

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 44**

**Representatives Roemer, Miller, J.**

**Cosponsors: Representatives Crossman, Hoops, Miller, A., McClain, O'Brien, Plummer, Richardson, Riedel, Russo, Troy, Weinstein, Young, T., Leland, Denson, Schmidt, White, Abrams, Brown, Callender, Carruthers, Click, Cross, Cutrona, Edwards, Fraizer, Ghanbari, Ginter, Grendell, Gross, Hall, John, Jones, Kick, Lampton, Loychik, Patton, Ray, Sheehy, Stein, Stephens, Young, B.**

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**A BILL**

To amend sections 2903.13 and 2929.13 of the Revised Code to increase the penalties for assault if the victim is acting as a sports official or the assault is committed in retaliation for the victim's actions as a sports official.

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

**Section 1.** That sections 2903.13 and 2929.13 of the Revised Code be amended to read as follows:

**Sec. 2903.13.** (A) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.

(B) No person shall recklessly cause serious physical harm to another or to another's unborn.

(C) (1) Whoever violates this section is guilty of assault, and the court shall sentence the offender as provided in this

division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 16  
(8), (9), ~~and~~ (10), and (11) of this section. Except as 17  
otherwise provided in division (C) (2), (3), (4), (5), (6), (7), 18  
(8), or (9) of this section, assault is a misdemeanor of the 19  
first degree. 20

(2) Except as otherwise provided in this division, if the 21  
offense is committed by a caretaker against a functionally 22  
impaired person under the caretaker's care, assault is a felony 23  
of the fourth degree. If the offense is committed by a caretaker 24  
against a functionally impaired person under the caretaker's 25  
care, if the offender previously has been convicted of or 26  
pleaded guilty to a violation of this section or section 2903.11 27  
or 2903.16 of the Revised Code, and if in relation to the 28  
previous conviction the offender was a caretaker and the victim 29  
was a functionally impaired person under the offender's care, 30  
assault is a felony of the third degree. 31

(3) If the offense occurs in or on the grounds of a state 32  
correctional institution or an institution of the department of 33  
youth services, the victim of the offense is an employee of the 34  
department of rehabilitation and correction or the department of 35  
youth services, and the offense is committed by a person 36  
incarcerated in the state correctional institution or by a 37  
person institutionalized in the department of youth services 38  
institution pursuant to a commitment to the department of youth 39  
services, assault is a felony of the third degree. 40

(4) If the offense is committed in any of the following 41  
circumstances, assault is a felony of the fifth degree: 42

(a) The offense occurs in or on the grounds of a local 43  
correctional facility, the victim of the offense is an employee 44  
of the local correctional facility or a probation department or 45

is on the premises of the facility for business purposes or as a 46  
visitor, and the offense is committed by a person who is under 47  
custody in the facility subsequent to the person's arrest for 48  
any crime or delinquent act, subsequent to the person's being 49  
charged with or convicted of any crime, or subsequent to the 50  
person's being alleged to be or adjudicated a delinquent child. 51

(b) The offense occurs off the grounds of a state 52  
correctional institution and off the grounds of an institution 53  
of the department of youth services, the victim of the offense 54  
is an employee of the department of rehabilitation and 55  
correction, the department of youth services, or a probation 56  
department, the offense occurs during the employee's official 57  
work hours and while the employee is engaged in official work 58  
responsibilities, and the offense is committed by a person 59  
incarcerated in a state correctional institution or 60  
institutionalized in the department of youth services who 61  
temporarily is outside of the institution for any purpose, by a 62  
parolee, by an offender under transitional control, under a 63  
community control sanction, or on an escorted visit, by a person 64  
under post-release control, or by an offender under any other 65  
type of supervision by a government agency. 66

(c) The offense occurs off the grounds of a local 67  
correctional facility, the victim of the offense is an employee 68  
of the local correctional facility or a probation department, 69  
the offense occurs during the employee's official work hours and 70  
while the employee is engaged in official work responsibilities, 71  
and the offense is committed by a person who is under custody in 72  
the facility subsequent to the person's arrest for any crime or 73  
delinquent act, subsequent to the person being charged with or 74  
convicted of any crime, or subsequent to the person being 75  
alleged to be or adjudicated a delinquent child and who 76

temporarily is outside of the facility for any purpose or by a 77  
parolee, by an offender under transitional control, under a 78  
community control sanction, or on an escorted visit, by a person 79  
under post-release control, or by an offender under any other 80  
type of supervision by a government agency. 81

(d) The victim of the offense is a school teacher or 82  
administrator or a school bus operator, and the offense occurs 83  
in a school, on school premises, in a school building, on a 84  
school bus, or while the victim is outside of school premises or 85  
a school bus and is engaged in duties or official 86  
responsibilities associated with the victim's employment or 87  
position as a school teacher or administrator or a school bus 88  
operator, including, but not limited to, driving, accompanying, 89  
or chaperoning students at or on class or field trips, athletic 90  
events, or other school extracurricular activities or functions 91  
outside of school premises. 92

(e) All of the following apply: 93

(i) The victim of the offense is a sports official and the 94  
offense occurs while the victim is engaged in the victim's 95  
official duties at a sports event or immediately before or after 96  
the sports event. 97

