described in section 2941.1414 of the 1208
Revised Code that charges that the victim of the offense is a 1209
peace officer, as defined in section 2935.01 of the Revised 1210
Code, or an investigator of the bureau of criminal 1211
identification and investigation, as defined in section 2903.11 1212
of the Revised Code, the court shall impose on the offender a 1213
prison term of five years. If a court imposes a prison term on 1214
an offender under division (B) (5) of this section, the prison 1215
term, subject to divisions (C) to (I) of section 2967.19 of the 1216

Revised Code, shall not be reduced pursuant to section 2929.20, 1217
section 2967.19, section 2967.193, or any other provision of 1218
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1219
shall not impose more than one prison term on an offender under 1220
division (B) (5) of this section for felonies committed as part 1221
of the same act. 1222

(6) If an offender is convicted of or pleads guilty to a 1223
violation of division (A) (1) or (2) of section 2903.06 of the 1224
Revised Code and also is convicted of or pleads guilty to a 1225
specification of the type described in section 2941.1415 of the 1226
Revised Code that charges that the offender previously has been 1227
convicted of or pleaded guilty to three or more violations of 1228
division (A) or (B) of section 4511.19 of the Revised Code or an 1229
equivalent offense, as defined in section 2941.1415 of the 1230
Revised Code, or three or more violations of any combination of 1231
those divisions and offenses, the court shall impose on the 1232
offender a prison term of three years. If a court imposes a 1233
prison term on an offender under division (B) (6) of this 1234
section, the prison term, subject to divisions (C) to (I) of 1235
section 2967.19 of the Revised Code, shall not be reduced 1236
pursuant to section 2929.20, section 2967.19, section 2967.193, 1237
or any other provision of Chapter 2967. or Chapter 5120. of the 1238
Revised Code. A court shall not impose more than one prison term 1239
on an offender under division (B) (6) of this section for 1240
felonies committed as part of the same act. 1241

(7) (a) If an offender is convicted of or pleads guilty to 1242
a felony violation of section 2905.01, 2905.02, 2907.21, 1243
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1244
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1245
section 2919.22 of the Revised Code and also is convicted of or 1246
pleads guilty to a specification of the type described in 1247

section 2941.1422 of the Revised Code that charges that the 1248
offender knowingly committed the offense in furtherance of human 1249
trafficking, the court shall impose on the offender a mandatory 1250
prison term that is one of the following: 1251

(i) If the offense is a felony of the first degree, a 1252
definite prison term of not less than five years and not greater 1253
than eleven years, except that if the offense is a felony of the 1254
first degree committed on or after the effective date of this 1255
amendment, the court shall impose as the minimum prison term a 1256
mandatory term of not less than five years and not greater than 1257
eleven years; 1258

(ii) If the offense is a felony of the second or third 1259
degree, a definite prison term of not less than three years and 1260
not greater than the maximum prison term allowed for the offense 1261
by division (A) (2) (b) or (3) of this section, except that if the 1262
offense is a felony of the second degree committed on or after 1263
the effective date of this amendment, the court shall impose as 1264
the minimum prison term a mandatory term of not less than three 1265
years and not greater than eight years; 1266

(iii) If the offense is a felony of the fourth or fifth 1267
degree, a definite prison term that is the maximum prison term 1268
allowed for the offense by division (A) of section 2929.14 of 1269
the Revised Code. 1270

(b) Subject to divisions (C) to (I) of section 2967.19 of 1271
the Revised Code, the prison term imposed under division (B) (7) 1272
(a) of this section shall not be reduced pursuant to section 1273
2929.20, section 2967.19, section 2967.193, or any other 1274
provision of Chapter 2967. of the Revised Code. A court shall 1275
not impose more than one prison term on an offender under 1276
division (B) (7) (a) of this section for felonies committed as 1277

part of the same act, scheme, or plan. 1278

(8) If an offender is convicted of or pleads guilty to a 1279
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1280
Revised Code and also is convicted of or pleads guilty to a 1281
specification of the type described in section 2941.1423 of the 1282
Revised Code that charges that the victim of the violation was a 1283
woman whom the offender knew was pregnant at the time of the 1284
violation, notwithstanding the range prescribed in division (A) 1285
of this section as the definite prison term or minimum prison 1286
term for felonies of the same degree as the violation, the court 1287
shall impose on the offender a mandatory prison term that is 1288
either a definite prison term of six months or one of the prison 1289
terms prescribed in division (A) of this section for felonies of 1290
the same degree as the violation, except that if the violation 1291
is a felony of the first or second degree committed on or after 1292
the effective date of this amendment, the court shall impose as 1293
the minimum prison term under division (A) (1) (a) or (2) (a) of 1294
this section a mandatory term that is one of the terms 1295
prescribed in that division, whichever is applicable, for the 1296
offense. 1297

