

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 272**

**Senators Thomas, Eklund**

**Cosponsors: Senators Lehner, Seitz, Brown, Tavares, Hite**

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**A BILL**

To amend sections 2929.02, 2929.14, 2967.13, 1  
2971.03, and 5149.101 and to enact section 2  
2967.132 of the Revised Code to provide special 3  
parole eligibility dates for persons with an 4  
indefinite or life sentence imposed for an 5  
offense committed when the person was less than 6  
18 years of age, to require the Parole Board to 7  
consider specified mitigating factors in those 8  
cases, and to require notice to the Ohio Public 9  
Defender and prosecuting attorney prior to the 10  
parole consideration hearing. 11

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

**Section 1.** That sections 2929.02, 2929.14, 2967.13, 12  
2971.03, and 5149.101 be amended and section 2967.132 of the 13  
Revised Code be enacted to read as follows: 14

**Sec. 2929.02.** (A) Whoever is convicted of or pleads guilty 15  
to aggravated murder in violation of section 2903.01 of the 16  
Revised Code shall suffer death or be imprisoned for life, as 17  
determined pursuant to sections 2929.022, 2929.03, and 2929.04 18

of the Revised Code, except that no person who raises the matter 19  
of age pursuant to section 2929.023 of the Revised Code and who 20  
is not found to have been eighteen years of age or older at the 21  
time of the commission of the offense shall suffer death. In 22  
addition, the offender may be fined an amount fixed by the 23  
court, but not more than twenty-five thousand dollars. 24

(B) (1) Except as otherwise provided in division (B) (2) or 25  
(3) of this section, whoever is convicted of or pleads guilty to 26  
murder in violation of section 2903.02 of the Revised Code shall 27  
be imprisoned for an indefinite term of fifteen years to life. 28

(2) Except as otherwise provided in division (B) (3) of 29  
this section, if a person is convicted of or pleads guilty to 30  
murder in violation of section 2903.02 of the Revised Code, the 31  
victim of the offense was less than thirteen years of age, and 32  
the offender also is convicted of or pleads guilty to a sexual 33  
motivation specification that was included in the indictment, 34  
count in the indictment, or information charging the offense, 35  
the court shall impose an indefinite prison term of thirty years 36  
to life pursuant to division (B) (3) of section 2971.03 of the 37  
Revised Code. 38

(3) If a person is convicted of or pleads guilty to murder 39  
in violation of section 2903.02 of the Revised Code and also is 40  
convicted of or pleads guilty to a sexual motivation 41  
specification and a sexually violent predator specification that 42  
were included in the indictment, count in the indictment, or 43  
information that charged the murder, the court shall impose upon 44  
the offender a term of life imprisonment without parole that 45  
shall be served pursuant to section 2971.03 of the Revised Code. 46

(4) In addition, the offender may be fined an amount fixed 47  
by the court, but not more than fifteen thousand dollars. 48

(C) If an offender receives or received a sentence of life imprisonment without parole, a sentence of life imprisonment, or a sentence to an indefinite prison term under this chapter for an offense committed when the offender was less than eighteen years of age, the offender's parole eligibility shall be determined under section 2967.132 of the Revised Code. 49  
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(D) The court shall not impose a fine or fines for aggravated murder or murder which, in the aggregate and to the extent not suspended by the court, exceeds the amount which the offender is or will be able to pay by the method and within the time allowed without undue hardship to the offender or to the dependents of the offender, or will prevent the offender from making reparation for the victim's wrongful death. 55  
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~~(D)~~ (E) (1) In addition to any other sanctions imposed for a violation of section 2903.01 or 2903.02 of the Revised Code, if the offender used a motor vehicle as the means to commit the violation, the court shall impose upon the offender a class two suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege as specified in division (A) (2) of section 4510.02 of the Revised Code. 62  
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(2) As used in division ~~(D)~~ (E) of this section, "motor vehicle" has the same meaning as in section 4501.01 of the Revised Code. 70  
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**Sec. 2929.14.** (A) Except as provided in division (B) (1), (B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), (G), (H), or (J) of this section or in division (D) (6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender 73  
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for a felony elects or is required to impose a prison term on 79  
the offender pursuant to this chapter, the court shall impose a 80  
definite prison term that shall be one of the following: 81

(1) For a felony of the first degree, the prison term 82  
shall be three, four, five, six, seven, eight, nine, ten, or 83  
eleven years. 84

(2) For a felony of the second degree, the prison term 85  
shall be two, three, four, five, six, seven, or eight years. 86

(3) (a) For a felony of the third degree that is a 87  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 88  
2907.05 of the Revised Code or that is a violation of section 89  
2911.02 or 2911.12 of the Revised Code if the offender 90  
previously has been convicted of or pleaded guilty in two or 91  
more separate proceedings to two or more violations of section 92  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 93  
prison term shall be twelve, eighteen, twenty-four, thirty, 94  
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 95

(b) For a felony of the third degree that is not an 96  
offense for which division (A) (3) (a) of this section applies, 97  
the prison term shall be nine, twelve, eighteen, twenty-four, 98  
thirty, or thirty-six months. 99

(4) For a felony of the fourth degree, the prison term 100  
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 101  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 102

(5) For a felony of the fifth degree, the prison term 103  
shall be six, seven, eight, nine, ten, eleven, or twelve months. 104

(B) (1) (a) Except as provided in division (B) (1) (e) of this 105  
section, if an offender who is convicted of or pleads guilty to 106  
a felony also is convicted of or pleads guilty to a 107

specification of the type described in section 2941.141, 108  
2941.144, or 2941.145 of the Revised Code, the court shall 109  
impose on the offender one of the following prison terms: 110

(i) A prison term of six years if the specification is of 111  
the type described in section 2941.144 of the Revised Code that 112  
charges the offender with having a firearm that is an automatic 113  
firearm or that was equipped with a firearm muffler or 114  
suppressor on or about the offender's person or under the 115  
offender's control while committing the felony; 116

(ii) A prison term of three years if the specification is 117  
of the type described in section 2941.145 of the Revised Code 118  
that charges the offender with having a firearm on or about the 119  
offender's person or under the offender's control while 120  
committing the offense and displaying the firearm, brandishing 121  
the firearm, indicating that the offender possessed the firearm, 122  
or using it to facilitate the offense; 123

(iii) A prison term of one year if the specification is of 124  
the type described in section 2941.141 of the Revised Code that 125  
charges the offender with having a firearm on or about the 126  
offender's person or under the offender's control while 127  
committing the felony. 128

(b) If a court imposes a prison term on an offender under 129  
division (B) (1) (a) of this section, the prison term shall not be 130  
reduced pursuant to section 2967.19, section 2929.20, section 131  
2967.193, or any other provision of Chapter 2967. or Chapter 132  
5120. of the Revised Code. Except as provided in division (B) (1) 133  
(g) of this section, a court shall not impose more than one 134  
prison term on an offender under division (B) (1) (a) of this 135  
section for felonies committed as part of the same act or 136  
transaction. 137

(c) Except as provided in division (B) (1) (e) of this 138  
section, if an offender who is convicted of or pleads guilty to 139  
a violation of section 2923.161 of the Revised Code or to a 140  
felony that includes, as an essential element, purposely or 141  
knowingly causing or attempting to cause the death of or 142  
physical harm to another, also is convicted of or pleads guilty 143  
to a specification of the type described in section 2941.146 of 144  
the Revised Code that charges the offender with committing the 145  
offense by discharging a firearm from a motor vehicle other than 146  
a manufactured home, the court, after imposing a prison term on 147  
the offender for the violation of section 2923.161 of the 148  
Revised Code or for the other felony offense under division (A), 149  
(B) (2), or (B) (3) of this section, shall impose an additional 150  
prison term of five years upon the offender that shall not be 151  
reduced pursuant to section 2929.20, section 2967.19, section 152  
2967.193, or any other provision of Chapter 2967. or Chapter 153  
5120. of the Revised Code. A court shall not impose more than 154  
one additional prison term on an offender under division (B) (1) 155  
(c) of this section for felonies committed as part of the same 156  
act or transaction. If a court imposes an additional prison term 157  
on an offender under division (B) (1) (c) of this section relative 158  
to an offense, the court also shall impose a prison term under 159  
division (B) (1) (a) of this section relative to the same offense, 160  
provided the criteria specified in that division for imposing an 161  
additional prison term are satisfied relative to the offender 162  
and the offense. 163

