

As Reported by the House Criminal Justice Committee

132nd General Assembly

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Sub. H. B. No. 30

Representative Koehler

**Cosponsors: Representatives Merrin, Riedel, Thompson, Manning, Celebrezze,
Rogers**

A BILL

To amend sections 2903.11, 2929.01, 2929.13, and 1
2929.14 and to enact section 2941.1426 of the 2
Revised Code to require an additional prison 3
term of 6 years for an offender who is convicted 4
of or pleads guilty to felonious assault if the 5
offender is convicted of or pleads guilty to a 6
specification that the victim suffered permanent 7
disabling harm and that the victim was under 10
years of age at the time of the offense. 9

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

Section 1. That sections 2903.11, 2929.01, 2929.13, and 10
2929.14 be amended and section 2941.1426 of the Revised Code be 11
enacted to read as follows: 12

Sec. 2903.11. (A) No person shall knowingly do either of 13
the following: 14

(1) Cause serious physical harm to another or to another's 15
unborn; 16

(2) Cause or attempt to cause physical harm to another or 17

to another's unborn by means of a deadly weapon or dangerous
ordnance. 18
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(B) No person, with knowledge that the person has tested
positive as a carrier of a virus that causes acquired
immunodeficiency syndrome, shall knowingly do any of the
following: 20
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(1) Engage in sexual conduct with another person without
disclosing that knowledge to the other person prior to engaging
in the sexual conduct; 24
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(2) Engage in sexual conduct with a person whom the
offender knows or has reasonable cause to believe lacks the
mental capacity to appreciate the significance of the knowledge
that the offender has tested positive as a carrier of a virus
that causes acquired immunodeficiency syndrome; 27
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(3) Engage in sexual conduct with a person under eighteen
years of age who is not the spouse of the offender. 32
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(C) The prosecution of a person under this section does
not preclude prosecution of that person under section 2907.02 of
the Revised Code. 34
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(D) (1) (a) Whoever violates this section is guilty of
felonious assault. Except as otherwise provided in this division
or division (D) (1) (b) of this section, felonious assault is a
felony of the second degree. If the victim of a violation of
division (A) of this section is a peace officer or an
investigator of the bureau of criminal identification and
investigation, felonious assault is a felony of the first
degree. 37
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(b) Regardless of whether the felonious assault is a
felony of the first or second degree under division (D) (1) (a) of 45
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this section, if the offender also is convicted of or pleads 47
guilty to a specification as described in section 2941.1423 of 48
the Revised Code that was included in the indictment, count in 49
the indictment, or information charging the offense, except as 50
otherwise provided in this division or unless a longer prison 51
term is required under any other provision of law, the court 52
shall sentence the offender to a mandatory prison term as 53
provided in division (B) (8) of section 2929.14 of the Revised 54
Code. If the victim of the offense is a peace officer or an 55
investigator of the bureau of criminal identification and 56
investigation, and if the victim suffered serious physical harm 57
as a result of the commission of the offense, felonious assault 58
is a felony of the first degree, and the court, pursuant to 59
division (F) of section 2929.13 of the Revised Code, shall 60
impose as a mandatory prison term one of the prison terms 61
prescribed for a felony of the first degree. 62

(2) In addition to any other sanctions imposed pursuant to 63
division (D) (1) of this section for felonious assault committed 64
in violation of division (A) (1) or (2) of this section, if the 65
offender also is convicted of or pleads guilty to a 66
specification of the type described in section 2941.1425 of the 67
Revised Code that was included in the indictment, count in the 68
indictment, or information charging the offense, the court shall 69
sentence the offender to a mandatory prison term under division 70
(B) (9) of section 2929.14 of the Revised Code. 71

(3) If the victim of a felonious assault committed in 72
violation of division (A) of this section is a child under ten 73
years of age and if the offender also is convicted of or pleads 74
guilty to a specification of the type described in section 75
2941.1426 of the Revised Code that was included in the 76
indictment, count in the indictment, or information charging the 77

offense, in addition to any other sanctions imposed pursuant to 78
division (D) (1) of this section, the court shall sentence the 79
offender to a mandatory prison term pursuant to division (B) (10) 80
of section 2929.14 of the Revised Code. 81

(4) In addition to any other sanctions imposed pursuant to 82
division (D) (1) of this section for felonious assault committed 83
in violation of division (A) (2) of this section, if the deadly 84
weapon used in the commission of the violation is a motor 85
vehicle, the court shall impose upon the offender a class two 86
suspension of the offender's driver's license, commercial 87
driver's license, temporary instruction permit, probationary 88
license, or nonresident operating privilege as specified in 89
division (A) (2) of section 4510.02 of the Revised Code. 90

(E) As used in this section: 91

(1) "Deadly weapon" and "dangerous ordnance" have the same 92
meanings as in section 2923.11 of the Revised Code. 93

(2) "Motor vehicle" has the same meaning as in section 94
4501.01 of the Revised Code. 95

(3) "Peace officer" has the same meaning as in section 96
2935.01 of the Revised Code. 97

(4) "Sexual conduct" has the same meaning as in section 98
2907.01 of the Revised Code, except that, as used in this 99
section, it does not include the insertion of an instrument, 100
apparatus, or other object that is not a part of the body into 101
the vaginal or anal opening of another, unless the offender knew 102
at the time of the insertion that the instrument, apparatus, or 103
other object carried the offender's bodily fluid. 104

(5) "Investigator of the bureau of criminal identification 105
and investigation" means an investigator of the bureau of 106

criminal identification and investigation who is commissioned by 107
the superintendent of the bureau as a special agent for the 108
purpose of assisting law enforcement officers or providing 109
emergency assistance to peace officers pursuant to authority 110
granted under section 109.541 of the Revised Code. 111

(6) "Investigator" has the same meaning as in section 112
109.541 of the Revised Code. 113

(F) The provisions of division (D)(2) of this section and 114
of division (F)(20) of section 2929.13, divisions (B)(9) and (C) 115
(6) of section 2929.14, and section 2941.1425 of the Revised 116
Code shall be known as "Judy's Law." 117

Sec. 2929.01. As used in this chapter: 118

(A)(1) "Alternative residential facility" means, subject 119
to division (A)(2) of this section, any facility other than an 120
offender's home or residence in which an offender is assigned to 121
live and that satisfies all of the following criteria: 122

(a) It provides programs through which the offender may 123
seek or maintain employment or may receive education, training, 124
treatment, or habilitation. 125

(b) It has received the appropriate license or certificate 126
for any specialized education, training, treatment, 127
habilitation, or other service that it provides from the 128
government agency that is responsible for licensing or 129
certifying that type of education, training, treatment, 130
habilitation, or service. 131

(2) "Alternative residential facility" does not include a 132
community-based correctional facility, jail, halfway house, or 133
prison. 134

(B) "Basic probation supervision" means a requirement that 135
the offender maintain contact with a person appointed to 136
supervise the offender in accordance with sanctions imposed by 137
the court or imposed by the parole board pursuant to section 138
2967.28 of the Revised Code. "Basic probation supervision" 139
includes basic parole supervision and basic post-release control 140
supervision. 141

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 142
the same meanings as in section 2925.01 of the Revised Code. 143

(D) "Community-based correctional facility" means a 144
community-based correctional facility and program or district 145
community-based correctional facility and program developed 146
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 147

(E) "Community control sanction" means a sanction that is 148
not a prison term and that is described in section 2929.15, 149
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 150
that is not a jail term and that is described in section 151
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 152
control sanction" includes probation if the sentence involved 153
was imposed for a felony that was committed prior to July 1, 154
1996, or if the sentence involved was imposed for a misdemeanor 155
that was committed prior to January 1, 2004. 156

