

As Reported by the House Judiciary Committee

131st General Assembly

Regular Session

2015-2016

Sub. H. B. No. 362

Representatives Stinziano, Kunze

A BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) If division ~~(D)~~ (E) (3), (4), ~~or~~ (5), (6), or (7) of 85
this section requires the court that sentences an offender for a 86
violation of division (A) ~~or~~, (B), or (D) of this section to 87
impose a mandatory prison term on the offender pursuant to this 88
division, the court shall impose the mandatory prison term as 89
follows: 90

(a) If the violation of division (A) or (B) of this 91
section is a felony of the fourth or fifth degree, except as 92
otherwise provided in division ~~(D) (6)~~ (E) (8) (b) or (c) of this 93
section, the court shall impose a mandatory prison term on the 94
offender of at least six months. 95

(b) If the violation of division (A) or (B) of this 96
section is a felony of the fifth degree and the offender, in 97
committing the violation, caused serious physical harm to the 98
pregnant woman's unborn or caused the termination of the 99
pregnant woman's pregnancy, the court shall impose a mandatory 100
prison term on the offender of twelve months. 101

(c) If the violation of division (A) or (B) of this 102
section is a felony of the fourth degree and the offender, in 103
committing the violation, caused serious physical harm to the 104
pregnant woman's unborn or caused the termination of the 105
pregnant woman's pregnancy, the court shall impose a mandatory 106
prison term on the offender of at least twelve months. 107

(d) If the violation of division (A) ~~or, (B), or (D)~~ of 108
this section is a felony of the third degree, except as 109
otherwise provided in division ~~(D) (6)~~ (E) (8) (e) of this section 110
and notwithstanding the range of prison terms prescribed in 111
section 2929.14 of the Revised Code for a felony of the third 112
degree, the court shall impose a mandatory prison term on the 113
offender of either a definite term of six months or one of the 114
prison terms prescribed in section 2929.14 of the Revised Code 115
for felonies of the third degree. 116

(e) If the violation of division (A) ~~or, (B), or (D)~~ of 117
this section is a felony of the third degree and the offender, 118
in committing the violation, caused serious physical harm to the 119
pregnant woman's unborn or caused the termination of the 120
pregnant woman's pregnancy, notwithstanding the range of prison 121
terms prescribed in section 2929.14 of the Revised Code for a 122
felony of the third degree, the court shall impose a mandatory 123
prison term on the offender of either a definite term of one 124
year or one of the prison terms prescribed in section 2929.14 of 125
the Revised Code for felonies of the third degree. 126

(f) If the violation of division (D) of this section is a 127
felony of the second degree, notwithstanding the range of prison 128
terms prescribed in section 2929.14 of the Revised Code for a 129
felony of the second degree, the court shall impose a mandatory 130
prison term on the offender one of the prison terms prescribed 131
in section 2929.14 of the Revised Code for felonies of the 132
second degree. 133

~~(E)~~ (F) Notwithstanding any provision of law to the 134
contrary, no court or unit of state or local government shall 135
charge any fee, cost, deposit, or money in connection with the 136
filing of charges against a person alleging that the person 137

violated this section or a municipal ordinance substantially 138
similar to this section or in connection with the prosecution of 139
any charges so filed. 140

~~(F)~~(G) It is not required in a prosecution under division 141
(D) of this section to allege or prove that the family or 142
household member who is the victim suffered physical harm or 143
serious physical harm or visible injury. 144

(H) It is an affirmative defense to a charge under 145
division (D) of this section that the act was done to the family 146
or household member as part of a medical or other procedure 147
undertaken to aid or benefit the victim. 148

(I) As used in this section and sections 2919.251 and 149
2919.26 of the Revised Code: 150

(1) "Family or household member" means any of the 151
following: 152

(a) Any of the following who is residing or has resided 153
with the offender: 154

(i) A spouse, a person living as a spouse, or a former 155
spouse of the offender; 156

(ii) A parent, a foster parent, or a child of the 157
offender, or another person related by consanguinity or affinity 158
to the offender; 159

(iii) A parent or a child of a spouse, person living as a 160
spouse, or former spouse of the offender, or another person 161
related by consanguinity or affinity to a spouse, person living 162
as a spouse, or former spouse of the offender. 163

(b) The natural parent of any child of whom the offender 164
is the other natural parent or is the putative other natural 165

parent. 166

(2) "Person living as a spouse" means a person who is 167
living or has lived with the offender in a common law marital 168
relationship, who otherwise is cohabiting with the offender, or 169
who otherwise has cohabited with the offender within five years 170
prior to the date of the alleged commission of the act in 171
question. 172

(3) "Pregnant woman's unborn" has the same meaning as 173
"such other person's unborn," as set forth in section 2903.09 of 174
the Revised Code, as it relates to the pregnant woman. Division 175
(C) of that section applies regarding the use of the term in 176
this section, except that the second and third sentences of 177
division (C)(1) of that section shall be construed for purposes 178
of this section as if they included a reference to this section 179
in the listing of Revised Code sections they contain. 180

(4) "Termination of the pregnant woman's pregnancy" has 181
the same meaning as "unlawful termination of another's 182
pregnancy," as set forth in section 2903.09 of the Revised Code, 183
as it relates to the pregnant woman. Division (C) of that 184
section applies regarding the use of the term in this section, 185
except that the second and third sentences of division (C)(1) of 186
that section shall be construed for purposes of this section as 187
if they included a reference to this section in the listing of 188
Revised Code sections they contain. 189

Sec. 2929.13. (A) Except as provided in division (E), (F), 190
or (G) of this section and unless a specific sanction is 191
required to be imposed or is precluded from being imposed 192
pursuant to law, a court that imposes a sentence upon an 193
offender for a felony may impose any sanction or combination of 194
sanctions on the offender that are provided in sections 2929.14 195

to 2929.18 of the Revised Code. 196

If the offender is eligible to be sentenced to community 197
control sanctions, the court shall consider the appropriateness 198
of imposing a financial sanction pursuant to section 2929.18 of 199
the Revised Code or a sanction of community service pursuant to 200
section 2929.17 of the Revised Code as the sole sanction for the 201
offense. Except as otherwise provided in this division, if the 202
court is required to impose a mandatory prison term for the 203
offense for which sentence is being imposed, the court also 204
shall impose any financial sanction pursuant to section 2929.18 205
of the Revised Code that is required for the offense and may 206
impose any other financial sanction pursuant to that section but 207
may not impose any additional sanction or combination of 208
sanctions under section 2929.16 or 2929.17 of the Revised Code. 209

If the offender is being sentenced for a fourth degree 210
felony OVI offense or for a third degree felony OVI offense, in 211
addition to the mandatory term of local incarceration or the 212
mandatory prison term required for the offense by division (G) 213
(1) or (2) of this section, the court shall impose upon the 214
offender a mandatory fine in accordance with division (B) (3) of 215
section 2929.18 of the Revised Code and may impose whichever of 216
the following is applicable: 217

(1) For a fourth degree felony OVI offense for which 218
sentence is imposed under division (G) (1) of this section, an 219
additional community control sanction or combination of 220
community control sanctions under section 2929.16 or 2929.17 of 221
the Revised Code. If the court imposes upon the offender a 222
community control sanction and the offender violates any 223
condition of the community control sanction, the court may take 224
any action prescribed in division (B) of section 2929.15 of the 225