(d) If an offender who is convicted of or pleads guilty to 164  
an offense of violence that is a felony also is convicted of or 165  
pleads guilty to a specification of the type described in 166  
section 2941.1411 of the Revised Code that charges the offender 167  
with wearing or carrying body armor while committing the felony 168

offense of violence, the court shall impose on the offender a 169  
prison term of two years. The prison term so imposed, subject to 170  
divisions (C) to (I) of section 2967.19 of the Revised Code, 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. A court shall not 174  
impose more than one prison term on an offender under division 175  
(B) (1) (d) of this section for felonies committed as part of the 176  
same act or transaction. If a court imposes an additional prison 177  
term under division (B) (1) (a) or (c) of this section, the court 178  
is not precluded from imposing an additional prison term under 179  
division (B) (1) (d) of this section. 180

(e) The court shall not impose any of the prison terms 181  
described in division (B) (1) (a) of this section or any of the 182  
additional prison terms described in division (B) (1) (c) of this 183  
section upon an offender for a violation of section 2923.12 or 184  
2923.123 of the Revised Code. The court shall not impose any of 185  
the prison terms described in division (B) (1) (a) or (b) of this 186  
section upon an offender for a violation of section 2923.122 187  
that involves a deadly weapon that is a firearm other than a 188  
dangerous ordnance, section 2923.16, or section 2923.121 of the 189  
Revised Code. The court shall not impose any of the prison terms 190  
described in division (B) (1) (a) of this section or any of the 191  
additional prison terms described in division (B) (1) (c) of this 192  
section upon an offender for a violation of section 2923.13 of 193  
the Revised Code unless all of the following apply: 194

(i) The offender previously has been convicted of 195  
aggravated murder, murder, or any felony of the first or second 196  
degree. 197

(ii) Less than five years have passed since the offender 198

was released from prison or post-release control, whichever is later, for the prior offense.

(f) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B) (2), or (B) (3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If an offender is convicted of or pleads guilty to two or more felonies that include, as an essential element, causing or attempting to cause the death or physical harm to another and also is convicted of or pleads guilty to a specification of the type described under division (B) (1) (f) of this section in connection with two or more of the felonies of which the offender is convicted or to which the offender pleads guilty, the sentencing court shall impose on the offender the prison term specified under division (B) (1) (f) of this section for each of two of the specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications. If a court imposes an additional prison term on an offender under division (B) (1) (f)

of this section relative to an offense, the court shall not 230  
impose a prison term under division (B) (1) (a) or (c) of this 231  
section relative to the same offense. 232

(g) If an offender is convicted of or pleads guilty to two 233  
or more felonies, if one or more of those felonies are 234  
aggravated murder, murder, attempted aggravated murder, 235  
attempted murder, aggravated robbery, felonious assault, or 236  
rape, and if the offender is convicted of or pleads guilty to a 237  
specification of the type described under division (B) (1) (a) of 238  
this section in connection with two or more of the felonies, the 239  
sentencing court shall impose on the offender the prison term 240  
specified under division (B) (1) (a) of this section for each of 241  
the two most serious specifications of which the offender is 242  
convicted or to which the offender pleads guilty and, in its 243  
discretion, also may impose on the offender the prison term 244  
specified under that division for any or all of the remaining 245  
specifications. 246

(2) (a) If division (B) (2) (b) of this section does not 247  
apply, the court may impose on an offender, in addition to the 248  
longest prison term authorized or required for the offense, an 249  
additional definite prison term of one, two, three, four, five, 250  
six, seven, eight, nine, or ten years if all of the following 251  
criteria are met: 252

(i) The offender is convicted of or pleads guilty to a 253  
specification of the type described in section 2941.149 of the 254  
Revised Code that the offender is a repeat violent offender. 255

(ii) The offense of which the offender currently is 256  
convicted or to which the offender currently pleads guilty is 257  
aggravated murder and the court does not impose a sentence of 258  
death or life imprisonment without parole, murder, terrorism and 259

the court does not impose a sentence of life imprisonment 260  
without parole, any felony of the first degree that is an 261  
offense of violence and the court does not impose a sentence of 262  
life imprisonment without parole, or any felony of the second 263  
degree that is an offense of violence and the trier of fact 264  
finds that the offense involved an attempt to cause or a threat 265  
to cause serious physical harm to a person or resulted in 266  
serious physical harm to a person. 267

(iii) The court imposes the longest prison term for the 268  
offense that is not life imprisonment without parole. 269

(iv) The court finds that the prison terms imposed 270  
pursuant to division (B) (2) (a) (iii) of this section and, if 271  
applicable, division (B) (1) or (3) of this section are 272  
inadequate to punish the offender and protect the public from 273  
future crime, because the applicable factors under section 274  
2929.12 of the Revised Code indicating a greater likelihood of 275  
recidivism outweigh the applicable factors under that section 276  
indicating a lesser likelihood of recidivism. 277

(v) The court finds that the prison terms imposed pursuant 278  
to division (B) (2) (a) (iii) of this section and, if applicable, 279  
division (B) (1) or (3) of this section are demeaning to the 280  
seriousness of the offense, because one or more of the factors 281  
under section 2929.12 of the Revised Code indicating that the 282  
offender's conduct is more serious than conduct normally 283  
constituting the offense are present, and they outweigh the 284  
applicable factors under that section indicating that the 285  
offender's conduct is less serious than conduct normally 286  
constituting the offense. 287

(b) The court shall impose on an offender the longest 288  
prison term authorized or required for the offense and shall 289

impose on the offender an additional definite prison term of 290  
one, two, three, four, five, six, seven, eight, nine, or ten 291  
years if all of the following criteria are met: 292

(i) The offender is convicted of or pleads guilty to a 293  
specification of the type described in section 2941.149 of the 294  
Revised Code that the offender is a repeat violent offender. 295

(ii) The offender within the preceding twenty years has 296  
been convicted of or pleaded guilty to three or more offenses 297  
described in division (CC)(1) of section 2929.01 of the Revised 298  
Code, including all offenses described in that division of which 299  
the offender is convicted or to which the offender pleads guilty 300  
in the current prosecution and all offenses described in that 301  
division of which the offender previously has been convicted or 302  
to which the offender previously pleaded guilty, whether 303  
prosecuted together or separately. 304

(iii) The offense or offenses of which the offender 305  
currently is convicted or to which the offender currently pleads 306  
guilty is aggravated murder and the court does not impose a 307  
sentence of death or life imprisonment without parole, murder, 308  
terrorism and the court does not impose a sentence of life 309  
imprisonment without parole, any felony of the first degree that 310  
is an offense of violence and the court does not impose a 311  
sentence of life imprisonment without parole, or any felony of 312  
the second degree that is an offense of violence and the trier 313  
of fact finds that the offense involved an attempt to cause or a 314  
threat to cause serious physical harm to a person or resulted in 315  
serious physical harm to a person. 316

(c) For purposes of division (B)(2)(b) of this section, 317  
two or more offenses committed at the same time or as part of 318  
the same act or event shall be considered one offense, and that 319

one offense shall be the offense with the greatest penalty. 320

(d) A sentence imposed under division (B) (2) (a) or (b) of 321  
this section shall not be reduced pursuant to section 2929.20, 322  
section 2967.19, or section 2967.193, or any other provision of 323  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 324  
shall serve an additional prison term imposed under this section 325  
consecutively to and prior to the prison term imposed for the 326  
underlying offense. 327

(e) When imposing a sentence pursuant to division (B) (2) 328  
(a) or (b) of this section, the court shall state its findings 329  
explaining the imposed sentence. 330

(3) Except when an offender commits a violation of section 331  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 332  
for the violation is life imprisonment or commits a violation of 333  
section 2903.02 of the Revised Code, if the offender commits a 334  
violation of section 2925.03 or 2925.11 of the Revised Code and 335  
that section classifies the offender as a major drug offender, 336  
if the offender commits a felony violation of section 2925.02, 337  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 338  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 339  
division (C) of section 4729.51, or division (J) of section 340  
4729.54 of the Revised Code that includes the sale, offer to 341  
sell, or possession of a schedule I or II controlled substance, 342  
with the exception of marihuana, and the court imposing sentence 343  
upon the offender finds that the offender is guilty of a 344  
specification of the type described in section 2941.1410 of the 345  
Revised Code charging that the offender is a major drug 346  
offender, if the court imposing sentence upon an offender for a 347  
felony finds that the offender is guilty of corrupt activity 348  
with the most serious offense in the pattern of corrupt activity 349

being a felony of the first degree, or if the offender is guilty 350  
of an attempted violation of section 2907.02 of the Revised Code 351  
and, had the offender completed the violation of section 2907.02 352  
of the Revised Code that was attempted, the offender would have 353  
been subject to a sentence of life imprisonment or life 354  
imprisonment without parole for the violation of section 2907.02 355  
of the Revised Code, the court shall impose upon the offender 356  
for the felony violation a mandatory prison term of the maximum 357  
prison term prescribed for a felony of the first degree that, 358  
subject to divisions (C) to (I) of section 2967.19 of the 359  
Revised Code, cannot be reduced pursuant to section 2929.20, 360  
section 2967.19, or any other provision of Chapter 2967. or 361  
5120. of the Revised Code. 362