(F) "Controlled substance," "marihuana," "schedule I," and 157
"schedule II" have the same meanings as in section 3719.01 of 158
the Revised Code. 159

(G) "Curfew" means a requirement that an offender during a 160
specified period of time be at a designated place. 161

(H) "Day reporting" means a sanction pursuant to which an 162
offender is required each day to report to and leave a center or 163

other approved reporting location at specified times in order to 164
participate in work, education or training, treatment, and other 165
approved programs at the center or outside the center. 166

(I) "Deadly weapon" has the same meaning as in section 167
2923.11 of the Revised Code. 168

(J) "Drug and alcohol use monitoring" means a program 169
under which an offender agrees to submit to random chemical 170
analysis of the offender's blood, breath, or urine to determine 171
whether the offender has ingested any alcohol or other drugs. 172

(K) "Drug treatment program" means any program under which 173
a person undergoes assessment and treatment designed to reduce 174
or completely eliminate the person's physical or emotional 175
reliance upon alcohol, another drug, or alcohol and another drug 176
and under which the person may be required to receive assessment 177
and treatment on an outpatient basis or may be required to 178
reside at a facility other than the person's home or residence 179
while undergoing assessment and treatment. 180

(L) "Economic loss" means any economic detriment suffered 181
by a victim as a direct and proximate result of the commission 182
of an offense and includes any loss of income due to lost time 183
at work because of any injury caused to the victim, and any 184
property loss, medical cost, or funeral expense incurred as a 185
result of the commission of the offense. "Economic loss" does 186
not include non-economic loss or any punitive or exemplary 187
damages. 188

(M) "Education or training" includes study at, or in 189
conjunction with a program offered by, a university, college, or 190
technical college or vocational study and also includes the 191
completion of primary school, secondary school, and literacy 192

curricula or their equivalent.	193
(N) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.	194 195
(O) "Halfway house" means a facility licensed by the division of parole and community services of the department of rehabilitation and correction pursuant to section 2967.14 of the Revised Code as a suitable facility for the care and treatment of adult offenders.	196 197 198 199 200
(P) "House arrest" means a period of confinement of an offender that is in the offender's home or in other premises specified by the sentencing court or by the parole board pursuant to section 2967.28 of the Revised Code and during which all of the following apply:	201 202 203 204 205
(1) The offender is required to remain in the offender's home or other specified premises for the specified period of confinement, except for periods of time during which the offender is at the offender's place of employment or at other premises as authorized by the sentencing court or by the parole board.	206 207 208 209 210 211
(2) The offender is required to report periodically to a person designated by the court or parole board.	212 213
(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.	214 215 216
(Q) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary	217 218 219 220 221

employment and participating in training, education, and 222
treatment programs as required in the court's or parole board's 223
order. "Intensive probation supervision" includes intensive 224
parole supervision and intensive post-release control 225
supervision. 226

(R) "Jail" means a jail, workhouse, minimum security jail, 227
or other residential facility used for the confinement of 228
alleged or convicted offenders that is operated by a political 229
subdivision or a combination of political subdivisions of this 230
state. 231

(S) "Jail term" means the term in a jail that a sentencing 232
court imposes or is authorized to impose pursuant to section 233
2929.24 or 2929.25 of the Revised Code or pursuant to any other 234
provision of the Revised Code that authorizes a term in a jail 235
for a misdemeanor conviction. 236

(T) "Mandatory jail term" means the term in a jail that a 237
sentencing court is required to impose pursuant to division (G) 238
of section 1547.99 of the Revised Code, division (E) of section 239
2903.06 or division (D) of section 2903.08 of the Revised Code, 240
division (E) or (G) of section 2929.24 of the Revised Code, 241
division (B) of section 4510.14 of the Revised Code, or division 242
(G) of section 4511.19 of the Revised Code or pursuant to any 243
other provision of the Revised Code that requires a term in a 244
jail for a misdemeanor conviction. 245

(U) "Delinquent child" has the same meaning as in section 246
2152.02 of the Revised Code. 247

(V) "License violation report" means a report that is made 248
by a sentencing court, or by the parole board pursuant to 249
section 2967.28 of the Revised Code, to the regulatory or 250

licensing board or agency that issued an offender a professional 251
license or a license or permit to do business in this state and 252
that specifies that the offender has been convicted of or 253
pleaded guilty to an offense that may violate the conditions 254
under which the offender's professional license or license or 255
permit to do business in this state was granted or an offense 256
for which the offender's professional license or license or 257
permit to do business in this state may be revoked or suspended. 258

(W) "Major drug offender" means an offender who is 259
convicted of or pleads guilty to the possession of, sale of, or 260
offer to sell any drug, compound, mixture, preparation, or 261
substance that consists of or contains at least one thousand 262
grams of hashish; at least one hundred grams of cocaine; at 263
least one thousand unit doses or one hundred grams of heroin; at 264
least five thousand unit doses of L.S.D. or five hundred grams 265
of L.S.D. in a liquid concentrate, liquid extract, or liquid 266
distillate form; at least fifty grams of a controlled substance 267
analog; or at least one hundred times the amount of any other 268
schedule I or II controlled substance other than marihuana that 269
is necessary to commit a felony of the third degree pursuant to 270
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 271
Code that is based on the possession of, sale of, or offer to 272
sell the controlled substance. 273

(X) "Mandatory prison term" means any of the following: 274

(1) Subject to division (X)(2) of this section, the term 275
in prison that must be imposed for the offenses or circumstances 276
set forth in divisions (F)(1) to (8) or (F)(12) to (18) of 277
section 2929.13 and division (B) of section 2929.14 of the 278
Revised Code. Except as provided in sections 2925.02, 2925.03, 279
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 280

maximum or another specific term is required under section 281
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 282
described in this division may be any prison term authorized for 283
the level of offense. 284

(2) The term of sixty or one hundred twenty days in prison 285
that a sentencing court is required to impose for a third or 286
fourth degree felony OVI offense pursuant to division (G) (2) of 287
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 288
of the Revised Code or the term of one, two, three, four, or 289
five years in prison that a sentencing court is required to 290
impose pursuant to division (G) (2) of section 2929.13 of the 291
Revised Code. 292

(3) The term in prison imposed pursuant to division (A) of 293
section 2971.03 of the Revised Code for the offenses and in the 294
circumstances described in division (F) (11) of section 2929.13 295
of the Revised Code or pursuant to division (B) (1) (a), (b), or 296
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 297
section 2971.03 of the Revised Code and that term as modified or 298
terminated pursuant to section 2971.05 of the Revised Code. 299

(Y) "Monitored time" means a period of time during which 300
an offender continues to be under the control of the sentencing 301
court or parole board, subject to no conditions other than 302
leading a law-abiding life. 303

(Z) "Offender" means a person who, in this state, is 304
convicted of or pleads guilty to a felony or a misdemeanor. 305

(AA) "Prison" means a residential facility used for the 306
confinement of convicted felony offenders that is under the 307
control of the department of rehabilitation and correction but 308
does not include a violation sanction center operated under 309

authority of section 2967.141 of the Revised Code.	310
(BB) "Prison term" includes either of the following	311
sanctions for an offender:	312
(1) A stated prison term;	313
(2) A term in a prison shortened by, or with the approval	314
of, the sentencing court pursuant to section 2929.143, 2929.20,	315
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code.	316
(CC) "Repeat violent offender" means a person about whom	317
both of the following apply:	318
(1) The person is being sentenced for committing or for	319
complicity in committing any of the following:	320
(a) Aggravated murder, murder, any felony of the first or	321
second degree that is an offense of violence, or an attempt to	322
commit any of these offenses if the attempt is a felony of the	323
first or second degree;	324
(b) An offense under an existing or former law of this	325
state, another state, or the United States that is or was	326
substantially equivalent to an offense described in division	327
(CC) (1) (a) of this section.	328
(2) The person previously was convicted of or pleaded	329
guilty to an offense described in division (CC) (1) (a) or (b) of	330
this section.	331
(DD) "Sanction" means any penalty imposed upon an offender	332
who is convicted of or pleads guilty to an offense, as	333
punishment for the offense. "Sanction" includes any sanction	334
imposed pursuant to any provision of sections 2929.14 to 2929.18	335
or 2929.24 to 2929.28 of the Revised Code.	336