(9) (a) If an offender is convicted of or pleads guilty to 1298
a violation of division (A) (1) or (2) of section 2903.11 of the 1299
Revised Code and also is convicted of or pleads guilty to a 1300
specification of the type described in section 2941.1425 of the 1301
Revised Code, the court shall impose on the offender a mandatory 1302
prison term of six years if either of the following applies: 1303

(i) The violation is a violation of division (A) (1) of 1304
section 2903.11 of the Revised Code and the specification 1305
charges that the offender used an accelerant in committing the 1306
violation and the serious physical harm to another or to 1307

another's unborn caused by the violation resulted in a 1308
permanent, serious disfigurement or permanent, substantial 1309
incapacity; 1310

(ii) The violation is a violation of division (A) (2) of 1311
section 2903.11 of the Revised Code and the specification 1312
charges that the offender used an accelerant in committing the 1313
violation, that the violation caused physical harm to another or 1314
to another's unborn, and that the physical harm resulted in a 1315
permanent, serious disfigurement or permanent, substantial 1316
incapacity. 1317

(b) If a court imposes a prison term on an offender under 1318
division (B) (9) (a) of this section, the prison term shall not be 1319
reduced pursuant to section 2929.20, section 2967.19, section 1320
2967.193, or any other provision of Chapter 2967. or Chapter 1321
5120. of the Revised Code. A court shall not impose more than 1322
one prison term on an offender under division (B) (9) of this 1323
section for felonies committed as part of the same act. 1324

(c) The provisions of divisions (B) (9) and (C) (6) of this 1325
section and of division (D) (2) of section 2903.11, division (F) 1326
(20) of section 2929.13, and section 2941.1425 of the Revised 1327
Code shall be known as "Judy's Law." 1328

(10) If an offender is convicted of or pleads guilty to a 1329
violation of division (A) of section 2903.11 of the Revised Code 1330
and also is convicted of or pleads guilty to a specification of 1331
the type described in section 2941.1426 of the Revised Code that 1332
charges that the victim of the offense suffered permanent 1333
disabling harm as a result of the offense and that the victim 1334
was under ten years of age at the time of the offense, 1335
regardless of whether the offender knew the age of the victim, 1336
the court shall impose upon the offender an additional definite 1337

prison term of six years. A prison term imposed on an offender 1338
under division (B) (10) of this section shall not be reduced 1339
pursuant to section 2929.20, section 2967.193, or any other 1340
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1341
If a court imposes an additional prison term on an offender 1342
under this division relative to a violation of division (A) of 1343
section 2903.11 of the Revised Code, the court shall not impose 1344
any other additional prison term on the offender relative to the 1345
same offense. 1346

(11) If an offender is convicted of or pleads guilty to a 1347
felony violation of section 2925.03 or 2925.05 of the Revised 1348
Code or a felony violation of section 2925.11 of the Revised 1349
Code for which division (C) (11) of that section applies in 1350
determining the sentence for the violation, if the drug involved 1351
in the violation is a fentanyl-related compound or a compound, 1352
mixture, preparation, or substance containing a fentanyl-related 1353
compound, and if the offender also is convicted of or pleads 1354
guilty to a specification of the type described in division (B) 1355
of section 2941.1410 of the Revised Code that charges that the 1356
offender is a major drug offender, in addition to any other 1357
penalty imposed for the violation, the court shall impose on the 1358
offender a mandatory prison term of three, four, five, six, 1359
seven, or eight years. If a court imposes a prison term on an 1360
offender under division (B) (11) of this section, the prison 1361
term, subject to divisions (C) to (I) of section 2967.19 of the 1362
Revised Code, shall not be reduced pursuant to section 2929.20, 1363
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1364
5120. of the Revised Code. A court shall not impose more than 1365
one prison term on an offender under division (B) (11) of this 1366
section for felonies committed as part of the same act. 1367

