

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 362

Representatives Stinziano, Kunze

A BILL

To amend section 2929.14 and to enact section 1
2903.17 of the Revised Code to prohibit a person 2
from knowingly impeding the normal breathing or 3
circulation of another by strangulation. 4

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

Section 1. That section 2929.14 be amended and section 5
2903.17 of the Revised Code be enacted to read as follows: 6

Sec. 2903.17. (A) No person shall knowingly impede the 7
normal breathing or circulation of the blood of another by 8
applying pressure to the throat or neck of the other person. 9

(B) It is not required in a prosecution under this section 10
to allege or prove that the victim suffered physical harm or 11
serious physical harm or visible injury. 12

(C) It is an affirmative defense to a charge under this 13
section that the act was done as part of a medical or other 14
procedure undertaken to aid or benefit the victim. 15

(D) The enactment of this section does not limit or 16
preclude prosecution for a violation of any other section of the 17
Revised Code. Any one or more acts, series of acts, or course of 18

conduct that can be prosecuted under this section or any other 19
section of the Revised Code may be prosecuted under this 20
section, the other section, or both sections. 21

(E) (1) Whoever violates this section is guilty of 22
strangulation. Except as provided in division (E) (2) of this 23
section, strangulation is a felony of the third degree. 24

(2) Strangulation is a felony of the second degree if 25
either of the following apply: 26

(a) The offender previously has been convicted of or 27
pleaded guilty to a violation of this section; 28

(b) The offender previously has been convicted of or 29
pleaded guilty to two or more offenses of violence. 30

Sec. 2929.14. (A) Except as provided in division (B) (1), 31
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 32
(G), (H), or (J) of this section or in division (D) (6) of 33
section 2919.25 of the Revised Code and except in relation to an 34
offense for which a sentence of death or life imprisonment is to 35
be imposed, if the court imposing a sentence upon an offender 36
for a felony elects or is required to impose a prison term on 37
the offender pursuant to this chapter, the court shall impose a 38
definite prison term that shall be one of the following: 39

(1) For a felony of the first degree, the prison term 40
shall be three, four, five, six, seven, eight, nine, ten, or 41
eleven years. 42

(2) For a felony of the second degree, the prison term 43
shall be two, three, four, five, six, seven, or eight years. 44

(3) (a) For a felony of the third degree that is a 45
violation of section 2903.06, 2903.08, 2903.17, 2907.03, 46

2907.04, or 2907.05 of the Revised Code or that is a violation 47
of section 2911.02 or 2911.12 of the Revised Code if the 48
offender previously has been convicted of or pleaded guilty in 49
two or more separate proceedings to two or more violations of 50
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 51
Code, the prison term shall be twelve, eighteen, twenty-four, 52
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 53
months. 54

(b) For a felony of the third degree that is not an 55
offense for which division (A) (3) (a) of this section applies, 56
the prison term shall be nine, twelve, eighteen, twenty-four, 57
thirty, or thirty-six months. 58

(4) For a felony of the fourth degree, the prison term 59
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 60
fourteen, fifteen, sixteen, seventeen, or eighteen months. 61

(5) For a felony of the fifth degree, the prison term 62
shall be six, seven, eight, nine, ten, eleven, or twelve months. 63

(B) (1) (a) Except as provided in division (B) (1) (e) of this 64
section, if an offender who is convicted of or pleads guilty to 65
a felony also is convicted of or pleads guilty to a 66
specification of the type described in section 2941.141, 67
2941.144, or 2941.145 of the Revised Code, the court shall 68
impose on the offender one of the following prison terms: 69

(i) A prison term of six years if the specification is of 70
the type described in section 2941.144 of the Revised Code that 71
charges the offender with having a firearm that is an automatic 72
firearm or that was equipped with a firearm muffler or silencer 73
on or about the offender's person or under the offender's 74
control while committing the felony; 75

(ii) A prison term of three years if the specification is 76
of the type described in section 2941.145 of the Revised Code 77
that charges the offender with having a firearm on or about the 78
offender's person or under the offender's control while 79
committing the offense and displaying the firearm, brandishing 80
the firearm, indicating that the offender possessed the firearm, 81
or using it to facilitate the offense; 82