(EE) "Sentence" means the sanction or combination of 337
sanctions imposed by the sentencing court on an offender who is 338
convicted of or pleads guilty to an offense. 339

(FF) "Stated prison term" means the prison term, mandatory 340
prison term, or combination of all prison terms and mandatory 341
prison terms imposed by the sentencing court pursuant to section 342
2929.14, 2929.142, or 2971.03 of the Revised Code or under 343
section 2919.25 of the Revised Code. "Stated prison term" 344
includes any credit received by the offender for time spent in 345
jail awaiting trial, sentencing, or transfer to prison for the 346
offense and any time spent under house arrest or house arrest 347
with electronic monitoring imposed after earning credits 348
pursuant to section 2967.193 of the Revised Code. If an offender 349
is serving a prison term as a risk reduction sentence under 350
sections 2929.143 and 5120.036 of the Revised Code, "stated 351
prison term" includes any period of time by which the prison 352
term imposed upon the offender is shortened by the offender's 353
successful completion of all assessment and treatment or 354
programming pursuant to those sections. 355

(GG) "Victim-offender mediation" means a reconciliation or 356
mediation program that involves an offender and the victim of 357
the offense committed by the offender and that includes a 358
meeting in which the offender and the victim may discuss the 359
offense, discuss restitution, and consider other sanctions for 360
the offense. 361

(HH) "Fourth degree felony OVI offense" means a violation 362
of division (A) of section 4511.19 of the Revised Code that, 363
under division (G) of that section, is a felony of the fourth 364
degree. 365

(II) "Mandatory term of local incarceration" means the 366

term of sixty or one hundred twenty days in a jail, a community- 367
based correctional facility, a halfway house, or an alternative 368
residential facility that a sentencing court may impose upon a 369
person who is convicted of or pleads guilty to a fourth degree 370
felony OVI offense pursuant to division (G)(1) of section 371
2929.13 of the Revised Code and division (G)(1)(d) or (e) of 372
section 4511.19 of the Revised Code. 373

(JJ) "Designated homicide, assault, or kidnapping 374
offense," "violent sex offense," "sexual motivation 375
specification," "sexually violent offense," "sexually violent 376
predator," and "sexually violent predator specification" have 377
the same meanings as in section 2971.01 of the Revised Code. 378

(KK) "Sexually oriented offense," "child-victim oriented 379
offense," and "tier III sex offender/child-victim offender" have 380
the same meanings as in section 2950.01 of the Revised Code. 381

(LL) An offense is "committed in the vicinity of a child" 382
if the offender commits the offense within thirty feet of or 383
within the same residential unit as a child who is under 384
eighteen years of age, regardless of whether the offender knows 385
the age of the child or whether the offender knows the offense 386
is being committed within thirty feet of or within the same 387
residential unit as the child and regardless of whether the 388
child actually views the commission of the offense. 389

(MM) "Family or household member" has the same meaning as 390
in section 2919.25 of the Revised Code. 391

(NN) "Motor vehicle" and "manufactured home" have the same 392
meanings as in section 4501.01 of the Revised Code. 393

(OO) "Detention" and "detention facility" have the same 394
meanings as in section 2921.01 of the Revised Code. 395

(PP) "Third degree felony OVI offense" means a violation 396
of division (A) of section 4511.19 of the Revised Code that, 397
under division (G) of that section, is a felony of the third 398
degree. 399

(QQ) "Random drug testing" has the same meaning as in 400
section 5120.63 of the Revised Code. 401

(RR) "Felony sex offense" has the same meaning as in 402
section 2967.28 of the Revised Code. 403

(SS) "Body armor" has the same meaning as in section 404
2941.1411 of the Revised Code. 405

(TT) "Electronic monitoring" means monitoring through the 406
use of an electronic monitoring device. 407

(UU) "Electronic monitoring device" means any of the 408
following: 409

(1) Any device that can be operated by electrical or 410
battery power and that conforms with all of the following: 411

(a) The device has a transmitter that can be attached to a 412
person, that will transmit a specified signal to a receiver of 413
the type described in division (UU) (1) (b) of this section if the 414
transmitter is removed from the person, turned off, or altered 415
in any manner without prior court approval in relation to 416
electronic monitoring or without prior approval of the 417
department of rehabilitation and correction in relation to the 418
use of an electronic monitoring device for an inmate on 419
transitional control or otherwise is tampered with, that can 420
transmit continuously and periodically a signal to that receiver 421
when the person is within a specified distance from the 422
receiver, and that can transmit an appropriate signal to that 423
receiver if the person to whom it is attached travels a 424

specified distance from that receiver. 425

(b) The device has a receiver that can receive 426
continuously the signals transmitted by a transmitter of the 427
type described in division (UU) (1) (a) of this section, can 428
transmit continuously those signals by a wireless or landline 429
telephone connection to a central monitoring computer of the 430
type described in division (UU) (1) (c) of this section, and can 431
transmit continuously an appropriate signal to that central 432
monitoring computer if the device has been turned off or altered 433
without prior court approval or otherwise tampered with. The 434
device is designed specifically for use in electronic 435
monitoring, is not a converted wireless phone or another 436
tracking device that is clearly not designed for electronic 437
monitoring, and provides a means of text-based or voice 438
communication with the person. 439

(c) The device has a central monitoring computer that can 440
receive continuously the signals transmitted by a wireless or 441
landline telephone connection by a receiver of the type 442
described in division (UU) (1) (b) of this section and can monitor 443
continuously the person to whom an electronic monitoring device 444
of the type described in division (UU) (1) (a) of this section is 445
attached. 446

(2) Any device that is not a device of the type described 447
in division (UU) (1) of this section and that conforms with all 448
of the following: 449

(a) The device includes a transmitter and receiver that 450
can monitor and determine the location of a subject person at 451
any time, or at a designated point in time, through the use of a 452
central monitoring computer or through other electronic means. 453

(b) The device includes a transmitter and receiver that 454
can determine at any time, or at a designated point in time, 455
through the use of a central monitoring computer or other 456
electronic means the fact that the transmitter is turned off or 457
altered in any manner without prior approval of the court in 458
relation to the electronic monitoring or without prior approval 459
of the department of rehabilitation and correction in relation 460
to the use of an electronic monitoring device for an inmate on 461
transitional control or otherwise is tampered with. 462

(3) Any type of technology that can adequately track or 463
determine the location of a subject person at any time and that 464
is approved by the director of rehabilitation and correction, 465
including, but not limited to, any satellite technology, voice 466
tracking system, or retinal scanning system that is so approved. 467

(VV) "Non-economic loss" means nonpecuniary harm suffered 468
by a victim of an offense as a result of or related to the 469
commission of the offense, including, but not limited to, pain 470
and suffering; loss of society, consortium, companionship, care, 471
assistance, attention, protection, advice, guidance, counsel, 472
instruction, training, or education; mental anguish; and any 473
other intangible loss. 474

(WW) "Prosecutor" has the same meaning as in section 475
2935.01 of the Revised Code. 476

(XX) "Continuous alcohol monitoring" means the ability to 477
automatically test and periodically transmit alcohol consumption 478
levels and tamper attempts at least every hour, regardless of 479
the location of the person who is being monitored. 480