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1368

if a mandatory prison term is imposed upon an offender pursuant 1369
to division (B) (1) (a) of this section for having a firearm on or 1370
about the offender's person or under the offender's control 1371
while committing a felony, if a mandatory prison term is imposed 1372
upon an offender pursuant to division (B) (1) (c) of this section 1373
for committing a felony specified in that division by 1374
discharging a firearm from a motor vehicle, or if both types of 1375
mandatory prison terms are imposed, the offender shall serve any 1376
mandatory prison term imposed under either division 1377
consecutively to any other mandatory prison term imposed under 1378
either division or under division (B) (1) (d) of this section, 1379
consecutively to and prior to any prison term imposed for the 1380
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1381
this section or any other section of the Revised Code, and 1382
consecutively to any other prison term or mandatory prison term 1383
previously or subsequently imposed upon the offender. 1384

(b) If a mandatory prison term is imposed upon an offender 1385
pursuant to division (B) (1) (d) of this section for wearing or 1386
carrying body armor while committing an offense of violence that 1387
is a felony, the offender shall serve the mandatory term so 1388
imposed consecutively to any other mandatory prison term imposed 1389
under that division or under division (B) (1) (a) or (c) of this 1390
section, consecutively to and prior to any prison term imposed 1391
for the underlying felony under division (A), (B) (2), or (B) (3) 1392
of this section or any other section of the Revised Code, and 1393
consecutively to any other prison term or mandatory prison term 1394
previously or subsequently imposed upon the offender. 1395

(c) If a mandatory prison term is imposed upon an offender 1396
pursuant to division (B) (1) (f) of this section, the offender 1397
shall serve the mandatory prison term so imposed consecutively 1398
to and prior to any prison term imposed for the underlying 1399

felony under division (A), (B) (2), or (B) (3) of this section or 1400
any other section of the Revised Code, and consecutively to any 1401
other prison term or mandatory prison term previously or 1402
subsequently imposed upon the offender. 1403

(d) If a mandatory prison term is imposed upon an offender 1404
pursuant to division (B) (7) or (8) of this section, the offender 1405
shall serve the mandatory prison term so imposed consecutively 1406
to any other mandatory prison term imposed under that division 1407
or under any other provision of law and consecutively to any 1408
other prison term or mandatory prison term previously or 1409
subsequently imposed upon the offender. 1410

(e) If a mandatory prison term is imposed upon an offender 1411
pursuant to division (B) (11) of this section, the offender shall 1412
serve the mandatory prison term consecutively to any other 1413
mandatory prison term imposed under that division, consecutively 1414
to and prior to any prison term imposed for the underlying 1415
felony, and consecutively to any other prison term or mandatory 1416
prison term previously or subsequently imposed upon the 1417
offender. 1418

(2) If an offender who is an inmate in a jail, prison, or 1419
other residential detention facility violates section 2917.02, 1420
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1421
(2) of section 2921.34 of the Revised Code, if an offender who 1422
is under detention at a detention facility commits a felony 1423
violation of section 2923.131 of the Revised Code, or if an 1424
offender who is an inmate in a jail, prison, or other 1425
residential detention facility or is under detention at a 1426
detention facility commits another felony while the offender is 1427
an escapee in violation of division (A) (1) or (2) of section 1428
2921.34 of the Revised Code, any prison term imposed upon the 1429

offender for one of those violations shall be served by the 1430
offender consecutively to the prison term or term of 1431
imprisonment the offender was serving when the offender 1432
committed that offense and to any other prison term previously 1433
or subsequently imposed upon the offender. 1434

(3) If a prison term is imposed for a violation of 1435
division (B) of section 2911.01 of the Revised Code, a violation 1436
of division (A) of section 2913.02 of the Revised Code in which 1437
the stolen property is a firearm or dangerous ordnance, or a 1438
felony violation of division (B) of section 2921.331 of the 1439
Revised Code, the offender shall serve that prison term 1440
consecutively to any other prison term or mandatory prison term 1441
previously or subsequently imposed upon the offender. 1442