Revised Code relative to the offender, including imposing a	226
prison term on the offender pursuant to that division.	227
(2) For a third or fourth degree felony OVI offense for	228
which sentence is imposed under division (G)(2) of this section,	229
an additional prison term as described in division (B)(4) of	230
section 2929.14 of the Revised Code or a community control	231
sanction as described in division (G)(2) of this section.	232
(B)(1)(a) Except as provided in division (B)(1)(b) of this	233
section, if an offender is convicted of or pleads guilty to a	234
felony of the fourth or fifth degree that is not an offense of	235
violence or that is a qualifying assault offense, the court	236
shall sentence the offender to a community control sanction of	237
at least one year's duration if all of the following apply:	238
(i) The offender previously has not been convicted of or	239
pleaded guilty to a felony offense.	240
(ii) The most serious charge against the offender at the	241
time of sentencing is a felony of the fourth or fifth degree.	242
(iii) If the court made a request of the department of	243
rehabilitation and correction pursuant to division (B)(1)(c) of	244
this section, the department, within the forty-five-day period	245
specified in that division, provided the court with the names	246
of, contact information for, and program details of one or more	247
community control sanctions of at least one year's duration that	248
are available for persons sentenced by the court.	249
(iv) The offender previously has not been convicted of or	250
pleaded guilty to a misdemeanor offense of violence that the	251
offender committed within two years prior to the offense for	252
which sentence is being imposed.	253
(b) The court has discretion to impose a prison term upon	254

an offender who is convicted of or pleads guilty to a felony of 255
the fourth or fifth degree that is not an offense of violence or 256
that is a qualifying assault offense if any of the following 257
apply: 258

(i) The offender committed the offense while having a 259
firearm on or about the offender's person or under the 260
offender's control. 261

(ii) If the offense is a qualifying assault offense, the 262
offender caused serious physical harm to another person while 263
committing the offense, and, if the offense is not a qualifying 264
assault offense, the offender caused physical harm to another 265
person while committing the offense. 266

(iii) The offender violated a term of the conditions of 267
bond as set by the court. 268

(iv) The court made a request of the department of 269
rehabilitation and correction pursuant to division (B)(1)(c) of 270
this section, and the department, within the forty-five-day 271
period specified in that division, did not provide the court 272
with the name of, contact information for, and program details 273
of any community control sanction of at least one year's 274
duration that is available for persons sentenced by the court. 275

(v) The offense is a sex offense that is a fourth or fifth 276
degree felony violation of any provision of Chapter 2907. of the 277
Revised Code. 278

(vi) In committing the offense, the offender attempted to 279
cause or made an actual threat of physical harm to a person with 280
a deadly weapon. 281

(vii) In committing the offense, the offender attempted to 282
cause or made an actual threat of physical harm to a person, and 283

the offender previously was convicted of an offense that caused 284
physical harm to a person. 285

(viii) The offender held a public office or position of 286
trust, and the offense related to that office or position; the 287
offender's position obliged the offender to prevent the offense 288
or to bring those committing it to justice; or the offender's 289
professional reputation or position facilitated the offense or 290
was likely to influence the future conduct of others. 291

(ix) The offender committed the offense for hire or as 292
part of an organized criminal activity. 293

(x) The offender at the time of the offense was serving, 294
or the offender previously had served, a prison term. 295

(xi) The offender committed the offense while under a 296
community control sanction, while on probation, or while 297
released from custody on a bond or personal recognizance. 298

(c) If a court that is sentencing an offender who is 299
convicted of or pleads guilty to a felony of the fourth or fifth 300
degree that is not an offense of violence or that is a 301
qualifying assault offense believes that no community control 302
sanctions are available for its use that, if imposed on the 303
offender, will adequately fulfill the overriding principles and 304
purposes of sentencing, the court shall contact the department 305
of rehabilitation and correction and ask the department to 306
provide the court with the names of, contact information for, 307
and program details of one or more community control sanctions 308
of at least one year's duration that are available for persons 309
sentenced by the court. Not later than forty-five days after 310
receipt of a request from a court under this division, the 311
department shall provide the court with the names of, contact 312

information for, and program details of one or more community 313
control sanctions of at least one year's duration that are 314
available for persons sentenced by the court, if any. Upon 315
making a request under this division that relates to a 316
particular offender, a court shall defer sentencing of that 317
offender until it receives from the department the names of, 318
contact information for, and program details of one or more 319
community control sanctions of at least one year's duration that 320
are available for persons sentenced by the court or for forty- 321
five days, whichever is the earlier. 322

If the department provides the court with the names of, 323
contact information for, and program details of one or more 324
community control sanctions of at least one year's duration that 325
are available for persons sentenced by the court within the 326
forty-five-day period specified in this division, the court 327
shall impose upon the offender a community control sanction 328
under division (B) (1) (a) of this section, except that the court 329
may impose a prison term under division (B) (1) (b) of this 330
section if a factor described in division (B) (1) (b) (i) or (ii) 331
of this section applies. If the department does not provide the 332
court with the names of, contact information for, and program 333
details of one or more community control sanctions of at least 334
one year's duration that are available for persons sentenced by 335
the court within the forty-five-day period specified in this 336
division, the court may impose upon the offender a prison term 337
under division (B) (1) (b) (iv) of this section. 338

(d) A sentencing court may impose an additional penalty 339
under division (B) of section 2929.15 of the Revised Code upon 340
an offender sentenced to a community control sanction under 341
division (B) (1) (a) of this section if the offender violates the 342
conditions of the community control sanction, violates a law, or 343

leaves the state without the permission of the court or the 344
offender's probation officer. 345

(2) If division (B)(1) of this section does not apply, 346
except as provided in division (E), (F), or (G) of this section, 347
in determining whether to impose a prison term as a sanction for 348
a felony of the fourth or fifth degree, the sentencing court 349
shall comply with the purposes and principles of sentencing 350
under section 2929.11 of the Revised Code and with section 351
2929.12 of the Revised Code. 352

(C) Except as provided in division (D), (E), (F), or (G) 353
of this section, in determining whether to impose a prison term 354
as a sanction for a felony of the third degree or a felony drug 355
offense that is a violation of a provision of Chapter 2925. of 356
the Revised Code and that is specified as being subject to this 357
division for purposes of sentencing, the sentencing court shall 358
comply with the purposes and principles of sentencing under 359
section 2929.11 of the Revised Code and with section 2929.12 of 360
the Revised Code. 361

(D)(1) Except as provided in division (E) or (F) of this 362
section, for a felony of the first or second degree, for a 363
felony drug offense that is a violation of any provision of 364
Chapter 2925., 3719., or 4729. of the Revised Code for which a 365
presumption in favor of a prison term is specified as being 366
applicable, and for a violation of division (A)(4) or (B) of 367
section 2907.05 of the Revised Code for which a presumption in 368
favor of a prison term is specified as being applicable, it is 369
presumed that a prison term is necessary in order to comply with 370
the purposes and principles of sentencing under section 2929.11 371
of the Revised Code. Division (D)(2) of this section does not 372
apply to a presumption established under this division for a 373

violation of division (A) (4) of section 2907.05 of the Revised Code. 374
375

(2) Notwithstanding the presumption established under 376
division (D) (1) of this section for the offenses listed in that 377
division other than a violation of division (A) (4) or (B) of 378
section 2907.05 of the Revised Code, the sentencing court may 379
impose a community control sanction or a combination of 380
community control sanctions instead of a prison term on an 381
offender for a felony of the first or second degree or for a 382
felony drug offense that is a violation of any provision of 383
Chapter 2925., 3719., or 4729. of the Revised Code for which a 384
presumption in favor of a prison term is specified as being 385
applicable if it makes both of the following findings: 386

(a) A community control sanction or a combination of 387
community control sanctions would adequately punish the offender 388
and protect the public from future crime, because the applicable 389
factors under section 2929.12 of the Revised Code indicating a 390
lesser likelihood of recidivism outweigh the applicable factors 391
under that section indicating a greater likelihood of 392
recidivism. 393

(b) A community control sanction or a combination of 394
community control sanctions would not demean the seriousness of 395
the offense, because one or more factors under section 2929.12 396
of the Revised Code that indicate that the offender's conduct 397
was less serious than conduct normally constituting the offense 398
are applicable, and they outweigh the applicable factors under 399
that section that indicate that the offender's conduct was more 400
serious than conduct normally constituting the offense. 401

(E) (1) Except as provided in division (F) of this section, 402
for any drug offense that is a violation of any provision of 403

Chapter 2925. of the Revised Code and that is a felony of the 404
third, fourth, or fifth degree, the applicability of a 405
presumption under division (D) of this section in favor of a 406
prison term or of division (B) or (C) of this section in 407
determining whether to impose a prison term for the offense 408
shall be determined as specified in section 2925.02, 2925.03, 409
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 410
2925.36, or 2925.37 of the Revised Code, whichever is applicable 411
regarding the violation. 412