(YY) A person is "adjudicated a sexually violent predator" 481
if the person is convicted of or pleads guilty to a violent sex 482

offense and also is convicted of or pleads guilty to a sexually 483
violent predator specification that was included in the 484
indictment, count in the indictment, or information charging 485
that violent sex offense or if the person is convicted of or 486
pleads guilty to a designated homicide, assault, or kidnapping 487
offense and also is convicted of or pleads guilty to both a 488
sexual motivation specification and a sexually violent predator 489
specification that were included in the indictment, count in the 490
indictment, or information charging that designated homicide, 491
assault, or kidnapping offense. 492

(ZZ) An offense is "committed in proximity to a school" if 493
the offender commits the offense in a school safety zone or 494
within five hundred feet of any school building or the 495
boundaries of any school premises, regardless of whether the 496
offender knows the offense is being committed in a school safety 497
zone or within five hundred feet of any school building or the 498
boundaries of any school premises. 499

(AAA) "Human trafficking" means a scheme or plan to which 500
all of the following apply: 501

(1) Its object is one or more of the following: 502

(a) To subject a victim or victims to involuntary 503
servitude, as defined in section 2905.31 of the Revised Code or 504
to compel a victim or victims to engage in sexual activity for 505
hire, to engage in a performance that is obscene, sexually 506
oriented, or nudity oriented, or to be a model or participant in 507
the production of material that is obscene, sexually oriented, 508
or nudity oriented; 509

(b) To facilitate, encourage, or recruit a victim who is 510
less than sixteen years of age or is a person with a 511

developmental disability, or victims who are less than sixteen 512
years of age or are persons with developmental disabilities, for 513
any purpose listed in divisions (A) (2) (a) to (c) of section 514
2905.32 of the Revised Code; 515

(c) To facilitate, encourage, or recruit a victim who is 516
sixteen or seventeen years of age, or victims who are sixteen or 517
seventeen years of age, for any purpose listed in divisions (A) 518
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 519
circumstances described in division (A) (5), (6), (7), (8), (9), 520
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 521
apply with respect to the person engaging in the conduct and the 522
victim or victims. 523

(2) It involves at least two felony offenses, whether or 524
not there has been a prior conviction for any of the felony 525
offenses, to which all of the following apply: 526

(a) Each of the felony offenses is a violation of section 527
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 528
division (A) (1) or (2) of section 2907.323, or division (B) (1), 529
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 530
is a violation of a law of any state other than this state that 531
is substantially similar to any of the sections or divisions of 532
the Revised Code identified in this division. 533

(b) At least one of the felony offenses was committed in 534
this state. 535

(c) The felony offenses are related to the same scheme or 536
plan and are not isolated instances. 537

(BBB) "Material," "nudity," "obscene," "performance," and 538
"sexual activity" have the same meanings as in section 2907.01 539
of the Revised Code. 540

(CCC) "Material that is obscene, sexually oriented, or 541
nudity oriented" means any material that is obscene, that shows 542
a person participating or engaging in sexual activity, 543
masturbation, or bestiality, or that shows a person in a state 544
of nudity. 545

(DDD) "Performance that is obscene, sexually oriented, or 546
nudity oriented" means any performance that is obscene, that 547
shows a person participating or engaging in sexual activity, 548
masturbation, or bestiality, or that shows a person in a state 549
of nudity. 550

(EEE) "Accelerant" means a fuel or oxidizing agent, such 551
as an ignitable liquid, used to initiate a fire or increase the 552
rate of growth or spread of a fire. 553

(FFF) "Permanent disabling harm" means serious physical 554
harm that results in permanent injury to the intellectual, 555
physical, or sensory functions and that permanently and 556
substantially impairs a person's ability to meet one or more of 557
the ordinary demands of life, including the functions of caring 558
for one's self, performing manual tasks, walking, seeing, 559
hearing, speaking, breathing, learning, and working. 560

Sec. 2929.13. (A) Except as provided in division (E), (F), 561
or (G) of this section and unless a specific sanction is 562
required to be imposed or is precluded from being imposed 563
pursuant to law, a court that imposes a sentence upon an 564
offender for a felony may impose any sanction or combination of 565
sanctions on the offender that are provided in sections 2929.14 566
to 2929.18 of the Revised Code. 567

If the offender is eligible to be sentenced to community 568
control sanctions, the court shall consider the appropriateness 569

of imposing a financial sanction pursuant to section 2929.18 of 570
the Revised Code or a sanction of community service pursuant to 571
section 2929.17 of the Revised Code as the sole sanction for the 572
offense. Except as otherwise provided in this division, if the 573
court is required to impose a mandatory prison term for the 574
offense for which sentence is being imposed, the court also 575
shall impose any financial sanction pursuant to section 2929.18 576
of the Revised Code that is required for the offense and may 577
impose any other financial sanction pursuant to that section but 578
may not impose any additional sanction or combination of 579
sanctions under section 2929.16 or 2929.17 of the Revised Code. 580

If the offender is being sentenced for a fourth degree 581
felony OVI offense or for a third degree felony OVI offense, in 582
addition to the mandatory term of local incarceration or the 583
mandatory prison term required for the offense by division (G) 584
(1) or (2) of this section, the court shall impose upon the 585
offender a mandatory fine in accordance with division (B) (3) of 586
section 2929.18 of the Revised Code and may impose whichever of 587
the following is applicable: 588

(1) For a fourth degree felony OVI offense for which 589
sentence is imposed under division (G) (1) of this section, an 590
additional community control sanction or combination of 591
community control sanctions under section 2929.16 or 2929.17 of 592
the Revised Code. If the court imposes upon the offender a 593
community control sanction and the offender violates any 594
condition of the community control sanction, the court may take 595
any action prescribed in division (B) of section 2929.15 of the 596
Revised Code relative to the offender, including imposing a 597
prison term on the offender pursuant to that division. 598

(2) For a third or fourth degree felony OVI offense for 599

which sentence is imposed under division (G) (2) of this section, 600
an additional prison term as described in division (B) (4) of 601
section 2929.14 of the Revised Code or a community control 602
sanction as described in division (G) (2) of this section. 603

(B) (1) (a) Except as provided in division (B) (1) (b) of this 604
section, if an offender is convicted of or pleads guilty to a 605
felony of the fourth or fifth degree that is not an offense of 606
violence or that is a qualifying assault offense, the court 607
shall sentence the offender to a community control sanction of 608
at least one year's duration if all of the following apply: 609

(i) The offender previously has not been convicted of or 610
pleaded guilty to a felony offense. 611

(ii) The most serious charge against the offender at the 612
time of sentencing is a felony of the fourth or fifth degree. 613

(iii) If the court made a request of the department of 614
rehabilitation and correction pursuant to division (B) (1) (c) of 615
this section, the department, within the forty-five-day period 616
specified in that division, provided the court with the names 617
of, contact information for, and program details of one or more 618
community control sanctions of at least one year's duration that 619
are available for persons sentenced by the court. 620

(iv) The offender previously has not been convicted of or 621
pleaded guilty to a misdemeanor offense of violence that the 622
offender committed within two years prior to the offense for 623
which sentence is being imposed. 624

(b) The court has discretion to impose a prison term upon 625
an offender who is convicted of or pleads guilty to a felony of 626
the fourth or fifth degree that is not an offense of violence or 627
that is a qualifying assault offense if any of the following 628

apply: 629

(i) The offender committed the offense while having a 630
firearm on or about the offender's person or under the 631
offender's control. 632

(ii) If the offense is a qualifying assault offense, the 633
offender caused serious physical harm to another person while 634
committing the offense, and, if the offense is not a qualifying 635
assault offense, the offender caused physical harm to another 636
person while committing the offense. 637

(iii) The offender violated a term of the conditions of 638
bond as set by the court. 639

(iv) The court made a request of the department of 640
rehabilitation and correction pursuant to division (B)(1)(c) of 641
this section, and the department, within the forty-five-day 642
period specified in that division, did not provide the court 643
with the name of, contact information for, and program details 644
of any community control sanction of at least one year's 645
duration that is available for persons sentenced by the court. 646

(v) The offense is a sex offense that is a fourth or fifth 647
degree felony violation of any provision of Chapter 2907. of the 648
Revised Code. 649

(vi) In committing the offense, the offender attempted to 650
cause or made an actual threat of physical harm to a person with 651
a deadly weapon. 652

(vii) In committing the offense, the offender attempted to 653
cause or made an actual threat of physical harm to a person, and 654
the offender previously was convicted of an offense that caused 655
physical harm to a person. 656

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

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

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

(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.