(ii) The offender previously has been convicted of or 98  
pleaded guilty to a violation of this section under the 99  
circumstances specified in division (C) (4) (e) (i) or (C) (4) (f) (i) 100  
of this section. 101

(f) All of the following apply: 102

(i) The victim of the offense is a sports official and the 103  
offense is committed in retaliation for an action taken by the 104  
victim while the victim was engaged in the victim's official 105

duties at a sports event. 106

(ii) The offender previously has been convicted of or 107  
pleaded guilty to a violation of this section under the 108  
circumstances specified in division (C)(4)(e)(i) or (C)(4)(f)(i) 109  
of this section. 110

(5) If the victim of the offense is a peace officer or an 111  
investigator of the bureau of criminal identification and 112  
investigation, a firefighter, or a person performing emergency 113  
medical service, while in the performance of their official 114  
duties, assault is a felony of the fourth degree. 115

(6) If the victim of the offense is a peace officer or an 116  
investigator of the bureau of criminal identification and 117  
investigation and if the victim suffered serious physical harm 118  
as a result of the commission of the offense, assault is a 119  
felony of the fourth degree, and the court, pursuant to division 120  
(F) of section 2929.13 of the Revised Code, shall impose as a 121  
mandatory prison term one of the prison terms prescribed for a 122  
felony of the fourth degree that is at least twelve months in 123  
duration. 124

(7) If the victim of the offense is an officer or employee 125  
of a public children services agency or a private child placing 126  
agency and the offense relates to the officer's or employee's 127  
performance or anticipated performance of official 128  
responsibilities or duties, assault is either a felony of the 129  
fifth degree or, if the offender previously has been convicted 130  
of or pleaded guilty to an offense of violence, the victim of 131  
that prior offense was an officer or employee of a public 132  
children services agency or private child placing agency, and 133  
that prior offense related to the officer's or employee's 134  
performance or anticipated performance of official 135

responsibilities or duties, a felony of the fourth degree. 136

(8) If the victim of the offense is a health care 137  
professional of a hospital, a health care worker of a hospital, 138  
or a security officer of a hospital whom the offender knows or 139  
has reasonable cause to know is a health care professional of a 140  
hospital, a health care worker of a hospital, or a security 141  
officer of a hospital, if the victim is engaged in the 142  
performance of the victim's duties, and if the hospital offers 143  
de-escalation or crisis intervention training for such 144  
professionals, workers, or officers, assault is one of the 145  
following: 146

(a) Except as otherwise provided in division (C) (8) (b) of 147  
this section, assault committed in the specified circumstances 148  
is a misdemeanor of the first degree. Notwithstanding the fine 149  
specified in division (A) (2) ~~(b)~~ (a) of section 2929.28 of the 150  
Revised Code for a misdemeanor of the first degree, in 151  
sentencing the offender under this division and if the court 152  
decides to impose a fine, the court may impose upon the offender 153  
a fine of not more than five thousand dollars. 154

(b) If the offender previously has been convicted of or 155  
pleaded guilty to one or more assault or homicide offenses 156  
committed against hospital personnel, assault committed in the 157  
specified circumstances is a felony of the fifth degree. 158

(9) If the victim of the offense is a judge, magistrate, 159  
prosecutor, or court official or employee whom the offender 160  
knows or has reasonable cause to know is a judge, magistrate, 161  
prosecutor, or court official or employee, and if the victim is 162  
engaged in the performance of the victim's duties, assault is 163  
one of the following: 164

(a) Except as otherwise provided in division (C) ~~(8)~~ (9) (b) 165  
of this section, assault committed in the specified 166  
circumstances is a misdemeanor of the first degree. In 167  
sentencing the offender under this division, if the court 168  
decides to impose a fine, notwithstanding the fine specified in 169  
division (A) (2) ~~(b)~~ (a) of section 2929.28 of the Revised Code 170  
for a misdemeanor of the first degree, the court may impose upon 171  
the offender a fine of not more than five thousand dollars. 172

(b) If the offender previously has been convicted of or 173  
pleaded guilty to one or more assault or homicide offenses 174  
committed against justice system personnel, assault committed in 175  
the specified circumstances is a felony of the fifth degree. 176

(10) If an offender who is convicted of or pleads guilty 177  
to assault when it is a misdemeanor also is convicted of or 178  
pleads guilty to a specification as described in section 179  
2941.1423 of the Revised Code that was included in the 180  
indictment, count in the indictment, or information charging the 181  
offense, the court shall sentence the offender to a mandatory 182  
jail term as provided in division (G) of section 2929.24 of the 183  
Revised Code. 184

If an offender who is convicted of or pleads guilty to 185  
assault when it is a felony also is convicted of or pleads 186  
guilty to a specification as described in section 2941.1423 of 187  
the Revised Code that was included in the indictment, count in 188  
the indictment, or information charging the offense, except as 189  
otherwise provided in division (C) (6) of this section, the court 190  
shall sentence the offender to a mandatory prison term as 191  
provided in division (B) (8) of section 2929.14 of the Revised 192  
Code. 193

(11) If an offender is convicted of or pleads guilty to 194

assault when it is a misdemeanor of the first degree, in 195  
addition to the sentence for that misdemeanor, the court shall 196  
impose a mandatory fine of one thousand five hundred dollars, 197  
notwithstanding the fine specified in division (A) (2) (a) of 198  
section 2929.28 of the Revised Code for a misdemeanor of the 199  
first degree, and shall impose forty hours of community service 200  
if either of the following applies: 201