(2) If an offender who was convicted of or pleaded guilty 413
to a felony violates the conditions of a community control 414
sanction imposed for the offense solely by reason of producing 415
positive results on a drug test, the court, as punishment for 416
the violation of the sanction, shall not order that the offender 417
be imprisoned unless the court determines on the record either 418
of the following: 419

(a) The offender had been ordered as a sanction for the 420
felony to participate in a drug treatment program, in a drug 421
education program, or in narcotics anonymous or a similar 422
program, and the offender continued to use illegal drugs after a 423
reasonable period of participation in the program. 424

(b) The imprisonment of the offender for the violation is 425
consistent with the purposes and principles of sentencing set 426
forth in section 2929.11 of the Revised Code. 427

(3) A court that sentences an offender for a drug abuse 428
offense that is a felony of the third, fourth, or fifth degree 429
may require that the offender be assessed by a properly 430
credentialed professional within a specified period of time. The 431
court shall require the professional to file a written 432
assessment of the offender with the court. If the offender is 433

eligible for a community control sanction and after considering 434
the written assessment, the court may impose a community control 435
sanction that includes treatment and recovery support services 436
authorized by division (A) (11) of section 340.03 of the Revised 437
Code. If the court imposes treatment and recovery support 438
services as a community control sanction, the court shall direct 439
the level and type of treatment and recovery support services 440
after considering the assessment and recommendation of community 441
addiction services providers. 442

(F) Notwithstanding divisions (A) to (E) of this section, 443
the court shall impose a prison term or terms under sections 444
2929.02 to 2929.06, section 2929.14, section 2929.142, or 445
section 2971.03 of the Revised Code and except as specifically 446
provided in section 2929.20, divisions (C) to (I) of section 447
2967.19, or section 2967.191 of the Revised Code or when parole 448
is authorized for the offense under section 2967.13 of the 449
Revised Code shall not reduce the term or terms pursuant to 450
section 2929.20, section 2967.19, section 2967.193, or any other 451
provision of Chapter 2967. or Chapter 5120. of the Revised Code 452
for any of the following offenses: 453

(1) Aggravated murder when death is not imposed or murder; 454

(2) Any rape, regardless of whether force was involved and 455
regardless of the age of the victim, or an attempt to commit 456
rape if, had the offender completed the rape that was attempted, 457
the offender would have been guilty of a violation of division 458
(A) (1) (b) of section 2907.02 of the Revised Code and would be 459
sentenced under section 2971.03 of the Revised Code; 460

(3) Gross sexual imposition or sexual battery, if the 461
victim is less than thirteen years of age and if any of the 462
following applies: 463

(a) Regarding gross sexual imposition, the offender 464
previously was convicted of or pleaded guilty to rape, the 465
former offense of felonious sexual penetration, gross sexual 466
imposition, or sexual battery, and the victim of the previous 467
offense was less than thirteen years of age; 468

(b) Regarding gross sexual imposition, the offense was 469
committed on or after August 3, 2006, and evidence other than 470
the testimony of the victim was admitted in the case 471
corroborating the violation. 472

(c) Regarding sexual battery, either of the following 473
applies: 474

(i) The offense was committed prior to August 3, 2006, the 475
offender previously was convicted of or pleaded guilty to rape, 476
the former offense of felonious sexual penetration, or sexual 477
battery, and the victim of the previous offense was less than 478
thirteen years of age. 479

(ii) The offense was committed on or after August 3, 2006. 480

(4) A felony violation of section 2903.04, 2903.06, 481
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the 482
Revised Code if the section requires the imposition of a prison 483
term; 484

(5) A first, second, or third degree felony drug offense 485
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 486
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 487
or 4729.99 of the Revised Code, whichever is applicable 488
regarding the violation, requires the imposition of a mandatory 489
prison term; 490

(6) Any offense that is a first or second degree felony 491
and that is not set forth in division (F) (1), (2), (3), or (4) 492

of this section, if the offender previously was convicted of or 493
pleaded guilty to aggravated murder, murder, any first or second 494
degree felony, or an offense under an existing or former law of 495
this state, another state, or the United States that is or was 496
substantially equivalent to one of those offenses; 497

(7) Any offense that is a third degree felony and either 498
is a violation of section 2903.04 of the Revised Code or an 499
attempt to commit a felony of the second degree that is an 500
offense of violence and involved an attempt to cause serious 501
physical harm to a person or that resulted in serious physical 502
harm to a person if the offender previously was convicted of or 503
pleaded guilty to any of the following offenses: 504

(a) Aggravated murder, murder, involuntary manslaughter, 505
rape, felonious sexual penetration as it existed under section 506
2907.12 of the Revised Code prior to September 3, 1996, a felony 507
of the first or second degree that resulted in the death of a 508
person or in physical harm to a person, or complicity in or an 509
attempt to commit any of those offenses; 510

(b) An offense under an existing or former law of this 511
state, another state, or the United States that is or was 512
substantially equivalent to an offense listed in division (F) (7) 513
(a) of this section that resulted in the death of a person or in 514
physical harm to a person. 515

(8) Any offense, other than a violation of section 2923.12 516
of the Revised Code, that is a felony, if the offender had a 517
firearm on or about the offender's person or under the 518
offender's control while committing the felony, with respect to 519
a portion of the sentence imposed pursuant to division (B) (1) (a) 520
of section 2929.14 of the Revised Code for having the firearm; 521

(9) Any offense of violence that is a felony, if the 522
offender wore or carried body armor while committing the felony 523
offense of violence, with respect to the portion of the sentence 524
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 525
Revised Code for wearing or carrying the body armor; 526

(10) Corrupt activity in violation of section 2923.32 of 527
the Revised Code when the most serious offense in the pattern of 528
corrupt activity that is the basis of the offense is a felony of 529
the first degree; 530

(11) Any violent sex offense or designated homicide, 531
assault, or kidnapping offense if, in relation to that offense, 532
the offender is adjudicated a sexually violent predator; 533

(12) A violation of division (A) (1) or (2) of section 534
2921.36 of the Revised Code, or a violation of division (C) of 535
that section involving an item listed in division (A) (1) or (2) 536
of that section, if the offender is an officer or employee of 537
the department of rehabilitation and correction; 538

(13) A violation of division (A) (1) or (2) of section 539
2903.06 of the Revised Code if the victim of the offense is a 540
peace officer, as defined in section 2935.01 of the Revised 541
Code, or an investigator of the bureau of criminal 542
identification and investigation, as defined in section 2903.11 543
of the Revised Code, with respect to the portion of the sentence 544
imposed pursuant to division (B) (5) of section 2929.14 of the 545
Revised Code; 546

(14) A violation of division (A) (1) or (2) of section 547
2903.06 of the Revised Code if the offender has been convicted 548
of or pleaded guilty to three or more violations of division (A) 549
or (B) of section 4511.19 of the Revised Code or an equivalent 550

offense, as defined in section 2941.1415 of the Revised Code, or 551
three or more violations of any combination of those divisions 552
and offenses, with respect to the portion of the sentence 553
imposed pursuant to division (B) (6) of section 2929.14 of the 554
Revised Code; 555

(15) Kidnapping, in the circumstances specified in section 556
2971.03 of the Revised Code and when no other provision of 557
division (F) of this section applies; 558

(16) Kidnapping, abduction, compelling prostitution, 559
promoting prostitution, engaging in a pattern of corrupt 560
activity, illegal use of a minor in a nudity-oriented material 561
or performance in violation of division (A) (1) or (2) of section 562
2907.323 of the Revised Code, or endangering children in 563
violation of division (B) (1), (2), (3), (4), or (5) of section 564
2919.22 of the Revised Code, if the offender is convicted of or 565
pleads guilty to a specification as described in section 566
2941.1422 of the Revised Code that was included in the 567
indictment, count in the indictment, or information charging the 568
offense; 569

(17) A felony violation of division (A) ~~or~~, (B), or (D) 570
of section 2919.25 of the Revised Code if division ~~(D)~~ (E) (3), 571
(4), ~~or~~ (5), (6), or (7) of that section, and division ~~(D)~~ (6) 572
(E) (8) of that section, require the imposition of a prison term; 573