(4) If the offender is being sentenced for a third or 363  
fourth degree felony OVI offense under division (G) (2) of 364  
section 2929.13 of the Revised Code, the sentencing court shall 365  
impose upon the offender a mandatory prison term in accordance 366  
with that division. In addition to the mandatory prison term, if 367  
the offender is being sentenced for a fourth degree felony OVI 368  
offense, the court, notwithstanding division (A) (4) of this 369  
section, may sentence the offender to a definite prison term of 370  
not less than six months and not more than thirty months, and if 371  
the offender is being sentenced for a third degree felony OVI 372  
offense, the sentencing court may sentence the offender to an 373  
additional prison term of any duration specified in division (A) 374  
(3) of this section. In either case, the additional prison term 375  
imposed shall be reduced by the sixty or one hundred twenty days 376  
imposed upon the offender as the mandatory prison term. The 377  
total of the additional prison term imposed under division (B) 378  
(4) of this section plus the sixty or one hundred twenty days 379  
imposed as the mandatory prison term shall equal a definite term 380

in the range of six months to thirty months for a fourth degree 381  
felony OVI offense and shall equal one of the authorized prison 382  
terms specified in division (A) (3) of this section for a third 383  
degree felony OVI offense. If the court imposes an additional 384  
prison term under division (B) (4) of this section, the offender 385  
shall serve the additional prison term after the offender has 386  
served the mandatory prison term required for the offense. In 387  
addition to the mandatory prison term or mandatory and 388  
additional prison term imposed as described in division (B) (4) 389  
of this section, the court also may sentence the offender to a 390  
community control sanction under section 2929.16 or 2929.17 of 391  
the Revised Code, but the offender shall serve all of the prison 392  
terms so imposed prior to serving the community control 393  
sanction. 394

If the offender is being sentenced for a fourth degree 395  
felony OVI offense under division (G) (1) of section 2929.13 of 396  
the Revised Code and the court imposes a mandatory term of local 397  
incarceration, the court may impose a prison term as described 398  
in division (A) (1) of that section. 399

(5) If an offender is convicted of or pleads guilty to a 400  
violation of division (A) (1) or (2) of section 2903.06 of the 401  
Revised Code and also is convicted of or pleads guilty to a 402  
specification of the type described in section 2941.1414 of the 403  
Revised Code that charges that the victim of the offense is a 404  
peace officer, as defined in section 2935.01 of the Revised 405  
Code, or an investigator of the bureau of criminal 406  
identification and investigation, as defined in section 2903.11 407  
of the Revised Code, the court shall impose on the offender a 408  
prison term of five years. If a court imposes a prison term on 409  
an offender under division (B) (5) of this section, the prison 410  
term, subject to divisions (C) to (I) of section 2967.19 of the 411

Revised Code, shall not be reduced pursuant to section 2929.20, 412  
section 2967.19, section 2967.193, or any other provision of 413  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 414  
shall not impose more than one prison term on an offender under 415  
division (B) (5) of this section for felonies committed as part 416  
of the same act. 417

(6) If an offender is convicted of or pleads guilty to a 418  
violation of division (A) (1) or (2) of section 2903.06 of the 419  
Revised Code and also is convicted of or pleads guilty to a 420  
specification of the type described in section 2941.1415 of the 421  
Revised Code that charges that the offender previously has been 422  
convicted of or pleaded guilty to three or more violations of 423  
division (A) or (B) of section 4511.19 of the Revised Code or an 424  
equivalent offense, as defined in section 2941.1415 of the 425  
Revised Code, or three or more violations of any combination of 426  
those divisions and offenses, the court shall impose on the 427  
offender a prison term of three years. If a court imposes a 428  
prison term on an offender under division (B) (6) of this 429  
section, the prison term, subject to divisions (C) to (I) of 430  
section 2967.19 of the Revised Code, shall not be reduced 431  
pursuant to section 2929.20, section 2967.19, section 2967.193, 432  
or any other provision of Chapter 2967. or Chapter 5120. of the 433  
Revised Code. A court shall not impose more than one prison term 434  
on an offender under division (B) (6) of this section for 435  
felonies committed as part of the same act. 436

(7) (a) If an offender is convicted of or pleads guilty to 437  
a felony violation of section 2905.01, 2905.02, 2907.21, 438  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 439  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 440  
the Revised Code and also is convicted of or pleads guilty to a 441  
specification of the type described in section 2941.1422 of the 442

Revised Code that charges that the offender knowingly committed 443  
the offense in furtherance of human trafficking, the court shall 444  
impose on the offender a mandatory prison term that is one of 445  
the following: 446

(i) If the offense is a felony of the first degree, a 447  
definite prison term of not less than five years and not greater 448  
than ten years; 449

(ii) If the offense is a felony of the second or third 450  
degree, a definite prison term of not less than three years and 451  
not greater than the maximum prison term allowed for the offense 452  
by division (A) of section 2929.14 of the Revised Code; 453

(iii) If the offense is a felony of the fourth or fifth 454  
degree, a definite prison term that is the maximum prison term 455  
allowed for the offense by division (A) of section 2929.14 of 456  
the Revised Code. 457

(b) Subject to divisions (C) to (I) of section 2967.19 of 458  
the Revised Code, the prison term imposed under division (B) (7) 459  
(a) of this section shall not be reduced pursuant to section 460  
2929.20, section 2967.19, section 2967.193, or any other 461  
provision of Chapter 2967. of the Revised Code. A court shall 462  
not impose more than one prison term on an offender under 463  
division (B) (7) (a) of this section for felonies committed as 464  
part of the same act, scheme, or plan. 465

(8) If an offender is convicted of or pleads guilty to a 466  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 467  
Revised Code and also is convicted of or pleads guilty to a 468  
specification of the type described in section 2941.1423 of the 469  
Revised Code that charges that the victim of the violation was a 470  
woman whom the offender knew was pregnant at the time of the 471

violation, notwithstanding the range of prison terms prescribed 472  
in division (A) of this section for felonies of the same degree 473  
as the violation, the court shall impose on the offender a 474  
mandatory prison term that is either a definite prison term of 475  
six months or one of the prison terms prescribed in section 476  
2929.14 of the Revised Code for felonies of the same degree as 477  
the violation. 478

(C) (1) (a) Subject to division (C) (1) (b) of this section, 479  
if a mandatory prison term is imposed upon an offender pursuant 480  
to division (B) (1) (a) of this section for having a firearm on or 481  
about the offender's person or under the offender's control 482  
while committing a felony, if a mandatory prison term is imposed 483  
upon an offender pursuant to division (B) (1) (c) of this section 484  
for committing a felony specified in that division by 485  
discharging a firearm from a motor vehicle, or if both types of 486  
mandatory prison terms are imposed, the offender shall serve any 487  
mandatory prison term imposed under either division 488  
consecutively to any other mandatory prison term imposed under 489  
either division or under division (B) (1) (d) of this section, 490  
consecutively to and prior to any prison term imposed for the 491  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 492  
this section or any other section of the Revised Code, and 493  
consecutively to any other prison term or mandatory prison term 494  
previously or subsequently imposed upon the offender. 495

(b) If a mandatory prison term is imposed upon an offender 496  
pursuant to division (B) (1) (d) of this section for wearing or 497  
carrying body armor while committing an offense of violence that 498  
is a felony, the offender shall serve the mandatory term so 499  
imposed consecutively to any other mandatory prison term imposed 500  
under that division or under division (B) (1) (a) or (c) of this 501  
section, consecutively to and prior to any prison term imposed 502

for the underlying felony under division (A), (B) (2), or (B) (3) 503  
of this section or any other section of the Revised Code, and 504  
consecutively to any other prison term or mandatory prison term 505  
previously or subsequently imposed upon the offender. 506