(iii) A prison term of one year if the specification is of 83
the type described in section 2941.141 of the Revised Code that 84
charges the offender with having a firearm on or about the 85
offender's person or under the offender's control while 86
committing the felony. 87

(b) If a court imposes a prison term on an offender under 88
division (B) (1) (a) of this section, the prison term shall not be 89
reduced pursuant to section 2967.19, section 2929.20, section 90
2967.193, or any other provision of Chapter 2967. or Chapter 91
5120. of the Revised Code. Except as provided in division (B) (1) 92
(g) of this section, a court shall not impose more than one 93
prison term on an offender under division (B) (1) (a) of this 94
section for felonies committed as part of the same act or 95
transaction. 96

(c) Except as provided in division (B) (1) (e) of this 97
section, if an offender who is convicted of or pleads guilty to 98
a violation of section 2923.161 of the Revised Code or to a 99
felony that includes, as an essential element, purposely or 100
knowingly causing or attempting to cause the death of or 101
physical harm to another, also is convicted of or pleads guilty 102
to a specification of the type described in section 2941.146 of 103
the Revised Code that charges the offender with committing the 104
offense by discharging a firearm from a motor vehicle other than 105

a manufactured home, the court, after imposing a prison term on 106
the offender for the violation of section 2923.161 of the 107
Revised Code or for the other felony offense under division (A), 108
(B) (2), or (B) (3) of this section, shall impose an additional 109
prison term of five years upon the offender that shall not be 110
reduced pursuant to section 2929.20, section 2967.19, section 111
2967.193, or any other provision of Chapter 2967. or Chapter 112
5120. of the Revised Code. A court shall not impose more than 113
one additional prison term on an offender under division (B) (1) 114
(c) of this section for felonies committed as part of the same 115
act or transaction. If a court imposes an additional prison term 116
on an offender under division (B) (1) (c) of this section relative 117
to an offense, the court also shall impose a prison term under 118
division (B) (1) (a) of this section relative to the same offense, 119
provided the criteria specified in that division for imposing an 120
additional prison term are satisfied relative to the offender 121
and the offense. 122

(d) If an offender who is convicted of or pleads guilty to 123
an offense of violence that is a felony also is convicted of or 124
pleads guilty to a specification of the type described in 125
section 2941.1411 of the Revised Code that charges the offender 126
with wearing or carrying body armor while committing the felony 127
offense of violence, the court shall impose on the offender a 128
prison term of two years. The prison term so imposed, subject to 129
divisions (C) to (I) of section 2967.19 of the Revised Code, 130
shall not be reduced pursuant to section 2929.20, section 131
2967.19, section 2967.193, or any other provision of Chapter 132
2967. or Chapter 5120. of the Revised Code. A court shall not 133
impose more than one prison term on an offender under division 134
(B) (1) (d) of this section for felonies committed as part of the 135
same act or transaction. If a court imposes an additional prison 136

term under division (B) (1) (a) or (c) of this section, the court 137
is not precluded from imposing an additional prison term under 138
division (B) (1) (d) of this section. 139

(e) The court shall not impose any of the prison terms 140
described in division (B) (1) (a) of this section or any of the 141
additional prison terms described in division (B) (1) (c) of this 142
section upon an offender for a violation of section 2923.12 or 143
2923.123 of the Revised Code. The court shall not impose any of 144
the prison terms described in division (B) (1) (a) or (b) of this 145
section upon an offender for a violation of section 2923.122 146
that involves a deadly weapon that is a firearm other than a 147
dangerous ordnance, section 2923.16, or section 2923.121 of the 148
Revised Code. The court shall not impose any of the prison terms 149
described in division (B) (1) (a) of this section or any of the 150
additional prison terms described in division (B) (1) (c) of this 151
section upon an offender for a violation of section 2923.13 of 152
the Revised Code unless all of the following apply: 153

(i) The offender previously has been convicted of 154
aggravated murder, murder, or any felony of the first or second 155
degree. 156

(ii) Less than five years have passed since the offender 157
was released from prison or post-release control, whichever is 158
later, for the prior offense. 159