(18) A felony violation of section 2903.11, 2903.12, or 574
2903.13 of the Revised Code, if the victim of the offense was a 575
woman that the offender knew was pregnant at the time of the 576
violation, with respect to a portion of the sentence imposed 577
pursuant to division (B) (8) of section 2929.14 of the Revised 578
Code. 579

(G) Notwithstanding divisions (A) to (E) of this section, 580
if an offender is being sentenced for a fourth degree felony OVI 581
offense or for a third degree felony OVI offense, the court 582
shall impose upon the offender a mandatory term of local 583
incarceration or a mandatory prison term in accordance with the 584
following: 585

(1) If the offender is being sentenced for a fourth degree 586
felony OVI offense and if the offender has not been convicted of 587
and has not pleaded guilty to a specification of the type 588
described in section 2941.1413 of the Revised Code, the court 589
may impose upon the offender a mandatory term of local 590
incarceration of sixty days or one hundred twenty days as 591
specified in division (G)(1)(d) of section 4511.19 of the 592
Revised Code. The court shall not reduce the term pursuant to 593
section 2929.20, 2967.193, or any other provision of the Revised 594
Code. The court that imposes a mandatory term of local 595
incarceration under this division shall specify whether the term 596
is to be served in a jail, a community-based correctional 597
facility, a halfway house, or an alternative residential 598
facility, and the offender shall serve the term in the type of 599
facility specified by the court. A mandatory term of local 600
incarceration imposed under division (G)(1) of this section is 601
not subject to any other Revised Code provision that pertains to 602
a prison term except as provided in division (A)(1) of this 603
section. 604

(2) If the offender is being sentenced for a third degree 605
felony OVI offense, or if the offender is being sentenced for a 606
fourth degree felony OVI offense and the court does not impose a 607
mandatory term of local incarceration under division (G)(1) of 608
this section, the court shall impose upon the offender a 609
mandatory prison term of one, two, three, four, or five years if 610

the offender also is convicted of or also pleads guilty to a 611
specification of the type described in section 2941.1413 of the 612
Revised Code or shall impose upon the offender a mandatory 613
prison term of sixty days or one hundred twenty days as 614
specified in division (G) (1) (d) or (e) of section 4511.19 of the 615
Revised Code if the offender has not been convicted of and has 616
not pleaded guilty to a specification of that type. Subject to 617
divisions (C) to (I) of section 2967.19 of the Revised Code, the 618
court shall not reduce the term pursuant to section 2929.20, 619
2967.19, 2967.193, or any other provision of the Revised Code. 620
The offender shall serve the one-, two-, three-, four-, or five- 621
year mandatory prison term consecutively to and prior to the 622
prison term imposed for the underlying offense and consecutively 623
to any other mandatory prison term imposed in relation to the 624
offense. In no case shall an offender who once has been 625
sentenced to a mandatory term of local incarceration pursuant to 626
division (G) (1) of this section for a fourth degree felony OVI 627
offense be sentenced to another mandatory term of local 628
incarceration under that division for any violation of division 629
(A) of section 4511.19 of the Revised Code. In addition to the 630
mandatory prison term described in division (G) (2) of this 631
section, the court may sentence the offender to a community 632
control sanction under section 2929.16 or 2929.17 of the Revised 633
Code, but the offender shall serve the prison term prior to 634
serving the community control sanction. The department of 635
rehabilitation and correction may place an offender sentenced to 636
a mandatory prison term under this division in an intensive 637
program prison established pursuant to section 5120.033 of the 638
Revised Code if the department gave the sentencing judge prior 639
notice of its intent to place the offender in an intensive 640
program prison established under that section and if the judge 641
did not notify the department that the judge disapproved the 642

placement. Upon the establishment of the initial intensive 643
program prison pursuant to section 5120.033 of the Revised Code 644
that is privately operated and managed by a contractor pursuant 645
to a contract entered into under section 9.06 of the Revised 646
Code, both of the following apply: 647

(a) The department of rehabilitation and correction shall 648
make a reasonable effort to ensure that a sufficient number of 649
offenders sentenced to a mandatory prison term under this 650
division are placed in the privately operated and managed prison 651
so that the privately operated and managed prison has full 652
occupancy. 653

(b) Unless the privately operated and managed prison has 654
full occupancy, the department of rehabilitation and correction 655
shall not place any offender sentenced to a mandatory prison 656
term under this division in any intensive program prison 657
established pursuant to section 5120.033 of the Revised Code 658
other than the privately operated and managed prison. 659

(H) If an offender is being sentenced for a sexually 660
oriented offense or child-victim oriented offense that is a 661
felony committed on or after January 1, 1997, the judge shall 662
require the offender to submit to a DNA specimen collection 663
procedure pursuant to section 2901.07 of the Revised Code. 664

(I) If an offender is being sentenced for a sexually 665
oriented offense or a child-victim oriented offense committed on 666
or after January 1, 1997, the judge shall include in the 667
sentence a summary of the offender's duties imposed under 668
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 669
Code and the duration of the duties. The judge shall inform the 670
offender, at the time of sentencing, of those duties and of 671
their duration. If required under division (A) (2) of section 672

2950.03 of the Revised Code, the judge shall perform the duties 673
specified in that section, or, if required under division (A) (6) 674
of section 2950.03 of the Revised Code, the judge shall perform 675
the duties specified in that division. 676

(J) (1) Except as provided in division (J) (2) of this 677
section, when considering sentencing factors under this section 678
in relation to an offender who is convicted of or pleads guilty 679
to an attempt to commit an offense in violation of section 680
2923.02 of the Revised Code, the sentencing court shall consider 681
the factors applicable to the felony category of the violation 682
of section 2923.02 of the Revised Code instead of the factors 683
applicable to the felony category of the offense attempted. 684

(2) When considering sentencing factors under this section 685
in relation to an offender who is convicted of or pleads guilty 686
to an attempt to commit a drug abuse offense for which the 687
penalty is determined by the amount or number of unit doses of 688
the controlled substance involved in the drug abuse offense, the 689
sentencing court shall consider the factors applicable to the 690
felony category that the drug abuse offense attempted would be 691
if that drug abuse offense had been committed and had involved 692
an amount or number of unit doses of the controlled substance 693
that is within the next lower range of controlled substance 694
amounts than was involved in the attempt. 695

(K) As used in this section: 696

(1) "Community addiction services provider" has the same 697
meaning as in section 5119.01 of the Revised Code. 698

(2) "Drug abuse offense" has the same meaning as in 699
section 2925.01 of the Revised Code. 700

(3) "Qualifying assault offense" means a violation of 701

section 2903.13 of the Revised Code for which the penalty 702
provision in division (C) (8) (b) or (C) (9) (b) of that section 703
applies. 704

(L) At the time of sentencing an offender for any sexually 705
oriented offense, if the offender is a tier III sex 706
offender/child-victim offender relative to that offense and the 707
offender does not serve a prison term or jail term, the court 708
may require that the offender be monitored by means of a global 709
positioning device. If the court requires such monitoring, the 710
cost of monitoring shall be borne by the offender. If the 711
offender is indigent, the cost of compliance shall be paid by 712
the crime victims reparations fund. 713

Sec. 2929.14. (A) Except as provided in division (B) (1), 714
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 715
(G), (H), or (J) of this section or in division ~~(D) (6)~~ (E) (8) of 716
section 2919.25 of the Revised Code and except in relation to an 717
offense for which a sentence of death or life imprisonment is to 718
be imposed, if the court imposing a sentence upon an offender 719
for a felony elects or is required to impose a prison term on 720
the offender pursuant to this chapter, the court shall impose a 721
definite prison term that shall be one of the following: 722

(1) For a felony of the first degree, the prison term 723
shall be three, four, five, six, seven, eight, nine, ten, or 724
eleven years. 725

(2) For a felony of the second degree, the prison term 726
shall be two, three, four, five, six, seven, or eight years. 727

(3) (a) For a felony of the third degree that is a 728
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 729
2907.05 of the Revised Code or that is a violation of section 730

2911.02 or 2911.12 of the Revised Code if the offender 731
previously has been convicted of or pleaded guilty in two or 732
more separate proceedings to two or more violations of section 733
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 734
prison term shall be twelve, eighteen, twenty-four, thirty, 735
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 736