(c) If a mandatory prison term is imposed upon an offender 507  
pursuant to division (B) (1) (f) of this section, the offender 508  
shall serve the mandatory prison term so imposed consecutively 509  
to and prior to any prison term imposed for the underlying 510  
felony under division (A), (B) (2), or (B) (3) of this section or 511  
any other section of the Revised Code, and consecutively to any 512  
other prison term or mandatory prison term previously or 513  
subsequently imposed upon the offender. 514

(d) If a mandatory prison term is imposed upon an offender 515  
pursuant to division (B) (7) or (8) of this section, the offender 516  
shall serve the mandatory prison term so imposed consecutively 517  
to any other mandatory prison term imposed under that division 518  
or under any other provision of law and consecutively to any 519  
other prison term or mandatory prison term previously or 520  
subsequently imposed upon the offender. 521

(2) If an offender who is an inmate in a jail, prison, or 522  
other residential detention facility violates section 2917.02, 523  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 524  
(2) of section 2921.34 of the Revised Code, if an offender who 525  
is under detention at a detention facility commits a felony 526  
violation of section 2923.131 of the Revised Code, or if an 527  
offender who is an inmate in a jail, prison, or other 528  
residential detention facility or is under detention at a 529  
detention facility commits another felony while the offender is 530  
an escapee in violation of division (A) (1) or (2) of section 531  
2921.34 of the Revised Code, any prison term imposed upon the 532

offender for one of those violations shall be served by the 533  
offender consecutively to the prison term or term of 534  
imprisonment the offender was serving when the offender 535  
committed that offense and to any other prison term previously 536  
or subsequently imposed upon the offender. 537

(3) If a prison term is imposed for a violation of 538  
division (B) of section 2911.01 of the Revised Code, a violation 539  
of division (A) of section 2913.02 of the Revised Code in which 540  
the stolen property is a firearm or dangerous ordnance, or a 541  
felony violation of division (B) of section 2921.331 of the 542  
Revised Code, the offender shall serve that prison term 543  
consecutively to any other prison term or mandatory prison term 544  
previously or subsequently imposed upon the offender. 545

(4) If multiple prison terms are imposed on an offender 546  
for convictions of multiple offenses, the court may require the 547  
offender to serve the prison terms consecutively if the court 548  
finds that the consecutive service is necessary to protect the 549  
public from future crime or to punish the offender and that 550  
consecutive sentences are not disproportionate to the 551  
seriousness of the offender's conduct and to the danger the 552  
offender poses to the public, and if the court also finds any of 553  
the following: 554

(a) The offender committed one or more of the multiple 555  
offenses while the offender was awaiting trial or sentencing, 556  
was under a sanction imposed pursuant to section 2929.16, 557  
2929.17, or 2929.18 of the Revised Code, or was under post- 558  
release control for a prior offense. 559

(b) At least two of the multiple offenses were committed 560  
as part of one or more courses of conduct, and the harm caused 561  
by two or more of the multiple offenses so committed was so 562

great or unusual that no single prison term for any of the 563  
offenses committed as part of any of the courses of conduct 564  
adequately reflects the seriousness of the offender's conduct. 565

(c) The offender's history of criminal conduct 566  
demonstrates that consecutive sentences are necessary to protect 567  
the public from future crime by the offender. 568

(5) If a mandatory prison term is imposed upon an offender 569  
pursuant to division (B) (5) or (6) of this section, the offender 570  
shall serve the mandatory prison term consecutively to and prior 571  
to any prison term imposed for the underlying violation of 572  
division (A) (1) or (2) of section 2903.06 of the Revised Code 573  
pursuant to division (A) of this section or section 2929.142 of 574  
the Revised Code. If a mandatory prison term is imposed upon an 575  
offender pursuant to division (B) (5) of this section, and if a 576  
mandatory prison term also is imposed upon the offender pursuant 577  
to division (B) (6) of this section in relation to the same 578  
violation, the offender shall serve the mandatory prison term 579  
imposed pursuant to division (B) (5) of this section 580  
consecutively to and prior to the mandatory prison term imposed 581  
pursuant to division (B) (6) of this section and consecutively to 582  
and prior to any prison term imposed for the underlying 583  
violation of division (A) (1) or (2) of section 2903.06 of the 584  
Revised Code pursuant to division (A) of this section or section 585  
2929.142 of the Revised Code. 586

(6) When consecutive prison terms are imposed pursuant to 587  
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 588  
of this section, the term to be served is the aggregate of all 589  
of the terms so imposed. 590

(D) (1) If a court imposes a prison term for a felony of 591  
the first degree, for a felony of the second degree, for a 592

felony sex offense, or for a felony of the third degree that is 593  
not a felony sex offense and in the commission of which the 594  
offender caused or threatened to cause physical harm to a 595  
person, it shall include in the sentence a requirement that the 596  
offender be subject to a period of post-release control after 597  
the offender's release from imprisonment, in accordance with 598  
that division. If a court imposes a sentence including a prison 599  
term of a type described in this division on or after July 11, 600  
2006, the failure of a court to include a post-release control 601  
requirement in the sentence pursuant to this division does not 602  
negate, limit, or otherwise affect the mandatory period of post- 603  
release control that is required for the offender under division 604  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 605  
the Revised Code applies if, prior to July 11, 2006, a court 606  
imposed a sentence including a prison term of a type described 607  
in this division and failed to include in the sentence pursuant 608  
to this division a statement regarding post-release control. 609

(2) If a court imposes a prison term for a felony of the 610  
third, fourth, or fifth degree that is not subject to division 611  
(D)(1) of this section, it shall include in the sentence a 612  
requirement that the offender be subject to a period of post- 613  
release control after the offender's release from imprisonment, 614  
in accordance with that division, if the parole board determines 615  
that a period of post-release control is necessary. Section 616  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 617  
a court imposed a sentence including a prison term of a type 618  
described in this division and failed to include in the sentence 619  
pursuant to this division a statement regarding post-release 620  
control. 621

(E) The court shall impose sentence upon the offender in 622  
accordance with section 2971.03 of the Revised Code, and Chapter 623

2971. of the Revised Code applies regarding the prison term or 624  
term of life imprisonment without parole imposed upon the 625  
offender and the service of that term of imprisonment if any of 626  
the following apply: 627

(1) A person is convicted of or pleads guilty to a violent 628  
sex offense or a designated homicide, assault, or kidnapping 629  
offense, and, in relation to that offense, the offender is 630  
adjudicated a sexually violent predator. 631

(2) A person is convicted of or pleads guilty to a 632  
violation of division (A) (1) (b) of section 2907.02 of the 633  
Revised Code committed on or after January 2, 2007, and either 634  
the court does not impose a sentence of life without parole when 635  
authorized pursuant to division (B) of section 2907.02 of the 636  
Revised Code, or division (B) of section 2907.02 of the Revised 637  
Code provides that the court shall not sentence the offender 638  
pursuant to section 2971.03 of the Revised Code. 639

(3) A person is convicted of or pleads guilty to attempted 640  
rape committed on or after January 2, 2007, and a specification 641  
of the type described in section 2941.1418, 2941.1419, or 642  
2941.1420 of the Revised Code. 643

(4) A person is convicted of or pleads guilty to a 644  
violation of section 2905.01 of the Revised Code committed on or 645  
after January 1, 2008, and that section requires the court to 646  
sentence the offender pursuant to section 2971.03 of the Revised 647  
Code. 648

(5) A person is convicted of or pleads guilty to 649  
aggravated murder committed on or after January 1, 2008, and 650  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 651  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 652

(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 683  
upon the offender an additional prison term of two years. The 684  
offender shall serve the additional two years consecutively to 685  
and prior to the prison term imposed for the underlying offense. 686

(2) (a) If an offender is convicted of or pleads guilty to 687  
a felony violation of section 2907.22, 2907.24, 2907.241, or 688  
2907.25 of the Revised Code and to a specification of the type 689  
described in section 2941.1421 of the Revised Code and if the 690  
court imposes a prison term on the offender for the felony 691  
violation, the court may impose upon the offender an additional 692  
prison term as follows: 693

(i) Subject to division (H) (2) (a) (ii) of this section, an 694  
additional prison term of one, two, three, four, five, or six 695  
months; 696

(ii) If the offender previously has been convicted of or 697  
pleaded guilty to one or more felony or misdemeanor violations 698  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 699  
the Revised Code and also was convicted of or pleaded guilty to 700  
a specification of the type described in section 2941.1421 of 701  
the Revised Code regarding one or more of those violations, an 702  
additional prison term of one, two, three, four, five, six, 703  
seven, eight, nine, ten, eleven, or twelve months. 704