(a) The victim of the offense is a sports official and the 202  
offense occurs while the victim is engaged in the victim's 203  
official duties at a sports event or immediately before or after 204  
the sports event. 205

(b) The victim of the offense is a sports official and the 206  
offense is committed in retaliation for an action taken by the 207  
victim while the victim was engaged in the victim's official 208  
duties at a sports event. 209

(D) Nothing in division (C) (4) (e) or (f) of this section 210  
shall prevent an offender from being prosecuted for a violation 211  
of section 2903.11 or 2903.12 of the Revised Code if the 212  
elements of the offense under either of those sections are 213  
present, the victim of the offense is a sports official, and the 214  
offense occurs while the victim is engaged in the victim's 215  
official duties at a sports event or immediately before or after 216  
the sports event. 217

(E) As used in this section: 218

(1) "Peace officer" has the same meaning as in section 219  
2935.01 of the Revised Code. 220

(2) "Firefighter" has the same meaning as in section 221  
3937.41 of the Revised Code. 222

(3) "Emergency medical service" has the same meaning as in 223

section 4765.01 of the Revised Code.	224
(4) "Local correctional facility" means a county,	225
multicounty, municipal, municipal-county, or multicounty-	226
municipal jail or workhouse, a minimum security jail established	227
under section 341.23 or 753.21 of the Revised Code, or another	228
county, multicounty, municipal, municipal-county, or	229
multicounty-municipal facility used for the custody of persons	230
arrested for any crime or delinquent act, persons charged with	231
or convicted of any crime, or persons alleged to be or	232
adjudicated a delinquent child.	233
(5) "Employee of a local correctional facility" means a	234
person who is an employee of the political subdivision or of one	235
or more of the affiliated political subdivisions that operates	236
the local correctional facility and who operates or assists in	237
the operation of the facility.	238
(6) "School teacher or administrator" means either of the	239
following:	240
(a) A person who is employed in the public schools of the	241
state under a contract described in section 3311.77 or 3319.08	242
of the Revised Code in a position in which the person is	243
required to have a certificate issued pursuant to sections	244
3319.22 to 3319.311 of the Revised Code.	245
(b) A person who is employed by a nonpublic school for	246
which the state board of education prescribes minimum standards	247
under section 3301.07 of the Revised Code and who is	248
certificated in accordance with section 3301.071 of the Revised	249
Code.	250
(7) "Community control sanction" has the same meaning as	251
in section 2929.01 of the Revised Code.	252

(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.	253 254
(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.	255 256
(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.	257 258 259
(11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.	260 261 262
(12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which all of the following apply:	263 264 265 266 267
(a) The victim of the offense was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.	268 269 270
(b) The offender knew or had reasonable cause to know that the victim was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.	271 272 273 274
(c) The victim was engaged in the performance of the victim's duties.	275 276
(d) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers.	277 278 279
(13) "De-escalation or crisis intervention training" means	280

de-escalation or crisis intervention training for health care 281  
professionals of a hospital, health care workers of a hospital, 282  
and security officers of a hospital to facilitate interaction 283  
with patients, members of a patient's family, and visitors, 284  
including those with mental impairments. 285

(14) "Assault or homicide offense committed against 286  
justice system personnel" means a violation of this section or 287  
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 288  
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 289  
circumstances in which the victim of the offense was a judge, 290  
magistrate, prosecutor, or court official or employee whom the 291  
offender knew or had reasonable cause to know was a judge, 292  
magistrate, prosecutor, or court official or employee, and the 293  
victim was engaged in the performance of the victim's duties. 294

(15) "Court official or employee" means any official or 295  
employee of a court created under the constitution or statutes 296  
of this state or of a United States court located in this state. 297

(16) "Judge" means a judge of a court created under the 298  
constitution or statutes of this state or of a United States 299  
court located in this state. 300

(17) "Magistrate" means an individual who is appointed by 301  
a court of record of this state and who has the powers and may 302  
perform the functions specified in Civil Rule 53, Criminal Rule 303  
19, or Juvenile Rule 40, or an individual who is appointed by a 304  
United States court located in this state who has similar powers 305  
and functions. 306

(18) "Prosecutor" has the same meaning as in section 307  
2935.01 of the Revised Code. 308

(19) (a) "Hospital" means, subject to division (D) (19) (b) 309

of this section, an institution classified as a hospital under 310  
section 3701.01 of the Revised Code in which are provided to 311  
patients diagnostic, medical, surgical, obstetrical, 312  
psychiatric, or rehabilitation care or a hospital operated by a 313  
health maintenance organization. 314

(b) "Hospital" does not include any of the following: 315

(i) A facility licensed under Chapter 3721. of the Revised 316  
Code, a health care facility operated by the department of 317  
mental health or the department of developmental disabilities, a 318  
health maintenance organization that does not operate a 319  
hospital, or the office of any private, licensed health care 320  
professional, whether organized for individual or group 321  
practice; 322

(ii) An institution for the sick that is operated 323  
exclusively for patients who use spiritual means for healing and 324  
for whom the acceptance of medical care is inconsistent with 325  
their religious beliefs, accredited by a national accrediting 326  
organization, exempt from federal income taxation under section 327  
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 328  
U.S.C. 1, as amended, and providing twenty-four-hour nursing 329  
care pursuant to the exemption in division (E) of section 330  
4723.32 of the Revised Code from the licensing requirements of 331  
Chapter 4723. of the Revised Code. 332