(f) If an offender is convicted of or pleads guilty to a 160
felony that includes, as an essential element, causing or 161
attempting to cause the death of or physical harm to another and 162
also is convicted of or pleads guilty to a specification of the 163
type described in section 2941.1412 of the Revised Code that 164
charges the offender with committing the offense by discharging 165
a firearm at a peace officer as defined in section 2935.01 of 166

the Revised Code or a corrections officer, as defined in section 167
2941.1412 of the Revised Code, the court, after imposing a 168
prison term on the offender for the felony offense under 169
division (A), (B) (2), or (B) (3) of this section, shall impose an 170
additional prison term of seven years upon the offender that 171
shall not be reduced pursuant to section 2929.20, section 172
2967.19, section 2967.193, or any other provision of Chapter 173
2967. or Chapter 5120. of the Revised Code. If an offender is 174
convicted of or pleads guilty to two or more felonies that 175
include, as an essential element, causing or attempting to cause 176
the death or physical harm to another and also is convicted of 177
or pleads guilty to a specification of the type described under 178
division (B) (1) (f) of this section in connection with two or 179
more of the felonies of which the offender is convicted or to 180
which the offender pleads guilty, the sentencing court shall 181
impose on the offender the prison term specified under division 182
(B) (1) (f) of this section for each of two of the specifications 183
of which the offender is convicted or to which the offender 184
pleads guilty and, in its discretion, also may impose on the 185
offender the prison term specified under that division for any 186
or all of the remaining specifications. If a court imposes an 187
additional prison term on an offender under division (B) (1) (f) 188
of this section relative to an offense, the court shall not 189
impose a prison term under division (B) (1) (a) or (c) of this 190
section relative to the same offense. 191

(g) If an offender is convicted of or pleads guilty to two 192
or more felonies, if one or more of those felonies are 193
aggravated murder, murder, attempted aggravated murder, 194
attempted murder, aggravated robbery, felonious assault, or 195
rape, and if the offender is convicted of or pleads guilty to a 196
specification of the type described under division (B) (1) (a) of 197

this section in connection with two or more of the felonies, the 198
sentencing court shall impose on the offender the prison term 199
specified under division (B) (1) (a) of this section for each of 200
the two most serious specifications of which the offender is 201
convicted or to which the offender pleads guilty and, in its 202
discretion, also may impose on the offender the prison term 203
specified under that division for any or all of the remaining 204
specifications. 205

(2) (a) If division (B) (2) (b) of this section does not 206
apply, the court may impose on an offender, in addition to the 207
longest prison term authorized or required for the offense, an 208
additional definite prison term of one, two, three, four, five, 209
six, seven, eight, nine, or ten years if all of the following 210
criteria are met: 211

(i) The offender is convicted of or pleads guilty to a 212
specification of the type described in section 2941.149 of the 213
Revised Code that the offender is a repeat violent offender. 214

(ii) The offense of which the offender currently is 215
convicted or to which the offender currently pleads guilty is 216
aggravated murder and the court does not impose a sentence of 217
death or life imprisonment without parole, murder, terrorism and 218
the court does not impose a sentence of life imprisonment 219
without parole, any felony of the first degree that is an 220
offense of violence and the court does not impose a sentence of 221
life imprisonment without parole, or any felony of the second 222
degree that is an offense of violence and the trier of fact 223
finds that the offense involved an attempt to cause or a threat 224
to cause serious physical harm to a person or resulted in 225
serious physical harm to a person. 226