(b) In lieu of imposing an additional prison term under 705  
division (H) (2) (a) of this section, the court may directly 706  
impose on the offender a sanction that requires the offender to 707  
wear a real-time processing, continual tracking electronic 708  
monitoring device during the period of time specified by the 709  
court. The period of time specified by the court shall equal the 710  
duration of an additional prison term that the court could have 711  
imposed upon the offender under division (H) (2) (a) of this 712

section. A sanction imposed under this division shall commence 713  
on the date specified by the court, provided that the sanction 714  
shall not commence until after the offender has served the 715  
prison term imposed for the felony violation of section 2907.22, 716  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 717  
residential sanction imposed for the violation under section 718  
2929.16 of the Revised Code. A sanction imposed under this 719  
division shall be considered to be a community control sanction 720  
for purposes of section 2929.15 of the Revised Code, and all 721  
provisions of the Revised Code that pertain to community control 722  
sanctions shall apply to a sanction imposed under this division, 723  
except to the extent that they would by their nature be clearly 724  
inapplicable. The offender shall pay all costs associated with a 725  
sanction imposed under this division, including the cost of the 726  
use of the monitoring device. 727

(I) At the time of sentencing, the court may recommend the 728  
offender for placement in a program of shock incarceration under 729  
section 5120.031 of the Revised Code or for placement in an 730  
intensive program prison under section 5120.032 of the Revised 731  
Code, disapprove placement of the offender in a program of shock 732  
incarceration or an intensive program prison of that nature, or 733  
make no recommendation on placement of the offender. In no case 734  
shall the department of rehabilitation and correction place the 735  
offender in a program or prison of that nature unless the 736  
department determines as specified in section 5120.031 or 737  
5120.032 of the Revised Code, whichever is applicable, that the 738  
offender is eligible for the placement. 739

If the court disapproves placement of the offender in a 740  
program or prison of that nature, the department of 741  
rehabilitation and correction shall not place the offender in 742  
any program of shock incarceration or intensive program prison. 743

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

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

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

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of

that section applies, the person shall be sentenced pursuant to 774  
section 2929.142 of the Revised Code. 775

(K) If an offender receives or received a sentence of life 776  
imprisonment without parole, a sentence of life imprisonment, or 777  
a sentence to an indefinite prison term under this chapter for 778  
an offense committed when the offender was less than eighteen 779  
years of age, the offender's parole eligibility shall be 780  
determined under section 2967.132 of the Revised Code. 781

**Sec. 2967.13.** (A) Except as provided in division (G) of 782  
this section and section 2967.132 of the Revised Code, a 783  
prisoner serving a sentence of imprisonment for life for an 784  
offense committed on or after July 1, 1996, is not entitled to 785  
any earned credit under section 2967.193 of the Revised Code and 786  
becomes eligible for parole as follows: 787

(1) If a sentence of imprisonment for life was imposed for 788  
the offense of murder, at the expiration of the prisoner's 789  
minimum term; 790

(2) If a sentence of imprisonment for life with parole 791  
eligibility after serving twenty years of imprisonment was 792  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 793  
Code, after serving a term of twenty years; 794

(3) If a sentence of imprisonment for life with parole 795  
eligibility after serving twenty-five full years of imprisonment 796  
was imposed pursuant to section 2929.022 or 2929.03 of the 797  
Revised Code, after serving a term of twenty-five full years; 798

(4) If a sentence of imprisonment for life with parole 799  
eligibility after serving thirty full years of imprisonment was 800  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 801  
Code, after serving a term of thirty full years; 802

(5) If a sentence of imprisonment for life was imposed for rape, after serving a term of ten full years' imprisonment;

(6) If a sentence of imprisonment for life with parole eligibility after serving fifteen years of imprisonment was imposed for a violation of section 2927.24 of the Revised Code, after serving a term of fifteen years.

(B) Except as provided in division (G) of this section and section 2967.132 of the Revised Code, a prisoner serving a sentence of imprisonment for life with parole eligibility after serving twenty years of imprisonment or a sentence of imprisonment for life with parole eligibility after serving twenty-five full years or thirty full years of imprisonment imposed pursuant to section 2929.022 or 2929.03 of the Revised Code for an offense committed on or after July 1, 1996, consecutively to any other term of imprisonment, becomes eligible for parole after serving twenty years, twenty full years, or thirty full years, as applicable, as to each such sentence of life imprisonment, which shall not be reduced for earned credits under section 2967.193 of the Revised Code, plus the term or terms of the other sentences consecutively imposed or, if one of the other sentences is another type of life sentence with parole eligibility, the number of years before parole eligibility for that sentence.

(C) Except as provided in division (G) of this section and section 2967.132 of the Revised Code, a prisoner serving consecutively two or more sentences in which an indefinite term of imprisonment is imposed becomes eligible for parole upon the expiration of the aggregate of the minimum terms of the sentences.

(D) Except as provided in division (G) of this section and

section 2967.132 of the Revised Code, a prisoner serving a term 833  
of imprisonment who is described in division (A) of section 834  
2967.021 of the Revised Code becomes eligible for parole as 835  
described in that division or, if the prisoner is serving a 836  
definite term of imprisonment, shall be released as described in 837  
that division. 838

(E) ~~A~~ Except as provided in section 2967.132 of the 839  
Revised Code, a prisoner serving a sentence of life imprisonment 840  
without parole imposed pursuant to section 2907.02 or section 841  
2929.03 or 2929.06 of the Revised Code is not eligible for 842  
parole and shall be imprisoned until death. 843

(F) A prisoner serving a stated prison term shall be 844  
released in accordance with section 2967.28 of the Revised Code. 845

(G) ~~A~~ Except as provided in section 2967.132 of the 846  
Revised Code, a prisoner serving a prison term or term of life 847  
imprisonment without parole imposed pursuant to section 2971.03 848  
of the Revised Code never becomes eligible for parole during 849  
that term of imprisonment. 850

**Sec. 2967.132.** (A) This section applies to any prisoner 851  
serving a prison sentence for an offense or offenses that 852  
occurred when the prisoner was less than eighteen years of age. 853  
Regardless of whether the prisoner's stated prison term includes 854  
mandatory time, this section shall apply automatically and 855  
cannot be limited by the sentencing court. 856

(B) Notwithstanding any provision of the Revised Code to 857  
the contrary, and regardless of when the offense or offenses 858  
were committed and when the sentence was imposed, a prisoner who 859  
was under eighteen years of age at the time of the offense for 860  
which the prisoner is serving a prison sentence is eligible for 861

parole as follows: 862

(1) If the prisoner's stated prison term totals at least 863  
fifteen years, the prisoner is eligible for parole after serving 864  
fifteen years in prison. 865

(2) If the prisoner is serving a sentence that permits 866  
parole only after fifteen years or more, the prisoner is 867  
eligible for parole after serving fifteen years. 868

(3) If the prisoner is serving a sentence of life without 869  
parole, the prisoner is eligible for parole upon attaining forty 870  
years of age. 871

(4) If the prisoner is serving a sentence described in 872  
division (B) (1), (2), or (3) of this section consecutively to 873  
another term of imprisonment, the prisoner is eligible for 874  
parole on the later date applicable to those sentences, but not 875  
later than when the prisoner attains forty years of age. 876

(5) If the prisoner is serving a sentence described in 877  
division (B) (1), (2), (3), or (4) of this section and, upon the 878  
effective date of this section, the parole eligibility date 879  
specified in the applicable division has been reached, the 880  
prisoner is eligible for parole immediately upon the effective 881  
date of this section. 882

(C) Once a prisoner is eligible for parole pursuant to 883  
division (B) of this section, the parole board shall, within a 884  
reasonable time after the prisoner becomes eligible, conduct a 885  
hearing to consider the prisoner's release onto parole 886  
supervision. The board shall conduct the hearing in accordance 887  
with Chapters 2930., 2967., and 5149. of the Revised Code and in 888  
accordance with the board's policies and procedures. Those 889  
policies and procedures must permit the prisoner's privately 890

retained counsel or the Ohio public defender to appear at the 891  
prisoner's hearing to make a statement in support of the 892  
prisoner's release. 893

The parole board shall ensure that the review process 894  
provides the prisoner a meaningful opportunity to obtain 895  
release. In addition to any other factors the board is required 896  
or authorized to consider by rule or statute, the board shall 897  
consider the following factors as mitigation: 898