(4) If multiple prison terms are imposed on an offender 1443
for convictions of multiple offenses, the court may require the 1444
offender to serve the prison terms consecutively if the court 1445
finds that the consecutive service is necessary to protect the 1446
public from future crime or to punish the offender and that 1447
consecutive sentences are not disproportionate to the 1448
seriousness of the offender's conduct and to the danger the 1449
offender poses to the public, and if the court also finds any of 1450
the following: 1451

(a) The offender committed one or more of the multiple 1452
offenses while the offender was awaiting trial or sentencing, 1453
was under a sanction imposed pursuant to section 2929.16, 1454
2929.17, or 2929.18 of the Revised Code, or was under post- 1455
release control for a prior offense. 1456

(b) At least two of the multiple offenses were committed 1457
as part of one or more courses of conduct, and the harm caused 1458
by two or more of the multiple offenses so committed was so 1459

great or unusual that no single prison term for any of the 1460
offenses committed as part of any of the courses of conduct 1461
adequately reflects the seriousness of the offender's conduct. 1462

(c) The offender's history of criminal conduct 1463
demonstrates that consecutive sentences are necessary to protect 1464
the public from future crime by the offender. 1465

(5) If a mandatory prison term is imposed upon an offender 1466
pursuant to division (B) (5) or (6) of this section, the offender 1467
shall serve the mandatory prison term consecutively to and prior 1468
to any prison term imposed for the underlying violation of 1469
division (A) (1) or (2) of section 2903.06 of the Revised Code 1470
pursuant to division (A) of this section or section 2929.142 of 1471
the Revised Code. If a mandatory prison term is imposed upon an 1472
offender pursuant to division (B) (5) of this section, and if a 1473
mandatory prison term also is imposed upon the offender pursuant 1474
to division (B) (6) of this section in relation to the same 1475
violation, the offender shall serve the mandatory prison term 1476
imposed pursuant to division (B) (5) of this section 1477
consecutively to and prior to the mandatory prison term imposed 1478
pursuant to division (B) (6) of this section and consecutively to 1479
and prior to any prison term imposed for the underlying 1480
violation of division (A) (1) or (2) of section 2903.06 of the 1481
Revised Code pursuant to division (A) of this section or section 1482
2929.142 of the Revised Code. 1483

(6) If a mandatory prison term is imposed on an offender 1484
pursuant to division (B) (9) of this section, the offender shall 1485
serve the mandatory prison term consecutively to and prior to 1486
any prison term imposed for the underlying violation of division 1487
(A) (1) or (2) of section 2903.11 of the Revised Code and 1488
consecutively to and prior to any other prison term or mandatory 1489

prison term previously or subsequently imposed on the offender. 1490

(7) If a mandatory prison term is imposed on an offender 1491
pursuant to division (B)(10) of this section, the offender shall 1492
serve that mandatory prison term consecutively to and prior to 1493
any prison term imposed for the underlying felonious assault. 1494
Except as otherwise provided in division (C) of this section, 1495
any other prison term or mandatory prison term previously or 1496
subsequently imposed upon the offender may be served 1497
concurrently with, or consecutively to, the prison term imposed 1498
pursuant to division (B)(10) of this section. 1499

(8) Any prison term imposed for a violation of section 1500
2903.04 of the Revised Code that is based on a violation of 1501
section 2925.03 or 2925.11 of the Revised Code or on a violation 1502
of section 2925.05 of the Revised Code that is not funding of 1503
marihuana trafficking shall run consecutively to any prison term 1504
imposed for the violation of section 2925.03 or 2925.11 of the 1505
Revised Code or for the violation of section 2925.05 of the 1506
Revised Code that is not funding of marihuana trafficking. 1507

(9) When consecutive prison terms are imposed pursuant to 1508
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 1509
division (H)(1) or (2) of this section, subject to division (C) 1510
(10) of this section, the term to be served is the aggregate of 1511
all of the terms so imposed. 1512

(10) When a court sentences an offender to a non-life 1513
felony indefinite prison term, any definite prison term or 1514
mandatory definite prison term previously or subsequently 1515
imposed on the offender in addition to that indefinite sentence 1516
that is required to be served consecutively to that indefinite 1517
sentence shall be served prior to the indefinite sentence. 1518