(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 687
particular offender, a court shall defer sentencing of that 688
offender until it receives from the department the names of, 689
contact information for, and program details of one or more 690
community control sanctions of at least one year's duration that 691
are available for persons sentenced by the court or for forty- 692
five days, whichever is the earlier. 693

If the department provides the court with the names of, 694
contact information for, and program details of one or more 695
community control sanctions of at least one year's duration that 696
are available for persons sentenced by the court within the 697
forty-five-day period specified in this division, the court 698
shall impose upon the offender a community control sanction 699
under division (B) (1) (a) of this section, except that the court 700
may impose a prison term under division (B) (1) (b) of this 701
section if a factor described in division (B) (1) (b) (i) or (ii) 702
of this section applies. If the department does not provide the 703
court with the names of, contact information for, and program 704
details of one or more community control sanctions of at least 705
one year's duration that are available for persons sentenced by 706
the court within the forty-five-day period specified in this 707
division, the court may impose upon the offender a prison term 708
under division (B) (1) (b) (iv) of this section. 709

(d) A sentencing court may impose an additional penalty 710
under division (B) of section 2929.15 of the Revised Code upon 711
an offender sentenced to a community control sanction under 712
division (B) (1) (a) of this section if the offender violates the 713
conditions of the community control sanction, violates a law, or 714
leaves the state without the permission of the court or the 715
offender's probation officer. 716

(2) If division (B)(1) of this section does not apply, 717
except as provided in division (E), (F), or (G) of this section, 718
in determining whether to impose a prison term as a sanction for 719
a felony of the fourth or fifth degree, the sentencing court 720
shall comply with the purposes and principles of sentencing 721
under section 2929.11 of the Revised Code and with section 722
2929.12 of the Revised Code. 723

(C) Except as provided in division (D), (E), (F), or (G) 724
of this section, in determining whether to impose a prison term 725
as a sanction for a felony of the third degree or a felony drug 726
offense that is a violation of a provision of Chapter 2925. of 727
the Revised Code and that is specified as being subject to this 728
division for purposes of sentencing, the sentencing court shall 729
comply with the purposes and principles of sentencing under 730
section 2929.11 of the Revised Code and with section 2929.12 of 731
the Revised Code. 732

(D)(1) Except as provided in division (E) or (F) of this 733
section, for a felony of the first or second degree, for a 734
felony drug offense that is a violation of any provision of 735
Chapter 2925., 3719., or 4729. of the Revised Code for which a 736
presumption in favor of a prison term is specified as being 737
applicable, and for a violation of division (A)(4) or (B) of 738
section 2907.05 of the Revised Code for which a presumption in 739
favor of a prison term is specified as being applicable, it is 740
presumed that a prison term is necessary in order to comply with 741
the purposes and principles of sentencing under section 2929.11 742
of the Revised Code. Division (D)(2) of this section does not 743
apply to a presumption established under this division for a 744
violation of division (A)(4) of section 2907.05 of the Revised 745
Code. 746

(2) Notwithstanding the presumption established under 747
division (D)(1) of this section for the offenses listed in that 748
division other than a violation of division (A)(4) or (B) of 749
section 2907.05 of the Revised Code, the sentencing court may 750
impose a community control sanction or a combination of 751
community control sanctions instead of a prison term on an 752
offender for a felony of the first or second degree or for a 753
felony drug offense that is a violation of any provision of 754
Chapter 2925., 3719., or 4729. of the Revised Code for which a 755
presumption in favor of a prison term is specified as being 756
applicable if it makes both of the following findings: 757

(a) A community control sanction or a combination of 758
community control sanctions would adequately punish the offender 759
and protect the public from future crime, because the applicable 760
factors under section 2929.12 of the Revised Code indicating a 761
lesser likelihood of recidivism outweigh the applicable factors 762
under that section indicating a greater likelihood of 763
recidivism. 764

(b) A community control sanction or a combination of 765
community control sanctions would not demean the seriousness of 766
the offense, because one or more factors under section 2929.12 767
of the Revised Code that indicate that the offender's conduct 768
was less serious than conduct normally constituting the offense 769
are applicable, and they outweigh the applicable factors under 770
that section that indicate that the offender's conduct was more 771
serious than conduct normally constituting the offense. 772

(E)(1) Except as provided in division (F) of this section, 773
for any drug offense that is a violation of any provision of 774
Chapter 2925. of the Revised Code and that is a felony of the 775
third, fourth, or fifth degree, the applicability of a 776

presumption under division (D) of this section in favor of a 777
prison term or of division (B) or (C) of this section in 778
determining whether to impose a prison term for the offense 779
shall be determined as specified in section 2925.02, 2925.03, 780
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 781
2925.36, or 2925.37 of the Revised Code, whichever is applicable 782
regarding the violation. 783

(2) If an offender who was convicted of or pleaded guilty 784
to a felony violates the conditions of a community control 785
sanction imposed for the offense solely by reason of producing 786
positive results on a drug test or by acting pursuant to 787
division (B) (2) (b) of section 2925.11 of the Revised Code with 788
respect to a minor drug possession offense, the court, as 789
punishment for the violation of the sanction, shall not order 790
that the offender be imprisoned unless the court determines on 791
the record either of the following: 792

(a) The offender had been ordered as a sanction for the 793
felony to participate in a drug treatment program, in a drug 794
education program, or in narcotics anonymous or a similar 795
program, and the offender continued to use illegal drugs after a 796
reasonable period of participation in the program. 797

(b) The imprisonment of the offender for the violation is 798
consistent with the purposes and principles of sentencing set 799
forth in section 2929.11 of the Revised Code. 800

(3) A court that sentences an offender for a drug abuse 801
offense that is a felony of the third, fourth, or fifth degree 802
may require that the offender be assessed by a properly 803
credentialed professional within a specified period of time. The 804
court shall require the professional to file a written 805
assessment of the offender with the court. If the offender is 806

eligible for a community control sanction and after considering 807
the written assessment, the court may impose a community control 808
sanction that includes addiction services and recovery supports 809
included in a community-based continuum of care established 810
under section 340.032 of the Revised Code. If the court imposes 811
addiction services and recovery supports as a community control 812
sanction, the court shall direct the level and type of addiction 813
services and recovery supports after considering the assessment 814
and recommendation of community addiction services providers. 815

(F) Notwithstanding divisions (A) to (E) of this section, 816
the court shall impose a prison term or terms under sections 817
2929.02 to 2929.06, section 2929.14, section 2929.142, or 818
section 2971.03 of the Revised Code and except as specifically 819
provided in section 2929.20, divisions (C) to (I) of section 820
2967.19, or section 2967.191 of the Revised Code or when parole 821
is authorized for the offense under section 2967.13 of the 822
Revised Code shall not reduce the term or terms pursuant to 823
section 2929.20, section 2967.19, section 2967.193, or any other 824
provision of Chapter 2967. or Chapter 5120. of the Revised Code 825
for any of the following offenses: 826