(1) The age of the offender at the time of the offense; 899

(2) The diminished culpability of youth; 900

(3) Common characteristics of youth, including immaturity 901  
and failure to appreciate risks and consequences; 902

(4) The family and home environment of the offender at the 903  
time of the offense; 904

(5) Any subsequent growth or increase in the prisoner's 905  
maturity during imprisonment. 906

(D) In accordance with section 2967.131 of the Revised 907  
Code, the parole board shall impose appropriate terms and 908  
conditions of release upon each prisoner granted a parole under 909  
this section. 910

(E) If the parole board denies release pursuant to this 911  
section, the board shall conduct a subsequent release review not 912  
later than ten years after release was denied. 913

(F) In addition to any notice required by rule or statute, 914  
the parole board shall notify the Ohio public defender and the 915  
appropriate prosecuting attorney of a prisoner's eligibility for 916  
review under this section at least sixty days before the board 917  
begins any review or proceedings involving that prisoner under 918

this section. 919

(G) This section shall apply to determine the parole 920  
eligibility of all prisoners described in this section who 921  
committed an offense prior to, on, or after the effective date 922  
of this section, regardless of when the prisoner was sentenced 923  
for the offense. 924

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 925  
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 926  
another section of the Revised Code, other than divisions (B) 927  
and (C) of section 2929.14 of the Revised Code, that authorizes 928  
or requires a specified prison term or a mandatory prison term 929  
for a person who is convicted of or pleads guilty to a felony or 930  
that specifies the manner and place of service of a prison term 931  
or term of imprisonment, the court shall impose a sentence upon 932  
a person who is convicted of or pleads guilty to a violent sex 933  
offense and who also is convicted of or pleads guilty to a 934  
sexually violent predator specification that was included in the 935  
indictment, count in the indictment, or information charging 936  
that offense, and upon a person who is convicted of or pleads 937  
guilty to a designated homicide, assault, or kidnapping offense 938  
and also is convicted of or pleads guilty to both a sexual 939  
motivation specification and a sexually violent predator 940  
specification that were included in the indictment, count in the 941  
indictment, or information charging that offense, as follows: 942

(1) If the offense for which the sentence is being imposed 943  
is aggravated murder and if the court does not impose upon the 944  
offender a sentence of death, it shall impose upon the offender 945  
a term of life imprisonment without parole. If the court 946  
sentences the offender to death and the sentence of death is 947  
vacated, overturned, or otherwise set aside, the court shall 948

impose upon the offender a term of life imprisonment without 949  
parole. 950

(2) If the offense for which the sentence is being imposed 951  
is murder; or if the offense is rape committed in violation of 952  
division (A) (1) (b) of section 2907.02 of the Revised Code when 953  
the offender purposely compelled the victim to submit by force 954  
or threat of force, when the victim was less than ten years of 955  
age, when the offender previously has been convicted of or 956  
pleaded guilty to either rape committed in violation of that 957  
division or a violation of an existing or former law of this 958  
state, another state, or the United States that is substantially 959  
similar to division (A) (1) (b) of section 2907.02 of the Revised 960  
Code, or when the offender during or immediately after the 961  
commission of the rape caused serious physical harm to the 962  
victim; or if the offense is an offense other than aggravated 963  
murder or murder for which a term of life imprisonment may be 964  
imposed, it shall impose upon the offender a term of life 965  
imprisonment without parole. 966

(3) (a) Except as otherwise provided in division (A) (3) (b), 967  
(c), (d), or (e) or (A) (4) of this section, if the offense for 968  
which the sentence is being imposed is an offense other than 969  
aggravated murder, murder, or rape and other than an offense for 970  
which a term of life imprisonment may be imposed, it shall 971  
impose an indefinite prison term consisting of a minimum term 972  
fixed by the court from among the range of terms available as a 973  
definite term for the offense, but not less than two years, and 974  
a maximum term of life imprisonment. 975

(b) Except as otherwise provided in division (A) (4) of 976  
this section, if the offense for which the sentence is being 977  
imposed is kidnapping that is a felony of the first degree, it 978

shall impose an indefinite prison term as follows: 979

(i) If the kidnapping is committed on or after January 1, 980  
2008, and the victim of the offense is less than thirteen years 981  
of age, except as otherwise provided in this division, it shall 982  
impose an indefinite prison term consisting of a minimum term of 983  
fifteen years and a maximum term of life imprisonment. If the 984  
kidnapping is committed on or after January 1, 2008, the victim 985  
of the offense is less than thirteen years of age, and the 986  
offender released the victim in a safe place unharmed, it shall 987  
impose an indefinite prison term consisting of a minimum term of 988  
ten years and a maximum term of life imprisonment. 989

(ii) If the kidnapping is committed prior to January 1, 990  
2008, or division (A) (3) (b) (i) of this section does not apply, 991  
it shall impose an indefinite term consisting of a minimum term 992  
fixed by the court that is not less than ten years and a maximum 993  
term of life imprisonment. 994

(c) Except as otherwise provided in division (A) (4) of 995  
this section, if the offense for which the sentence is being 996  
imposed is kidnapping that is a felony of the second degree, it 997  
shall impose an indefinite prison term consisting of a minimum 998  
term fixed by the court that is not less than eight years, and a 999  
maximum term of life imprisonment. 1000

(d) Except as otherwise provided in division (A) (4) of 1001  
this section, if the offense for which the sentence is being 1002  
imposed is rape for which a term of life imprisonment is not 1003  
imposed under division (A) (2) of this section or division (B) of 1004  
section 2907.02 of the Revised Code, it shall impose an 1005  
indefinite prison term as follows: 1006

(i) If the rape is committed on or after January 2, 2007, 1007

in violation of division (A) (1) (b) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of twenty-five years and a maximum term of life imprisonment.

(ii) If the rape is committed prior to January 2, 2007, or the rape is committed on or after January 2, 2007, other than in violation of division (A) (1) (b) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term fixed by the court that is not less than ten years, and a maximum term of life imprisonment.

(e) Except as otherwise provided in division (A) (4) of this section, if the offense for which sentence is being imposed is attempted rape, it shall impose an indefinite prison term as follows:

(i) Except as otherwise provided in division (A) (3) (e) (ii), (iii), or (iv) of this section, it shall impose an indefinite prison term pursuant to division (A) (3) (a) of this section.

(ii) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1418 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of five years and a maximum term of twenty-five years.

(iii) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1419 of the

Revised Code, it shall impose an indefinite prison term 1037  
consisting of a minimum term of ten years and a maximum of life 1038  
imprisonment. 1039

(iv) If the attempted rape for which sentence is being 1040  
imposed was committed on or after January 2, 2007, and if the 1041  
offender also is convicted of or pleads guilty to a 1042  
specification of the type described in section 2941.1420 of the 1043  
Revised Code, it shall impose an indefinite prison term 1044  
consisting of a minimum term of fifteen years and a maximum of 1045  
life imprisonment. 1046

(4) For any offense for which the sentence is being 1047  
imposed, if the offender previously has been convicted of or 1048  
pleaded guilty to a violent sex offense and also to a sexually 1049  
violent predator specification that was included in the 1050  
indictment, count in the indictment, or information charging 1051  
that offense, or previously has been convicted of or pleaded 1052  
guilty to a designated homicide, assault, or kidnapping offense 1053  
and also to both a sexual motivation specification and a 1054  
sexually violent predator specification that were included in 1055  
the indictment, count in the indictment, or information charging 1056  
that offense, it shall impose upon the offender a term of life 1057  
imprisonment without parole. 1058

(B) (1) Notwithstanding section 2929.13, division (A) or 1059  
(D) of section 2929.14, or another section of the Revised Code 1060  
other than division (B) of section 2907.02 or divisions (B) and 1061  
(C) of section 2929.14 of the Revised Code that authorizes or 1062  
requires a specified prison term or a mandatory prison term for 1063  
a person who is convicted of or pleads guilty to a felony or 1064  
that specifies the manner and place of service of a prison term 1065  
or term of imprisonment, if a person is convicted of or pleads 1066

guilty to a violation of division (A) (1) (b) of section 2907.02 1067  
of the Revised Code committed on or after January 2, 2007, if 1068  
division (A) of this section does not apply regarding the 1069  
person, and if the court does not impose a sentence of life 1070  
without parole when authorized pursuant to division (B) of 1071  
section 2907.02 of the Revised Code, the court shall impose upon 1072  
the person an indefinite prison term consisting of one of the 1073  
following: 1074