(b) For a felony of the third degree that is not an 737
offense for which division (A) (3) (a) of this section applies, 738
the prison term shall be nine, twelve, eighteen, twenty-four, 739
thirty, or thirty-six months. 740

(4) For a felony of the fourth degree, the prison term 741
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 742
fourteen, fifteen, sixteen, seventeen, or eighteen months. 743

(5) For a felony of the fifth degree, the prison term 744
shall be six, seven, eight, nine, ten, eleven, or twelve months. 745

(B) (1) (a) Except as provided in division (B) (1) (e) of this 746
section, if an offender who is convicted of or pleads guilty to 747
a felony also is convicted of or pleads guilty to a 748
specification of the type described in section 2941.141, 749
2941.144, or 2941.145 of the Revised Code, the court shall 750
impose on the offender one of the following prison terms: 751

(i) A prison term of six years if the specification is of 752
the type described in section 2941.144 of the Revised Code that 753
charges the offender with having a firearm that is an automatic 754
firearm or that was equipped with a firearm muffler or 755
suppressor on or about the offender's person or under the 756
offender's control while committing the felony; 757

(ii) A prison term of three years if the specification is 758
of the type described in section 2941.145 of the Revised Code 759

that charges the offender with having a firearm on or about the 760
offender's person or under the offender's control while 761
committing the offense and displaying the firearm, brandishing 762
the firearm, indicating that the offender possessed the firearm, 763
or using it to facilitate the offense; 764

(iii) A prison term of one year if the specification is of 765
the type described in section 2941.141 of the Revised Code that 766
charges the offender with having a firearm on or about the 767
offender's person or under the offender's control while 768
committing the felony. 769

(b) If a court imposes a prison term on an offender under 770
division (B) (1) (a) of this section, the prison term shall not be 771
reduced pursuant to section 2967.19, section 2929.20, section 772
2967.193, or any other provision of Chapter 2967. or Chapter 773
5120. of the Revised Code. Except as provided in division (B) (1) 774
(g) of this section, a court shall not impose more than one 775
prison term on an offender under division (B) (1) (a) of this 776
section for felonies committed as part of the same act or 777
transaction. 778

(c) Except as provided in division (B) (1) (e) of this 779
section, if an offender who is convicted of or pleads guilty to 780
a violation of section 2923.161 of the Revised Code or to a 781
felony that includes, as an essential element, purposely or 782
knowingly causing or attempting to cause the death of or 783
physical harm to another, also is convicted of or pleads guilty 784
to a specification of the type described in section 2941.146 of 785
the Revised Code that charges the offender with committing the 786
offense by discharging a firearm from a motor vehicle other than 787
a manufactured home, the court, after imposing a prison term on 788
the offender for the violation of section 2923.161 of the 789

Revised Code or for the other felony offense under division (A), 790
(B) (2), or (B) (3) of this section, shall impose an additional 791
prison term of five years upon the offender that shall not be 792
reduced pursuant to section 2929.20, section 2967.19, section 793
2967.193, or any other provision of Chapter 2967. or Chapter 794
5120. of the Revised Code. A court shall not impose more than 795
one additional prison term on an offender under division (B) (1) 796
(c) of this section for felonies committed as part of the same 797
act or transaction. If a court imposes an additional prison term 798
on an offender under division (B) (1) (c) of this section relative 799
to an offense, the court also shall impose a prison term under 800
division (B) (1) (a) of this section relative to the same offense, 801
provided the criteria specified in that division for imposing an 802
additional prison term are satisfied relative to the offender 803
and the offense. 804

(d) If an offender who is convicted of or pleads guilty to 805
an offense of violence that is a felony also is convicted of or 806
pleads guilty to a specification of the type described in 807
section 2941.1411 of the Revised Code that charges the offender 808
with wearing or carrying body armor while committing the felony 809
offense of violence, the court shall impose on the offender a 810
prison term of two years. The prison term so imposed, subject to 811
divisions (C) to (I) of section 2967.19 of the Revised Code, 812
shall not be reduced pursuant to section 2929.20, section 813
2967.19, section 2967.193, or any other provision of Chapter 814
2967. or Chapter 5120. of the Revised Code. A court shall not 815
impose more than one prison term on an offender under division 816
(B) (1) (d) of this section for felonies committed as part of the 817
same act or transaction. If a court imposes an additional prison 818
term under division (B) (1) (a) or (c) of this section, the court 819
is not precluded from imposing an additional prison term under 820

division (B) (1) (d) of this section. 821

(e) The court shall not impose any of the prison terms 822
described in division (B) (1) (a) of this section or any of the 823
additional prison terms described in division (B) (1) (c) of this 824
section upon an offender for a violation of section 2923.12 or 825
2923.123 of the Revised Code. The court shall not impose any of 826
the prison terms described in division (B) (1) (a) or (b) of this 827
section upon an offender for a violation of section 2923.122 828
that involves a deadly weapon that is a firearm other than a 829
dangerous ordnance, section 2923.16, or section 2923.121 of the 830
Revised Code. The court shall not impose any of the prison terms 831
described in division (B) (1) (a) of this section or any of the 832
additional prison terms described in division (B) (1) (c) of this 833
section upon an offender for a violation of section 2923.13 of 834
the Revised Code unless all of the following apply: 835

(i) The offender previously has been convicted of 836
aggravated murder, murder, or any felony of the first or second 837
degree. 838

(ii) Less than five years have passed since the offender 839
was released from prison or post-release control, whichever is 840
later, for the prior offense. 841

(f) If an offender is convicted of or pleads guilty to a 842
felony that includes, as an essential element, causing or 843
attempting to cause the death of or physical harm to another and 844
also is convicted of or pleads guilty to a specification of the 845
type described in section 2941.1412 of the Revised Code that 846
charges the offender with committing the offense by discharging 847
a firearm at a peace officer as defined in section 2935.01 of 848
the Revised Code or a corrections officer, as defined in section 849
2941.1412 of the Revised Code, the court, after imposing a 850

prison term on the offender for the felony offense under 851
division (A), (B) (2), or (B) (3) of this section, shall impose an 852
additional prison term of seven years upon the offender that 853
shall not be reduced pursuant to section 2929.20, section 854
2967.19, section 2967.193, or any other provision of Chapter 855
2967. or Chapter 5120. of the Revised Code. If an offender is 856
convicted of or pleads guilty to two or more felonies that 857
include, as an essential element, causing or attempting to cause 858
the death or physical harm to another and also is convicted of 859
or pleads guilty to a specification of the type described under 860
division (B) (1) (f) of this section in connection with two or 861
more of the felonies of which the offender is convicted or to 862
which the offender pleads guilty, the sentencing court shall 863
impose on the offender the prison term specified under division 864
(B) (1) (f) of this section for each of two of the specifications 865
of which the offender is convicted or to which the offender 866
pleads guilty and, in its discretion, also may impose on the 867
offender the prison term specified under that division for any 868
or all of the remaining specifications. If a court imposes an 869
additional prison term on an offender under division (B) (1) (f) 870
of this section relative to an offense, the court shall not 871
impose a prison term under division (B) (1) (a) or (c) of this 872
section relative to the same offense. 873

(g) If an offender is convicted of or pleads guilty to two 874
or more felonies, if one or more of those felonies are 875
aggravated murder, murder, attempted aggravated murder, 876
attempted murder, aggravated robbery, felonious assault, or 877
rape, and if the offender is convicted of or pleads guilty to a 878
specification of the type described under division (B) (1) (a) of 879
this section in connection with two or more of the felonies, the 880
sentencing court shall impose on the offender the prison term 881

specified under division (B) (1) (a) of this section for each of 882
the two most serious specifications of which the offender is 883
convicted or to which the offender pleads guilty and, in its 884
discretion, also may impose on the offender the prison term 885
specified under that division for any or all of the remaining 886
specifications. 887

(2) (a) If division (B) (2) (b) of this section does not 888
apply, the court may impose on an offender, in addition to the 889
longest prison term authorized or required for the offense, an 890
additional definite prison term of one, two, three, four, five, 891
six, seven, eight, nine, or ten years if all of the following 892
criteria are met: 893