(iii) The court imposes the longest prison term for the 227

offense that is not life imprisonment without parole.	228
(iv) The court finds that the prison terms imposed	229
pursuant to division (B) (2) (a) (iii) of this section and, if	230
applicable, division (B) (1) or (3) of this section are	231
inadequate to punish the offender and protect the public from	232
future crime, because the applicable factors under section	233
2929.12 of the Revised Code indicating a greater likelihood of	234
recidivism outweigh the applicable factors under that section	235
indicating a lesser likelihood of recidivism.	236
(v) The court finds that the prison terms imposed pursuant	237
to division (B) (2) (a) (iii) of this section and, if applicable,	238
division (B) (1) or (3) of this section are demeaning to the	239
seriousness of the offense, because one or more of the factors	240
under section 2929.12 of the Revised Code indicating that the	241
offender's conduct is more serious than conduct normally	242
constituting the offense are present, and they outweigh the	243
applicable factors under that section indicating that the	244
offender's conduct is less serious than conduct normally	245
constituting the offense.	246
(b) The court shall impose on an offender the longest	247
prison term authorized or required for the offense and shall	248
impose on the offender an additional definite prison term of	249
one, two, three, four, five, six, seven, eight, nine, or ten	250
years if all of the following criteria are met:	251
(i) The offender is convicted of or pleads guilty to a	252
specification of the type described in section 2941.149 of the	253
Revised Code that the offender is a repeat violent offender.	254
(ii) The offender within the preceding twenty years has	255
been convicted of or pleaded guilty to three or more offenses	256

described in division (CC) (1) of section 2929.01 of the Revised Code, including all offenses described in that division of which the offender is convicted or to which the offender pleads guilty in the current prosecution and all offenses described in that division of which the offender previously has been convicted or to which the offender previously pleaded guilty, whether prosecuted together or separately.

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

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

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

(e) When imposing a sentence pursuant to division (B) (2) 287
(a) or (b) of this section, the court shall state its findings 288
explaining the imposed sentence. 289

(3) Except when an offender commits a violation of section 290
2903.01 or 2907.02 of the Revised Code and the penalty imposed 291
for the violation is life imprisonment or commits a violation of 292
section 2903.02 of the Revised Code, if the offender commits a 293
violation of section 2925.03 or 2925.11 of the Revised Code and 294
that section classifies the offender as a major drug offender, 295
if the offender commits a felony violation of section 2925.02, 296
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 297
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 298
division (C) of section 4729.51, or division (J) of section 299
4729.54 of the Revised Code that includes the sale, offer to 300
sell, or possession of a schedule I or II controlled substance, 301
with the exception of marihuana, and the court imposing sentence 302
upon the offender finds that the offender is guilty of a 303
specification of the type described in section 2941.1410 of the 304
Revised Code charging that the offender is a major drug 305
offender, if the court imposing sentence upon an offender for a 306
felony finds that the offender is guilty of corrupt activity 307
with the most serious offense in the pattern of corrupt activity 308
being a felony of the first degree, or if the offender is guilty 309
of an attempted violation of section 2907.02 of the Revised Code 310
and, had the offender completed the violation of section 2907.02 311
of the Revised Code that was attempted, the offender would have 312
been subject to a sentence of life imprisonment or life 313
imprisonment without parole for the violation of section 2907.02 314
of the Revised Code, the court shall impose upon the offender 315
for the felony violation a mandatory prison term of the maximum 316
prison term prescribed for a felony of the first degree that, 317

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.

(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 felony OVI offense and shall equal one of the authorized prison terms specified in division (A)(3) of this section for a third degree felony OVI offense. If the court imposes an additional prison term under division (B)(4) of this section, the offender shall serve the additional prison term after the offender has served the mandatory prison term required for the offense. In addition to the mandatory prison term or mandatory and additional prison term imposed as described in division (B)(4)

of this section, the court also may sentence the offender to a 349
community control sanction under section 2929.16 or 2929.17 of 350
the Revised Code, but the offender shall serve all of the prison 351
terms so imposed prior to serving the community control 352
sanction. 353

If the offender is being sentenced for a fourth degree 354
felony OVI offense under division (G) (1) of section 2929.13 of 355
the Revised Code and the court imposes a mandatory term of local 356
incarceration, the court may impose a prison term as described 357
in division (A) (1) of that section. 358