(a) Except as otherwise required in division (B) (1) (b) or 1075  
(c) of this section, a minimum term of ten years and a maximum 1076  
term of life imprisonment. 1077

(b) If the victim was less than ten years of age, a 1078  
minimum term of fifteen years and a maximum of life 1079  
imprisonment. 1080

(c) If the offender purposely compels the victim to submit 1081  
by force or threat of force, or if the offender previously has 1082  
been convicted of or pleaded guilty to violating division (A) (1) 1083  
(b) of section 2907.02 of the Revised Code or to violating an 1084  
existing or former law of this state, another state, or the 1085  
United States that is substantially similar to division (A) (1) 1086  
(b) of that section, or if the offender during or immediately 1087  
after the commission of the offense caused serious physical harm 1088  
to the victim, a minimum term of twenty-five years and a maximum 1089  
of life imprisonment. 1090

(2) Notwithstanding section 2929.13, division (A) or (D) 1091  
of section 2929.14, or another section of the Revised Code other 1092  
than divisions (B) and (C) of section 2929.14 of the Revised 1093  
Code that authorizes or requires a specified prison term or a 1094  
mandatory prison term for a person who is convicted of or pleads 1095  
guilty to a felony or that specifies the manner and place of 1096

service of a prison term or term of imprisonment and except as 1097  
otherwise provided in division (B) of section 2907.02 of the 1098  
Revised Code, if a person is convicted of or pleads guilty to 1099  
attempted rape committed on or after January 2, 2007, and if 1100  
division (A) of this section does not apply regarding the 1101  
person, the court shall impose upon the person an indefinite 1102  
prison term consisting of one of the following: 1103

(a) If the person also is convicted of or pleads guilty to 1104  
a specification of the type described in section 2941.1418 of 1105  
the Revised Code, the court shall impose upon the person an 1106  
indefinite prison term consisting of a minimum term of five 1107  
years and a maximum term of twenty-five years. 1108

(b) If the person also is convicted of or pleads guilty to 1109  
a specification of the type described in section 2941.1419 of 1110  
the Revised Code, the court shall impose upon the person an 1111  
indefinite prison term consisting of a minimum term of ten years 1112  
and a maximum term of life imprisonment. 1113

(c) If the person also is convicted of or pleads guilty to 1114  
a specification of the type described in section 2941.1420 of 1115  
the Revised Code, the court shall impose upon the person an 1116  
indefinite prison term consisting of a minimum term of fifteen 1117  
years and a maximum term of life imprisonment. 1118

(3) Notwithstanding section 2929.13, division (A) or (D) 1119  
of section 2929.14, or another section of the Revised Code other 1120  
than divisions (B) and (C) of section 2929.14 of the Revised 1121  
Code that authorizes or requires a specified prison term or a 1122  
mandatory prison term for a person who is convicted of or pleads 1123  
guilty to a felony or that specifies the manner and place of 1124  
service of a prison term or term of imprisonment, if a person is 1125  
convicted of or pleads guilty to an offense described in 1126

division (B) (3) (a), (b), (c), or (d) of this section committed 1127  
on or after January 1, 2008, if the person also is convicted of 1128  
or pleads guilty to a sexual motivation specification that was 1129  
included in the indictment, count in the indictment, or 1130  
information charging that offense, and if division (A) of this 1131  
section does not apply regarding the person, the court shall 1132  
impose upon the person an indefinite prison term consisting of 1133  
one of the following: 1134

(a) An indefinite prison term consisting of a minimum of 1135  
ten years and a maximum term of life imprisonment if the offense 1136  
for which the sentence is being imposed is kidnapping, the 1137  
victim of the offense is less than thirteen years of age, and 1138  
the offender released the victim in a safe place unharmed; 1139

(b) An indefinite prison term consisting of a minimum of 1140  
fifteen years and a maximum term of life imprisonment if the 1141  
offense for which the sentence is being imposed is kidnapping 1142  
when the victim of the offense is less than thirteen years of 1143  
age and division (B) (3) (a) of this section does not apply; 1144

(c) An indefinite term consisting of a minimum of thirty 1145  
years and a maximum term of life imprisonment if the offense for 1146  
which the sentence is being imposed is aggravated murder, when 1147  
the victim of the offense is less than thirteen years of age, a 1148  
sentence of death or life imprisonment without parole is not 1149  
imposed for the offense, and division (A) (2) (b) (ii) of section 1150  
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 1151  
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 1152  
division (A) or (B) of section 2929.06 of the Revised Code 1153  
requires that the sentence for the offense be imposed pursuant 1154  
to this division; 1155

(d) An indefinite prison term consisting of a minimum of 1156

thirty years and a maximum term of life imprisonment if the 1157  
offense for which the sentence is being imposed is murder when 1158  
the victim of the offense is less than thirteen years of age. 1159

(C) (1) If the offender is sentenced to a prison term 1160  
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 1161  
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 1162  
parole board shall have control over the offender's service of 1163  
the term during the entire term unless the parole board 1164  
terminates its control in accordance with section 2971.04 of the 1165  
Revised Code. 1166

(2) Except as provided in division (C) (3) of this section, 1167  
an offender sentenced to a prison term or term of life 1168  
imprisonment without parole pursuant to division (A) of this 1169  
section shall serve the entire prison term or term of life 1170  
imprisonment in a state correctional institution. The offender 1171  
is not eligible for judicial release under section 2929.20 of 1172  
the Revised Code. 1173

(3) For a prison term imposed pursuant to division (A) (3), 1174  
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 1175  
(b), (c), or (d) of this section, the court, in accordance with 1176  
section 2971.05 of the Revised Code, may terminate the prison 1177  
term or modify the requirement that the offender serve the 1178  
entire term in a state correctional institution if all of the 1179  
following apply: 1180

(a) The offender has served at least the minimum term 1181  
imposed as part of that prison term. 1182

(b) The parole board, pursuant to section 2971.04 of the 1183  
Revised Code, has terminated its control over the offender's 1184  
service of that prison term. 1185

(c) The court has held a hearing and found, by clear and 1186  
convincing evidence, one of the following: 1187

(i) In the case of termination of the prison term, that 1188  
the offender is unlikely to commit a sexually violent offense in 1189  
the future; 1190

(ii) In the case of modification of the requirement, that 1191  
the offender does not represent a substantial risk of physical 1192  
harm to others. 1193

(4) An offender who has been sentenced to a term of life 1194  
imprisonment without parole pursuant to division (A) (1), (2), or 1195  
(4) of this section shall not be released from the term of life 1196  
imprisonment or be permitted to serve a portion of it in a place 1197  
other than a state correctional institution. 1198

(D) If a court sentences an offender to a prison term or 1199  
term of life imprisonment without parole pursuant to division 1200  
(A) of this section and the court also imposes on the offender 1201  
one or more additional prison terms pursuant to division (B) of 1202  
section 2929.14 of the Revised Code, all of the additional 1203  
prison terms shall be served consecutively with, and prior to, 1204  
the prison term or term of life imprisonment without parole 1205  
imposed upon the offender pursuant to division (A) of this 1206  
section. 1207

(E) If the offender is convicted of or pleads guilty to 1208  
two or more offenses for which a prison term or term of life 1209  
imprisonment without parole is required to be imposed pursuant 1210  
to division (A) of this section, divisions (A) to (D) of this 1211  
section shall be applied for each offense. All minimum terms 1212  
imposed upon the offender pursuant to division (A) (3) or (B) of 1213  
this section for those offenses shall be aggregated and served 1214

consecutively, as if they were a single minimum term imposed 1215  
under that division. 1216

(F) (1) If an offender is convicted of or pleads guilty to 1217  
a violent sex offense and also is convicted of or pleads guilty 1218  
to a sexually violent predator specification that was included 1219  
in the indictment, count in the indictment, or information 1220  
charging that offense, or is convicted of or pleads guilty to a 1221  
designated homicide, assault, or kidnapping offense and also is 1222  
convicted of or pleads guilty to both a sexual motivation 1223  
specification and a sexually violent predator specification that 1224  
were included in the indictment, count in the indictment, or 1225  
information charging that offense, the conviction of or plea of 1226  
guilty to the offense and the sexually violent predator 1227  
specification automatically classifies the offender as a tier 1228  
III sex offender/child-victim offender for purposes of Chapter 1229  
2950. of the Revised Code. 1230