(i) The offender is convicted of or pleads guilty to a 894
specification of the type described in section 2941.149 of the 895
Revised Code that the offender is a repeat violent offender. 896

(ii) The offense of which the offender currently is 897
convicted or to which the offender currently pleads guilty is 898
aggravated murder and the court does not impose a sentence of 899
death or life imprisonment without parole, murder, terrorism and 900
the court does not impose a sentence of life imprisonment 901
without parole, any felony of the first degree that is an 902
offense of violence and the court does not impose a sentence of 903
life imprisonment without parole, or any felony of the second 904
degree that is an offense of violence and the trier of fact 905
finds that the offense involved an attempt to cause or a threat 906
to cause serious physical harm to a person or resulted in 907
serious physical harm to a person. 908

(iii) The court imposes the longest prison term for the 909
offense that is not life imprisonment without parole. 910

(iv) The court finds that the prison terms imposed 911
pursuant to division (B) (2) (a) (iii) of this section and, if 912
applicable, division (B) (1) or (3) of this section are 913
inadequate to punish the offender and protect the public from 914
future crime, because the applicable factors under section 915
2929.12 of the Revised Code indicating a greater likelihood of 916
recidivism outweigh the applicable factors under that section 917
indicating a lesser likelihood of recidivism. 918

(v) The court finds that the prison terms imposed pursuant 919
to division (B) (2) (a) (iii) of this section and, if applicable, 920
division (B) (1) or (3) of this section are demeaning to the 921
seriousness of the offense, because one or more of the factors 922
under section 2929.12 of the Revised Code indicating that the 923
offender's conduct is more serious than conduct normally 924
constituting the offense are present, and they outweigh the 925
applicable factors under that section indicating that the 926
offender's conduct is less serious than conduct normally 927
constituting the offense. 928

(b) The court shall impose on an offender the longest 929
prison term authorized or required for the offense and shall 930
impose on the offender an additional definite prison term of 931
one, two, three, four, five, six, seven, eight, nine, or ten 932
years if all of the following criteria are met: 933

(i) The offender is convicted of or pleads guilty to a 934
specification of the type described in section 2941.149 of the 935
Revised Code that the offender is a repeat violent offender. 936

(ii) The offender within the preceding twenty years has 937
been convicted of or pleaded guilty to three or more offenses 938
described in division (CC) (1) of section 2929.01 of the Revised 939
Code, including all offenses described in that division of which 940

the offender is convicted or to which the offender pleads guilty 941
in the current prosecution and all offenses described in that 942
division of which the offender previously has been convicted or 943
to which the offender previously pleaded guilty, whether 944
prosecuted together or separately. 945

(iii) The offense or offenses of which the offender 946
currently is convicted or to which the offender currently pleads 947
guilty is aggravated murder and the court does not impose a 948
sentence of death or life imprisonment without parole, murder, 949
terrorism and the court does not impose a sentence of life 950
imprisonment without parole, any felony of the first degree that 951
is an offense of violence and the court does not impose a 952
sentence of life imprisonment without parole, or any felony of 953
the second degree that is an offense of violence and the trier 954
of fact finds that the offense involved an attempt to cause or a 955
threat to cause serious physical harm to a person or resulted in 956
serious physical harm to a person. 957

(c) For purposes of division (B) (2) (b) of this section, 958
two or more offenses committed at the same time or as part of 959
the same act or event shall be considered one offense, and that 960
one offense shall be the offense with the greatest penalty. 961

(d) A sentence imposed under division (B) (2) (a) or (b) of 962
this section shall not be reduced pursuant to section 2929.20, 963
section 2967.19, or section 2967.193, or any other provision of 964
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 965
shall serve an additional prison term imposed under this section 966
consecutively to and prior to the prison term imposed for the 967
underlying offense. 968

(e) When imposing a sentence pursuant to division (B) (2) 969
(a) or (b) of this section, the court shall state its findings 970

explaining the imposed sentence. 971

(3) Except when an offender commits a violation of section 972
2903.01 or 2907.02 of the Revised Code and the penalty imposed 973
for the violation is life imprisonment or commits a violation of 974
section 2903.02 of the Revised Code, if the offender commits a 975
violation of section 2925.03 or 2925.11 of the Revised Code and 976
that section classifies the offender as a major drug offender, 977
if the offender commits a felony violation of section 2925.02, 978
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 979
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 980
division (C) of section 4729.51, or division (J) of section 981
4729.54 of the Revised Code that includes the sale, offer to 982
sell, or possession of a schedule I or II controlled substance, 983
with the exception of marihuana, and the court imposing sentence 984
upon the offender finds that the offender is guilty of a 985
specification of the type described in section 2941.1410 of the 986
Revised Code charging that the offender is a major drug 987
offender, if the court imposing sentence upon an offender for a 988
felony finds that the offender is guilty of corrupt activity 989
with the most serious offense in the pattern of corrupt activity 990
being a felony of the first degree, or if the offender is guilty 991
of an attempted violation of section 2907.02 of the Revised Code 992
and, had the offender completed the violation of section 2907.02 993
of the Revised Code that was attempted, the offender would have 994
been subject to a sentence of life imprisonment or life 995
imprisonment without parole for the violation of section 2907.02 996
of the Revised Code, the court shall impose upon the offender 997
for the felony violation a mandatory prison term of the maximum 998
prison term prescribed for a felony of the first degree that, 999
subject to divisions (C) to (I) of section 2967.19 of the 1000
Revised Code, cannot be reduced pursuant to section 2929.20, 1001

section 2967.19, or any other provision of Chapter 2967. or 1002
5120. of the Revised Code. 1003

(4) If the offender is being sentenced for a third or 1004
fourth degree felony OVI offense under division (G) (2) of 1005
section 2929.13 of the Revised Code, the sentencing court shall 1006
impose upon the offender a mandatory prison term in accordance 1007
with that division. In addition to the mandatory prison term, if 1008
the offender is being sentenced for a fourth degree felony OVI 1009
offense, the court, notwithstanding division (A) (4) of this 1010
section, may sentence the offender to a definite prison term of 1011
not less than six months and not more than thirty months, and if 1012
the offender is being sentenced for a third degree felony OVI 1013
offense, the sentencing court may sentence the offender to an 1014
additional prison term of any duration specified in division (A) 1015
(3) of this section. In either case, the additional prison term 1016
imposed shall be reduced by the sixty or one hundred twenty days 1017
imposed upon the offender as the mandatory prison term. The 1018
total of the additional prison term imposed under division (B) 1019
(4) of this section plus the sixty or one hundred twenty days 1020
imposed as the mandatory prison term shall equal a definite term 1021
in the range of six months to thirty months for a fourth degree 1022
felony OVI offense and shall equal one of the authorized prison 1023
terms specified in division (A) (3) of this section for a third 1024
degree felony OVI offense. If the court imposes an additional 1025
prison term under division (B) (4) of this section, the offender 1026
shall serve the additional prison term after the offender has 1027
served the mandatory prison term required for the offense. In 1028
addition to the mandatory prison term or mandatory and 1029
additional prison term imposed as described in division (B) (4) 1030
of this section, the court also may sentence the offender to a 1031
community control sanction under section 2929.16 or 2929.17 of 1032

the Revised Code, but the offender shall serve all of the prison 1033
terms so imposed prior to serving the community control 1034
sanction. 1035

If the offender is being sentenced for a fourth degree 1036
felony OVI offense under division (G) (1) of section 2929.13 of 1037
the Revised Code and the court imposes a mandatory term of local 1038
incarceration, the court may impose a prison term as described 1039
in division (A) (1) of that section. 1040

(5) If an offender is convicted of or pleads guilty to a 1041
violation of division (A) (1) or (2) of section 2903.06 of the 1042
Revised Code and also is convicted of or pleads guilty to a 1043
specification of the type described in section 2941.1414 of the 1044
Revised Code that charges that the victim of the offense is a 1045
peace officer, as defined in section 2935.01 of the Revised 1046
Code, or an investigator of the bureau of criminal 1047
identification and investigation, as defined in section 2903.11 1048
of the Revised Code, the court shall impose on the offender a 1049
prison term of five years. If a court imposes a prison term on 1050
an offender under division (B) (5) of this section, the prison 1051
term, subject to divisions (C) to (I) of section 2967.19 of the 1052
Revised Code, shall not be reduced pursuant to section 2929.20, 1053
section 2967.19, section 2967.193, or any other provision of 1054
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1055
shall not impose more than one prison term on an offender under 1056
division (B) (5) of this section for felonies committed as part 1057
of the same act. 1058

