

As Concurred by the Senate

131st General Assembly

Regular Session

2015-2016

Am. Sub. S. B. No. 97

Senators Hughes, LaRose

**Cosponsors: Senators Eklund, Patton, Bacon, Balderson, Burke, Coley, Faber,
Gardner, Gentile, Hite, Hottinger, Obhof, Peterson, Uecker**

**Representatives Arndt, Brown, Cera, Hambley, Manning, Rogers, Schaffer,
Sprague, Young**

A BILL

To amend sections 2152.17, 2901.08, 2923.14, 1
2929.13, 2929.14, 2929.20, 2929.201, 2941.141, 2
2941.144, 2941.145, 2941.146, and 2941.1412 and 3
to enact sections 2923.132 and 2941.1424 of the 4
Revised Code to increase by 50% the mandatory 5
prison term for an offender who is convicted of 6
a firearm specification and previously has been 7
convicted of a firearm specification; to 8
prohibit violent career criminals from knowingly 9
acquiring, having, carrying, or using any 10
firearm or dangerous ordnance; to require a 11
mandatory prison term for a violent career 12
criminal convicted of committing a violent 13
felony offense while armed with a firearm; to 14
correct a provision regarding delinquent child 15
dispositions for specifications; to provide 16
certain prisoners credit for time spent in jail 17
in determining eligibility to apply for judicial 18
release; and to specify that no presentence 19
investigation report is required for shock 20

probation to be granted to an offender convicted 21
of an offense before July 1, 1996. 22

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

Section 1. That sections 2152.17, 2901.08, 2923.14, 23
2929.13, 2929.14, 2929.20, 2929.201, 2941.141, 2941.144, 24
2941.145, 2941.146, and 2941.1412 be amended and sections 25
2923.132 and 2941.1424 of the Revised Code be enacted to read as 26
follows: 27

Sec. 2152.17. (A) Subject to division (D) of this section, 28
if a child is adjudicated a delinquent child for committing an 29
act, other than a violation of section 2923.12 of the Revised 30
Code, that would be a felony if committed by an adult and if the 31
court determines that, if the child was an adult, the child 32
would be guilty of a specification of the type set forth in 33
section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 34
2941.1414, or 2941.1415 of the Revised Code, in addition to any 35
commitment or other disposition the court imposes for the 36
underlying delinquent act, all of the following apply: 37

(1) If the court determines that the child would be guilty 38
of a specification of the type set forth in section 2941.141 of 39
the Revised Code, the court may commit the child to the 40
department of youth services for the specification for a 41
definite period of up to one year. 42

(2) If the court determines that the child would be guilty 43
of a specification of the type set forth in section 2941.145 of 44
the Revised Code or if the delinquent act is a violation of 45
division (A) (1) or (2) of section 2903.06 of the Revised Code 46

and the court determines that the child would be guilty of a 47
specification of the type set forth in section 2941.1415 of the 48
Revised Code, the court shall commit the child to the department 49
of youth services for the specification for a definite period of 50
not less than one and not more than three years, and the court 51
also shall commit the child to the department for the underlying 52
delinquent act under sections 2152.11 to 2152.16 of the Revised 53
Code. 54

(3) If the court determines that the child would be guilty 55
of a specification of the type set forth in section 2941.144, 56
2941.146, or 2941.1412 of the Revised Code or if the delinquent 57
act is a violation of division (A) (1) or (2) of section 2903.06 58
of the Revised Code and the court determines that the child 59
would be guilty of a specification of the type set forth in 60
section 2941.1414 of the Revised Code, the court shall commit 61
the child to the department of youth services for the 62
specification for a definite period of not less than one and not 63
more than five years, and the court also shall commit the child 64
to the department for the underlying delinquent act under 65
sections 2152.11 to 2152.16 of the Revised Code. 66

(B) (1) If a child is adjudicated a delinquent child for 67
committing an act, other than a violation of section 2923.12 of 68
the Revised Code, that would be a felony if committed by an 69
adult, if the court determines that the child is complicit in 70
another person's conduct that is of such a nature that the other 71
person would be guilty of a specification of the type set forth 72
in section 2941.141, 2941.144, 2941.145, or 2941.146 of the 73
Revised Code if the other person was an adult, if the other 74
person's conduct relates to the child's underlying delinquent 75
act, and if the child did not furnish, use, or dispose of any 76
firearm that was involved with the underlying delinquent act or 77

with the other person's specification-related conduct, in 78
addition to any other disposition the court imposes for the 79
underlying delinquent act, the court may commit the child to the 80
department of youth services for the specification for a 81
definite period of not more than one year, subject to division 82
(D) (2) of this section. 83

(2) Except as provided in division (B) (1) of this section, 84
division (A) of this section also applies to a child who is an 85
accomplice regarding a ~~firearm~~-specification of the type set 86
forth in section 2941.1412, 2941.1414, or 2941.1415 of the 87
Revised Code to the same extent the ~~firearm~~-specifications would 88
apply to an adult accomplice in a criminal proceeding. 89

(C) If a child is adjudicated a delinquent child for 90
committing an act that would be aggravated murder, murder, or a 91
first, second, or third degree felony offense of violence if 92
committed by an adult and if the court determines that, if the 93
child was an adult, the child would be guilty of a specification 94
of the type set forth in section 2941.142 of the Revised Code in 95
relation to the act for which the child was adjudicated a 96
delinquent child, the court shall commit the child for the 97
specification to the legal custody of the department of youth 98
services for institutionalization in a secure facility for a 99
definite period of not less than one and not more than three 100
years, subject to division (D) (2) of this section, and the court 101
also shall commit the child to the department for the underlying 102
delinquent act. 103

(D) (1) If the child is adjudicated a delinquent child for 104
committing an act that would be an offense of violence that is a 105
felony if committed by an adult and is committed to the legal 106
custody of the department of youth services pursuant to division 107

(A) (1) of section 2152.16 of the Revised Code and if the court 108
determines that the child, if the child was an adult, would be 109
guilty of a specification of the type set forth in section 110
2941.1411 of the Revised Code in relation to the act for which 111
the child was adjudicated a delinquent child, the court may 112
commit the child to the custody of the department of youth 113
services for institutionalization in a secure facility for up to 114
two years, subject to division (D) (2) of this section. 115

(2) A court that imposes a period of commitment under 116
division (A) of this section is not precluded from imposing an 117
additional period of commitment under division (C) or (D) (1) of 118
this section, a court that imposes a period of commitment under 119
division (C) of this section is not precluded from imposing an 120
additional period of commitment under division (A) or (D) (1) of 121
this section, and a court that imposes a period of commitment 122
under division (D) (1) of this section is not precluded from 123
imposing an additional period of commitment under division (A) 124
or (C) of this section. 125

(E) The court shall not commit a child to the legal 126
custody of the department of youth services for a specification 127
pursuant to this section for a period that exceeds five years 128
for any one delinquent act. Any commitment imposed pursuant to 129
division (A), (B), (C), or (D) (1) of this section shall be in 130
addition to, and shall be served consecutively with and prior 131
to, a period of commitment ordered under this chapter for the 132
underlying delinquent act, and each commitment imposed pursuant 133
to division (A), (B), (C), or (D) (1) of this section shall be in 134
addition to, and shall be served consecutively with, any other 135
period of commitment imposed under those divisions. If a 136
commitment is imposed under division (A) or (B) of this section 137
and a commitment also is imposed under division (C) of this 138

section, the period imposed under division (A) or (B) of this 139
section shall be served prior to the period imposed under 140
division (C) of this section. 141

In each case in which a court makes a disposition under 142
this section, the court retains control over the commitment for 143
the entire period of the commitment. 144

The total of all the periods of commitment imposed for any 145
specification under this section and for the underlying offense 146
shall not exceed the child's attainment of twenty-one years of 147
age. 148

(F) If a child is adjudicated a delinquent child for 149
committing two or more acts that would be felonies if committed 150
by an adult and if the court entering the delinquent child 151
adjudication orders the commitment of the child for two or more 152
of those acts to the legal custody of the department of youth 153
services for institutionalization in a secure facility pursuant 154
to section 2152.13 or 2152.16 of the Revised Code, the court may 155
order that all of the periods of commitment imposed under those 156
sections for those acts be served consecutively in the legal 157
custody of the department of youth services, provided that those 158
periods of commitment shall be in addition to and commence 159
immediately following the expiration of a period of commitment 160
that the court imposes pursuant to division (A), (B), (C), or 161
(D)(1) of this section. A court shall not commit a delinquent 162
child to the legal custody of the department of youth services 163
under this division for a period that exceeds the child's 164
attainment of twenty-one years of age. 165

Sec. 2901.08. (A) If a person is alleged to have committed 166
an offense and if the person previously has been adjudicated a 167
delinquent child or juvenile traffic offender for a violation of 168

a law or ordinance, except as provided in division (B) of this section, the adjudication as a delinquent child or as a juvenile traffic offender is a conviction for a violation of the law or ordinance for purposes of determining the offense with which the person should be charged and, if the person is convicted of or pleads guilty to an offense, the sentence to be imposed upon the person relative to the conviction or guilty plea.

(B) A previous adjudication of a person as a delinquent child or juvenile traffic offender for a violation of a law or ordinance is not a conviction for a violation of the law or ordinance for purposes of determining ~~whether~~ any of the following:

(1) Whether the person is a repeat violent offender, as defined in section 2929.01 of the Revised Code, or whether the person should be sentenced as a repeat violent offender under division (B) (2) of section 2929.14 and section 2941.149 of the Revised Code;

(2) Whether the person is a violent career criminal as defined in section 2923.132 of the Revised Code, whether the person has committed unlawful use of a weapon by a violent career criminal in violation of section 2923.132 of the Revised Code or should be sentenced for that offense under that section, or whether the person should be sentenced under division (K) of section 2929.14 of the Revised Code as a violent career criminal who had a firearm on or about the person's person or under the person's control while committing a violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense.

Sec. 2923.132. (A) As used in this section:

(1) (a) "Violent career criminal" means a person who within 199
the preceding eight years, subject to extension as provided in 200
division (A) (1) (b) of this section, has been convicted of or 201
pleaded guilty to two or more violent felony offenses that are 202
separated by intervening sentences and are not so closely 203
related to each other and connected in time and place that they 204
constitute a course of criminal conduct. 205

(b) Except as provided in division (A) (1) (c) of this 206
section, the eight-year period described in division (A) (1) (a) 207
of this section shall be extended by a period of time equal to 208
any period of time during which the person, within that eight- 209
year period, was confined as a result of having been accused of 210
an offense, having been convicted of or pleaded guilty to an 211
offense, or having been accused of violating or found to have 212
violated any community control sanction, post-release control 213
sanction, or term or condition of supervised release. 214

(c) Division (A) (1) (b) of this section shall not apply to 215
extend the eight-year period described in division (A) (1) (a) of 216
this section by any period of time during which a person is 217
confined if the person is acquitted of the charges or the 218
charges are dismissed in final disposition of the case or during 219
which a person is confined as a result of having been accused of 220
violating any sanction, term, or condition described in division 221
(A) (1) (b) of this section if the person subsequently is not 222
found to have violated that sanction, term, or condition. 223

(2) "Violent felony offense" means any of the following: 224

(a) A violation of section 2903.01, 2903.02, 2903.03, 225
2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2909.02, 2909.23, 226
2911.01, 2911.02, or 2911.11 of the Revised Code; 227

<u>(b) A violation of division (A) (1) or (2) of section</u>	228
<u>2911.12 of the Revised Code;</u>	229
<u>(c) A felony violation of section 2907.02, 2907.03,</u>	230
<u>2907.04, or 2907.05 of the Revised Code;</u>	231
<u>(d) A felony violation of section 2909.24 of the Revised</u>	232
<u>Code or a violation of section 2919.25 of the Revised Code that</u>	233
<u>is a felony of the third degree;</u>	234
<u>(e) A felony violation of any existing or former ordinance</u>	235
<u>or law of this state, another state, or the United States that</u>	236
<u>is or was substantially equivalent to any offense listed or</u>	237
<u>described in divisions (A) (2) (a) to (e) of this section;</u>	238
<u>(f) A conspiracy or attempt to commit, or complicity in</u>	239
<u>committing, any of the offenses listed or described in divisions</u>	240
<u>(A) (2) (a) to (e) of this section, if the conspiracy, attempt, or</u>	241
<u>complicity is a felony of the first or second degree.</u>	242
<u>(3) "Dangerous ordnance" and "firearm" have the same</u>	243
<u>meanings as in section 2923.11 of the Revised Code.</u>	244
<u>(4) "Community control sanction" has the same meaning as</u>	245
<u>in section 2929.01 of the Revised Code.</u>	246
<u>(5) "Post-release control sanction" has the same meaning</u>	247
<u>as in section 2967.01 of the Revised Code.</u>	248
<u>(6) "Supervised release" has the same meaning as in</u>	249
<u>section 2950.01 of the Revised Code.</u>	250
<u>(B) No violent career criminal shall knowingly use any</u>	251
<u>firearm or dangerous ordnance.</u>	252
<u>(C) Whoever violates this section is guilty of unlawful</u>	253
<u>use of a weapon by a violent career criminal, a felony of the</u>	254

first degree, and, notwithstanding division (A) (1) of section 255
2929.14 of the Revised Code, the court shall impose upon the 256
offender a mandatory prison term of two, three, four, five, six, 257
seven, eight, nine, ten, or eleven years. 258