(5) If an offender is convicted of or pleads guilty to a 359
violation of division (A) (1) or (2) of section 2903.06 of the 360
Revised Code and also is convicted of or pleads guilty to a 361
specification of the type described in section 2941.1414 of the 362
Revised Code that charges that the victim of the offense is a 363
peace officer, as defined in section 2935.01 of the Revised 364
Code, or an investigator of the bureau of criminal 365
identification and investigation, as defined in section 2903.11 366
of the Revised Code, the court shall impose on the offender a 367
prison term of five years. If a court imposes a prison term on 368
an offender under division (B) (5) of this section, the prison 369
term, subject to divisions (C) to (I) of section 2967.19 of the 370
Revised Code, shall not be reduced pursuant to section 2929.20, 371
section 2967.19, section 2967.193, or any other provision of 372
Chapter 2967. or Chapter 5120. of the Revised Code. A court 373
shall not impose more than one prison term on an offender under 374
division (B) (5) of this section for felonies committed as part 375
of the same act. 376

(6) If an offender is convicted of or pleads guilty to a 377
violation of division (A) (1) or (2) of section 2903.06 of the 378

Revised Code and also is convicted of or pleads guilty to a 379
specification of the type described in section 2941.1415 of the 380
Revised Code that charges that the offender previously has been 381
convicted of or pleaded guilty to three or more violations of 382
division (A) or (B) of section 4511.19 of the Revised Code or an 383
equivalent offense, as defined in section 2941.1415 of the 384
Revised Code, or three or more violations of any combination of 385
those divisions and offenses, the court shall impose on the 386
offender a prison term of three years. If a court imposes a 387
prison term on an offender under division (B) (6) of this 388
section, the prison term, subject to divisions (C) to (I) of 389
section 2967.19 of the Revised Code, shall not be reduced 390
pursuant to section 2929.20, section 2967.19, section 2967.193, 391
or any other provision of Chapter 2967. or Chapter 5120. of the 392
Revised Code. A court shall not impose more than one prison term 393
on an offender under division (B) (6) of this section for 394
felonies committed as part of the same act. 395

(7) (a) If an offender is convicted of or pleads guilty to 396
a felony violation of section 2905.01, 2905.02, 2907.21, 397
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 398
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 399
the Revised Code and also is convicted of or pleads guilty to a 400
specification of the type described in section 2941.1422 of the 401
Revised Code that charges that the offender knowingly committed 402
the offense in furtherance of human trafficking, the court shall 403
impose on the offender a mandatory prison term that is one of 404
the following: 405

(i) If the offense is a felony of the first degree, a 406
definite prison term of not less than five years and not greater 407
than ten years; 408

(ii) If the offense is a felony of the second or third degree, a definite prison term of not less than three years and not greater than the maximum prison term allowed for the offense by division (A) of section 2929.14 of the Revised Code;

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

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

(8) If an offender is convicted of or pleads guilty to a felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range of prison terms prescribed in division (A) of this section for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison terms prescribed in section 2929.14 of the Revised Code for felonies of the same degree as the violation.

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

if a mandatory prison term is imposed upon an offender pursuant 439
to division (B) (1) (a) of this section for having a firearm on or 440
about the offender's person or under the offender's control 441
while committing a felony, if a mandatory prison term is imposed 442
upon an offender pursuant to division (B) (1) (c) of this section 443
for committing a felony specified in that division by 444
discharging a firearm from a motor vehicle, or if both types of 445
mandatory prison terms are imposed, the offender shall serve any 446
mandatory prison term imposed under either division 447
consecutively to any other mandatory prison term imposed under 448
either division or under division (B) (1) (d) of this section, 449
consecutively to and prior to any prison term imposed for the 450
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 451
this section or any other section of the Revised Code, and 452
consecutively to any other prison term or mandatory prison term 453
previously or subsequently imposed upon the offender. 454

(b) If a mandatory prison term is imposed upon an offender 455
pursuant to division (B) (1) (d) of this section for wearing or 456
carrying body armor while committing an offense of violence that 457
is a felony, the offender shall serve the mandatory term so 458
imposed consecutively to any other mandatory prison term imposed 459
under that division or under division (B) (1) (a) or (c) of this 460
section, consecutively to and prior to any prison term imposed 461
for the underlying felony under division (A), (B) (2), or (B) (3) 462
of this section or any other section of the Revised Code, and 463
consecutively to any other prison term or mandatory prison term 464
previously or subsequently imposed upon the offender. 465