(6) If an offender is convicted of or pleads guilty to a 1059
violation of division (A) (1) or (2) of section 2903.06 of the 1060
Revised Code and also is convicted of or pleads guilty to a 1061
specification of the type described in section 2941.1415 of the 1062

Revised Code that charges that the offender previously has been 1063
convicted of or pleaded guilty to three or more violations of 1064
division (A) or (B) of section 4511.19 of the Revised Code or an 1065
equivalent offense, as defined in section 2941.1415 of the 1066
Revised Code, or three or more violations of any combination of 1067
those divisions and offenses, the court shall impose on the 1068
offender a prison term of three years. If a court imposes a 1069
prison term on an offender under division (B) (6) of this 1070
section, the prison term, subject to divisions (C) to (I) of 1071
section 2967.19 of the Revised Code, shall not be reduced 1072
pursuant to section 2929.20, section 2967.19, section 2967.193, 1073
or any other provision of Chapter 2967. or Chapter 5120. of the 1074
Revised Code. A court shall not impose more than one prison term 1075
on an offender under division (B) (6) of this section for 1076
felonies committed as part of the same act. 1077

(7) (a) If an offender is convicted of or pleads guilty to 1078
a felony violation of section 2905.01, 2905.02, 2907.21, 1079
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 1080
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 1081
the Revised Code and also is convicted of or pleads guilty to a 1082
specification of the type described in section 2941.1422 of the 1083
Revised Code that charges that the offender knowingly committed 1084
the offense in furtherance of human trafficking, the court shall 1085
impose on the offender a mandatory prison term that is one of 1086
the following: 1087

(i) If the offense is a felony of the first degree, a 1088
definite prison term of not less than five years and not greater 1089
than ten years; 1090

(ii) If the offense is a felony of the second or third 1091
degree, a definite prison term of not less than three years and 1092

not greater than the maximum prison term allowed for the offense 1093
by division (A) of section 2929.14 of the Revised Code; 1094

(iii) If the offense is a felony of the fourth or fifth 1095
degree, a definite prison term that is the maximum prison term 1096
allowed for the offense by division (A) of section 2929.14 of 1097
the Revised Code. 1098

(b) Subject to divisions (C) to (I) of section 2967.19 of 1099
the Revised Code, the prison term imposed under division (B) (7) 1100
(a) of this section shall not be reduced pursuant to section 1101
2929.20, section 2967.19, section 2967.193, or any other 1102
provision of Chapter 2967. of the Revised Code. A court shall 1103
not impose more than one prison term on an offender under 1104
division (B) (7) (a) of this section for felonies committed as 1105
part of the same act, scheme, or plan. 1106

(8) If an offender is convicted of or pleads guilty to a 1107
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1108
Revised Code and also is convicted of or pleads guilty to a 1109
specification of the type described in section 2941.1423 of the 1110
Revised Code that charges that the victim of the violation was a 1111
woman whom the offender knew was pregnant at the time of the 1112
violation, notwithstanding the range of prison terms prescribed 1113
in division (A) of this section for felonies of the same degree 1114
as the violation, the court shall impose on the offender a 1115
mandatory prison term that is either a definite prison term of 1116
six months or one of the prison terms prescribed in section 1117
2929.14 of the Revised Code for felonies of the same degree as 1118
the violation. 1119

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1120
if a mandatory prison term is imposed upon an offender pursuant 1121
to division (B) (1) (a) of this section for having a firearm on or 1122

about the offender's person or under the offender's control 1123
while committing a felony, if a mandatory prison term is imposed 1124
upon an offender pursuant to division (B) (1) (c) of this section 1125
for committing a felony specified in that division by 1126
discharging a firearm from a motor vehicle, or if both types of 1127
mandatory prison terms are imposed, the offender shall serve any 1128
mandatory prison term imposed under either division 1129
consecutively to any other mandatory prison term imposed under 1130
either division or under division (B) (1) (d) of this section, 1131
consecutively to and prior to any prison term imposed for the 1132
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1133
this section or any other section of the Revised Code, and 1134
consecutively to any other prison term or mandatory prison term 1135
previously or subsequently imposed upon the offender. 1136

(b) If a mandatory prison term is imposed upon an offender 1137
pursuant to division (B) (1) (d) of this section for wearing or 1138
carrying body armor while committing an offense of violence that 1139
is a felony, the offender shall serve the mandatory term so 1140
imposed consecutively to any other mandatory prison term imposed 1141
under that division or under division (B) (1) (a) or (c) of this 1142
section, consecutively to and prior to any prison term imposed 1143
for the underlying felony under division (A), (B) (2), or (B) (3) 1144
of this section or any other section of the Revised Code, and 1145
consecutively to any other prison term or mandatory prison term 1146
previously or subsequently imposed upon the offender. 1147

(c) If a mandatory prison term is imposed upon an offender 1148
pursuant to division (B) (1) (f) of this section, the offender 1149
shall serve the mandatory prison term so imposed consecutively 1150
to and prior to any prison term imposed for the underlying 1151
felony under division (A), (B) (2), or (B) (3) of this section or 1152
any other section of the Revised Code, and consecutively to any 1153

other prison term or mandatory prison term previously or 1154
subsequently imposed upon the offender. 1155

(d) If a mandatory prison term is imposed upon an offender 1156
pursuant to division (B) (7) or (8) of this section, the offender 1157
shall serve the mandatory prison term so imposed consecutively 1158
to any other mandatory prison term imposed under that division 1159
or under any other provision of law and consecutively to any 1160
other prison term or mandatory prison term previously or 1161
subsequently imposed upon the offender. 1162

(2) If an offender who is an inmate in a jail, prison, or 1163
other residential detention facility violates section 2917.02, 1164
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1165
(2) of section 2921.34 of the Revised Code, if an offender who 1166
is under detention at a detention facility commits a felony 1167
violation of section 2923.131 of the Revised Code, or if an 1168
offender who is an inmate in a jail, prison, or other 1169
residential detention facility or is under detention at a 1170
detention facility commits another felony while the offender is 1171
an escapee in violation of division (A) (1) or (2) of section 1172
2921.34 of the Revised Code, any prison term imposed upon the 1173
offender for one of those violations shall be served by the 1174
offender consecutively to the prison term or term of 1175
imprisonment the offender was serving when the offender 1176
committed that offense and to any other prison term previously 1177
or subsequently imposed upon the offender. 1178

(3) If a prison term is imposed for a violation of 1179
division (B) of section 2911.01 of the Revised Code, a violation 1180
of division (A) of section 2913.02 of the Revised Code in which 1181
the stolen property is a firearm or dangerous ordnance, or a 1182
felony violation of division (B) of section 2921.331 of the 1183

Revised Code, the offender shall serve that prison term 1184
consecutively to any other prison term or mandatory prison term 1185
previously or subsequently imposed upon the offender. 1186

(4) If multiple prison terms are imposed on an offender 1187
for convictions of multiple offenses, the court may require the 1188
offender to serve the prison terms consecutively if the court 1189
finds that the consecutive service is necessary to protect the 1190
public from future crime or to punish the offender and that 1191
consecutive sentences are not disproportionate to the 1192
seriousness of the offender's conduct and to the danger the 1193
offender poses to the public, and if the court also finds any of 1194
the following: 1195

(a) The offender committed one or more of the multiple 1196
offenses while the offender was awaiting trial or sentencing, 1197
was under a sanction imposed pursuant to section 2929.16, 1198
2929.17, or 2929.18 of the Revised Code, or was under post- 1199
release control for a prior offense. 1200

(b) At least two of the multiple offenses were committed 1201
as part of one or more courses of conduct, and the harm caused 1202
by two or more of the multiple offenses so committed was so 1203
great or unusual that no single prison term for any of the 1204
offenses committed as part of any of the courses of conduct 1205
adequately reflects the seriousness of the offender's conduct. 1206