(1) Aggravated murder when death is not imposed or murder; 827

(2) Any rape, regardless of whether force was involved and 828
regardless of the age of the victim, or an attempt to commit 829
rape if, had the offender completed the rape that was attempted, 830
the offender would have been guilty of a violation of division 831
(A) (1) (b) of section 2907.02 of the Revised Code and would be 832
sentenced under section 2971.03 of the Revised Code; 833

(3) Gross sexual imposition or sexual battery, if the 834
victim is less than thirteen years of age and if any of the 835
following applies: 836

(a) Regarding gross sexual imposition, the offender 837
previously was convicted of or pleaded guilty to rape, the 838
former offense of felonious sexual penetration, gross sexual 839
imposition, or sexual battery, and the victim of the previous 840
offense was less than thirteen years of age; 841

(b) Regarding gross sexual imposition, the offense was 842
committed on or after August 3, 2006, and evidence other than 843
the testimony of the victim was admitted in the case 844
corroborating the violation. 845

(c) Regarding sexual battery, either of the following 846
applies: 847

(i) The offense was committed prior to August 3, 2006, the 848
offender previously was convicted of or pleaded guilty to rape, 849
the former offense of felonious sexual penetration, or sexual 850
battery, and the victim of the previous offense was less than 851
thirteen years of age. 852

(ii) The offense was committed on or after August 3, 2006. 853

(4) A felony violation of section 2903.04, 2903.06, 854
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 855
or 2923.132 of the Revised Code if the section requires the 856
imposition of a prison term; 857

(5) A first, second, or third degree felony drug offense 858
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 859
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 860
or 4729.99 of the Revised Code, whichever is applicable 861
regarding the violation, requires the imposition of a mandatory 862
prison term; 863

(6) Any offense that is a first or second degree felony 864
and that is not set forth in division (F) (1), (2), (3), or (4) 865

of this section, if the offender previously was convicted of or 866
pleaded guilty to aggravated murder, murder, any first or second 867
degree felony, or an offense under an existing or former law of 868
this state, another state, or the United States that is or was 869
substantially equivalent to one of those offenses; 870

(7) Any offense that is a third degree felony and either 871
is a violation of section 2903.04 of the Revised Code or an 872
attempt to commit a felony of the second degree that is an 873
offense of violence and involved an attempt to cause serious 874
physical harm to a person or that resulted in serious physical 875
harm to a person if the offender previously was convicted of or 876
pleaded guilty to any of the following offenses: 877

(a) Aggravated murder, murder, involuntary manslaughter, 878
rape, felonious sexual penetration as it existed under section 879
2907.12 of the Revised Code prior to September 3, 1996, a felony 880
of the first or second degree that resulted in the death of a 881
person or in physical harm to a person, or complicity in or an 882
attempt to commit any of those offenses; 883

(b) An offense under an existing or former law of this 884
state, another state, or the United States that is or was 885
substantially equivalent to an offense listed in division (F) (7) 886
(a) of this section that resulted in the death of a person or in 887
physical harm to a person. 888

(8) Any offense, other than a violation of section 2923.12 889
of the Revised Code, that is a felony, if the offender had a 890
firearm on or about the offender's person or under the 891
offender's control while committing the felony, with respect to 892
a portion of the sentence imposed pursuant to division (B) (1) (a) 893
of section 2929.14 of the Revised Code for having the firearm; 894

(9) Any offense of violence that is a felony, if the 895
offender wore or carried body armor while committing the felony 896
offense of violence, with respect to the portion of the sentence 897
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 898
Revised Code for wearing or carrying the body armor; 899

(10) Corrupt activity in violation of section 2923.32 of 900
the Revised Code when the most serious offense in the pattern of 901
corrupt activity that is the basis of the offense is a felony of 902
the first degree; 903

(11) Any violent sex offense or designated homicide, 904
assault, or kidnapping offense if, in relation to that offense, 905
the offender is adjudicated a sexually violent predator; 906

(12) A violation of division (A) (1) or (2) of section 907
2921.36 of the Revised Code, or a violation of division (C) of 908
that section involving an item listed in division (A) (1) or (2) 909
of that section, if the offender is an officer or employee of 910
the department of rehabilitation and correction; 911

(13) A violation of division (A) (1) or (2) of section 912
2903.06 of the Revised Code if the victim of the offense is a 913
peace officer, as defined in section 2935.01 of the Revised 914
Code, or an investigator of the bureau of criminal 915
identification and investigation, as defined in section 2903.11 916
of the Revised Code, with respect to the portion of the sentence 917
imposed pursuant to division (B) (5) of section 2929.14 of the 918
Revised Code; 919

(14) A violation of division (A) (1) or (2) of section 920
2903.06 of the Revised Code if the offender has been convicted 921
of or pleaded guilty to three or more violations of division (A) 922
or (B) of section 4511.19 of the Revised Code or an equivalent 923

offense, as defined in section 2941.1415 of the Revised Code, or 924
three or more violations of any combination of those divisions 925
and offenses, with respect to the portion of the sentence 926
imposed pursuant to division (B) (6) of section 2929.14 of the 927
Revised Code; 928

(15) Kidnapping, in the circumstances specified in section 929
2971.03 of the Revised Code and when no other provision of 930
division (F) of this section applies; 931

(16) Kidnapping, abduction, compelling prostitution, 932
promoting prostitution, engaging in a pattern of corrupt 933
activity, illegal use of a minor in a nudity-oriented material 934
or performance in violation of division (A) (1) or (2) of section 935
2907.323 of the Revised Code, or endangering children in 936
violation of division (B) (1), (2), (3), (4), or (5) of section 937
2919.22 of the Revised Code, if the offender is convicted of or 938
pleads guilty to a specification as described in section 939
2941.1422 of the Revised Code that was included in the 940
indictment, count in the indictment, or information charging the 941
offense; 942

(17) A felony violation of division (A) or (B) of section 943
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 944
that section, and division (D) (6) of that section, require the 945
imposition of a prison term; 946

(18) A felony violation of section 2903.11, 2903.12, or 947
2903.13 of the Revised Code, if the victim of the offense was a 948
woman that the offender knew was pregnant at the time of the 949
violation, with respect to a portion of the sentence imposed 950
pursuant to division (B) (8) of section 2929.14 of the Revised 951
Code; 952

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

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

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

(21) Any violation of division (A) of section 2903.11 of the Revised Code if the victim of the offense suffered permanent disabling harm as a result of the offense and the victim was under ten years of age at the time of the offense, with respect

to a portion of the sentence imposed pursuant to division (B) 983
(10) of section 2929.14 of the Revised Code. 984

(G) Notwithstanding divisions (A) to (E) of this section, 985
if an offender is being sentenced for a fourth degree felony OVI 986
offense or for a third degree felony OVI offense, the court 987
shall impose upon the offender a mandatory term of local 988
incarceration or a mandatory prison term in accordance with the 989
following: 990

(1) If the offender is being sentenced for a fourth degree 991
felony OVI offense and if the offender has not been convicted of 992
and has not pleaded guilty to a specification of the type 993
described in section 2941.1413 of the Revised Code, the court 994
may impose upon the offender a mandatory term of local 995
incarceration of sixty days or one hundred twenty days as 996
specified in division (G)(1)(d) of section 4511.19 of the 997
Revised Code. The court shall not reduce the term pursuant to 998
section 2929.20, 2967.193, or any other provision of the Revised 999
Code. The court that imposes a mandatory term of local 1000
incarceration under this division shall specify whether the term 1001
is to be served in a jail, a community-based correctional 1002
facility, a halfway house, or an alternative residential 1003
facility, and the offender shall serve the term in the type of 1004
facility specified by the court. A mandatory term of local 1005
incarceration imposed under division (G)(1) of this section is 1006
not subject to any other Revised Code provision that pertains to 1007
a prison term except as provided in division (A)(1) of this 1008
section. 1009