(2) If an offender is convicted of or pleads guilty to 1231  
committing on or after January 2, 2007, a violation of division 1232  
(A) (1) (b) of section 2907.02 of the Revised Code and either the 1233  
offender is sentenced under section 2971.03 of the Revised Code 1234  
or a sentence of life without parole is imposed under division 1235  
(B) of section 2907.02 of the Revised Code, the conviction of or 1236  
plea of guilty to the offense automatically classifies the 1237  
offender as a tier III sex offender/child-victim offender for 1238  
purposes of Chapter 2950. of the Revised Code. 1239

(3) If a person is convicted of or pleads guilty to 1240  
committing on or after January 2, 2007, attempted rape and also 1241  
is convicted of or pleads guilty to a specification of the type 1242  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 1243  
Revised Code, the conviction of or plea of guilty to the offense 1244

and the specification automatically classify the offender as a 1245  
tier III sex offender/child-victim offender for purposes of 1246  
Chapter 2950. of the Revised Code. 1247

(4) If a person is convicted of or pleads guilty to one of 1248  
the offenses described in division (B) (3) (a), (b), (c), or (d) 1249  
of this section and a sexual motivation specification related to 1250  
the offense and the victim of the offense is less than thirteen 1251  
years of age, the conviction of or plea of guilty to the offense 1252  
automatically classifies the offender as a tier III sex 1253  
offender/child-victim offender for purposes of Chapter 2950. of 1254  
the Revised Code. 1255

(G) Notwithstanding divisions (A) to (E) of this section, 1256  
if an offender receives or received a sentence of life 1257  
imprisonment without parole or a sentence to an indefinite 1258  
prison term under this chapter for an offense committed when the 1259  
offender was less than eighteen years of age, the offender's 1260  
parole eligibility shall be determined under section 2967.132 of 1261  
the Revised Code. 1262

**Sec. 5149.101.** (A) (1) A board hearing officer, a board 1263  
member, or the office of victims' services may petition the 1264  
board for a full board hearing that relates to the proposed 1265  
parole or re-parole of a prisoner, including any prisoner 1266  
described in section 2967.132 of the Revised Code. At a meeting 1267  
of the board at which a majority of board members are present, 1268  
the majority of those present shall determine whether a full 1269  
board hearing shall be held. 1270

(2) A victim of a violation of section 2903.01 or 2903.02 1271  
of the Revised Code, an offense of violence that is a felony of 1272  
the first, second, or third degree, or an offense punished by a 1273  
sentence of life imprisonment, the victim's representative, or 1274

any person described in division (B) (5) of this section may 1275  
request the board to hold a full board hearing that relates to 1276  
the proposed parole or re-parole of the person that committed 1277  
the violation. If a victim, victim's representative, or other 1278  
person requests a full board hearing pursuant to this division, 1279  
the board shall hold a full board hearing. 1280

At least thirty days before the full hearing, except as 1281  
otherwise provided in this division, the board shall give notice 1282  
of the date, time, and place of the hearing to the victim 1283  
regardless of whether the victim has requested the notification. 1284  
The notice of the date, time, and place of the hearing shall not 1285  
be given under this division to a victim if the victim has 1286  
requested pursuant to division (B) (2) of section 2930.03 of the 1287  
Revised Code that the notice not be provided to the victim. At 1288  
least thirty days before the full board hearing and regardless 1289  
of whether the victim has requested that the notice be provided 1290  
or not be provided under this division to the victim, the board 1291  
shall give similar notice to the prosecuting attorney in the 1292  
case, the law enforcement agency that arrested the prisoner if 1293  
any officer of that agency was a victim of the offense, and, if 1294  
different than the victim, the person who requested the full 1295  
hearing. If the prosecuting attorney has not previously been 1296  
sent an institutional summary report with respect to the 1297  
prisoner, upon the request of the prosecuting attorney, the 1298  
board shall include with the notice sent to the prosecuting 1299  
attorney an institutional summary report that covers the 1300  
offender's participation while confined in a state correctional 1301  
institution in training, work, and other rehabilitative 1302  
activities and any disciplinary action taken against the 1303  
offender while so confined. Upon the request of a law 1304  
enforcement agency that has not previously been sent an 1305

institutional summary report with respect to the prisoner, the 1306  
board also shall send a copy of the institutional summary report 1307  
to the law enforcement agency. If notice is to be provided as 1308  
described in this division, the board may give the notice by any 1309  
reasonable means, including regular mail, telephone, and 1310  
electronic mail, in accordance with division (D) (1) of section 1311  
2930.16 of the Revised Code. If the notice is based on an 1312  
offense committed prior to ~~the effective date of this amendment~~ 1313  
March 22, 2013, the notice also shall include the opt-out 1314  
information described in division (D) (1) of section 2930.16 of 1315  
the Revised Code. The board, in accordance with division (D) (2) 1316  
of section 2930.16 of the Revised Code, shall keep a record of 1317  
all attempts to provide the notice, and of all notices provided, 1318  
under this division. 1319

The preceding paragraph, and the notice-related provisions 1320  
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 1321  
of section 2930.16, division (H) of section 2967.12, division 1322  
(E) (1) (b) of section 2967.19, division (A) (3) (b) of section 1323  
2967.26, and division (D) (1) of section 2967.28 of the Revised 1324  
Code enacted in the act in which this paragraph was enacted, 1325  
shall be known as "Roberta's Law." 1326

(B) At a full board hearing that relates to the proposed 1327  
parole or re-parole of a prisoner and that has been petitioned 1328  
for or requested in accordance with division (A) of this 1329  
section, the parole board shall permit the following persons to 1330  
appear and to give testimony or to submit written statements: 1331

(1) The prosecuting attorney of the county in which the 1332  
original indictment against the prisoner was found and members 1333  
of any law enforcement agency that assisted in the prosecution 1334  
of the original offense; 1335

(2) The judge of the court of common pleas who imposed the original sentence of incarceration upon the prisoner, or the judge's successor;

(3) The victim of the original offense for which the prisoner is serving the sentence or the victim's representative designated pursuant to section 2930.02 of the Revised Code;

(4) The victim of any behavior that resulted in parole being revoked;

(5) With respect to a full board hearing held pursuant to division (A)(2) of this section, all of the following:

(a) The spouse of the victim of the original offense;

(b) The parent or parents of the victim of the original offense;

(c) The sibling of the victim of the original offense;

(d) The child or children of the victim of the original offense.

(6) Counsel or some other person designated by the prisoner as a representative, as described in division (C) of this section.

(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B)(1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization.

At the request of a person described in division (B)(3) of

this section, representatives of the news media described in 1363  
this division shall be excluded from the hearing while that 1364  
person is giving testimony at the hearing. The prisoner being 1365  
considered for parole has no right to be present at the hearing, 1366  
but may be represented by counsel or some other person 1367  
designated by the prisoner. 1368

If there is an objection at a full board hearing to a 1369  
recommendation for the parole of a prisoner, the board may 1370  
approve or disapprove the recommendation or defer its decision 1371  
until a subsequent full board hearing. The board may permit 1372  
interested persons other than those listed in this division and 1373  
division (B) of this section to attend full board hearings 1374  
pursuant to rules adopted by the adult parole authority. 1375

(D) If the victim of the original offense died as a result 1376  
of the offense and the offense was aggravated murder, murder, an 1377  
offense of violence that is a felony of the first, second, or 1378  
third degree, or an offense punished by a sentence of life 1379  
imprisonment, the family of the victim may show at a full board 1380  
hearing a video recording not exceeding five minutes in length 1381  
memorializing the victim. 1382

(E) The adult parole authority shall adopt rules for the 1383  
implementation of this section. The rules shall specify 1384  
reasonable restrictions on the number of media representatives 1385  
that may attend a hearing, based on considerations of space, and 1386  
other procedures designed to accomplish an effective, orderly 1387  
process for full board hearings. 1388

**Section 2.** That existing sections 2929.02, 2929.14, 1389  
2967.13, 2971.03, and 5149.101 of the Revised Code are hereby 1390  
repealed. 1391

**Section 3.** Section 2967.132 of the Revised Code, as 1392  
enacted in Section 1 of this act, is intended to implement the 1393  
decisions of the Supreme Court of the United States in *Miller* 1394  
*v. Alabama*, 132 S.Ct. 2455, 183 L. Ed. 2d 407 (2012) and *Graham* 1395  
*v. Florida*, 560 U.S. 48, 130 S.Ct. 2011, 176 L. Ed. 2d 825 1396  
(2010). 1397