(11) If a court is sentencing an offender for a felony of 1519
the first or second degree, if division (A) (1) (a) or (2) (a) of 1520
this section applies with respect to the sentencing for the 1521
offense, and if the court is required under the Revised Code 1522
section that sets forth the offense or any other Revised Code 1523
provision to impose a mandatory prison term for the offense, the 1524
court shall impose the required mandatory prison term as the 1525
minimum term imposed under division (A) (1) (a) or (2) (a) of this 1526
section, whichever is applicable. 1527

(D) (1) If a court imposes a prison term, other than a term 1528
of life imprisonment, for a felony of the first degree, for a 1529
felony of the second degree, for a felony sex offense, or for a 1530
felony of the third degree that is an offense of violence and 1531
that is not a felony sex offense, it shall include in the 1532
sentence a requirement that the offender be subject to a period 1533
of post-release control after the offender's release from 1534
imprisonment, in accordance with section 2967.28 of the Revised 1535
Code. If a court imposes a sentence including a prison term of a 1536
type described in this division on or after July 11, 2006, the 1537
failure of a court to include a post-release control requirement 1538
in the sentence pursuant to this division does not negate, 1539
limit, or otherwise affect the mandatory period of post-release 1540
control that is required for the offender under division (B) of 1541
section 2967.28 of the Revised Code. Section 2929.191 of the 1542
Revised Code applies if, prior to July 11, 2006, a court imposed 1543
a sentence including a prison term of a type described in this 1544
division and failed to include in the sentence pursuant to this 1545
division a statement regarding post-release control. 1546

(2) If a court imposes a prison term for a felony of the 1547
third, fourth, or fifth degree that is not subject to division 1548
(D) (1) of this section, it shall include in the sentence a 1549

requirement that the offender be subject to a period of post- 1550
release control after the offender's release from imprisonment, 1551
in accordance with that division, if the parole board determines 1552
that a period of post-release control is necessary. Section 1553
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1554
a court imposed a sentence including a prison term of a type 1555
described in this division and failed to include in the sentence 1556
pursuant to this division a statement regarding post-release 1557
control. 1558

(E) The court shall impose sentence upon the offender in 1559
accordance with section 2971.03 of the Revised Code, and Chapter 1560
2971. of the Revised Code applies regarding the prison term or 1561
term of life imprisonment without parole imposed upon the 1562
offender and the service of that term of imprisonment if any of 1563
the following apply: 1564

(1) A person is convicted of or pleads guilty to a violent 1565
sex offense or a designated homicide, assault, or kidnapping 1566
offense, and, in relation to that offense, the offender is 1567
adjudicated a sexually violent predator. 1568

(2) A person is convicted of or pleads guilty to a 1569
violation of division (A) (1) (b) of section 2907.02 of the 1570
Revised Code committed on or after January 2, 2007, and either 1571
the court does not impose a sentence of life without parole when 1572
authorized pursuant to division (B) of section 2907.02 of the 1573
Revised Code, or division (B) of section 2907.02 of the Revised 1574
Code provides that the court shall not sentence the offender 1575
pursuant to section 2971.03 of the Revised Code. 1576

(3) A person is convicted of or pleads guilty to attempted 1577
rape committed on or after January 2, 2007, and a specification 1578
of the type described in section 2941.1418, 2941.1419, or 1579

2941.1420 of the Revised Code. 1580

(4) A person is convicted of or pleads guilty to a 1581
violation of section 2905.01 of the Revised Code committed on or 1582
after January 1, 2008, and that section requires the court to 1583
sentence the offender pursuant to section 2971.03 of the Revised 1584
Code. 1585

(5) A person is convicted of or pleads guilty to 1586
aggravated murder committed on or after January 1, 2008, and 1587
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1588
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1589
(d) of section 2929.03, or division (A) or (B) of section 1590
2929.06 of the Revised Code requires the court to sentence the 1591
offender pursuant to division (B) (3) of section 2971.03 of the 1592
Revised Code. 1593

(6) A person is convicted of or pleads guilty to murder 1594
committed on or after January 1, 2008, and division (B) (2) of 1595
section 2929.02 of the Revised Code requires the court to 1596
sentence the offender pursuant to section 2971.03 of the Revised 1597
Code. 1598