(2) If the offender is being sentenced for a third degree 1010
felony OVI offense, or if the offender is being sentenced for a 1011
fourth degree felony OVI offense and the court does not impose a 1012

mandatory term of local incarceration under division (G)(1) of 1013
this section, the court shall impose upon the offender a 1014
mandatory prison term of one, two, three, four, or five years if 1015
the offender also is convicted of or also pleads guilty to a 1016
specification of the type described in section 2941.1413 of the 1017
Revised Code or shall impose upon the offender a mandatory 1018
prison term of sixty days or one hundred twenty days as 1019
specified in division (G)(1)(d) or (e) of section 4511.19 of the 1020
Revised Code if the offender has not been convicted of and has 1021
not pleaded guilty to a specification of that type. Subject to 1022
divisions (C) to (I) of section 2967.19 of the Revised Code, the 1023
court shall not reduce the term pursuant to section 2929.20, 1024
2967.19, 2967.193, or any other provision of the Revised Code. 1025
The offender shall serve the one-, two-, three-, four-, or five- 1026
year mandatory prison term consecutively to and prior to the 1027
prison term imposed for the underlying offense and consecutively 1028
to any other mandatory prison term imposed in relation to the 1029
offense. In no case shall an offender who once has been 1030
sentenced to a mandatory term of local incarceration pursuant to 1031
division (G)(1) of this section for a fourth degree felony OVI 1032
offense be sentenced to another mandatory term of local 1033
incarceration under that division for any violation of division 1034
(A) of section 4511.19 of the Revised Code. In addition to the 1035
mandatory prison term described in division (G)(2) of this 1036
section, the court may sentence the offender to a community 1037
control sanction under section 2929.16 or 2929.17 of the Revised 1038
Code, but the offender shall serve the prison term prior to 1039
serving the community control sanction. The department of 1040
rehabilitation and correction may place an offender sentenced to 1041
a mandatory prison term under this division in an intensive 1042
program prison established pursuant to section 5120.033 of the 1043
Revised Code if the department gave the sentencing judge prior 1044

notice of its intent to place the offender in an intensive 1045
program prison established under that section and if the judge 1046
did not notify the department that the judge disapproved the 1047
placement. Upon the establishment of the initial intensive 1048
program prison pursuant to section 5120.033 of the Revised Code 1049
that is privately operated and managed by a contractor pursuant 1050
to a contract entered into under section 9.06 of the Revised 1051
Code, both of the following apply: 1052

(a) The department of rehabilitation and correction shall 1053
make a reasonable effort to ensure that a sufficient number of 1054
offenders sentenced to a mandatory prison term under this 1055
division are placed in the privately operated and managed prison 1056
so that the privately operated and managed prison has full 1057
occupancy. 1058

(b) Unless the privately operated and managed prison has 1059
full occupancy, the department of rehabilitation and correction 1060
shall not place any offender sentenced to a mandatory prison 1061
term under this division in any intensive program prison 1062
established pursuant to section 5120.033 of the Revised Code 1063
other than the privately operated and managed prison. 1064

(H) If an offender is being sentenced for a sexually 1065
oriented offense or child-victim oriented offense that is a 1066
felony committed on or after January 1, 1997, the judge shall 1067
require the offender to submit to a DNA specimen collection 1068
procedure pursuant to section 2901.07 of the Revised Code. 1069

(I) If an offender is being sentenced for a sexually 1070
oriented offense or a child-victim oriented offense committed on 1071
or after January 1, 1997, the judge shall include in the 1072
sentence a summary of the offender's duties imposed under 1073
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1074

Code and the duration of the duties. The judge shall inform the 1075
offender, at the time of sentencing, of those duties and of 1076
their duration. If required under division (A)(2) of section 1077
2950.03 of the Revised Code, the judge shall perform the duties 1078
specified in that section, or, if required under division (A)(6) 1079
of section 2950.03 of the Revised Code, the judge shall perform 1080
the duties specified in that division. 1081

(J)(1) Except as provided in division (J)(2) of this 1082
section, when considering sentencing factors under this section 1083
in relation to an offender who is convicted of or pleads guilty 1084
to an attempt to commit an offense in violation of section 1085
2923.02 of the Revised Code, the sentencing court shall consider 1086
the factors applicable to the felony category of the violation 1087
of section 2923.02 of the Revised Code instead of the factors 1088
applicable to the felony category of the offense attempted. 1089

(2) When considering sentencing factors under this section 1090
in relation to an offender who is convicted of or pleads guilty 1091
to an attempt to commit a drug abuse offense for which the 1092
penalty is determined by the amount or number of unit doses of 1093
the controlled substance involved in the drug abuse offense, the 1094
sentencing court shall consider the factors applicable to the 1095
felony category that the drug abuse offense attempted would be 1096
if that drug abuse offense had been committed and had involved 1097
an amount or number of unit doses of the controlled substance 1098
that is within the next lower range of controlled substance 1099
amounts than was involved in the attempt. 1100

(K) As used in this section: 1101

(1) "Community addiction services provider" has the same 1102
meaning as in section 5119.01 of the Revised Code. 1103

(2) "Drug abuse offense" has the same meaning as in 1104
section 2925.01 of the Revised Code. 1105

(3) "Minor drug possession offense" has the same meaning 1106
as in section 2925.11 of the Revised Code. 1107

(4) "Qualifying assault offense" means a violation of 1108
section 2903.13 of the Revised Code for which the penalty 1109
provision in division (C) (8) (b) or (C) (9) (b) of that section 1110
applies. 1111

(L) At the time of sentencing an offender for any sexually 1112
oriented offense, if the offender is a tier III sex 1113
offender/child-victim offender relative to that offense and the 1114
offender does not serve a prison term or jail term, the court 1115
may require that the offender be monitored by means of a global 1116
positioning device. If the court requires such monitoring, the 1117
cost of monitoring shall be borne by the offender. If the 1118
offender is indigent, the cost of compliance shall be paid by 1119
the crime victims reparations fund. 1120

Sec. 2929.14. (A) Except as provided in division (B) (1), 1121
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1122
(B) (10), (E), (G), (H), (J), or (K) of this section or in 1123
division (D) (6) of section 2919.25 of the Revised Code and 1124
except in relation to an offense for which a sentence of death 1125
or life imprisonment is to be imposed, if the court imposing a 1126
sentence upon an offender for a felony elects or is required to 1127
impose a prison term on the offender pursuant to this chapter, 1128
the court shall impose a definite prison term that shall be one 1129
of the following: 1130

(1) For a felony of the first degree, the prison term 1131
shall be three, four, five, six, seven, eight, nine, ten, or 1132

eleven years. 1133

(2) For a felony of the second degree, the prison term 1134
shall be two, three, four, five, six, seven, or eight years. 1135

(3) (a) For a felony of the third degree that is a 1136
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1137
2907.05, or 3795.04 of the Revised Code or that is a violation 1138
of section 2911.02 or 2911.12 of the Revised Code if the 1139
offender previously has been convicted of or pleaded guilty in 1140
two or more separate proceedings to two or more violations of 1141
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 1142
Code, the prison term shall be twelve, eighteen, twenty-four, 1143
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 1144
months. 1145

(b) For a felony of the third degree that is not an 1146
offense for which division (A) (3) (a) of this section applies, 1147
the prison term shall be nine, twelve, eighteen, twenty-four, 1148
thirty, or thirty-six months. 1149

(4) For a felony of the fourth degree, the prison term 1150
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1151
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1152

(5) For a felony of the fifth degree, the prison term 1153
shall be six, seven, eight, nine, ten, eleven, or twelve months. 1154