(c) If a mandatory prison term is imposed upon an offender 466
pursuant to division (B) (1) (f) of this section, the offender 467
shall serve the mandatory prison term so imposed consecutively 468
to and prior to any prison term imposed for the underlying 469

felony under division (A), (B) (2), or (B) (3) of this section or 470
any other section of the Revised Code, and consecutively to any 471
other prison term or mandatory prison term previously or 472
subsequently imposed upon the offender. 473

(d) If a mandatory prison term is imposed upon an offender 474
pursuant to division (B) (7) or (8) of this section, the offender 475
shall serve the mandatory prison term so imposed consecutively 476
to any other mandatory prison term imposed under that division 477
or under any other provision of law and consecutively to any 478
other prison term or mandatory prison term previously or 479
subsequently imposed upon the offender. 480

(2) If an offender who is an inmate in a jail, prison, or 481
other residential detention facility violates section 2917.02, 482
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 483
(2) of section 2921.34 of the Revised Code, if an offender who 484
is under detention at a detention facility commits a felony 485
violation of section 2923.131 of the Revised Code, or if an 486
offender who is an inmate in a jail, prison, or other 487
residential detention facility or is under detention at a 488
detention facility commits another felony while the offender is 489
an escapee in violation of division (A) (1) or (2) of section 490
2921.34 of the Revised Code, any prison term imposed upon the 491
offender for one of those violations shall be served by the 492
offender consecutively to the prison term or term of 493
imprisonment the offender was serving when the offender 494
committed that offense and to any other prison term previously 495
or subsequently imposed upon the offender. 496

(3) If a prison term is imposed for a violation of 497
division (B) of section 2911.01 of the Revised Code, a violation 498
of division (A) of section 2913.02 of the Revised Code in which 499

the stolen property is a firearm or dangerous ordnance, or a 500
felony violation of division (B) of section 2921.331 of the 501
Revised Code, the offender shall serve that prison term 502
consecutively to any other prison term or mandatory prison term 503
previously or subsequently imposed upon the offender. 504

(4) If multiple prison terms are imposed on an offender 505
for convictions of multiple offenses, the court may require the 506
offender to serve the prison terms consecutively if the court 507
finds that the consecutive service is necessary to protect the 508
public from future crime or to punish the offender and that 509
consecutive sentences are not disproportionate to the 510
seriousness of the offender's conduct and to the danger the 511
offender poses to the public, and if the court also finds any of 512
the following: 513

(a) The offender committed one or more of the multiple 514
offenses while the offender was awaiting trial or sentencing, 515
was under a sanction imposed pursuant to section 2929.16, 516
2929.17, or 2929.18 of the Revised Code, or was under post- 517
release control for a prior offense. 518

(b) At least two of the multiple offenses were committed 519
as part of one or more courses of conduct, and the harm caused 520
by two or more of the multiple offenses so committed was so 521
great or unusual that no single prison term for any of the 522
offenses committed as part of any of the courses of conduct 523
adequately reflects the seriousness of the offender's conduct. 524

(c) The offender's history of criminal conduct 525
demonstrates that consecutive sentences are necessary to protect 526
the public from future crime by the offender. 527

(5) If a mandatory prison term is imposed upon an offender 528

pursuant to division (B) (5) or (6) of this section, the offender 529
shall serve the mandatory prison term consecutively to and prior 530
to any prison term imposed for the underlying violation of 531
division (A) (1) or (2) of section 2903.06 of the Revised Code 532
pursuant to division (A) of this section or section 2929.142 of 533
the Revised Code. If a mandatory prison term is imposed upon an 534
offender pursuant to division (B) (5) of this section, and if a 535
mandatory prison term also is imposed upon the offender pursuant 536
to division (B) (6) of this section in relation to the same 537
violation, the offender shall serve the mandatory prison term 538
imposed pursuant to division (B) (5) of this section 539
consecutively to and prior to the mandatory prison term imposed 540
pursuant to division (B) (6) of this section and consecutively to 541
and prior to any prison term imposed for the underlying 542
violation of division (A) (1) or (2) of section 2903.06 of the 543
Revised Code pursuant to division (A) of this section or section 544
2929.142 of the Revised Code. 545