(F) If a person who has been convicted of or pleaded 1599
guilty to a felony is sentenced to a prison term or term of 1600
imprisonment under this section, sections 2929.02 to 2929.06 of 1601
the Revised Code, section 2929.142 of the Revised Code, section 1602
2971.03 of the Revised Code, or any other provision of law, 1603
section 5120.163 of the Revised Code applies regarding the 1604
person while the person is confined in a state correctional 1605
institution. 1606

(G) If an offender who is convicted of or pleads guilty to 1607
a felony that is an offense of violence also is convicted of or 1608

pleads guilty to a specification of the type described in 1609
section 2941.142 of the Revised Code that charges the offender 1610
with having committed the felony while participating in a 1611
criminal gang, the court shall impose upon the offender an 1612
additional prison term of one, two, or three years. 1613

(H) (1) If an offender who is convicted of or pleads guilty 1614
to aggravated murder, murder, or a felony of the first, second, 1615
or third degree that is an offense of violence also is convicted 1616
of or pleads guilty to a specification of the type described in 1617
section 2941.143 of the Revised Code that charges the offender 1618
with having committed the offense in a school safety zone or 1619
towards a person in a school safety zone, the court shall impose 1620
upon the offender an additional prison term of two years. The 1621
offender shall serve the additional two years consecutively to 1622
and prior to the prison term imposed for the underlying offense. 1623

(2) (a) If an offender is convicted of or pleads guilty to 1624
a felony violation of section 2907.22, 2907.24, 2907.241, or 1625
2907.25 of the Revised Code and to a specification of the type 1626
described in section 2941.1421 of the Revised Code and if the 1627
court imposes a prison term on the offender for the felony 1628
violation, the court may impose upon the offender an additional 1629
prison term as follows: 1630

(i) Subject to division (H) (2) (a) (ii) of this section, an 1631
additional prison term of one, two, three, four, five, or six 1632
months; 1633

(ii) If the offender previously has been convicted of or 1634
pleaded guilty to one or more felony or misdemeanor violations 1635
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1636
the Revised Code and also was convicted of or pleaded guilty to 1637
a specification of the type described in section 2941.1421 of 1638

the Revised Code regarding one or more of those violations, an 1639
additional prison term of one, two, three, four, five, six, 1640
seven, eight, nine, ten, eleven, or twelve months. 1641

(b) In lieu of imposing an additional prison term under 1642
division (H)(2)(a) of this section, the court may directly 1643
impose on the offender a sanction that requires the offender to 1644
wear a real-time processing, continual tracking electronic 1645
monitoring device during the period of time specified by the 1646
court. The period of time specified by the court shall equal the 1647
duration of an additional prison term that the court could have 1648
imposed upon the offender under division (H)(2)(a) of this 1649
section. A sanction imposed under this division shall commence 1650
on the date specified by the court, provided that the sanction 1651
shall not commence until after the offender has served the 1652
prison term imposed for the felony violation of section 2907.22, 1653
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1654
residential sanction imposed for the violation under section 1655
2929.16 of the Revised Code. A sanction imposed under this 1656
division shall be considered to be a community control sanction 1657
for purposes of section 2929.15 of the Revised Code, and all 1658
provisions of the Revised Code that pertain to community control 1659
sanctions shall apply to a sanction imposed under this division, 1660
except to the extent that they would by their nature be clearly 1661
inapplicable. The offender shall pay all costs associated with a 1662
sanction imposed under this division, including the cost of the 1663
use of the monitoring device. 1664

(I) At the time of sentencing, the court may recommend the 1665
offender for placement in a program of shock incarceration under 1666
section 5120.031 of the Revised Code or for placement in an 1667
intensive program prison under section 5120.032 of the Revised 1668
Code, disapprove placement of the offender in a program of shock 1669

incarceration or an intensive program prison of that nature, or 1670
make no recommendation on placement of the offender. In no case 1671
shall the department of rehabilitation and correction place the 1672
offender in a program or prison of that nature unless the 1673
department determines as specified in section 5120.031 or 1674
5120.032 of the Revised Code, whichever is applicable, that the 1675
offender is eligible for the placement. 1676