(20) "Health maintenance organization" has the same 333  
meaning as in section 3727.01 of the Revised Code. 334

(21) "Sports official" means any person who is paid or 335  
volunteers to enforce the rules of a sports event as a referee, 336  
umpire, linesperson, timer, scorekeeper, or in a similar 337  
capacity. 338

(22) "Sports event" includes all of the following: 339

(a) Any interscholastic or intramural athletic event or 340  
athletic activity at an elementary or secondary school, college, 341  
or university or in which an elementary or secondary school, 342  
college, or university participates; 343

(b) Any organized athletic activity, including an 344  
organized athletic activity that is sponsored by a community, 345  
business, or nonprofit organization; 346

(c) Any athletic activity that is a professional or 347  
semiprofessional event. 348

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 349  
or (G) of this section and unless a specific sanction is 350  
required to be imposed or is precluded from being imposed 351  
pursuant to law, a court that imposes a sentence upon an 352  
offender for a felony may impose any sanction or combination of 353  
sanctions on the offender that are provided in sections 2929.14 354  
to 2929.18 of the Revised Code. 355

If the offender is eligible to be sentenced to community 356  
control sanctions, the court shall consider the appropriateness 357  
of imposing a financial sanction pursuant to section 2929.18 of 358  
the Revised Code or a sanction of community service pursuant to 359  
section 2929.17 of the Revised Code as the sole sanction for the 360  
offense. Except as otherwise provided in this division, if the 361  
court is required to impose a mandatory prison term for the 362  
offense for which sentence is being imposed, the court also 363  
shall impose any financial sanction pursuant to section 2929.18 364  
of the Revised Code that is required for the offense and may 365  
impose any other financial sanction pursuant to that section but 366  
may not impose any additional sanction or combination of 367

sanctions under section 2929.16 or 2929.17 of the Revised Code. 368

If the offender is being sentenced for a fourth degree 369  
felony OVI offense or for a third degree felony OVI offense, in 370  
addition to the mandatory term of local incarceration or the 371  
mandatory prison term required for the offense by division (G) 372  
(1) or (2) of this section, the court shall impose upon the 373  
offender a mandatory fine in accordance with division (B) (3) of 374  
section 2929.18 of the Revised Code and may impose whichever of 375  
the following is applicable: 376

(1) For a fourth degree felony OVI offense for which 377  
sentence is imposed under division (G) (1) of this section, an 378  
additional community control sanction or combination of 379  
community control sanctions under section 2929.16 or 2929.17 of 380  
the Revised Code. If the court imposes upon the offender a 381  
community control sanction and the offender violates any 382  
condition of the community control sanction, the court may take 383  
any action prescribed in division (B) of section 2929.15 of the 384  
Revised Code relative to the offender, including imposing a 385  
prison term on the offender pursuant to that division. 386

(2) For a third or fourth degree felony OVI offense for 387  
which sentence is imposed under division (G) (2) of this section, 388  
an additional prison term as described in division (B) (4) of 389  
section 2929.14 of the Revised Code or a community control 390  
sanction as described in division (G) (2) of this section. 391

(B) (1) (a) Except as provided in division (B) (1) (b) of this 392  
section, if an offender is convicted of or pleads guilty to a 393  
felony of the fourth or fifth degree that is not an offense of 394  
violence or that is a qualifying assault offense, the court 395  
shall sentence the offender to a community control sanction or 396  
combination of community control sanctions if all of the 397

following apply:	398
(i) The offender previously has not been convicted of or pleaded guilty to a felony offense.	399 400
(ii) The most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree.	401 402
(iii) The offender previously has not been convicted of or pleaded guilty to a misdemeanor offense of violence that the offender committed within two years prior to the offense for which sentence is being imposed.	403 404 405 406
(b) The court has discretion to impose a prison term upon an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense if any of the following apply:	407 408 409 410 411
(i) The offender committed the offense while having a firearm on or about the offender's person or under the offender's control.	412 413 414
(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense.	415 416 417 418 419
(iii) The offender violated a term of the conditions of bond as set by the court.	420 421
(iv) The offense is a sex offense that is a fourth or fifth degree felony violation of any provision of Chapter 2907. of the Revised Code.	422 423 424
(v) In committing the offense, the offender attempted to	425

cause or made an actual threat of physical harm to a person with 426  
a deadly weapon. 427

(vi) In committing the offense, the offender attempted to 428  
cause or made an actual threat of physical harm to a person, and 429  
the offender previously was convicted of an offense that caused 430  
physical harm to a person. 431

(vii) The offender held a public office or position of 432  
trust, and the offense related to that office or position; the 433  
offender's position obliged the offender to prevent the offense 434  
or to bring those committing it to justice; or the offender's 435  
professional reputation or position facilitated the offense or 436  
was likely to influence the future conduct of others. 437

(viii) The offender committed the offense for hire or as 438  
part of an organized criminal activity. 439

(ix) The offender at the time of the offense was serving, 440  
or the offender previously had served, a prison term. 441

(x) The offender committed the offense while under a 442  
community control sanction, while on probation, or while 443  
released from custody on a bond or personal recognizance. 444