(c) The offender's history of criminal conduct 1207
demonstrates that consecutive sentences are necessary to protect 1208
the public from future crime by the offender. 1209

(5) If a mandatory prison term is imposed upon an offender 1210
pursuant to division (B) (5) or (6) of this section, the offender 1211
shall serve the mandatory prison term consecutively to and prior 1212

to any prison term imposed for the underlying violation of 1213
division (A) (1) or (2) of section 2903.06 of the Revised Code 1214
pursuant to division (A) of this section or section 2929.142 of 1215
the Revised Code. If a mandatory prison term is imposed upon an 1216
offender pursuant to division (B) (5) of this section, and if a 1217
mandatory prison term also is imposed upon the offender pursuant 1218
to division (B) (6) of this section in relation to the same 1219
violation, the offender shall serve the mandatory prison term 1220
imposed pursuant to division (B) (5) of this section 1221
consecutively to and prior to the mandatory prison term imposed 1222
pursuant to division (B) (6) of this section and consecutively to 1223
and prior to any prison term imposed for the underlying 1224
violation of division (A) (1) or (2) of section 2903.06 of the 1225
Revised Code pursuant to division (A) of this section or section 1226
2929.142 of the Revised Code. 1227

(6) When consecutive prison terms are imposed pursuant to 1228
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 1229
of this section, the term to be served is the aggregate of all 1230
of the terms so imposed. 1231

(D) (1) If a court imposes a prison term for a felony of 1232
the first degree, for a felony of the second degree, for a 1233
felony sex offense, or for a felony of the third degree that is 1234
not a felony sex offense and in the commission of which the 1235
offender caused or threatened to cause physical harm to a 1236
person, it shall include in the sentence a requirement that the 1237
offender be subject to a period of post-release control after 1238
the offender's release from imprisonment, in accordance with 1239
that division. If a court imposes a sentence including a prison 1240
term of a type described in this division on or after July 11, 1241
2006, the failure of a court to include a post-release control 1242
requirement in the sentence pursuant to this division does not 1243

negate, limit, or otherwise affect the mandatory period of post- 1244
release control that is required for the offender under division 1245
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1246
the Revised Code applies if, prior to July 11, 2006, a court 1247
imposed a sentence including a prison term of a type described 1248
in this division and failed to include in the sentence pursuant 1249
to this division a statement regarding post-release control. 1250

(2) If a court imposes a prison term for a felony of the 1251
third, fourth, or fifth degree that is not subject to division 1252
(D)(1) of this section, it shall include in the sentence a 1253
requirement that the offender be subject to a period of post- 1254
release control after the offender's release from imprisonment, 1255
in accordance with that division, if the parole board determines 1256
that a period of post-release control is necessary. Section 1257
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1258
a court imposed a sentence including a prison term of a type 1259
described in this division and failed to include in the sentence 1260
pursuant to this division a statement regarding post-release 1261
control. 1262

(E) The court shall impose sentence upon the offender in 1263
accordance with section 2971.03 of the Revised Code, and Chapter 1264
2971. of the Revised Code applies regarding the prison term or 1265
term of life imprisonment without parole imposed upon the 1266
offender and the service of that term of imprisonment if any of 1267
the following apply: 1268

(1) A person is convicted of or pleads guilty to a violent 1269
sex offense or a designated homicide, assault, or kidnapping 1270
offense, and, in relation to that offense, the offender is 1271
adjudicated a sexually violent predator. 1272

(2) A person is convicted of or pleads guilty to a 1273

violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.

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

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

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

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

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

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

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

(2) (a) If an offender is convicted of or pleads guilty to a felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and to a specification of the type described in section 2941.1421 of the Revised Code and if the court imposes a prison term on the offender for the felony

violation, the court may impose upon the offender an additional 1333
prison term as follows: 1334

(i) Subject to division (H) (2) (a) (ii) of this section, an 1335
additional prison term of one, two, three, four, five, or six 1336
months; 1337

(ii) If the offender previously has been convicted of or 1338
pleaded guilty to one or more felony or misdemeanor violations 1339
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1340
the Revised Code and also was convicted of or pleaded guilty to 1341
a specification of the type described in section 2941.1421 of 1342
the Revised Code regarding one or more of those violations, an 1343
additional prison term of one, two, three, four, five, six, 1344
seven, eight, nine, ten, eleven, or twelve months. 1345

(b) In lieu of imposing an additional prison term under 1346
division (H) (2) (a) of this section, the court may directly 1347
impose on the offender a sanction that requires the offender to 1348
wear a real-time processing, continual tracking electronic 1349
monitoring device during the period of time specified by the 1350
court. The period of time specified by the court shall equal the 1351
duration of an additional prison term that the court could have 1352
imposed upon the offender under division (H) (2) (a) of this 1353
section. A sanction imposed under this division shall commence 1354
on the date specified by the court, provided that the sanction 1355
shall not commence until after the offender has served the 1356
prison term imposed for the felony violation of section 2907.22, 1357
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1358
residential sanction imposed for the violation under section 1359
2929.16 of the Revised Code. A sanction imposed under this 1360
division shall be considered to be a community control sanction 1361
for purposes of section 2929.15 of the Revised Code, and all 1362

provisions of the Revised Code that pertain to community control 1363
sanctions shall apply to a sanction imposed under this division, 1364
except to the extent that they would by their nature be clearly 1365
inapplicable. The offender shall pay all costs associated with a 1366
sanction imposed under this division, including the cost of the 1367
use of the monitoring device. 1368

(I) At the time of sentencing, the court may recommend the 1369
offender for placement in a program of shock incarceration under 1370
section 5120.031 of the Revised Code or for placement in an 1371
intensive program prison under section 5120.032 of the Revised 1372
Code, disapprove placement of the offender in a program of shock 1373
incarceration or an intensive program prison of that nature, or 1374
make no recommendation on placement of the offender. In no case 1375
shall the department of rehabilitation and correction place the 1376
offender in a program or prison of that nature unless the 1377
department determines as specified in section 5120.031 or 1378
5120.032 of the Revised Code, whichever is applicable, that the 1379
offender is eligible for the placement. 1380

If the court disapproves placement of the offender in a 1381
program or prison of that nature, the department of 1382
rehabilitation and correction shall not place the offender in 1383
any program of shock incarceration or intensive program prison. 1384

If the court recommends placement of the offender in a 1385
program of shock incarceration or in an intensive program 1386
prison, and if the offender is subsequently placed in the 1387
recommended program or prison, the department shall notify the 1388
court of the placement and shall include with the notice a brief 1389
description of the placement. 1390

If the court recommends placement of the offender in a 1391
program of shock incarceration or in an intensive program prison 1392

and the department does not subsequently place the offender in 1393
the recommended program or prison, the department shall send a 1394
notice to the court indicating why the offender was not placed 1395
in the recommended program or prison. 1396

If the court does not make a recommendation under this 1397
division with respect to an offender and if the department 1398
determines as specified in section 5120.031 or 5120.032 of the 1399
Revised Code, whichever is applicable, that the offender is 1400
eligible for placement in a program or prison of that nature, 1401
the department shall screen the offender and determine if there 1402
is an available program of shock incarceration or an intensive 1403
program prison for which the offender is suited. If there is an 1404
available program of shock incarceration or an intensive program 1405
prison for which the offender is suited, the department shall 1406
notify the court of the proposed placement of the offender as 1407
specified in section 5120.031 or 5120.032 of the Revised Code 1408
and shall include with the notice a brief description of the 1409
placement. The court shall have ten days from receipt of the 1410
notice to disapprove the placement. 1411

(J) If a person is convicted of or pleads guilty to 1412
aggravated vehicular homicide in violation of division (A) (1) of 1413
section 2903.06 of the Revised Code and division (B) (2) (c) of 1414
that section applies, the person shall be sentenced pursuant to 1415
section 2929.142 of the Revised Code. 1416

Section 2. That existing sections 2919.25, 2929.13, and 1417
2929.14 of the Revised Code are hereby repealed. 1418