(6) When consecutive prison terms are imposed pursuant to 546
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 547
of this section, the term to be served is the aggregate of all 548
of the terms so imposed. 549

(D) (1) If a court imposes a prison term for a felony of 550
the first degree, for a felony of the second degree, for a 551
felony sex offense, or for a felony of the third degree that is 552
not a felony sex offense and in the commission of which the 553
offender caused or threatened to cause physical harm to a 554
person, it shall include in the sentence a requirement that the 555
offender be subject to a period of post-release control after 556
the offender's release from imprisonment, in accordance with 557
that division. If a court imposes a sentence including a prison 558
term of a type described in this division on or after July 11, 559

2006, the failure of a court to include a post-release control 560
requirement in the sentence pursuant to this division does not 561
negate, limit, or otherwise affect the mandatory period of post- 562
release control that is required for the offender under division 563
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 564
the Revised Code applies if, prior to July 11, 2006, a court 565
imposed a sentence including a prison term of a type described 566
in this division and failed to include in the sentence pursuant 567
to this division a statement regarding post-release control. 568

(2) If a court imposes a prison term for a felony of the 569
third, fourth, or fifth degree that is not subject to division 570
(D)(1) of this section, it shall include in the sentence a 571
requirement that the offender be subject to a period of post- 572
release control after the offender's release from imprisonment, 573
in accordance with that division, if the parole board determines 574
that a period of post-release control is necessary. Section 575
2929.191 of the Revised Code applies if, prior to July 11, 2006, 576
a court imposed a sentence including a prison term of a type 577
described in this division and failed to include in the sentence 578
pursuant to this division a statement regarding post-release 579
control. 580

(E) The court shall impose sentence upon the offender in 581
accordance with section 2971.03 of the Revised Code, and Chapter 582
2971. of the Revised Code applies regarding the prison term or 583
term of life imprisonment without parole imposed upon the 584
offender and the service of that term of imprisonment if any of 585
the following apply: 586

(1) A person is convicted of or pleads guilty to a violent 587
sex offense or a designated homicide, assault, or kidnapping 588
offense, and, in relation to that offense, the offender is 589

adjudicated a sexually violent predator. 590

(2) A person is convicted of or pleads guilty to a 591
violation of division (A) (1) (b) of section 2907.02 of the 592
Revised Code committed on or after January 2, 2007, and either 593
the court does not impose a sentence of life without parole when 594
authorized pursuant to division (B) of section 2907.02 of the 595
Revised Code, or division (B) of section 2907.02 of the Revised 596
Code provides that the court shall not sentence the offender 597
pursuant to section 2971.03 of the Revised Code. 598

(3) A person is convicted of or pleads guilty to attempted 599
rape committed on or after January 2, 2007, and a specification 600
of the type described in section 2941.1418, 2941.1419, or 601
2941.1420 of the Revised Code. 602

(4) A person is convicted of or pleads guilty to a 603
violation of section 2905.01 of the Revised Code committed on or 604
after January 1, 2008, and that section requires the court to 605
sentence the offender pursuant to section 2971.03 of the Revised 606
Code. 607

(5) A person is convicted of or pleads guilty to 608
aggravated murder committed on or after January 1, 2008, and 609
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 610
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 611
(d) of section 2929.03, or division (A) or (B) of section 612
2929.06 of the Revised Code requires the court to sentence the 613
offender pursuant to division (B) (3) of section 2971.03 of the 614
Revised Code. 615

(6) A person is convicted of or pleads guilty to murder 616
committed on or after January 1, 2008, and division (B) (2) of 617
section 2929.02 of the Revised Code requires the court to 618

sentence the offender pursuant to section 2971.03 of the Revised Code. 619
620

(F) If a person who has been convicted of or pleaded 621
guilty to a felony is sentenced to a prison term or term of 622
imprisonment under this section, sections 2929.02 to 2929.06 of 623
the Revised Code, section 2929.142 of the Revised Code, section 624
2971.03 of the Revised Code, or any other provision of law, 625
section 5120.163 of the Revised Code applies regarding the 626
person while the person is confined in a state correctional 627
institution. 628