(c) A sentencing court may impose an additional penalty 445  
under division (B) of section 2929.15 of the Revised Code upon 446  
an offender sentenced to a community control sanction under 447  
division (B)(1)(a) of this section if the offender violates the 448  
conditions of the community control sanction, violates a law, or 449  
leaves the state without the permission of the court or the 450  
offender's probation officer. 451

(2) If division (B)(1) of this section does not apply, 452  
except as provided in division (E), (F), or (G) of this section, 453  
in determining whether to impose a prison term as a sanction for 454

a felony of the fourth or fifth degree, the sentencing court 455  
shall comply with the purposes and principles of sentencing 456  
under section 2929.11 of the Revised Code and with section 457  
2929.12 of the Revised Code. 458

(C) Except as provided in division (D), (E), (F), or (G) 459  
of this section, in determining whether to impose a prison term 460  
as a sanction for a felony of the third degree or a felony drug 461  
offense that is a violation of a provision of Chapter 2925. of 462  
the Revised Code and that is specified as being subject to this 463  
division for purposes of sentencing, the sentencing court shall 464  
comply with the purposes and principles of sentencing under 465  
section 2929.11 of the Revised Code and with section 2929.12 of 466  
the Revised Code. 467

(D) (1) Except as provided in division (E) or (F) of this 468  
section, for a felony of the first or second degree, for a 469  
felony drug offense that is a violation of any provision of 470  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 471  
presumption in favor of a prison term is specified as being 472  
applicable, and for a violation of division (A) (4) or (B) of 473  
section 2907.05 of the Revised Code for which a presumption in 474  
favor of a prison term is specified as being applicable, it is 475  
presumed that a prison term is necessary in order to comply with 476  
the purposes and principles of sentencing under section 2929.11 477  
of the Revised Code. Division (D) (2) of this section does not 478  
apply to a presumption established under this division for a 479  
violation of division (A) (4) of section 2907.05 of the Revised 480  
Code. 481

(2) Notwithstanding the presumption established under 482  
division (D) (1) of this section for the offenses listed in that 483  
division other than a violation of division (A) (4) or (B) of 484

section 2907.05 of the Revised Code, the sentencing court may 485  
impose a community control sanction or a combination of 486  
community control sanctions instead of a prison term on an 487  
offender for a felony of the first or second degree or for a 488  
felony drug offense that is a violation of any provision of 489  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 490  
presumption in favor of a prison term is specified as being 491  
applicable if it makes both of the following findings: 492

(a) A community control sanction or a combination of 493  
community control sanctions would adequately punish the offender 494  
and protect the public from future crime, because the applicable 495  
factors under section 2929.12 of the Revised Code indicating a 496  
lesser likelihood of recidivism outweigh the applicable factors 497  
under that section indicating a greater likelihood of 498  
recidivism. 499

(b) A community control sanction or a combination of 500  
community control sanctions would not demean the seriousness of 501  
the offense, because one or more factors under section 2929.12 502  
of the Revised Code that indicate that the offender's conduct 503  
was less serious than conduct normally constituting the offense 504  
are applicable, and they outweigh the applicable factors under 505  
that section that indicate that the offender's conduct was more 506  
serious than conduct normally constituting the offense. 507

(E) (1) Except as provided in division (F) of this section, 508  
for any drug offense that is a violation of any provision of 509  
Chapter 2925. of the Revised Code and that is a felony of the 510  
third, fourth, or fifth degree, the applicability of a 511  
presumption under division (D) of this section in favor of a 512  
prison term or of division (B) or (C) of this section in 513  
determining whether to impose a prison term for the offense 514

shall be determined as specified in section 2925.02, 2925.03, 515  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 516  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 517  
regarding the violation. 518

(2) If an offender who was convicted of or pleaded guilty 519  
to a felony violates the conditions of a community control 520  
sanction imposed for the offense solely by reason of producing 521  
positive results on a drug test or by acting pursuant to 522  
division (B)(2)(b) of section 2925.11 of the Revised Code with 523  
respect to a minor drug possession offense, the court, as 524  
punishment for the violation of the sanction, shall not order 525  
that the offender be imprisoned unless the court determines on 526  
the record either of the following: 527

(a) The offender had been ordered as a sanction for the 528  
felony to participate in a drug treatment program, in a drug 529  
education program, or in narcotics anonymous or a similar 530  
program, and the offender continued to use illegal drugs after a 531  
reasonable period of participation in the program. 532

(b) The imprisonment of the offender for the violation is 533  
consistent with the purposes and principles of sentencing set 534  
forth in section 2929.11 of the Revised Code. 535

(3) A court that sentences an offender for a drug abuse 536  
offense that is a felony of the third, fourth, or fifth degree 537  
may require that the offender be assessed by a properly 538  
credentialed professional within a specified period of time. The 539  
court shall require the professional to file a written 540  
assessment of the offender with the court. If the offender is 541  
eligible for a community control sanction and after considering 542  
the written assessment, the court may impose a community control 543  
sanction that includes addiction services and recovery supports 544

included in a community-based continuum of care established 545  
under section 340.032 of the Revised Code. If the court imposes 546  
addiction services and recovery supports as a community control 547  
sanction, the court shall direct the level and type of addiction 548  
services and recovery supports after considering the assessment 549  
and recommendation of community addiction services providers. 550