Sec. 2923.14. (A) ~~Any (1)~~ Except as otherwise provided in 259
division (A) (2) of this section, any person who is prohibited 260
from acquiring, having, carrying, or using firearms may apply to 261
the court of common pleas in the county in which the person 262
resides for relief from such prohibition. 263

(2) Division (A) (1) of this section does not apply to a 264
person who has been convicted of or pleaded guilty to a 265
violation of section 2923.132 of the Revised Code or to a person 266
who, two or more times, has been convicted of or pleaded guilty 267
to a felony and a specification of the type described in section 268
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 269
of the Revised Code. 270

(B) The application shall recite the following: 271

(1) All indictments, convictions, or adjudications upon 272
which the applicant's disability is based, the sentence imposed 273
and served, and any release granted under a community control 274
sanction, post-release control sanction, or parole, any partial 275
or conditional pardon granted, or other disposition of each 276
case, or, if the disability is based upon a factor other than an 277
indictment, a conviction, or an adjudication, the factor upon 278
which the disability is based and all details related to that 279
factor; 280

(2) Facts showing the applicant to be a fit subject for 281
relief under this section. 282

(C) A copy of the application shall be served on the 283

county prosecutor. The county prosecutor shall cause the matter 284
to be investigated and shall raise before the court any 285
objections to granting relief that the investigation reveals. 286

(D) Upon hearing, the court may grant the applicant relief 287
pursuant to this section, if all of the following apply: 288

(1) One of the following applies: 289

(a) If the disability is based upon an indictment, a 290
conviction, or an adjudication, the applicant has been fully 291
discharged from imprisonment, community control, post-release 292
control, and parole, or, if the applicant is under indictment, 293
has been released on bail or recognizance. 294

(b) If the disability is based upon a factor other than an 295
indictment, a conviction, or an adjudication, that factor no 296
longer is applicable to the applicant. 297

(2) The applicant has led a law-abiding life since 298
discharge or release, and appears likely to continue to do so. 299

(3) The applicant is not otherwise prohibited by law from 300
acquiring, having, or using firearms. 301

(E) Costs of the proceeding shall be charged as in other 302
civil cases, and taxed to the applicant. 303

(F) Relief from disability granted pursuant to this 304
section restores the applicant to all civil firearm rights to 305
the full extent enjoyed by any citizen, and is subject to the 306
following conditions: 307

(1) Applies only with respect to indictments, convictions, 308
or adjudications, or to the other factor, recited in the 309
application as the basis for the applicant's disability; 310

(2) Applies only with respect to firearms lawfully
acquired, possessed, carried, or used by the applicant; 311
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(3) May be revoked by the court at any time for good cause
shown and upon notice to the applicant; 313
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(4) Is automatically void upon commission by the applicant
of any offense set forth in division (A) (2) or (3) of section
2923.13 of the Revised Code, or upon the applicant's becoming
one of the class of persons named in division (A) (1), (4), or
(5) of that section. 315
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(G) As used in this section: 320

(1) "Community control sanction" has the same meaning as
in section 2929.01 of the Revised Code. 321
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(2) "Post-release control" and "post-release control
sanction" have the same meanings as in section 2967.01 of the
Revised Code. 323
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Sec. 2929.13. (A) Except as provided in division (E), (F),
or (G) of this section and unless a specific sanction is
required to be imposed or is precluded from being imposed
pursuant to law, a court that imposes a sentence upon an
offender for a felony may impose any sanction or combination of
sanctions on the offender that are provided in sections 2929.14
to 2929.18 of the Revised Code. 326
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If the offender is eligible to be sentenced to community
control sanctions, the court shall consider the appropriateness
of imposing a financial sanction pursuant to section 2929.18 of
the Revised Code or a sanction of community service pursuant to
section 2929.17 of the Revised Code as the sole sanction for the
offense. Except as otherwise provided in this division, if the
court is required to impose a mandatory prison term for the 333
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offense for which sentence is being imposed, the court also 340
shall impose any financial sanction pursuant to section 2929.18 341
of the Revised Code that is required for the offense and may 342
impose any other financial sanction pursuant to that section but 343
may not impose any additional sanction or combination of 344
sanctions under section 2929.16 or 2929.17 of the Revised Code. 345

If the offender is being sentenced for a fourth degree 346
felony OVI offense or for a third degree felony OVI offense, in 347
addition to the mandatory term of local incarceration or the 348
mandatory prison term required for the offense by division (G) 349
(1) or (2) of this section, the court shall impose upon the 350
offender a mandatory fine in accordance with division (B) (3) of 351
section 2929.18 of the Revised Code and may impose whichever of 352
the following is applicable: 353

(1) For a fourth degree felony OVI offense for which 354
sentence is imposed under division (G) (1) of this section, an 355
additional community control sanction or combination of 356
community control sanctions under section 2929.16 or 2929.17 of 357
the Revised Code. If the court imposes upon the offender a 358
community control sanction and the offender violates any 359
condition of the community control sanction, the court may take 360
any action prescribed in division (B) of section 2929.15 of the 361
Revised Code relative to the offender, including imposing a 362
prison term on the offender pursuant to that division. 363

(2) For a third or fourth degree felony OVI offense for 364
which sentence is imposed under division (G) (2) of this section, 365
an additional prison term as described in division (B) (4) of 366
section 2929.14 of the Revised Code or a community control 367
sanction as described in division (G) (2) of this section. 368

(B) (1) (a) Except as provided in division (B) (1) (b) of this 369

section, if an offender is convicted of or pleads guilty to a 370
felony of the fourth or fifth degree that is not an offense of 371
violence or that is a qualifying assault offense, the court 372
shall sentence the offender to a community control sanction of 373
at least one year's duration if all of the following apply: 374

(i) The offender previously has not been convicted of or 375
pleaded guilty to a felony offense. 376

(ii) The most serious charge against the offender at the 377
time of sentencing is a felony of the fourth or fifth degree. 378

(iii) If the court made a request of the department of 379
rehabilitation and correction pursuant to division (B)(1)(c) of 380
this section, the department, within the forty-five-day period 381
specified in that division, provided the court with the names 382
of, contact information for, and program details of one or more 383
community control sanctions of at least one year's duration that 384
are available for persons sentenced by the court. 385

(iv) The offender previously has not been convicted of or 386
pleaded guilty to a misdemeanor offense of violence that the 387
offender committed within two years prior to the offense for 388
which sentence is being imposed. 389

(b) The court has discretion to impose a prison term upon 390
an offender who is convicted of or pleads guilty to a felony of 391
the fourth or fifth degree that is not an offense of violence or 392
that is a qualifying assault offense if any of the following 393
apply: 394

(i) The offender committed the offense while having a 395
firearm on or about the offender's person or under the 396
offender's control. 397

(ii) If the offense is a qualifying assault offense, the 398

offender caused serious physical harm to another person while 399
committing the offense, and, if the offense is not a qualifying 400
assault offense, the offender caused physical harm to another 401
person while committing the offense. 402

(iii) The offender violated a term of the conditions of 403
bond as set by the court. 404

(iv) The court made a request of the department of 405
rehabilitation and correction pursuant to division (B)(1)(c) of 406
this section, and the department, within the forty-five-day 407
period specified in that division, did not provide the court 408
with the name of, contact information for, and program details 409
of any community control sanction of at least one year's 410
duration that is available for persons sentenced by the court. 411

(v) The offense is a sex offense that is a fourth or fifth 412
degree felony violation of any provision of Chapter 2907. of the 413
Revised Code. 414

(vi) In committing the offense, the offender attempted to 415
cause or made an actual threat of physical harm to a person with 416
a deadly weapon. 417

(vii) In committing the offense, the offender attempted to 418
cause or made an actual threat of physical harm to a person, and 419
the offender previously was convicted of an offense that caused 420
physical harm to a person. 421

(viii) The offender held a public office or position of 422
trust, and the offense related to that office or position; the 423
offender's position obliged the offender to prevent the offense 424
or to bring those committing it to justice; or the offender's 425
professional reputation or position facilitated the offense or 426
was likely to influence the future conduct of others. 427

(ix) The offender committed the offense for hire or as part of an organized criminal activity. 428
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(x) The offender at the time of the offense was serving, or the offender previously had served, a prison term. 430
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(xi) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance. 432
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(c) If a court that is sentencing an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense believes that no community control sanctions are available for its use that, if imposed on the offender, will adequately fulfill the overriding principles and purposes of sentencing, the court shall contact the department of rehabilitation and correction and ask the department to provide the court with the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court. Not later than forty-five days after receipt of a request from a court under this division, the department shall provide the court with the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court, if any. Upon making a request under this division that relates to a particular offender, a court shall defer sentencing of that offender until it receives from the department the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court or for forty- 435
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five days, whichever is the earlier. 458

If the department provides the court with the names of, 459
contact information for, and program details of one or more 460
community control sanctions of at least one year's duration that 461
are available for persons sentenced by the court within the 462
forty-five-day period specified in this division, the court 463
shall impose upon the offender a community control sanction 464
under division (B) (1) (a) of this section, except that the court 465
may impose a prison term under division (B) (1) (b) of this 466
section if a factor described in division (B) (1) (b) (i) or (ii) 467
of this section applies. If the department does not provide the 468
court with the names of, contact information for, and program 469
details of one or more community control sanctions of at least 470
one year's duration that are available for persons sentenced by 471
the court within the forty-five-day period specified in this 472
division, the court may impose upon the offender a prison term 473
under division (B) (1) (b) (iv) of this section. 474

(d) A sentencing court may impose an additional penalty 475
under division (B) of section 2929.15 of the Revised Code upon 476
an offender sentenced to a community control sanction under 477
division (B) (1) (a) of this section if the offender violates the 478
conditions of the community control sanction, violates a law, or 479
leaves the state without the permission of the court or the 480
offender's probation officer. 481

(2) If division (B) (1) of this section does not apply, 482
except as provided in division (E), (F), or (G) of this section, 483
in determining whether to impose a prison term as a sanction for 484
a felony of the fourth or fifth degree, the sentencing court 485
shall comply with the purposes and principles of sentencing 486
under section 2929.11 of the Revised Code and with section 487

2929.12 of the Revised Code. 488

(C) Except as provided in division (D), (E), (F), or (G) 489
of this section, in determining whether to impose a prison term 490
as a sanction for a felony of the third degree or a felony drug 491
offense that is a violation of a provision of Chapter 2925. of 492
the Revised Code and that is specified as being subject to this 493
division for purposes of sentencing, the sentencing court shall 494
comply with the purposes and principles of sentencing under 495
section 2929.11 of the Revised Code and with section 2929.12 of 496
the Revised Code. 497

(D) (1) Except as provided in division (E) or (F) of this 498
section, for a felony of the first or second degree, for a 499
felony drug offense that is a violation of any provision of 500
Chapter 2925., 3719., or 4729. of the Revised Code for which a 501
presumption in favor of a prison term is specified as being 502
applicable, and for a violation of division (A) (4) or (B) of 503
section 2907.05 of the Revised Code for which a presumption in 504
favor of a prison term is specified as being applicable, it is 505
presumed that a prison term is necessary in order to comply with 506
the purposes and principles of sentencing under section 2929.11 507
of the Revised Code. Division (D) (2) of this section does not 508
apply to a presumption established under this division for a 509
violation of division (A) (4) of section 2907.05 of the Revised 510
Code. 511

(2) Notwithstanding the presumption established under 512
division (D) (1) of this section for the offenses listed in that 513
division other than a violation of division (A) (4) or (B) of 514
section 2907.05 of the Revised Code, the sentencing court may 515
impose a community control sanction or a combination of 516
community control sanctions instead of a prison term on an 517

offender for a felony of the first or second degree or for a 518
felony drug offense that is a violation of any provision of 519
Chapter 2925., 3719., or 4729. of the Revised Code for which a 520
presumption in favor of a prison term is specified as being 521
applicable if it makes both of the following findings: 522

(a) A community control sanction or a combination of 523
community control sanctions would adequately punish the offender 524
and protect the public from future crime, because the applicable 525
factors under section 2929.12 of the Revised Code indicating a 526
lesser likelihood of recidivism outweigh the applicable factors 527
under that section indicating a greater likelihood of 528
recidivism. 529

(b) A community control sanction or a combination of 530
community control sanctions would not demean the seriousness of 531
the offense, because one or more factors under section 2929.12 532
of the Revised Code that indicate that the offender's conduct 533
was less serious than conduct normally constituting the offense 534
are applicable, and they outweigh the applicable factors under 535
that section that indicate that the offender's conduct was more 536
serious than conduct normally constituting the offense. 537

(E) (1) Except as provided in division (F) of this section, 538
for any drug offense that is a violation of any provision of 539
Chapter 2925. of the Revised Code and that is a felony of the 540
third, fourth, or fifth degree, the applicability of a 541
presumption under division (D) of this section in favor of a 542
prison term or of division (B) or (C) of this section in 543
determining whether to impose a prison term for the offense 544
shall be determined as specified in section 2925.02, 2925.03, 545
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 546
2925.36, or 2925.37 of the Revised Code, whichever is applicable 547

regarding the violation. 548

(2) If an offender who was convicted of or pleaded guilty 549
to a felony violates the conditions of a community control 550
sanction imposed for the offense solely by reason of producing 551
positive results on a drug test, the court, as punishment for 552
the violation of the sanction, shall not order that the offender 553
be imprisoned unless the court determines on the record either 554
of the following: 555