If the court disapproves placement of the offender in a 1677
program or prison of that nature, the department of 1678
rehabilitation and correction shall not place the offender in 1679
any program of shock incarceration or intensive program prison. 1680

If the court recommends placement of the offender in a 1681
program of shock incarceration or in an intensive program 1682
prison, and if the offender is subsequently placed in the 1683
recommended program or prison, the department shall notify the 1684
court of the placement and shall include with the notice a brief 1685
description of the placement. 1686

If the court recommends placement of the offender in a 1687
program of shock incarceration or in an intensive program prison 1688
and the department does not subsequently place the offender in 1689
the recommended program or prison, the department shall send a 1690
notice to the court indicating why the offender was not placed 1691
in the recommended program or prison. 1692

If the court does not make a recommendation under this 1693
division with respect to an offender and if the department 1694
determines as specified in section 5120.031 or 5120.032 of the 1695
Revised Code, whichever is applicable, that the offender is 1696
eligible for placement in a program or prison of that nature, 1697
the department shall screen the offender and determine if there 1698
is an available program of shock incarceration or an intensive 1699

program prison for which the offender is suited. If there is an 1700
available program of shock incarceration or an intensive program 1701
prison for which the offender is suited, the department shall 1702
notify the court of the proposed placement of the offender as 1703
specified in section 5120.031 or 5120.032 of the Revised Code 1704
and shall include with the notice a brief description of the 1705
placement. The court shall have ten days from receipt of the 1706
notice to disapprove the placement. 1707

(J) If a person is convicted of or pleads guilty to 1708
aggravated vehicular homicide in violation of division (A) (1) of 1709
section 2903.06 of the Revised Code and division (B) (2) (c) of 1710
that section applies, the person shall be sentenced pursuant to 1711
section 2929.142 of the Revised Code. 1712

(K) (1) The court shall impose an additional mandatory 1713
prison term of two, three, four, five, six, seven, eight, nine, 1714
ten, or eleven years on an offender who is convicted of or 1715
pleads guilty to a violent felony offense if the offender also 1716
is convicted of or pleads guilty to a specification of the type 1717
described in section 2941.1424 of the Revised Code that charges 1718
that the offender is a violent career criminal and had a firearm 1719
on or about the offender's person or under the offender's 1720
control while committing the presently charged violent felony 1721
offense and displayed or brandished the firearm, indicated that 1722
the offender possessed a firearm, or used the firearm to 1723
facilitate the offense. The offender shall serve the prison term 1724
imposed under this division consecutively to and prior to the 1725
prison term imposed for the underlying offense. The prison term 1726
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1727
any other provision of Chapter 2967. or 5120. of the Revised 1728
Code. A court may not impose more than one sentence under 1729
division (B) (2) (a) of this section and this division for acts 1730

committed as part of the same act or transaction. 1731

(2) As used in division (K)(1) of this section, "violent 1732
career criminal" and "violent felony offense" have the same 1733
meanings as in section 2923.132 of the Revised Code. 1734

Section 2. That existing sections 2919.25, 2929.13, and 1735
2929.14 of the Revised Code are hereby repealed. 1736

Section 3. Section 2929.13 of the Revised Code is 1737
presented in this act as a composite of the section as amended 1738
by Sub. H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 1739
66, and Am. Sub. S.B. 201, all of the 132nd General Assembly. 1740
The General Assembly, applying the principle stated in division 1741
(B) of section 1.52 of the Revised Code that amendments are to 1742
be harmonized if reasonably capable of simultaneous operation, 1743
finds that the composite is the resulting version of the section 1744
in effect prior to the effective date of the section as 1745
presented in this act. 1746

Section 2929.14 of the Revised Code is presented in this 1747
act as a composite of the section as amended by Sub. H.B. 63, 1748
Am. Sub. S.B. 1, Sub. S.B. 20, and Am. Sub. S.B. 201, all of the 1749
132nd General Assembly. The General Assembly, applying the 1750
principle stated in division (B) of section 1.52 of the Revised 1751
Code that amendments are to be harmonized if reasonably capable 1752
of simultaneous operation, finds that the composite is the 1753
resulting version of the section in effect prior to the 1754
effective date of the section as presented in this act. 1755