(F) Notwithstanding divisions (A) to (E) of this section, 551  
the court shall impose a prison term or terms under sections 552  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 553  
section 2971.03 of the Revised Code and except as specifically 554  
provided in section 2929.20, divisions (C) to (I) of section 555  
2967.19, or section 2967.191 of the Revised Code or when parole 556  
is authorized for the offense under section 2967.13 of the 557  
Revised Code shall not reduce the term or terms pursuant to 558  
section 2929.20, section 2967.19, section 2967.193, or any other 559  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 560  
for any of the following offenses: 561

(1) Aggravated murder when death is not imposed or murder; 562

(2) Any rape, regardless of whether force was involved and 563  
regardless of the age of the victim, or an attempt to commit 564  
rape if, had the offender completed the rape that was attempted, 565  
the offender would have been guilty of a violation of division 566  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 567  
sentenced under section 2971.03 of the Revised Code; 568

(3) Gross sexual imposition or sexual battery, if the 569  
victim is less than thirteen years of age and if any of the 570  
following applies: 571

(a) Regarding gross sexual imposition, the offender 572  
previously was convicted of or pleaded guilty to rape, the 573

former offense of felonious sexual penetration, gross sexual 574  
imposition, or sexual battery, and the victim of the previous 575  
offense was less than thirteen years of age; 576

(b) Regarding gross sexual imposition, the offense was 577  
committed on or after August 3, 2006, and evidence other than 578  
the testimony of the victim was admitted in the case 579  
corroborating the violation. 580

(c) Regarding sexual battery, either of the following 581  
applies: 582

(i) The offense was committed prior to August 3, 2006, the 583  
offender previously was convicted of or pleaded guilty to rape, 584  
the former offense of felonious sexual penetration, or sexual 585  
battery, and the victim of the previous offense was less than 586  
thirteen years of age. 587

(ii) The offense was committed on or after August 3, 2006. 588

(4) A felony violation of section 2903.04, 2903.06, 589  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 590  
or 2923.132 of the Revised Code if the section requires the 591  
imposition of a prison term; 592

(5) A first, second, or third degree felony drug offense 593  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 594  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 595  
or 4729.99 of the Revised Code, whichever is applicable 596  
regarding the violation, requires the imposition of a mandatory 597  
prison term; 598

(6) Any offense that is a first or second degree felony 599  
and that is not set forth in division (F) (1), (2), (3), or (4) 600  
of this section, if the offender previously was convicted of or 601  
pleaded guilty to aggravated murder, murder, any first or second 602

degree felony, or an offense under an existing or former law of 603  
this state, another state, or the United States that is or was 604  
substantially equivalent to one of those offenses; 605

(7) Any offense that is a third degree felony and either 606  
is a violation of section 2903.04 of the Revised Code or an 607  
attempt to commit a felony of the second degree that is an 608  
offense of violence and involved an attempt to cause serious 609  
physical harm to a person or that resulted in serious physical 610  
harm to a person if the offender previously was convicted of or 611  
pleaded guilty to any of the following offenses: 612

(a) Aggravated murder, murder, involuntary manslaughter, 613  
rape, felonious sexual penetration as it existed under section 614  
2907.12 of the Revised Code prior to September 3, 1996, a felony 615  
of the first or second degree that resulted in the death of a 616  
person or in physical harm to a person, or complicity in or an 617  
attempt to commit any of those offenses; 618

(b) An offense under an existing or former law of this 619  
state, another state, or the United States that is or was 620  
substantially equivalent to an offense listed in division (F) (7) 621  
(a) of this section that resulted in the death of a person or in 622  
physical harm to a person. 623

(8) Any offense, other than a violation of section 2923.12 624  
of the Revised Code, that is a felony, if the offender had a 625  
firearm on or about the offender's person or under the 626  
offender's control while committing the felony, with respect to 627  
a portion of the sentence imposed pursuant to division (B) (1) (a) 628  
of section 2929.14 of the Revised Code for having the firearm; 629

(9) Any offense of violence that is a felony, if the 630  
offender wore or carried body armor while committing the felony 631

offense of violence, with respect to the portion of the sentence 632  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 633  
Revised Code for wearing or carrying the body armor; 634

(10) Corrupt activity in violation of section 2923.32 of 635  
the Revised Code when the most serious offense in the pattern of 636  
corrupt activity that is the basis of the offense is a felony of 637  
the first degree; 638

(11) Any violent sex offense or designated homicide, 639  
assault, or kidnapping offense if, in relation to that offense, 640  
the offender is adjudicated a sexually violent predator; 641

(12) A violation of division (A) (1) or (2) of section 642  
2921.36 of the Revised Code, or a violation of division (C) of 643  
that section involving an item listed in division (A) (1) or (2) 644  
of that section, if the offender is an officer or employee of 645  
the department of rehabilitation and correction; 646

(13) A violation of division (A) (1) or (2) of section 647  
2903.06 of the Revised Code if the victim of the offense is a 648  
peace officer, as defined in section 2935.01 of the Revised 649  
Code, or an investigator of the bureau of criminal 650  
identification and investigation, as defined in section 2903.11 651  
of the Revised Code, with respect to the portion of the sentence 652  
imposed pursuant to division (B) (5) of section 2929.14 of the 653  
Revised Code; 654