(a) The offender had been ordered as a sanction for the 556
felony to participate in a drug treatment program, in a drug 557
education program, or in narcotics anonymous or a similar 558
program, and the offender continued to use illegal drugs after a 559
reasonable period of participation in the program. 560

(b) The imprisonment of the offender for the violation is 561
consistent with the purposes and principles of sentencing set 562
forth in section 2929.11 of the Revised Code. 563

(3) A court that sentences an offender for a drug abuse 564
offense that is a felony of the third, fourth, or fifth degree 565
may require that the offender be assessed by a properly 566
credentialed professional within a specified period of time. The 567
court shall require the professional to file a written 568
assessment of the offender with the court. If the offender is 569
eligible for a community control sanction and after considering 570
the written assessment, the court may impose a community control 571
sanction that includes treatment and recovery support services 572
authorized by section 3793.02 of the Revised Code. If the court 573
imposes treatment and recovery support services as a community 574
control sanction, the court shall direct the level and type of 575
treatment and recovery support services after considering the 576
assessment and recommendation of treatment and recovery support 577

services providers. 578

(F) Notwithstanding divisions (A) to (E) of this section, 579
the court shall impose a prison term or terms under sections 580
2929.02 to 2929.06, section 2929.14, section 2929.142, or 581
section 2971.03 of the Revised Code and except as specifically 582
provided in section 2929.20, divisions (C) to (I) of section 583
2967.19, or section 2967.191 of the Revised Code or when parole 584
is authorized for the offense under section 2967.13 of the 585
Revised Code shall not reduce the term or terms pursuant to 586
section 2929.20, section 2967.19, section 2967.193, or any other 587
provision of Chapter 2967. or Chapter 5120. of the Revised Code 588
for any of the following offenses: 589

(1) Aggravated murder when death is not imposed or murder; 590

(2) Any rape, regardless of whether force was involved and 591
regardless of the age of the victim, or an attempt to commit 592
rape if, had the offender completed the rape that was attempted, 593
the offender would have been guilty of a violation of division 594
(A) (1) (b) of section 2907.02 of the Revised Code and would be 595
sentenced under section 2971.03 of the Revised Code; 596

(3) Gross sexual imposition or sexual battery, if the 597
victim is less than thirteen years of age and if any of the 598
following applies: 599

(a) Regarding gross sexual imposition, the offender 600
previously was convicted of or pleaded guilty to rape, the 601
former offense of felonious sexual penetration, gross sexual 602
imposition, or sexual battery, and the victim of the previous 603
offense was less than thirteen years of age; 604

(b) Regarding gross sexual imposition, the offense was 605
committed on or after August 3, 2006, and evidence other than 606

the testimony of the victim was admitted in the case 607
corroborating the violation. 608

(c) Regarding sexual battery, either of the following 609
applies: 610

(i) The offense was committed prior to August 3, 2006, the 611
offender previously was convicted of or pleaded guilty to rape, 612
the former offense of felonious sexual penetration, or sexual 613
battery, and the victim of the previous offense was less than 614
thirteen years of age. 615

(ii) The offense was committed on or after August 3, 2006. 616

(4) A felony violation of section 2903.04, 2903.06, 617
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, ~~or~~ 2907.07, or 618
2923.132 of the Revised Code if the section requires the 619
imposition of a prison term; 620

(5) A first, second, or third degree felony drug offense 621
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 622
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 623
or 4729.99 of the Revised Code, whichever is applicable 624
regarding the violation, requires the imposition of a mandatory 625
prison term; 626

(6) Any offense that is a first or second degree felony 627
and that is not set forth in division (F)(1), (2), (3), or (4) 628
of this section, if the offender previously was convicted of or 629
pleaded guilty to aggravated murder, murder, any first or second 630
degree felony, or an offense under an existing or former law of 631
this state, another state, or the United States that is or was 632
substantially equivalent to one of those offenses; 633

(7) Any offense that is a third degree felony and either 634
is a violation of section 2903.04 of the Revised Code or an 635

attempt to commit a felony of the second degree that is an 636
offense of violence and involved an attempt to cause serious 637
physical harm to a person or that resulted in serious physical 638
harm to a person if the offender previously was convicted of or 639
pleaded guilty to any of the following offenses: 640

(a) Aggravated murder, murder, involuntary manslaughter, 641
rape, felonious sexual penetration as it existed under section 642
2907.12 of the Revised Code prior to September 3, 1996, a felony 643
of the first or second degree that resulted in the death of a 644
person or in physical harm to a person, or complicity in or an 645
attempt to commit any of those offenses; 646

(b) An offense under an existing or former law of this 647
state, another state, or the United States that is or was 648
substantially equivalent to an offense listed in division (F) (7) 649
(a) of this section that resulted in the death of a person or in 650
physical harm to a person. 651

(8) Any offense, other than a violation of section 2923.12 652
of the Revised Code, that is a felony, if the offender had a 653
firearm on or about the offender's person or under the 654
offender's control while committing the felony, with respect to 655
a portion of the sentence imposed pursuant to division (B) (1) (a) 656
of section 2929.14 of the Revised Code for having the firearm; 657

(9) Any offense of violence that is a felony, if the 658
offender wore or carried body armor while committing the felony 659
offense of violence, with respect to the portion of the sentence 660
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 661
Revised Code for wearing or carrying the body armor; 662

(10) Corrupt activity in violation of section 2923.32 of 663
the Revised Code when the most serious offense in the pattern of 664

corrupt activity that is the basis of the offense is a felony of 665
the first degree; 666

(11) Any violent sex offense or designated homicide, 667
assault, or kidnapping offense if, in relation to that offense, 668
the offender is adjudicated a sexually violent predator; 669

(12) A violation of division (A) (1) or (2) of section 670
2921.36 of the Revised Code, or a violation of division (C) of 671
that section involving an item listed in division (A) (1) or (2) 672
of that section, if the offender is an officer or employee of 673
the department of rehabilitation and correction; 674

(13) A violation of division (A) (1) or (2) of section 675
2903.06 of the Revised Code if the victim of the offense is a 676
peace officer, as defined in section 2935.01 of the Revised 677
Code, or an investigator of the bureau of criminal 678
identification and investigation, as defined in section 2903.11 679
of the Revised Code, with respect to the portion of the sentence 680
imposed pursuant to division (B) (5) of section 2929.14 of the 681
Revised Code; 682

(14) A violation of division (A) (1) or (2) of section 683
2903.06 of the Revised Code if the offender has been convicted 684
of or pleaded guilty to three or more violations of division (A) 685
or (B) of section 4511.19 of the Revised Code or an equivalent 686
offense, as defined in section 2941.1415 of the Revised Code, or 687
three or more violations of any combination of those divisions 688
and offenses, with respect to the portion of the sentence 689
imposed pursuant to division (B) (6) of section 2929.14 of the 690
Revised Code; 691

(15) Kidnapping, in the circumstances specified in section 692
2971.03 of the Revised Code and when no other provision of 693

division (F) of this section applies; 694

(16) Kidnapping, abduction, compelling prostitution, 695
promoting prostitution, engaging in a pattern of corrupt 696
activity, illegal use of a minor in a nudity-oriented material 697
or performance in violation of division (A) (1) or (2) of section 698
2907.323 of the Revised Code, or endangering children in 699
violation of division (B) (1), (2), (3), (4), or (5) of section 700
2919.22 of the Revised Code, if the offender is convicted of or 701
pleads guilty to a specification as described in section 702
2941.1422 of the Revised Code that was included in the 703
indictment, count in the indictment, or information charging the 704
offense; 705

(17) A felony violation of division (A) or (B) of section 706
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 707
that section, and division (D) (6) of that section, require the 708
imposition of a prison term; 709

(18) A felony violation of section 2903.11, 2903.12, or 710
2903.13 of the Revised Code, if the victim of the offense was a 711
woman that the offender knew was pregnant at the time of the 712
violation, with respect to a portion of the sentence imposed 713
pursuant to division (B) (8) of section 2929.14 of the Revised 714
Code; 715

(19) (a) Any violent felony offense if the offender is a 716
violent career criminal and had a firearm on or about the 717
offender's person or under the offender's control during the 718
commission of the violent felony offense and displayed or 719
brandished the firearm, indicated that the offender possessed a 720
firearm, or used the firearm to facilitate the offense, with 721
respect to the portion of the sentence imposed under division 722
(K) of section 2929.14 of the Revised Code. 723

(b) As used in division (F) (19) (a) of this section, 724
"violent career criminal" and "violent felony offense" have the 725
same meanings as in section 2923.132 of the Revised Code. 726

(G) Notwithstanding divisions (A) to (E) of this section, 727
if an offender is being sentenced for a fourth degree felony OVI 728
offense or for a third degree felony OVI offense, the court 729
shall impose upon the offender a mandatory term of local 730
incarceration or a mandatory prison term in accordance with the 731
following: 732

(1) If the offender is being sentenced for a fourth degree 733
felony OVI offense and if the offender has not been convicted of 734
and has not pleaded guilty to a specification of the type 735
described in section 2941.1413 of the Revised Code, the court 736
may impose upon the offender a mandatory term of local 737
incarceration of sixty days or one hundred twenty days as 738
specified in division (G) (1) (d) of section 4511.19 of the 739
Revised Code. The court shall not reduce the term pursuant to 740
section 2929.20, 2967.193, or any other provision of the Revised 741
Code. The court that imposes a mandatory term of local 742
incarceration under this division shall specify whether the term 743
is to be served in a jail, a community-based correctional 744
facility, a halfway house, or an alternative residential 745
facility, and the offender shall serve the term in the type of 746
facility specified by the court. A mandatory term of local 747
incarceration imposed under division (G) (1) of this section is 748
not subject to any other Revised Code provision that pertains to 749
a prison term except as provided in division (A) (1) of this 750
section. 751

(2) If the offender is being sentenced for a third degree 752
felony OVI offense, or if the offender is being sentenced for a 753

fourth degree felony OVI offense and the court does not impose a 754
mandatory term of local incarceration under division (G) (1) of 755
this section, the court shall impose upon the offender a 756
mandatory prison term of one, two, three, four, or five years if 757
the offender also is convicted of or also pleads guilty to a 758
specification of the type described in section 2941.1413 of the 759
Revised Code or shall impose upon the offender a mandatory 760
prison term of sixty days or one hundred twenty days as 761
specified in division (G) (1) (d) or (e) of section 4511.19 of the 762
Revised Code if the offender has not been convicted of and has 763
not pleaded guilty to a specification of that type. Subject to 764
divisions (C) to (I) of section 2967.19 of the Revised Code, the 765
court shall not reduce the term pursuant to section 2929.20, 766
2967.19, 2967.193, or any other provision of the Revised Code. 767
The offender shall serve the one-, two-, three-, four-, or five- 768
year mandatory prison term consecutively to and prior to the 769
prison term imposed for the underlying offense and consecutively 770
to any other mandatory prison term imposed in relation to the 771
offense. In no case shall an offender who once has been 772
sentenced to a mandatory term of local incarceration pursuant to 773
division (G) (1) of this section for a fourth degree felony OVI 774
offense be sentenced to another mandatory term of local 775
incarceration under that division for any violation of division 776
(A) of section 4511.19 of the Revised Code. In addition to the 777
mandatory prison term described in division (G) (2) of this 778
section, the court may sentence the offender to a community 779
control sanction under section 2929.16 or 2929.17 of the Revised 780
Code, but the offender shall serve the prison term prior to 781
serving the community control sanction. The department of 782
rehabilitation and correction may place an offender sentenced to 783
a mandatory prison term under this division in an intensive 784
program prison established pursuant to section 5120.033 of the 785

Revised Code if the department gave the sentencing judge prior 786
notice of its intent to place the offender in an intensive 787
program prison established under that section and if the judge 788
did not notify the department that the judge disapproved the 789
placement. Upon the establishment of the initial intensive 790
program prison pursuant to section 5120.033 of the Revised Code 791
that is privately operated and managed by a contractor pursuant 792
to a contract entered into under section 9.06 of the Revised 793
Code, both of the following apply: 794

(a) The department of rehabilitation and correction shall 795
make a reasonable effort to ensure that a sufficient number of 796
offenders sentenced to a mandatory prison term under this 797
division are placed in the privately operated and managed prison 798
so that the privately operated and managed prison has full 799
occupancy. 800

(b) Unless the privately operated and managed prison has 801
full occupancy, the department of rehabilitation and correction 802
shall not place any offender sentenced to a mandatory prison 803
term under this division in any intensive program prison 804
established pursuant to section 5120.033 of the Revised Code 805
other than the privately operated and managed prison. 806

(H) If an offender is being sentenced for a sexually 807
oriented offense or child-victim oriented offense that is a 808
felony committed on or after January 1, 1997, the judge shall 809
require the offender to submit to a DNA specimen collection 810
procedure pursuant to section 2901.07 of the Revised Code. 811

(I) If an offender is being sentenced for a sexually 812
oriented offense or a child-victim oriented offense committed on 813
or after January 1, 1997, the judge shall include in the 814
sentence a summary of the offender's duties imposed under 815

sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration. If required under division (A)(2) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that section, or, if required under division (A)(6) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that division.