(G) If an offender who is convicted of or pleads guilty to 629
a felony that is an offense of violence also is convicted of or 630
pleads guilty to a specification of the type described in 631
section 2941.142 of the Revised Code that charges the offender 632
with having committed the felony while participating in a 633
criminal gang, the court shall impose upon the offender an 634
additional prison term of one, two, or three years. 635

(H) (1) If an offender who is convicted of or pleads guilty 636
to aggravated murder, murder, or a felony of the first, second, 637
or third degree that is an offense of violence also is convicted 638
of or pleads guilty to a specification of the type described in 639
section 2941.143 of the Revised Code that charges the offender 640
with having committed the offense in a school safety zone or 641
towards a person in a school safety zone, the court shall impose 642
upon the offender an additional prison term of two years. The 643
offender shall serve the additional two years consecutively to 644
and prior to the prison term imposed for the underlying offense. 645

(2) (a) If an offender is convicted of or pleads guilty to 646
a felony violation of section 2907.22, 2907.24, 2907.241, or 647
2907.25 of the Revised Code and to a specification of the type 648

described in section 2941.1421 of the Revised Code and if the 649
court imposes a prison term on the offender for the felony 650
violation, the court may impose upon the offender an additional 651
prison term as follows: 652

(i) Subject to division (H)(2)(a)(ii) of this section, an 653
additional prison term of one, two, three, four, five, or six 654
months; 655

(ii) If the offender previously has been convicted of or 656
pleaded guilty to one or more felony or misdemeanor violations 657
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 658
the Revised Code and also was convicted of or pleaded guilty to 659
a specification of the type described in section 2941.1421 of 660
the Revised Code regarding one or more of those violations, an 661
additional prison term of one, two, three, four, five, six, 662
seven, eight, nine, ten, eleven, or twelve months. 663

(b) In lieu of imposing an additional prison term under 664
division (H)(2)(a) of this section, the court may directly 665
impose on the offender a sanction that requires the offender to 666
wear a real-time processing, continual tracking electronic 667
monitoring device during the period of time specified by the 668
court. The period of time specified by the court shall equal the 669
duration of an additional prison term that the court could have 670
imposed upon the offender under division (H)(2)(a) of this 671
section. A sanction imposed under this division shall commence 672
on the date specified by the court, provided that the sanction 673
shall not commence until after the offender has served the 674
prison term imposed for the felony violation of section 2907.22, 675
2907.24, 2907.241, or 2907.25 of the Revised Code and any 676
residential sanction imposed for the violation under section 677
2929.16 of the Revised Code. A sanction imposed under this 678

division shall be considered to be a community control sanction 679
for purposes of section 2929.15 of the Revised Code, and all 680
provisions of the Revised Code that pertain to community control 681
sanctions shall apply to a sanction imposed under this division, 682
except to the extent that they would by their nature be clearly 683
inapplicable. The offender shall pay all costs associated with a 684
sanction imposed under this division, including the cost of the 685
use of the monitoring device. 686

(I) At the time of sentencing, the court may recommend the 687
offender for placement in a program of shock incarceration under 688
section 5120.031 of the Revised Code or for placement in an 689
intensive program prison under section 5120.032 of the Revised 690
Code, disapprove placement of the offender in a program of shock 691
incarceration or an intensive program prison of that nature, or 692
make no recommendation on placement of the offender. In no case 693
shall the department of rehabilitation and correction place the 694
offender in a program or prison of that nature unless the 695
department determines as specified in section 5120.031 or 696
5120.032 of the Revised Code, whichever is applicable, that the 697
offender is eligible for the placement. 698

If the court disapproves placement of the offender in a 699
program or prison of that nature, the department of 700
rehabilitation and correction shall not place the offender in 701
any program of shock incarceration or intensive program prison. 702

If the court recommends placement of the offender in a 703
program of shock incarceration or in an intensive program 704
prison, and if the offender is subsequently placed in the 705
recommended program or prison, the department shall notify the 706
court of the placement and shall include with the notice a brief 707
description of the placement. 708

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

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

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

Section 2. That existing section 2929.14 of the Revised Code is hereby repealed.