(14) A violation of division (A) (1) or (2) of section 655  
2903.06 of the Revised Code if the offender has been convicted 656  
of or pleaded guilty to three or more violations of division (A) 657  
or (B) of section 4511.19 of the Revised Code or an equivalent 658  
offense, as defined in section 2941.1415 of the Revised Code, or 659  
three or more violations of any combination of those divisions 660

and offenses, with respect to the portion of the sentence 661  
imposed pursuant to division (B) (6) of section 2929.14 of the 662  
Revised Code; 663

(15) Kidnapping, in the circumstances specified in section 664  
2971.03 of the Revised Code and when no other provision of 665  
division (F) of this section applies; 666

(16) Kidnapping, abduction, compelling prostitution, 667  
promoting prostitution, engaging in a pattern of corrupt 668  
activity, a violation of division (A) (1) or (2) of section 669  
2907.323 of the Revised Code that involves a minor, or 670  
endangering children in violation of division (B) (1), (2), (3), 671  
(4), or (5) of section 2919.22 of the Revised Code, if the 672  
offender is convicted of or pleads guilty to a specification as 673  
described in section 2941.1422 of the Revised Code that was 674  
included in the indictment, count in the indictment, or 675  
information charging the offense; 676

(17) A felony violation of division (A) or (B) of section 677  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 678  
that section, and division (D) (6) of that section, require the 679  
imposition of a prison term; 680

(18) A felony violation of section 2903.11, 2903.12, or 681  
2903.13 of the Revised Code, if the victim of the offense was a 682  
woman that the offender knew was pregnant at the time of the 683  
violation, with respect to a portion of the sentence imposed 684  
pursuant to division (B) (8) of section 2929.14 of the Revised 685  
Code; 686

(19) (a) Any violent felony offense if the offender is a 687  
violent career criminal and had a firearm on or about the 688  
offender's person or under the offender's control during the 689

commission of the violent felony offense and displayed or 690  
brandished the firearm, indicated that the offender possessed a 691  
firearm, or used the firearm to facilitate the offense, with 692  
respect to the portion of the sentence imposed under division 693  
(K) of section 2929.14 of the Revised Code. 694

(b) As used in division (F)(19)(a) of this section, 695  
"violent career criminal" and "violent felony offense" have the 696  
same meanings as in section 2923.132 of the Revised Code. 697

(20) Any violation of division (A)(1) of section 2903.11 698  
of the Revised Code if the offender used an accelerant in 699  
committing the violation and the serious physical harm to 700  
another or another's unborn caused by the violation resulted in 701  
a permanent, serious disfigurement or permanent, substantial 702  
incapacity or any violation of division (A)(2) of that section 703  
if the offender used an accelerant in committing the violation, 704  
the violation caused physical harm to another or another's 705  
unborn, and the physical harm resulted in a permanent, serious 706  
disfigurement or permanent, substantial incapacity, with respect 707  
to a portion of the sentence imposed pursuant to division (B)(9) 708  
of section 2929.14 of the Revised Code. The provisions of this 709  
division and of division (D)(2) of section 2903.11, divisions 710  
(B)(9) and (C)(6) of section 2929.14, and section 2941.1425 of 711  
the Revised Code shall be known as "Judy's Law." 712

(21) Any violation of division (A) of section 2903.11 of 713  
the Revised Code if the victim of the offense suffered permanent 714  
disabling harm as a result of the offense and the victim was 715  
under ten years of age at the time of the offense, with respect 716  
to a portion of the sentence imposed pursuant to division (B) 717  
(10) of section 2929.14 of the Revised Code. 718

(22) A felony violation of section 2925.03, 2925.05, or 719

2925.11 of the Revised Code, if the drug involved in the 720  
violation is a fentanyl-related compound or a compound, mixture, 721  
preparation, or substance containing a fentanyl-related compound 722  
and the offender is convicted of or pleads guilty to a 723  
specification of the type described in division (B) of section 724  
2941.1410 of the Revised Code that was included in the 725  
indictment, count in the indictment, or information charging the 726  
offense, with respect to the portion of the sentence imposed 727  
under division (B) (11) of section 2929.14 of the Revised Code. 728

(G) Notwithstanding divisions (A) to (E) of this section, 729  
if an offender is being sentenced for a fourth degree felony OVI 730  
offense or for a third degree felony OVI offense, the court 731  
shall impose upon the offender a mandatory term of local 732  
incarceration or a mandatory prison term in accordance with the 733  
following: 734

(1) If the offender is being sentenced for a fourth degree 735  
felony OVI offense and if the offender has not been convicted of 736  
and has not pleaded guilty to a specification of the type 737  
described in section 2941.1413 of the Revised Code, the court 738  
may impose upon the offender a mandatory term of local 739  
incarceration of sixty days or one hundred twenty days as 740  
specified in division (G) (1) (d) of section 4511.19 of the 741  
Revised Code. The court shall not reduce the term pursuant to 742  
section 2929.20, 2967.193, or any other provision of the Revised 743  
Code. The court that imposes a mandatory term of local 744  
incarceration under this division shall specify whether the term 745  
is to be served in a jail, a community-based correctional 746  
facility, a halfway house, or an alternative residential 747  
facility, and the offender shall serve the term in the type of 748  
facility specified by the court. A mandatory term of local 749  
incarceration imposed under division (G) (1) of this section is 750

not subject to any other Revised Code provision that pertains to 751  
a prison term except as provided in division (A) (1) of this 752  
section. 753