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

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

(K) As used in this section:

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

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

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

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), or (K) 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 for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a definite prison term that shall be one of the following:

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

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

(3) (a) For a felony of the third degree that is a violation of section 2903.06, 2903.08, 2907.03, 2907.04, or

2907.05 of the Revised Code or that is a violation of section 875
2911.02 or 2911.12 of the Revised Code if the offender 876
previously has been convicted of or pleaded guilty in two or 877
more separate proceedings to two or more violations of section 878
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 879
prison term shall be twelve, eighteen, twenty-four, thirty, 880
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 881

(b) For a felony of the third degree that is not an 882
offense for which division (A) (3) (a) of this section applies, 883
the prison term shall be nine, twelve, eighteen, twenty-four, 884
thirty, or thirty-six months. 885

(4) For a felony of the fourth degree, the prison term 886
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 887
fourteen, fifteen, sixteen, seventeen, or eighteen months. 888

(5) For a felony of the fifth degree, the prison term 889
shall be six, seven, eight, nine, ten, eleven, or twelve months. 890

(B) (1) (a) Except as provided in division (B) (1) (e) of this 891
section, if an offender who is convicted of or pleads guilty to 892
a felony also is convicted of or pleads guilty to a 893
specification of the type described in section 2941.141, 894
2941.144, or 2941.145 of the Revised Code, the court shall 895
impose on the offender one of the following prison terms: 896

(i) A prison term of six years if the specification is of 897
the type described in division (A) of section 2941.144 of the 898
Revised Code that charges the offender with having a firearm 899
that is an automatic firearm or that was equipped with a firearm 900
muffler or ~~silencer~~ suppressor on or about the offender's person 901
or under the offender's control while committing the 902
felony offense; 903

(ii) A prison term of three years if the specification is 904
of the type described in division (A) of section 2941.145 of the 905
Revised Code that charges the offender with having a firearm on 906
or about the offender's person or under the offender's control 907
while committing the offense and displaying the firearm, 908
brandishing the firearm, indicating that the offender possessed 909
the firearm, or using it to facilitate the offense; 910

(iii) A prison term of one year if the specification is of 911
the type described in division (A) of section 2941.141 of the 912
Revised Code that charges the offender with having a firearm on 913
or about the offender's person or under the offender's control 914
while committing the ~~felony~~offense; 915

(iv) A prison term of nine years if the specification is 916
of the type described in division (D) of section 2941.144 of the 917
Revised Code that charges the offender with having a firearm 918
that is an automatic firearm or that was equipped with a firearm 919
muffler or suppressor on or about the offender's person or under 920
the offender's control while committing the offense and 921
specifies that the offender previously has been convicted of or 922
pleaded guilty to a specification of the type described in 923
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 924
the Revised Code; 925

(v) A prison term of fifty-four months if the 926
specification is of the type described in division (D) of 927
section 2941.145 of the Revised Code that charges the offender 928
with having a firearm on or about the offender's person or under 929
the offender's control while committing the offense and 930
displaying the firearm, brandishing the firearm, indicating that 931
the offender possessed the firearm, or using the firearm to 932
facilitate the offense and that the offender previously has been 933

convicted of or pleaded guilty to a specification of the type 934
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 935
2941.1412 of the Revised Code; 936

(vi) A prison term of eighteen months if the specification 937
is of the type described in division (D) of section 2941.141 of 938
the Revised Code that charges the offender with having a firearm 939
on or about the offender's person or under the offender's 940
control while committing the offense and that the offender 941
previously has been convicted of or pleaded guilty to a 942
specification of the type described in section 2941.141, 943
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 944

(b) If a court imposes a prison term on an offender under 945
division (B)(1)(a) of this section, the prison term shall not be 946
reduced pursuant to section 2967.19, section 2929.20, section 947
2967.193, or any other provision of Chapter 2967. or Chapter 948
5120. of the Revised Code. Except as provided in division (B)(1) 949
(g) of this section, a court shall not impose more than one 950
prison term on an offender under division (B)(1)(a) of this 951
section for felonies committed as part of the same act or 952
transaction. 953

(c)(i) Except as provided in division (B)(1)(e) of this 954
section, if an offender who is convicted of or pleads guilty to 955
a violation of section 2923.161 of the Revised Code or to a 956
felony that includes, as an essential element, purposely or 957
knowingly causing or attempting to cause the death of or 958
physical harm to another, also is convicted of or pleads guilty 959
to a specification of the type described in division (A) of 960
section 2941.146 of the Revised Code that charges the offender 961
with committing the offense by discharging a firearm from a 962
motor vehicle other than a manufactured home, the court, after 963

imposing a prison term on the offender for the violation of 964
section 2923.161 of the Revised Code or for the other felony 965
offense under division (A), (B) (2), or (B) (3) of this section, 966
shall impose an additional prison term of five years upon the 967
offender that shall not be reduced pursuant to section 2929.20, 968
section 2967.19, section 2967.193, or any other provision of 969
Chapter 2967. or Chapter 5120. of the Revised Code. A 970

(ii) Except as provided in division (B) (1) (e) of this 971
section, if an offender who is convicted of or pleads guilty to 972
a violation of section 2923.161 of the Revised Code or to a 973
felony that includes, as an essential element, purposely or 974
knowingly causing or attempting to cause the death of or 975
physical harm to another, also is convicted of or pleads guilty 976
to a specification of the type described in division (C) of 977
section 2941.146 of the Revised Code that charges the offender 978
with committing the offense by discharging a firearm from a 979
motor vehicle other than a manufactured home and that the 980
offender previously has been convicted of or pleaded guilty to a 981
specification of the type described in section 2941.141, 982
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 983
the court, after imposing a prison term on the offender for the 984
violation of section 2923.161 of the Revised Code or for the 985
other felony offense under division (A), (B) (2), or (3) of this 986
section, shall impose an additional prison term of ninety months 987
upon the offender that shall not be reduced pursuant to section 988
2929.20, 2967.19, 2967.193, or any other provision of Chapter 989
2967. or Chapter 5120. of the Revised Code. 990

(iii) A court shall not impose more than one additional 991
prison term on an offender under division (B) (1) (c) of this 992
section for felonies committed as part of the same act or 993
transaction. If a court imposes an additional prison term on an 994

offender under division (B) (1) (c) of this section relative to an 995
offense, the court also shall impose a prison term under 996
division (B) (1) (a) of this section relative to the same offense, 997
provided the criteria specified in that division for imposing an 998
additional prison term are satisfied relative to the offender 999
and the offense. 1000

(d) If an offender who is convicted of or pleads guilty to 1001
an offense of violence that is a felony also is convicted of or 1002
pleads guilty to a specification of the type described in 1003
section 2941.1411 of the Revised Code that charges the offender 1004
with wearing or carrying body armor while committing the felony 1005
offense of violence, the court shall impose on the offender a 1006
prison term of two years. The prison term so imposed, subject to 1007
divisions (C) to (I) of section 2967.19 of the Revised Code, 1008
shall not be reduced pursuant to section 2929.20, section 1009
2967.19, section 2967.193, or any other provision of Chapter 1010
2967. or Chapter 5120. of the Revised Code. A court shall not 1011
impose more than one prison term on an offender under division 1012
(B) (1) (d) of this section for felonies committed as part of the 1013
same act or transaction. If a court imposes an additional prison 1014
term under division (B) (1) (a) or (c) of this section, the court 1015
is not precluded from imposing an additional prison term under 1016
division (B) (1) (d) of this section. 1017

(e) The court shall not impose any of the prison terms 1018
described in division (B) (1) (a) of this section or any of the 1019
additional prison terms described in division (B) (1) (c) of this 1020
section upon an offender for a violation of section 2923.12 or 1021
2923.123 of the Revised Code. The court shall not impose any of 1022
the prison terms described in division (B) (1) (a) or (b) of this 1023
section upon an offender for a violation of section 2923.122 1024
that involves a deadly weapon that is a firearm other than a 1025

dangerous ordnance, section 2923.16, or section 2923.121 of the Revised Code. The court shall not impose any of the prison terms described in division (B) (1) (a) of this section or any of the additional prison terms described in division (B) (1) (c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:

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

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

(f) (i) 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 division (A) of 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~~

(ii) 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 1056
type described in division (B) of section 2941.1412 of the 1057
Revised Code that charges the offender with committing the 1058
offense by discharging a firearm at a peace officer, as defined 1059
in section 2935.01 of the Revised Code, or a corrections 1060
officer, as defined in section 2941.1412 of the Revised Code, 1061
and that the offender previously has been convicted of or 1062
pleaded guilty to a specification of the type described in 1063
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1064
the Revised Code, the court, after imposing a prison term on the 1065
offender for the felony offense under division (A), (B) (2), or 1066
(3) of this section, shall impose an additional prison term of 1067
one hundred twenty-six months upon the offender that shall not 1068
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1069
any other provision of Chapter 2967. or 5120. of the Revised 1070
Code. 1071

(iii) If an offender is convicted of or pleads guilty to 1072
two or more felonies that include, as an essential element, 1073
causing or attempting to cause the death or physical harm to 1074
another and also is convicted of or pleads guilty to a 1075
specification of the type described under division (B) (1) (f) of 1076
this section in connection with two or more of the felonies of 1077
which the offender is convicted or to which the offender pleads 1078
guilty, the sentencing court shall impose on the offender the 1079
prison term specified under division (B) (1) (f) of this section 1080
for each of two of the specifications of which the offender is 1081
convicted or to which the offender pleads guilty and, in its 1082
discretion, also may impose on the offender the prison term 1083
specified under that division for any or all of the remaining 1084
specifications. If a court imposes an additional prison term on 1085
an offender under division (B) (1) (f) of this section relative to 1086

an offense, the court shall not impose a prison term under 1087
division (B) (1) (a) or (c) of this section relative to the same 1088
offense. 1089

(g) If an offender is convicted of or pleads guilty to two 1090
or more felonies, if one or more of those felonies are 1091
aggravated murder, murder, attempted aggravated murder, 1092
attempted murder, aggravated robbery, felonious assault, or 1093
rape, and if the offender is convicted of or pleads guilty to a 1094
specification of the type described under division (B) (1) (a) of 1095
this section in connection with two or more of the felonies, the 1096
sentencing court shall impose on the offender the prison term 1097
specified under division (B) (1) (a) of this section for each of 1098
the two most serious specifications of which the offender is 1099
convicted or to which the offender pleads guilty and, in its 1100
discretion, also may impose on the offender the prison term 1101
specified under that division for any or all of the remaining 1102
specifications. 1103

(2) (a) If division (B) (2) (b) of this section does not 1104
apply, the court may impose on an offender, in addition to the 1105
longest prison term authorized or required for the offense, an 1106
additional definite prison term of one, two, three, four, five, 1107
six, seven, eight, nine, or ten years if all of the following 1108
criteria are met: 1109

(i) The offender is convicted of or pleads guilty to a 1110
specification of the type described in section 2941.149 of the 1111
Revised Code that the offender is a repeat violent offender. 1112

(ii) The offense of which the offender currently is 1113
convicted or to which the offender currently pleads guilty is 1114
aggravated murder and the court does not impose a sentence of 1115
death or life imprisonment without parole, murder, terrorism and 1116

the court does not impose a sentence of life imprisonment 1117
without parole, any felony of the first degree that is an 1118
offense of violence and the court does not impose a sentence of 1119
life imprisonment without parole, or any felony of the second 1120
degree that is an offense of violence and the trier of fact 1121
finds that the offense involved an attempt to cause or a threat 1122
to cause serious physical harm to a person or resulted in 1123
serious physical harm to a person. 1124

(iii) The court imposes the longest prison term for the 1125
offense that is not life imprisonment without parole. 1126

(iv) The court finds that the prison terms imposed 1127
pursuant to division (B) (2) (a) (iii) of this section and, if 1128
applicable, division (B) (1) or (3) of this section are 1129
inadequate to punish the offender and protect the public from 1130
future crime, because the applicable factors under section 1131
2929.12 of the Revised Code indicating a greater likelihood of 1132
recidivism outweigh the applicable factors under that section 1133
indicating a lesser likelihood of recidivism. 1134

(v) The court finds that the prison terms imposed pursuant 1135
to division (B) (2) (a) (iii) of this section and, if applicable, 1136
division (B) (1) or (3) of this section are demeaning to the 1137
seriousness of the offense, because one or more of the factors 1138
under section 2929.12 of the Revised Code indicating that the 1139
offender's conduct is more serious than conduct normally 1140
constituting the offense are present, and they outweigh the 1141
applicable factors under that section indicating that the 1142
offender's conduct is less serious than conduct normally 1143
constituting the offense. 1144

(b) The court shall impose on an offender the longest 1145
prison term authorized or required for the offense and shall 1146

impose on the offender an additional definite prison term of 1147
one, two, three, four, five, six, seven, eight, nine, or ten 1148
years if all of the following criteria are met: 1149

(i) The offender is convicted of or pleads guilty to a 1150
specification of the type described in section 2941.149 of the 1151
Revised Code that the offender is a repeat violent offender. 1152

(ii) The offender within the preceding twenty years has 1153
been convicted of or pleaded guilty to three or more offenses 1154
described in division (CC)(1) of section 2929.01 of the Revised 1155
Code, including all offenses described in that division of which 1156
the offender is convicted or to which the offender pleads guilty 1157
in the current prosecution and all offenses described in that 1158
division of which the offender previously has been convicted or 1159
to which the offender previously pleaded guilty, whether 1160
prosecuted together or separately. 1161

(iii) The offense or offenses of which the offender 1162
currently is convicted or to which the offender currently pleads 1163
guilty is aggravated murder and the court does not impose a 1164
sentence of death or life imprisonment without parole, murder, 1165
terrorism and the court does not impose a sentence of life 1166
imprisonment without parole, any felony of the first degree that 1167
is an offense of violence and the court does not impose a 1168
sentence of life imprisonment without parole, or any felony of 1169
the second degree that is an offense of violence and the trier 1170
of fact finds that the offense involved an attempt to cause or a 1171
threat to cause serious physical harm to a person or resulted in 1172
serious physical harm to a person. 1173

(c) For purposes of division (B)(2)(b) of this section, 1174
two or more offenses committed at the same time or as part of 1175
the same act or event shall be considered one offense, and that 1176

one offense shall be the offense with the greatest penalty. 1177

(d) A sentence imposed under division (B) (2) (a) or (b) of 1178
this section shall not be reduced pursuant to section 2929.20, 1179
section 2967.19, or section 2967.193, or any other provision of 1180
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1181
shall serve an additional prison term imposed under this section 1182
consecutively to and prior to the prison term imposed for the 1183
underlying offense. 1184

(e) When imposing a sentence pursuant to division (B) (2) 1185
(a) or (b) of this section, the court shall state its findings 1186
explaining the imposed sentence. 1187

(3) Except when an offender commits a violation of section 1188
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1189
for the violation is life imprisonment or commits a violation of 1190
section 2903.02 of the Revised Code, if the offender commits a 1191
violation of section 2925.03 or 2925.11 of the Revised Code and 1192
that section classifies the offender as a major drug offender, 1193
if the offender commits a felony violation of section 2925.02, 1194
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1195
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1196
division (C) of section 4729.51, or division (J) of section 1197
4729.54 of the Revised Code that includes the sale, offer to 1198
sell, or possession of a schedule I or II controlled substance, 1199
with the exception of marihuana, and the court imposing sentence 1200
upon the offender finds that the offender is guilty of a 1201
specification of the type described in section 2941.1410 of the 1202
Revised Code charging that the offender is a major drug 1203
offender, if the court imposing sentence upon an offender for a 1204
felony finds that the offender is guilty of corrupt activity 1205
with the most serious offense in the pattern of corrupt activity 1206

being a felony of the first degree, or if the offender is guilty 1207
of an attempted violation of section 2907.02 of the Revised Code 1208
and, had the offender completed the violation of section 2907.02 1209
of the Revised Code that was attempted, the offender would have 1210
been subject to a sentence of life imprisonment or life 1211
imprisonment without parole for the violation of section 2907.02 1212
of the Revised Code, the court shall impose upon the offender 1213
for the felony violation a mandatory prison term of the maximum 1214
prison term prescribed for a felony of the first degree that, 1215
subject to divisions (C) to (I) of section 2967.19 of the 1216
Revised Code, cannot be reduced pursuant to section 2929.20, 1217
section 2967.19, or any other provision of Chapter 2967. or 1218
5120. of the Revised Code. 1219

(4) If the offender is being sentenced for a third or 1220
fourth degree felony OVI offense under division (G) (2) of 1221
section 2929.13 of the Revised Code, the sentencing court shall 1222
impose upon the offender a mandatory prison term in accordance 1223
with that division. In addition to the mandatory prison term, if 1224
the offender is being sentenced for a fourth degree felony OVI 1225
offense, the court, notwithstanding division (A) (4) of this 1226
section, may sentence the offender to a definite prison term of 1227
not less than six months and not more than thirty months, and if 1228
the offender is being sentenced for a third degree felony OVI 1229
offense, the sentencing court may sentence the offender to an 1230
additional prison term of any duration specified in division (A) 1231
(3) of this section. In either case, the additional prison term 1232
imposed shall be reduced by the sixty or one hundred twenty days 1233
imposed upon the offender as the mandatory prison term. The 1234
total of the additional prison term imposed under division (B) 1235
(4) of this section plus the sixty or one hundred twenty days 1236
imposed as the mandatory prison term shall equal a definite term 1237

in the range of six months to thirty months for a fourth degree 1238
felony OVI offense and shall equal one of the authorized prison 1239
terms specified in division (A) (3) of this section for a third 1240
degree felony OVI offense. If the court imposes an additional 1241
prison term under division (B) (4) of this section, the offender 1242
shall serve the additional prison term after the offender has 1243
served the mandatory prison term required for the offense. In 1244
addition to the mandatory prison term or mandatory and 1245
additional prison term imposed as described in division (B) (4) 1246
of this section, the court also may sentence the offender to a 1247
community control sanction under section 2929.16 or 2929.17 of 1248
the Revised Code, but the offender shall serve all of the prison 1249
terms so imposed prior to serving the community control 1250
sanction. 1251

If the offender is being sentenced for a fourth degree 1252
felony OVI offense under division (G) (1) of section 2929.13 of 1253
the Revised Code and the court imposes a mandatory term of local 1254
incarceration, the court may impose a prison term as described 1255
in division (A) (1) of that section. 1256

(5) If an offender is convicted of or pleads guilty to a 1257
violation of division (A) (1) or (2) of section 2903.06 of the 1258
Revised Code and also is convicted of or pleads guilty to a 1259
specification of the type described in section 2941.1414 of the 1260
Revised Code that charges that the victim of the offense is a 1261
peace officer, as defined in section 2935.01 of the Revised 1262
Code, or an investigator of the bureau of criminal 1263
identification and investigation, as defined in section 2903.11 1264
of the Revised Code, the court shall impose on the offender a 1265
prison term of five years. If a court imposes a prison term on 1266
an offender under division (B) (5) of this section, the prison 1267
term, subject to divisions (C) to (I) of section 2967.19 of the 1268

Revised Code, shall not be reduced pursuant to section 2929.20, 1269
section 2967.19, section 2967.193, or any other provision of 1270
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1271
shall not impose more than one prison term on an offender under 1272
division (B) (5) of this section for felonies committed as part 1273
of the same act. 1274

(6) If an offender is convicted of or pleads guilty to a 1275
violation of division (A) (1) or (2) of section 2903.06 of the 1276
Revised Code and also is convicted of or pleads guilty to a 1277
specification of the type described in section 2941.1415 of the 1278
Revised Code that charges that the offender previously has been 1279
convicted of or pleaded guilty to three or more violations of 1280
division (A) or (B) of section 4511.19 of the Revised Code or an 1281
equivalent offense, as defined in section 2941.1415 of the 1282
Revised Code, or three or more violations of any combination of 1283
those divisions and offenses, the court shall impose on the 1284
offender a prison term of three years. If a court imposes a 1285
prison term on an offender under division (B) (6) of this 1286
section, the prison term, subject to divisions (C) to (I) of 1287
section 2967.19 of the Revised Code, shall not be reduced 1288
pursuant to section 2929.20, section 2967.19, section 2967.193, 1289
or any other provision of Chapter 2967. or Chapter 5120. of the 1290
Revised Code. A court shall not impose more than one prison term 1291
on an offender under division (B) (6) of this section for 1292
felonies committed as part of the same act. 1293

(7) (a) If an offender is convicted of or pleads guilty to 1294
a felony violation of section 2905.01, 2905.02, 2907.21, 1295
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 1296
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 1297
the Revised Code and also is convicted of or pleads guilty to a 1298
specification of the type described in section 2941.1422 of the 1299

Revised Code that charges that the offender knowingly committed 1300
the offense in furtherance of human trafficking, the court shall 1301
impose on the offender a mandatory prison term that is one of 1302
the following: 1303

(i) If the offense is a felony of the first degree, a 1304
definite prison term of not less than five years and not greater 1305
than ten years; 1306

(ii) If the offense is a felony of the second or third 1307
degree, a definite prison term of not less than three years and 1308
not greater than the maximum prison term allowed for the offense 1309
by division (A) of section 2929.14 of the Revised Code; 1310

(iii) If the offense is a felony of the fourth or fifth 1311
degree, a definite prison term that is the maximum prison term 1312
allowed for the offense by division (A) of section 2929.14 of 1313
the Revised Code. 1314

(b) Subject to divisions (C) to (I) of section 2967.19 of 1315
the Revised Code, the prison term imposed under division (B) (7) 1316
(a) of this section shall not be reduced pursuant to section 1317
2929.20, section 2967.19, section 2967.193, or any other 1318
provision of Chapter 2967. of the Revised Code. A court shall 1319
not impose more than one prison term on an offender under 1320
division (B) (7) (a) of this section for felonies committed as 1321
part of the same act, scheme, or plan. 1322

(8) If an offender is convicted of or pleads guilty to a 1323
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1324
Revised Code and also is convicted of or pleads guilty to a 1325
specification of the type described in section 2941.1423 of the 1326
Revised Code that charges that the victim of the violation was a 1327
woman whom the offender knew was pregnant at the time of the 1328

violation, notwithstanding the range of prison terms prescribed 1329
in division (A) of this section for felonies of the same degree 1330
as the violation, the court shall impose on the offender a 1331
mandatory prison term that is either a definite prison term of 1332
six months or one of the prison terms prescribed in section 1333
2929.14 of the Revised Code for felonies of the same degree as 1334
the violation. 1335

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1336
if a mandatory prison term is imposed upon an offender pursuant 1337
to division (B) (1) (a) of this section for having a firearm on or 1338
about the offender's person or under the offender's control 1339
while committing a felony, if a mandatory prison term is imposed 1340
upon an offender pursuant to division (B) (1) (c) of this section 1341
for committing a felony specified in that division by 1342
discharging a firearm from a motor vehicle, or if both types of 1343
mandatory prison terms are imposed, the offender shall serve any 1344
mandatory prison term imposed under either division 1345
consecutively to any other mandatory prison term imposed under 1346
either division or under division (B) (1) (d) of this section, 1347
consecutively to and prior to any prison term imposed for the 1348
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1349
this section or any other section of the Revised Code, and 1350
consecutively to any other prison term or mandatory prison term 1351
previously or subsequently imposed upon the offender. 1352

(b) If a mandatory prison term is imposed upon an offender 1353
pursuant to division (B) (1) (d) of this section for wearing or 1354
carrying body armor while committing an offense of violence that 1355
is a felony, the offender shall serve the mandatory term so 1356
imposed consecutively to any other mandatory prison term imposed 1357
under that division or under division (B) (1) (a) or (c) of this 1358
section, consecutively to and prior to any prison term imposed 1359

for the underlying felony under division (A), (B)(2), or (B)(3) 1360
of this section or any other section of the Revised Code, and 1361
consecutively to any other prison term or mandatory prison term 1362
previously or subsequently imposed upon the offender. 1363

(c) If a mandatory prison term is imposed upon an offender 1364
pursuant to division (B)(1)(f) of this section, the offender 1365
shall serve the mandatory prison term so imposed consecutively 1366
to and prior to any prison term imposed for the underlying 1367
felony under division (A), (B)(2), or (B)(3) of this section or 1368
any other section of the Revised Code, and consecutively to any 1369
other prison term or mandatory prison term previously or 1370
subsequently imposed upon the offender. 1371

(d) If a mandatory prison term is imposed upon an offender 1372
pursuant to division (B)(7) or (8) of this section, the offender 1373
shall serve the mandatory prison term so imposed consecutively 1374
to any other mandatory prison term imposed under that division 1375
or under any other provision of law and consecutively to any 1376
other prison term or mandatory prison term previously or 1377
subsequently imposed upon the offender. 1378

(2) If an offender who is an inmate in a jail, prison, or 1379
other residential detention facility violates section 2917.02, 1380
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 1381
(2) of section 2921.34 of the Revised Code, if an offender who 1382
is under detention at a detention facility commits a felony 1383
violation of section 2923.131 of the Revised Code, or if an 1384
offender who is an inmate in a jail, prison, or other 1385
residential detention facility or is under detention at a 1386
detention facility commits another felony while the offender is 1387
an escapee in violation of division (A)(1) or (2) of section 1388
2921.34 of the Revised Code, any prison term imposed upon the 1389

offender for one of those violations shall be served by the 1390
offender consecutively to the prison term or term of 1391
imprisonment the offender was serving when the offender 1392
committed that offense and to any other prison term previously 1393
or subsequently imposed upon the offender. 1394

(3) If a prison term is imposed for a violation of 1395
division (B) of section 2911.01 of the Revised Code, a violation 1396
of division (A) of section 2913.02 of the Revised Code in which 1397
the stolen property is a firearm or dangerous ordnance, or a 1398
felony violation of division (B) of section 2921.331 of the 1399
Revised Code, the offender shall serve that prison term 1400
consecutively to any other prison term or mandatory prison term 1401
previously or subsequently imposed upon the offender. 1402

(4) If multiple prison terms are imposed on an offender 1403
for convictions of multiple offenses, the court may require the 1404
offender to serve the prison terms consecutively if the court 1405
finds that the consecutive service is necessary to protect the 1406
public from future crime or to punish the offender and that 1407
consecutive sentences are not disproportionate to the 1408
seriousness of the offender's conduct and to the danger the 1409
offender poses to the public, and if the court also finds any of 1410
the following: 1411

(a) The offender committed one or more of the multiple 1412
offenses while the offender was awaiting trial or sentencing, 1413
was under a sanction imposed pursuant to section 2929.16, 1414
2929.17, or 2929.18 of the Revised Code, or was under post- 1415
release control for a prior offense. 1416