(2) If the offender is being sentenced for a third degree 754  
felony OVI offense, or if the offender is being sentenced for a 755  
fourth degree felony OVI offense and the court does not impose a 756  
mandatory term of local incarceration under division (G) (1) of 757  
this section, the court shall impose upon the offender a 758  
mandatory prison term of one, two, three, four, or five years if 759  
the offender also is convicted of or also pleads guilty to a 760  
specification of the type described in section 2941.1413 of the 761  
Revised Code or shall impose upon the offender a mandatory 762  
prison term of sixty days or one hundred twenty days as 763  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 764  
Revised Code if the offender has not been convicted of and has 765  
not pleaded guilty to a specification of that type. Subject to 766  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 767  
court shall not reduce the term pursuant to section 2929.20, 768  
2967.19, 2967.193, or any other provision of the Revised Code. 769  
The offender shall serve the one-, two-, three-, four-, or five- 770  
year mandatory prison term consecutively to and prior to the 771  
prison term imposed for the underlying offense and consecutively 772  
to any other mandatory prison term imposed in relation to the 773  
offense. In no case shall an offender who once has been 774  
sentenced to a mandatory term of local incarceration pursuant to 775  
division (G) (1) of this section for a fourth degree felony OVI 776  
offense be sentenced to another mandatory term of local 777  
incarceration under that division for any violation of division 778  
(A) of section 4511.19 of the Revised Code. In addition to the 779  
mandatory prison term described in division (G) (2) of this 780  
section, the court may sentence the offender to a community 781

control sanction under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve the prison term prior to serving the community control sanction. The department of rehabilitation and correction may place an offender sentenced to a mandatory prison term under this division in an intensive program prison established pursuant to section 5120.033 of the Revised Code if the department gave the sentencing judge prior notice of its intent to place the offender in an intensive program prison established under that section and if the judge did not notify the department that the judge disapproved the placement. Upon the establishment of the initial intensive program prison pursuant to section 5120.033 of the Revised Code that is privately operated and managed by a contractor pursuant to a contract entered into under section 9.06 of the Revised Code, both of the following apply:

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

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

(H) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a felony committed on or after January 1, 1997, the judge shall

require the offender to submit to a DNA specimen collection 812  
procedure pursuant to section 2901.07 of the Revised Code. 813

(I) If an offender is being sentenced for a sexually 814  
oriented offense or a child-victim oriented offense committed on 815  
or after January 1, 1997, the judge shall include in the 816  
sentence a summary of the offender's duties imposed under 817  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 818  
Code and the duration of the duties. The judge shall inform the 819  
offender, at the time of sentencing, of those duties and of 820  
their duration. If required under division (A) (2) of section 821  
2950.03 of the Revised Code, the judge shall perform the duties 822  
specified in that section, or, if required under division (A) (6) 823  
of section 2950.03 of the Revised Code, the judge shall perform 824  
the duties specified in that division. 825

(J) (1) Except as provided in division (J) (2) of this 826  
section, when considering sentencing factors under this section 827  
in relation to an offender who is convicted of or pleads guilty 828  
to an attempt to commit an offense in violation of section 829  
2923.02 of the Revised Code, the sentencing court shall consider 830  
the factors applicable to the felony category of the violation 831  
of section 2923.02 of the Revised Code instead of the factors 832  
applicable to the felony category of the offense attempted. 833

(2) When considering sentencing factors under this section 834  
in relation to an offender who is convicted of or pleads guilty 835  
to an attempt to commit a drug abuse offense for which the 836  
penalty is determined by the amount or number of unit doses of 837  
the controlled substance involved in the drug abuse offense, the 838  
sentencing court shall consider the factors applicable to the 839  
felony category that the drug abuse offense attempted would be 840  
if that drug abuse offense had been committed and had involved 841

an amount or number of unit doses of the controlled substance 842  
that is within the next lower range of controlled substance 843  
amounts than was involved in the attempt. 844

(K) As used in this section: 845

(1) "Community addiction services provider" has the same 846  
meaning as in section 5119.01 of the Revised Code. 847

(2) "Drug abuse offense" has the same meaning as in 848  
section 2925.01 of the Revised Code. 849

(3) "Minor drug possession offense" has the same meaning 850  
as in section 2925.11 of the Revised Code. 851

(4) "Qualifying assault offense" means a violation of 852  
section 2903.13 of the Revised Code for which the penalty 853  
provision in division (C) (4) (e), (C) (4) (f), (C) (8) (b), or (C) (9) 854  
(b) of that section applies. 855

(L) At the time of sentencing an offender for any sexually 856  
oriented offense, if the offender is a tier III sex 857  
offender/child-victim offender relative to that offense and the 858  
offender does not serve a prison term or jail term, the court 859  
may require that the offender be monitored by means of a global 860  
positioning device. If the court requires such monitoring, the 861  
cost of monitoring shall be borne by the offender. If the 862  
offender is indigent, the cost of compliance shall be paid by 863  
the crime victims reparations fund. 864

**Section 2.** That existing sections 2903.13 and 2929.13 of 865  
the Revised Code are hereby repealed. 866