(b) At least two of the multiple offenses were committed 1417
as part of one or more courses of conduct, and the harm caused 1418
by two or more of the multiple offenses so committed was so 1419

great or unusual that no single prison term for any of the 1420
offenses committed as part of any of the courses of conduct 1421
adequately reflects the seriousness of the offender's conduct. 1422

(c) The offender's history of criminal conduct 1423
demonstrates that consecutive sentences are necessary to protect 1424
the public from future crime by the offender. 1425

(5) If a mandatory prison term is imposed upon an offender 1426
pursuant to division (B) (5) or (6) of this section, the offender 1427
shall serve the mandatory prison term consecutively to and prior 1428
to any prison term imposed for the underlying violation of 1429
division (A) (1) or (2) of section 2903.06 of the Revised Code 1430
pursuant to division (A) of this section or section 2929.142 of 1431
the Revised Code. If a mandatory prison term is imposed upon an 1432
offender pursuant to division (B) (5) of this section, and if a 1433
mandatory prison term also is imposed upon the offender pursuant 1434
to division (B) (6) of this section in relation to the same 1435
violation, the offender shall serve the mandatory prison term 1436
imposed pursuant to division (B) (5) of this section 1437
consecutively to and prior to the mandatory prison term imposed 1438
pursuant to division (B) (6) of this section and consecutively to 1439
and prior to any prison term imposed for the underlying 1440
violation of division (A) (1) or (2) of section 2903.06 of the 1441
Revised Code pursuant to division (A) of this section or section 1442
2929.142 of the Revised Code. 1443

(6) When consecutive prison terms are imposed pursuant to 1444
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 1445
of this section, the term to be served is the aggregate of all 1446
of the terms so imposed. 1447

(D) (1) If a court imposes a prison term for a felony of 1448
the first degree, for a felony of the second degree, for a 1449

felony sex offense, or for a felony of the third degree that is 1450
not a felony sex offense and in the commission of which the 1451
offender caused or threatened to cause physical harm to a 1452
person, it shall include in the sentence a requirement that the 1453
offender be subject to a period of post-release control after 1454
the offender's release from imprisonment, in accordance with 1455
that division. If a court imposes a sentence including a prison 1456
term of a type described in this division on or after July 11, 1457
2006, the failure of a court to include a post-release control 1458
requirement in the sentence pursuant to this division does not 1459
negate, limit, or otherwise affect the mandatory period of post- 1460
release control that is required for the offender under division 1461
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1462
the Revised Code applies if, prior to July 11, 2006, a court 1463
imposed a sentence including a prison term of a type described 1464
in this division and failed to include in the sentence pursuant 1465
to this division a statement regarding post-release control. 1466

(2) If a court imposes a prison term for a felony of the 1467
third, fourth, or fifth degree that is not subject to division 1468
(D)(1) of this section, it shall include in the sentence a 1469
requirement that the offender be subject to a period of post- 1470
release control after the offender's release from imprisonment, 1471
in accordance with that division, if the parole board determines 1472
that a period of post-release control is necessary. Section 1473
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1474
a court imposed a sentence including a prison term of a type 1475
described in this division and failed to include in the sentence 1476
pursuant to this division a statement regarding post-release 1477
control. 1478

(E) The court shall impose sentence upon the offender in 1479
accordance with section 2971.03 of the Revised Code, and Chapter 1480

2971. of the Revised Code applies regarding the prison term or 1481
term of life imprisonment without parole imposed upon the 1482
offender and the service of that term of imprisonment if any of 1483
the following apply: 1484

(1) A person is convicted of or pleads guilty to a violent 1485
sex offense or a designated homicide, assault, or kidnapping 1486
offense, and, in relation to that offense, the offender is 1487
adjudicated a sexually violent predator. 1488

(2) A person is convicted of or pleads guilty to a 1489
violation of division (A) (1) (b) of section 2907.02 of the 1490
Revised Code committed on or after January 2, 2007, and either 1491
the court does not impose a sentence of life without parole when 1492
authorized pursuant to division (B) of section 2907.02 of the 1493
Revised Code, or division (B) of section 2907.02 of the Revised 1494
Code provides that the court shall not sentence the offender 1495
pursuant to section 2971.03 of the Revised Code. 1496

(3) A person is convicted of or pleads guilty to attempted 1497
rape committed on or after January 2, 2007, and a specification 1498
of the type described in section 2941.1418, 2941.1419, or 1499
2941.1420 of the Revised Code. 1500

(4) A person is convicted of or pleads guilty to a 1501
violation of section 2905.01 of the Revised Code committed on or 1502
after January 1, 2008, and that section requires the court to 1503
sentence the offender pursuant to section 2971.03 of the Revised 1504
Code. 1505

(5) A person is convicted of or pleads guilty to 1506
aggravated murder committed on or after January 1, 2008, and 1507
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1508
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1509

(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. 1510
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(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. 1514
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(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. 1519
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(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. 1527
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(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 1534
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towards a person in a school safety zone, the court shall impose 1540
upon the offender an additional prison term of two years. The 1541
offender shall serve the additional two years consecutively to 1542
and prior to the prison term imposed for the underlying offense. 1543

(2) (a) If an offender is convicted of or pleads guilty to 1544
a felony violation of section 2907.22, 2907.24, 2907.241, or 1545
2907.25 of the Revised Code and to a specification of the type 1546
described in section 2941.1421 of the Revised Code and if the 1547
court imposes a prison term on the offender for the felony 1548
violation, the court may impose upon the offender an additional 1549
prison term as follows: 1550

(i) Subject to division (H) (2) (a) (ii) of this section, an 1551
additional prison term of one, two, three, four, five, or six 1552
months; 1553

(ii) If the offender previously has been convicted of or 1554
pleaded guilty to one or more felony or misdemeanor violations 1555
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1556
the Revised Code and also was convicted of or pleaded guilty to 1557
a specification of the type described in section 2941.1421 of 1558
the Revised Code regarding one or more of those violations, an 1559
additional prison term of one, two, three, four, five, six, 1560
seven, eight, nine, ten, eleven, or twelve months. 1561

(b) In lieu of imposing an additional prison term under 1562
division (H) (2) (a) of this section, the court may directly 1563
impose on the offender a sanction that requires the offender to 1564
wear a real-time processing, continual tracking electronic 1565
monitoring device during the period of time specified by the 1566
court. The period of time specified by the court shall equal the 1567
duration of an additional prison term that the court could have 1568
imposed upon the offender under division (H) (2) (a) of this 1569

section. A sanction imposed under this division shall commence 1570
on the date specified by the court, provided that the sanction 1571
shall not commence until after the offender has served the 1572
prison term imposed for the felony violation of section 2907.22, 1573
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1574
residential sanction imposed for the violation under section 1575
2929.16 of the Revised Code. A sanction imposed under this 1576
division shall be considered to be a community control sanction 1577
for purposes of section 2929.15 of the Revised Code, and all 1578
provisions of the Revised Code that pertain to community control 1579
sanctions shall apply to a sanction imposed under this division, 1580
except to the extent that they would by their nature be clearly 1581
inapplicable. The offender shall pay all costs associated with a 1582
sanction imposed under this division, including the cost of the 1583
use of the monitoring device. 1584

(I) At the time of sentencing, the court may recommend the 1585
offender for placement in a program of shock incarceration under 1586
section 5120.031 of the Revised Code or for placement in an 1587
intensive program prison under section 5120.032 of the Revised 1588
Code, disapprove placement of the offender in a program of shock 1589
incarceration or an intensive program prison of that nature, or 1590
make no recommendation on placement of the offender. In no case 1591
shall the department of rehabilitation and correction place the 1592
offender in a program or prison of that nature unless the 1593
department determines as specified in section 5120.031 or 1594
5120.032 of the Revised Code, whichever is applicable, that the 1595
offender is eligible for the placement. 1596

If the court disapproves placement of the offender in a 1597
program or prison of that nature, the department of 1598
rehabilitation and correction shall not place the offender in 1599
any program of shock incarceration or intensive program prison. 1600

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 1631
section 2929.142 of the Revised Code. 1632

(K) (1) The court shall impose an additional mandatory 1633
prison term of two, three, four, five, six, seven, eight, nine, 1634
ten, or eleven years on an offender who is convicted of or 1635
pleads guilty to a violent felony offense if the offender also 1636
is convicted of or pleads guilty to a specification of the type 1637
described in section 2941.1424 of the Revised Code that charges 1638
that the offender is a violent career criminal and had a firearm 1639
on or about the offender's person or under the offender's 1640
control while committing the presently charged violent felony 1641
offense and displayed or brandished the firearm, indicated that 1642
the offender possessed a firearm, or used the firearm to 1643
facilitate the offense. The offender shall serve the prison term 1644
imposed under this division consecutively to and prior to the 1645
prison term imposed for the underlying offense. The prison term 1646
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1647
any other provision of Chapter 2967. or 5120. of the Revised 1648
Code. A court may not impose more than one sentence under 1649
division (B) (2) (a) of this section and this division for acts 1650
committed as part of the same act or transaction. 1651

(2) As used in division (K) (1) of this section, "violent 1652
career criminal" and "violent felony offense" have the same 1653
meanings as in section 2923.132 of the Revised Code. 1654

Sec. 2929.20. (A) As used in this section: 1655

(1) (a) Except as provided in division (A) (1) (b) of this 1656
section, "eligible offender" means any person who, on or after 1657
April 7, 2009, is serving a stated prison term that includes one 1658
or more nonmandatory prison terms. 1659

(b) "Eligible offender" does not include any person who, 1660
on or after April 7, 2009, is serving a stated prison term for 1661
any of the following criminal offenses that was a felony and was 1662
committed while the person held a public office in this state: 1663

(i) A violation of section 2921.02, 2921.03, 2921.05, 1664
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 1665
Code; 1666

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 1667
2921.12 of the Revised Code, when the conduct constituting the 1668
violation was related to the duties of the offender's public 1669
office or to the offender's actions as a public official holding 1670
that public office; 1671

(iii) A violation of an existing or former municipal 1672
ordinance or law of this or any other state or the United States 1673
that is substantially equivalent to any violation listed in 1674
division (A) (1) (b) (i) of this section; 1675

(iv) A violation of an existing or former municipal 1676
ordinance or law of this or any other state or the United States 1677
that is substantially equivalent to any violation listed in 1678
division (A) (1) (b) (ii) of this section, when the conduct 1679
constituting the violation was related to the duties of the 1680
offender's public office or to the offender's actions as a 1681
public official holding that public office; 1682

(v) A conspiracy to commit, attempt to commit, or 1683
complicity in committing any offense listed in division (A) (1) 1684
(b) (i) or described in division (A) (1) (b) (iii) of this section; 1685

(vi) A conspiracy to commit, attempt to commit, or 1686
complicity in committing any offense listed in division (A) (1) 1687
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 1688

if the conduct constituting the offense that was the subject of 1689
the conspiracy, that would have constituted the offense 1690
attempted, or constituting the offense in which the offender was 1691
complicit was or would have been related to the duties of the 1692
offender's public office or to the offender's actions as a 1693
public official holding that public office. 1694

(2) "Nonmandatory prison term" means a prison term that is 1695
not a mandatory prison term. 1696

(3) "Public office" means any elected federal, state, or 1697
local government office in this state. 1698

(4) "Victim's representative" has the same meaning as in 1699
section 2930.01 of the Revised Code. 1700

(B) On the motion of an eligible offender or upon its own 1701
motion, the sentencing court may reduce the eligible offender's 1702
aggregated nonmandatory prison term or terms through a judicial 1703
release under this section. 1704

(C) An eligible offender may file a motion for judicial 1705
release with the sentencing court within the following 1706
applicable periods: 1707

(1) If the aggregated nonmandatory prison term or terms is 1708
less than two years, the eligible offender may file the motion 1709
not earlier than thirty days after the offender is delivered to 1710
a state correctional institution or, if the prison term includes 1711
a mandatory prison term or terms, not earlier than thirty days 1712
after the expiration of all mandatory prison terms. 1713

(2) If the aggregated nonmandatory prison term or terms is 1714
at least two years but less than five years, the eligible 1715
offender may file the motion not earlier than one hundred eighty 1716
days after the offender is delivered to a state correctional 1717

institution or, if the prison term includes a mandatory prison 1718
term or terms, not earlier than one hundred eighty days after 1719
the expiration of all mandatory prison terms. 1720

(3) If the aggregated nonmandatory prison term or terms is 1721
five years, the eligible offender may file the motion not 1722
earlier than the date on which the eligible offender has served 1723
four years ~~after the eligible offender is delivered to a state-~~ 1724
~~correctional institution of the offender's stated prison term~~ 1725
or, if the prison term includes a mandatory prison term or 1726
terms, not earlier than four years after the expiration of all 1727
mandatory prison terms. 1728

(4) If the aggregated nonmandatory prison term or terms is 1729
more than five years but not more than ten years, the eligible 1730
offender may file the motion not earlier than the date on which 1731
the eligible offender has served five years ~~after the eligible-~~ 1732
~~offender is delivered to a state correctional institution of the~~ 1733
offender's stated prison term or, if the prison term includes a 1734
mandatory prison term or terms, not earlier than five years 1735
after the expiration of all mandatory prison terms. 1736

(5) If the aggregated nonmandatory prison term or terms is 1737
more than ten years, the eligible offender may file the motion 1738
not earlier than the later of the date on which the offender has 1739
served one-half of the offender's stated prison term or the date 1740
specified in division (C) (4) of this section. 1741

(D) Upon receipt of a timely motion for judicial release 1742
filed by an eligible offender under division (C) of this section 1743
or upon the sentencing court's own motion made within the 1744
appropriate time specified in that division, the court may deny 1745
the motion without a hearing or schedule a hearing on the 1746
motion. The court shall not grant the motion without a hearing. 1747

If a court denies a motion without a hearing, the court later 1748
may consider judicial release for that eligible offender on a 1749
subsequent motion filed by that eligible offender unless the 1750
court denies the motion with prejudice. If a court denies a 1751
motion with prejudice, the court may later consider judicial 1752
release on its own motion. If a court denies a motion after a 1753
hearing, the court shall not consider a subsequent motion for 1754
that eligible offender. The court shall hold only one hearing 1755
for any eligible offender. 1756

A hearing under this section shall be conducted in open 1757
court not less than thirty or more than sixty days after the 1758
motion is filed, provided that the court may delay the hearing 1759
for one hundred eighty additional days. If the court holds a 1760
hearing, the court shall enter a ruling on the motion within ten 1761
days after the hearing. If the court denies the motion without a 1762
hearing, the court shall enter its ruling on the motion within 1763
sixty days after the motion is filed. 1764

(E) If a court schedules a hearing under division (D) of 1765
this section, the court shall notify the eligible offender and 1766
the head of the state correctional institution in which the 1767
eligible offender is confined prior to the hearing. The head of 1768
the state correctional institution immediately shall notify the 1769
appropriate person at the department of rehabilitation and 1770
correction of the hearing, and the department within twenty-four 1771
hours after receipt of the notice, shall post on the database it 1772
maintains pursuant to section 5120.66 of the Revised Code the 1773
offender's name and all of the information specified in division 1774
(A) (1) (c) (i) of that section. If the court schedules a hearing 1775
for judicial release, the court promptly shall give notice of 1776
the hearing to the prosecuting attorney of the county in which 1777
the eligible offender was indicted. Upon receipt of the notice 1778

from the court, the prosecuting attorney shall do whichever of 1779
the following is applicable: 1780

(1) Subject to division (E) (2) of this section, notify the 1781
victim of the offense or the victim's representative pursuant to 1782
division (B) of section 2930.16 of the Revised Code; 1783

(2) If the offense was an offense of violence that is a 1784
felony of the first, second, or third degree, except as 1785
otherwise provided in this division, notify the victim or the 1786
victim's representative of the hearing regardless of whether the 1787
victim or victim's representative has requested the 1788
notification. The notice of the hearing shall not be given under 1789
this division to a victim or victim's representative if the 1790
victim or victim's representative has requested pursuant to 1791
division (B) (2) of section 2930.03 of the Revised Code that the 1792
victim or the victim's representative not be provided the 1793
notice. If notice is to be provided to a victim or victim's 1794
representative under this division, the prosecuting attorney may 1795
give the notice by any reasonable means, including regular mail, 1796
telephone, and electronic mail, in accordance with division (D) 1797
(1) of section 2930.16 of the Revised Code. If the notice is 1798
based on an offense committed prior to March 22, 2013, the 1799
notice also shall include the opt-out information described in 1800
division (D) (1) of section 2930.16 of the Revised Code. The 1801
prosecuting attorney, in accordance with division (D) (2) of 1802
section 2930.16 of the Revised Code, shall keep a record of all 1803
attempts to provide the notice, and of all notices provided, 1804
under this division. Division (E) (2) of this section, and the 1805
notice-related provisions of division (K) of this section, 1806
division (D) (1) of section 2930.16, division (H) of section 1807
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 1808
(b) of section 2967.26, division (D) (1) of section 2967.28, and 1809

division (A) (2) of section 5149.101 of the Revised Code enacted 1810
in the act in which division (E) (2) of this section was enacted, 1811
shall be known as "Roberta's Law." 1812

(F) Upon an offender's successful completion of 1813
rehabilitative activities, the head of the state correctional 1814
institution may notify the sentencing court of the successful 1815
completion of the activities. 1816

(G) Prior to the date of the hearing on a motion for 1817
judicial release under this section, the head of the state 1818
correctional institution in which the eligible offender is 1819
confined shall send to the court an institutional summary report 1820
on the eligible offender's conduct in the institution and in any 1821
institution from which the eligible offender may have been 1822
transferred. Upon the request of the prosecuting attorney of the 1823
county in which the eligible offender was indicted or of any law 1824
enforcement agency, the head of the state correctional 1825
institution, at the same time the person sends the institutional 1826
summary report to the court, also shall send a copy of the 1827
report to the requesting prosecuting attorney and law 1828
enforcement agencies. The institutional summary report shall 1829
cover the eligible offender's participation in school, 1830
vocational training, work, treatment, and other rehabilitative 1831
activities and any disciplinary action taken against the 1832
eligible offender. The report shall be made part of the record 1833
of the hearing. A presentence investigation report is not 1834
required for judicial release. 1835

(H) If the court grants a hearing on a motion for judicial 1836
release under this section, the eligible offender shall attend 1837
the hearing if ordered to do so by the court. Upon receipt of a 1838
copy of the journal entry containing the order, the head of the 1839

state correctional institution in which the eligible offender is 1840
incarcerated shall deliver the eligible offender to the sheriff 1841
of the county in which the hearing is to be held. The sheriff 1842
shall convey the eligible offender to and from the hearing. 1843

(I) At the hearing on a motion for judicial release under 1844
this section, the court shall afford the eligible offender and 1845
the eligible offender's attorney an opportunity to present 1846
written and, if present, oral information relevant to the 1847
motion. The court shall afford a similar opportunity to the 1848
prosecuting attorney, the victim or the victim's representative, 1849
and any other person the court determines is likely to present 1850
additional relevant information. The court shall consider any 1851
statement of a victim made pursuant to section 2930.14 or 1852
2930.17 of the Revised Code, any victim impact statement 1853
prepared pursuant to section 2947.051 of the Revised Code, and 1854
any report made under division (G) of this section. The court 1855
may consider any written statement of any person submitted to 1856
the court pursuant to division (L) of this section. After ruling 1857
on the motion, the court shall notify the victim of the ruling 1858
in accordance with sections 2930.03 and 2930.16 of the Revised 1859
Code. 1860

(J) (1) A court shall not grant a judicial release under 1861
this section to an eligible offender who is imprisoned for a 1862
felony of the first or second degree, or to an eligible offender 1863
who committed an offense under Chapter 2925. or 3719. of the 1864
Revised Code and for whom there was a presumption under section 1865
2929.13 of the Revised Code in favor of a prison term, unless 1866
the court, with reference to factors under section 2929.12 of 1867
the Revised Code, finds both of the following: 1868

(a) That a sanction other than a prison term would 1869

adequately punish the offender and protect the public from 1870
future criminal violations by the eligible offender because the 1871
applicable factors indicating a lesser likelihood of recidivism 1872
outweigh the applicable factors indicating a greater likelihood 1873
of recidivism; 1874

(b) That a sanction other than a prison term would not 1875
demean the seriousness of the offense because factors indicating 1876
that the eligible offender's conduct in committing the offense 1877
was less serious than conduct normally constituting the offense 1878
outweigh factors indicating that the eligible offender's conduct 1879
was more serious than conduct normally constituting the offense. 1880

(2) A court that grants a judicial release to an eligible 1881
offender under division (J) (1) of this section shall specify on 1882
the record both findings required in that division and also 1883
shall list all the factors described in that division that were 1884
presented at the hearing. 1885

(K) If the court grants a motion for judicial release 1886
under this section, the court shall order the release of the 1887
eligible offender, shall place the eligible offender under an 1888
appropriate community control sanction, under appropriate 1889
conditions, and under the supervision of the department of 1890
probation serving the court and shall reserve the right to 1891
reimpose the sentence that it reduced if the offender violates 1892
the sanction. If the court reimposes the reduced sentence, it 1893
may do so either concurrently with, or consecutive to, any new 1894
sentence imposed upon the eligible offender as a result of the 1895
violation that is a new offense. The period of community control 1896
shall be no longer than five years. The court, in its 1897
discretion, may reduce the period of community control by the 1898
amount of time the eligible offender spent in jail or prison for 1899

the offense and in prison. If the court made any findings 1900
pursuant to division (J) (1) of this section, the court shall 1901
serve a copy of the findings upon counsel for the parties within 1902
fifteen days after the date on which the court grants the motion 1903
for judicial release. 1904

If the court grants a motion for judicial release, the 1905
court shall notify the appropriate person at the department of 1906
rehabilitation and correction, and the department shall post 1907
notice of the release on the database it maintains pursuant to 1908
section 5120.66 of the Revised Code. The court also shall notify 1909
the prosecuting attorney of the county in which the eligible 1910
offender was indicted that the motion has been granted. Unless 1911
the victim or the victim's representative has requested pursuant 1912
to division (B) (2) of section 2930.03 of the Revised Code that 1913
the victim or victim's representative not be provided the 1914
notice, the prosecuting attorney shall notify the victim or the 1915
victim's representative of the judicial release in any manner, 1916
and in accordance with the same procedures, pursuant to which 1917
the prosecuting attorney is authorized to provide notice of the 1918
hearing pursuant to division (E) (2) of this section. If the 1919
notice is based on an offense committed prior to March 22, 2013, 1920
the notice to the victim or victim's representative also shall 1921
include the opt-out information described in division (D) (1) of 1922
section 2930.16 of the Revised Code. 1923

(L) In addition to and independent of the right of a 1924
victim to make a statement pursuant to section 2930.14, 2930.17, 1925
or 2946.051 of the Revised Code and any right of a person to 1926
present written information or make a statement pursuant to 1927
division (I) of this section, any person may submit to the 1928
court, at any time prior to the hearing on the offender's motion 1929
for judicial release, a written statement concerning the effects 1930

of the offender's crime or crimes, the circumstances surrounding 1931
the crime or crimes, the manner in which the crime or crimes 1932
were perpetrated, and the person's opinion as to whether the 1933
offender should be released. 1934

(M) The changes to this section that are made on September 1935
30, 2011, apply to any judicial release decision made on or 1936
after September 30, 2011, for any eligible offender. 1937

Sec. 2929.201. Notwithstanding the time limitation for 1938
filing a motion under former section 2947.061 of the Revised 1939
Code, an offender whose offense was committed before July 1, 1940
1996, and who otherwise satisfies the eligibility criteria for 1941
shock probation under that section as it existed immediately 1942
prior to July 1, 1996, may apply to the offender's sentencing 1943
court for shock probation under that section on or after ~~the~~ 1944
effective date of this section September 15, 2014. Not more than 1945
one motion may be filed by an offender under this section. 1946
Division (C) of former section 2947.061 of the Revised Code does 1947
not apply to a motion filed under this section. A presentence 1948
investigation report is not required for shock probation to be 1949
granted by reason of this section. 1950

Sec. 2941.144. (A) Imposition of a six-year mandatory 1951
prison term upon an offender under division (B) (1) (a) (i) of 1952
section 2929.14 of the Revised Code is precluded unless the 1953
indictment, count in the indictment, or information charging the 1954
offense specifies that the offender had a firearm that is an 1955
automatic firearm or that was equipped with a firearm muffler or 1956
~~silencer~~ suppressor on or about the offender's person or under 1957
the offender's control while committing the offense. The 1958
specification shall be stated at the end of the body of the 1959
indictment, count, or information and shall be stated in 1960

substantially the following form: 1961

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1962
Grand Jurors (or insert the person's or the prosecuting 1963
attorney's name when appropriate) further find and specify that 1964
(set forth that the offender had a firearm that is an automatic 1965
firearm or that was equipped with a firearm muffler or ~~silencer-~~ 1966
suppressor on or about the offender's person or under the 1967
offender's control while committing the offense)." 1968

(B) Imposition of a six-year mandatory prison term upon an 1969
offender under division (B) (1) (a) (i) of section 2929.14 of the 1970
Revised Code is precluded if a court imposes a ~~three-year or~~ 1971
one-year, eighteen-month, three-year, fifty-four-month, or nine- 1972
year mandatory prison term on the offender under ~~that~~ division 1973
(B) (1) (a) (ii), (iii), (iv), (v), or (vi) of that section 1974
relative to the same felony. 1975

(C) The specification described in division (A) of this 1976
section may be used in a delinquent child proceeding in the 1977
manner and for the purpose described in section 2152.17 of the 1978
Revised Code. 1979

(D) Imposition of a nine-year mandatory prison term upon 1980
an offender under division (B) (1) (a) (iv) of section 2929.14 of 1981
the Revised Code is precluded unless the indictment, count in 1982
the indictment, or information charging the offense specifies 1983
that the offender had a firearm that is an automatic firearm or 1984
that was equipped with a firearm muffler or suppressor on or 1985
about the offender's person or under the offender's control 1986
while committing the offense and that the offender previously 1987
has been convicted of or pleaded guilty to a firearm 1988
specification of the type described in section 2941.141, 1989
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1990

The specification shall be stated at the end of the body of the indictment, count, or information, and shall be in substantially the following form: 1991
1992
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"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender had a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and that the offender previously has been convicted of or pleaded guilty to a firearm specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code.)" 1994
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(E) Imposition of a nine-year mandatory prison term upon an offender under division (B) (1) (a) (iv) of section 2929.14 of the Revised Code is precluded if the court imposes a one-year, eighteen-month, three-year, fifty-four-month, or six-year mandatory prison term on the offender under division (B) (1) (a) (i), (ii), (iii), (v), or (vi) of that section relative to the same felony. 2005
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(F) As used in this section, "firearm" and "automatic firearm" have the same meanings as in section 2923.11 of the Revised Code. 2012
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Sec. 2941.141. (A) Imposition of a one-year mandatory prison term upon an offender under division (B) (1) (a) (iii) of section 2929.14 of the Revised Code is precluded unless the indictment, count in the indictment, or information charging the offense specifies that the offender had a firearm on or about the offender's person or under the offender's control while 2015
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committing the offense. The specification shall be stated at the 2021
end of the body of the indictment, count, or information, and 2022
shall be in substantially the following form: 2023

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2024
Grand Jurors (or insert the person's or the prosecuting 2025
attorney's name when appropriate) further find and specify that 2026
(set forth that the offender had a firearm on or about the 2027
offender's person or under the offender's control while 2028
committing the offense.)" 2029

(B) Imposition of a one-year mandatory prison term upon an 2030
offender under division (B) (1) (a) (iii) of section 2929.14 of the 2031
Revised Code is precluded if a court imposes ~~an eighteen-month,~~ 2032
three-year-or-, fifty-four-month, six-year, or nine-year 2033
mandatory prison term on the offender under ~~that~~ division (B) (1) 2034
(a) (i), (ii), (iv), (v), or (vi) of that section relative to the 2035
same felony. 2036

(C) The specification described in division (A) of this 2037
section may be used in a delinquent child proceeding in the 2038
manner and for the purpose described in section 2152.17 of the 2039
Revised Code. 2040

(D) Imposition of an eighteen-month mandatory prison term 2041
upon an offender under division (B) (1) (a) (vi) of section 2929.14 2042
of the Revised Code is precluded unless the indictment, count in 2043
the indictment, or information charging the offense specifies 2044
that the offender had a firearm on or about the offender's 2045
person or under the offender's control while committing the 2046
offense and that the offender previously had been convicted of 2047
or pleaded guilty to a firearm specification of the type 2048
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2049
2941.1412 of the Revised Code. The specification shall be stated 2050

at the end of the body of the indictment, count, or information, 2051
and shall be in substantially the following form: 2052

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2053
Grand Jurors (or insert the person's or prosecuting attorney's 2054
name when appropriate) further find and specify that (set forth 2055
that the offender had a firearm on or about the offender's 2056
person or under the offender's control while committing the 2057
offense and that the offender previously has been convicted of 2058
or pleaded guilty to a firearm specification of the type 2059
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2060
2941.1412 of the Revised Code.)" 2061

(E) Imposition of an eighteen-month mandatory prison term 2062
upon an offender under division (B) (1) (a) (vi) of section 2929.14 2063
of the Revised Code is precluded if the court imposes a one- 2064
year, three-year, fifty-four-month, six-year, or nine-year 2065
mandatory prison term on the offender under division (B) (1) (a) 2066
(i), (ii), (iii), (iv), or (v) of that section relative to the 2067
same felony. 2068

(F) As used in this section, "firearm" has the same 2069
meaning as in section 2923.11 of the Revised Code. 2070

Sec. 2941.145. (A) Imposition of a three-year mandatory 2071
prison term upon an offender under division (B) (1) (a) (ii) of 2072
section 2929.14 of the Revised Code is precluded unless the 2073
indictment, count in the indictment, or information charging the 2074
offense specifies that the offender had a firearm on or about 2075
the offender's person or under the offender's control while 2076
committing the offense and displayed the firearm, brandished the 2077
firearm, indicated that the offender possessed the firearm, or 2078
used it to facilitate the offense. The specification shall be 2079
stated at the end of the body of the indictment, count, or 2080

information, and shall be stated in substantially the following form: 2081
2082

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender had a firearm on or about the offender's person or under the offender's control while committing the offense and displayed the firearm, brandished the firearm, indicated that the offender possessed the firearm, or used it to facilitate the offense)." 2083
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(B) Imposition of a three-year mandatory prison term upon an offender under division (B) (1) (a) (ii) of section 2929.14 of the Revised Code is precluded if a court imposes a one-year ~~or,~~ eighteen-month, six-year, fifty-four-month, or nine-year mandatory prison term on the offender under ~~that~~ division (B) (1) (a) (i), (iii), (iv), (v), or (vi) of that section relative to the same felony. 2091
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(C) The specification described in division (A) of this section may be used in a delinquent child proceeding in the manner and for the purpose described in section 2152.17 of the Revised Code. 2098
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(D) Imposition of a mandatory prison term of fifty-four months upon an offender under division (B) (1) (a) (v) of section 2929.14 of the Revised Code is precluded unless the indictment, count in the indictment, or information charging the offense specifies that the offender had a firearm on or about the offender's person or under the offender's control while committing the offense and displayed the firearm, brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense and that the offender 2102
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previously has been convicted of or pleaded guilty to a firearm 2111
specification of the type described in section 2941.141, 2112
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 2113
The specification shall be stated at the end of the body of the 2114
indictment, count, or information, and shall be in substantially 2115
the following form: 2116

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2117
Grand Jurors (or insert the person's or the prosecuting 2118
attorney's name when appropriate) further find and specify that 2119
(set forth that the offender had a firearm on or about the 2120
offender's person or under the offender's control while 2121
committing the offense and displayed the firearm, brandished the 2122
firearm, indicated that the offender possessed a firearm, or 2123
used the firearm to facilitate the offense and that the offender 2124
previously has been convicted of or pleaded guilty to a firearm 2125
specification of the type described in section 2941.141, 2126
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised 2127
Code.)" 2128

(E) Imposition of a mandatory prison term of fifty-four 2129
months upon an offender under division (B) (1) (a) (v) of section 2130
2929.14 of the Revised Code is precluded if the court imposes a 2131
one-year, eighteen-month, three-year, or nine-year mandatory 2132
prison term on the offender under division (B) (1) (a) (i), (ii), 2133
(iii), (iv), or (vi) of that section relative to the same 2134
felony. 2135

(F) As used in this section, "firearm" has the same 2136
meaning as in section 2923.11 of the Revised Code. 2137

Sec. 2941.146. (A) Imposition of a mandatory five-year 2138
prison term upon an offender under division (B) (1) (c) (i) of 2139
section 2929.14 of the Revised Code for committing a violation 2140

of section 2923.161 of the Revised Code or for committing a 2141
felony that includes, as an essential element, purposely or 2142
knowingly causing or attempting to cause the death of or 2143
physical harm to another and that was committed by discharging a 2144
firearm from a motor vehicle other than a manufactured home is 2145
precluded unless the indictment, count in the indictment, or 2146
information charging the offender specifies that the offender 2147
committed the offense by discharging a firearm from a motor 2148
vehicle other than a manufactured home. The specification shall 2149
be stated at the end of the body of the indictment, count, or 2150
information, and shall be stated in substantially the following 2151
form: 2152

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2153
Grand Jurors (or insert the person's or prosecuting attorney's 2154
name when appropriate) further find and specify that (set forth 2155
that the offender committed the violation of section 2923.161 of 2156
the Revised Code or the felony that includes, as an essential 2157
element, purposely or knowingly causing or attempting to cause 2158
the death of or physical harm to another and that was committed 2159
by discharging a firearm from a motor vehicle other than a 2160
manufactured home)." 2161

(B) The specification described in division (A) of this 2162
section may be used in a delinquent child proceeding in the 2163
manner and for the purpose described in section 2152.17 of the 2164
Revised Code. 2165

(C) Imposition of a ninety-month mandatory prison term 2166
under division (B) (1) (c) (ii) of section 2929.14 of the Revised 2167
Code for committing a violation of section 2923.161 of the 2168
Revised Code or for committing a felony that includes, as an 2169
essential element, purposely or knowingly causing or attempting 2170

to cause the death of or physical harm to another and that was 2171
committed by discharging a firearm from a motor vehicle other 2172
than a manufactured home is precluded unless the indictment, 2173
count in the indictment, or information charging the offender 2174
specifies that the offender committed the offense by discharging 2175
a firearm from a motor vehicle other than a manufactured home 2176
and that the offender previously has been convicted of or 2177
pleaded guilty to a firearm specification of the type described 2178
in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 2179
of the Revised Code. The specification shall be stated at the 2180
end of the body of the indictment, count, or information, and 2181
shall be stated in substantially the following form: 2182

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2183
Grand Jurors (or insert the person's or prosecuting attorney's 2184
name where appropriate) further find and specify that (set forth 2185
that the offender committed the violation of section 2923.161 of 2186
the Revised Code or the felony that includes, as an essential 2187
element, purposely or knowingly causing or attempting to cause 2188
the death of or physical harm to another and that was committed 2189
by discharging a firearm from a motor vehicle other than a 2190
manufactured home and that the offender previously has been 2191
convicted of or pleaded guilty to a firearm specification of the 2192
type described in section 2941.141, 2941.144, 2941.145, 2193
2941.146, or 2941.1412 of the Revised Code)." 2194

(D) As used in this section: 2195

(1) "Firearm" has the same meaning as in section 2923.11 2196
of the Revised Code; 2197

(2) "Motor vehicle" and "manufactured home" have the same 2198
meanings as in section 4501.01 of the Revised Code. 2199

Sec. 2941.1412. (A) Imposition of a seven-year mandatory 2200
prison term upon an offender under division (B) (1) (f) (i) of 2201
section 2929.14 of the Revised Code is precluded unless the 2202
indictment, count in the indictment, or information charging the 2203
offense specifies that the offender discharged a firearm at a 2204
peace officer or a corrections officer while committing the 2205
offense. The specification shall be stated at the end of the 2206
body of the indictment, count, or information and shall be in 2207
substantially the following form: 2208

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). 2209

The Grand Jurors (or insert the person's or the 2210
prosecuting attorney's name when appropriate) further find and 2211
specify that (set forth that the offender discharged a firearm 2212
at a peace officer or a corrections officer while committing the 2213
offense)." 2214

(B) Imposition of a mandatory prison term of one hundred 2215
twenty-six months upon an offender under division (B) (1) (f) (ii) 2216
of section 2929.14 of the Revised Code is precluded unless the 2217
indictment, count in the indictment, or information charging the 2218
offense specifies that the offender discharged a firearm at a 2219
peace officer or a corrections officer while committing the 2220
offense and that the offender previously has been convicted of 2221
or pleaded guilty to a firearm specification of the type 2222
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2223
2941.1412 of the Revised Code. The specification shall be stated 2224
at the end of the body of the indictment, count, or information, 2225
and shall be substantially in the following form: 2226

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). 2227

The Grand Jurors (or insert the person's or the 2228

prosecuting attorney's name when appropriate) further find and 2229
specify that (set forth that the offender discharged a firearm 2230
at a peace officer or corrections officer while committing the 2231
offense and that the offender previously has been convicted of 2232
or pleaded guilty to a firearm specification of the type 2233
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2234
2941.1412 of the Revised Code)." 2235

(C) As used in this section: 2236

(1) "Firearm" has the same meaning as in section 2923.11 2237
of the Revised Code. 2238

(2) "Peace officer" has the same meaning as in section 2239
2935.01 of the Revised Code. 2240

(3) "Corrections officer" means a person employed by a 2241
detention facility as a corrections officer. 2242

(4) "Detention facility" has the same meaning as in 2243
section 2921.01 of the Revised Code. 2244

Sec. 2941.1424. (A) The imposition of a mandatory prison 2245
term of two, three, four, five, six, seven, eight, nine, ten, or 2246
eleven years upon an offender under division (K) of section 2247
2929.14 of the Revised Code is precluded unless the offender is 2248
convicted of or pleads guilty to committing a violent felony 2249
offense and unless the indictment, count in the indictment, or 2250
information charging the offense specifies that the offender is 2251
a violent career criminal and had a firearm on or about the 2252
offender's person or under the offender's control while 2253
committing the presently charged violent felony offense and 2254
displayed or brandished the firearm, indicated that the offender 2255
possessed a firearm, or used the firearm to facilitate the 2256
offense. The specification shall be stated at the end of the 2257

body of the indictment, count, or information and shall be 2258
stated in substantially the following form: 2259

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). 2260

The Grand Jurors (or insert the person's or the 2261
prosecuting attorney's name when appropriate) further find and 2262
specify that (set forth that the offender is a violent career 2263
criminal and did have a firearm on or about the offender's 2264
person or under the offender's control while committing the 2265
presently charged violent felony offense and displayed or 2266
brandished the firearm, indicated that the offender possessed a 2267
firearm, or used the firearm to facilitate the offense.)" 2268

(B) A court may not impose more than one sentence under 2269
division (C) of section 2923.132 of the Revised Code and 2270
division (K) of section 2929.14 of the Revised Code for acts 2271
committed as part of the same act or transaction. 2272

(C) As used in this section: 2273

(1) "Firearm" has the same meaning as in section 2923.11 2274
of the Revised Code. 2275

(2) "Violent career criminal" and "violent felony offense" 2276
have the same meanings as in section 2923.132 of the Revised 2277
Code. 2278

Section 2. That existing sections 2152.17, 2901.08, 2279
2923.14, 2929.13, 2929.14, 2929.20, 2929.201, 2941.141, 2280
2941.144, 2941.145, 2941.146, and 2941.1412 of the Revised Code 2281
are hereby repealed. 2282