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1155
section, if an offender who is convicted of or pleads guilty to 1156
a felony also is convicted of or pleads guilty to a 1157
specification of the type described in section 2941.141, 1158
2941.144, or 2941.145 of the Revised Code, the court shall 1159
impose on the offender one of the following prison terms: 1160

(i) A prison term of six years if the specification is of 1161

the type described in division (A) of section 2941.144 of the 1162
Revised Code that charges the offender with having a firearm 1163
that is an automatic firearm or that was equipped with a firearm 1164
muffler or suppressor on or about the offender's person or under 1165
the offender's control while committing the offense; 1166

(ii) A prison term of three years if the specification is 1167
of the type described in division (A) of section 2941.145 of the 1168
Revised Code that charges the offender with having a firearm on 1169
or about the offender's person or under the offender's control 1170
while committing the offense and displaying the firearm, 1171
brandishing the firearm, indicating that the offender possessed 1172
the firearm, or using it to facilitate the offense; 1173

(iii) A prison term of one year if the specification is of 1174
the type described in division (A) of section 2941.141 of the 1175
Revised Code that charges the offender with having a firearm on 1176
or about the offender's person or under the offender's control 1177
while committing the offense; 1178

(iv) A prison term of nine years if the specification is 1179
of the type described in division (D) of section 2941.144 of the 1180
Revised Code that charges the offender with having a firearm 1181
that is an automatic firearm or that was equipped with a firearm 1182
muffler or suppressor on or about the offender's person or under 1183
the offender's control while committing the offense and 1184
specifies that the offender previously has been convicted of or 1185
pleaded guilty to a specification of the type described in 1186
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1187
the Revised Code; 1188

(v) A prison term of fifty-four months if the 1189
specification is of the type described in division (D) of 1190
section 2941.145 of the Revised Code that charges the offender 1191

with having a firearm on or about the offender's person or under 1192
the offender's control while committing the offense and 1193
displaying the firearm, brandishing the firearm, indicating that 1194
the offender possessed the firearm, or using the firearm to 1195
facilitate the offense and that the offender previously has been 1196
convicted of or pleaded guilty to a specification of the type 1197
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1198
2941.1412 of the Revised Code; 1199

(vi) A prison term of eighteen months if the specification 1200
is of the type described in division (D) of section 2941.141 of 1201
the Revised Code that charges the offender with having a firearm 1202
on or about the offender's person or under the offender's 1203
control while committing the offense and that the offender 1204
previously has been convicted of or pleaded guilty to a 1205
specification of the type described in section 2941.141, 1206
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1207

(b) If a court imposes a prison term on an offender under 1208
division (B) (1) (a) of this section, the prison term shall not be 1209
reduced pursuant to section 2967.19, section 2929.20, section 1210
2967.193, or any other provision of Chapter 2967. or Chapter 1211
5120. of the Revised Code. Except as provided in division (B) (1) 1212
(g) of this section, a court shall not impose more than one 1213
prison term on an offender under division (B) (1) (a) of this 1214
section for felonies committed as part of the same act or 1215
transaction. 1216

(c) (i) Except as provided in division (B) (1) (e) of this 1217
section, if an offender who is convicted of or pleads guilty to 1218
a violation of section 2923.161 of the Revised Code or to a 1219
felony that includes, as an essential element, purposely or 1220
knowingly causing or attempting to cause the death of or 1221

physical harm to another, also is convicted of or pleads guilty 1222
to a specification of the type described in division (A) of 1223
section 2941.146 of the Revised Code that charges the offender 1224
with committing the offense by discharging a firearm from a 1225
motor vehicle other than a manufactured home, the court, after 1226
imposing a prison term on the offender for the violation of 1227
section 2923.161 of the Revised Code or for the other felony 1228
offense under division (A), (B) (2), or (B) (3) of this section, 1229
shall impose an additional prison term of five years upon the 1230
offender that shall not be reduced pursuant to section 2929.20, 1231
section 2967.19, section 2967.193, or any other provision of 1232
Chapter 2967. or Chapter 5120. of the Revised Code. 1233

(ii) Except as provided in division (B) (1) (e) of this 1234
section, if an offender who is convicted of or pleads guilty to 1235
a violation of section 2923.161 of the Revised Code or to a 1236
felony that includes, as an essential element, purposely or 1237
knowingly causing or attempting to cause the death of or 1238
physical harm to another, also is convicted of or pleads guilty 1239
to a specification of the type described in division (C) of 1240
section 2941.146 of the Revised Code that charges the offender 1241
with committing the offense by discharging a firearm from a 1242
motor vehicle other than a manufactured home and that the 1243
offender previously has been convicted of or pleaded guilty to a 1244
specification of the type described in section 2941.141, 1245
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1246
the court, after imposing a prison term on the offender for the 1247
violation of section 2923.161 of the Revised Code or for the 1248
other felony offense under division (A), (B) (2), or (3) of this 1249
section, shall impose an additional prison term of ninety months 1250
upon the offender that shall not be reduced pursuant to section 1251
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1252

2967. or Chapter 5120. of the Revised Code. 1253

(iii) A court shall not impose more than one additional 1254
prison term on an offender under division (B) (1) (c) of this 1255
section for felonies committed as part of the same act or 1256
transaction. If a court imposes an additional prison term on an 1257
offender under division (B) (1) (c) of this section relative to an 1258
offense, the court also shall impose a prison term under 1259
division (B) (1) (a) of this section relative to the same offense, 1260
provided the criteria specified in that division for imposing an 1261
additional prison term are satisfied relative to the offender 1262
and the offense. 1263

(d) If an offender who is convicted of or pleads guilty to 1264
an offense of violence that is a felony also is convicted of or 1265
pleads guilty to a specification of the type described in 1266
section 2941.1411 of the Revised Code that charges the offender 1267
with wearing or carrying body armor while committing the felony 1268
offense of violence, the court shall impose on the offender a 1269
prison term of two years. The prison term so imposed, subject to 1270
divisions (C) to (I) of section 2967.19 of the Revised Code, 1271
shall not be reduced pursuant to section 2929.20, section 1272
2967.19, section 2967.193, or any other provision of Chapter 1273
2967. or Chapter 5120. of the Revised Code. A court shall not 1274
impose more than one prison term on an offender under division 1275
(B) (1) (d) of this section for felonies committed as part of the 1276
same act or transaction. If a court imposes an additional prison 1277
term under division (B) (1) (a) or (c) of this section, the court 1278
is not precluded from imposing an additional prison term under 1279
division (B) (1) (d) of this section. 1280

(e) The court shall not impose any of the prison terms 1281
described in division (B) (1) (a) of this section or any of the 1282

additional prison terms described in division (B) (1) (c) of this 1283
section upon an offender for a violation of section 2923.12 or 1284
2923.123 of the Revised Code. The court shall not impose any of 1285
the prison terms described in division (B) (1) (a) or (b) of this 1286
section upon an offender for a violation of section 2923.122 1287
that involves a deadly weapon that is a firearm other than a 1288
dangerous ordnance, section 2923.16, or section 2923.121 of the 1289
Revised Code. The court shall not impose any of the prison terms 1290
described in division (B) (1) (a) of this section or any of the 1291
additional prison terms described in division (B) (1) (c) of this 1292
section upon an offender for a violation of section 2923.13 of 1293
the Revised Code unless all of the following apply: 1294

(i) The offender previously has been convicted of 1295
aggravated murder, murder, or any felony of the first or second 1296
degree. 1297

(ii) Less than five years have passed since the offender 1298
was released from prison or post-release control, whichever is 1299
later, for the prior offense. 1300

(f) (i) If an offender is convicted of or pleads guilty to 1301
a felony that includes, as an essential element, causing or 1302
attempting to cause the death of or physical harm to another and 1303
also is convicted of or pleads guilty to a specification of the 1304
type described in division (A) of section 2941.1412 of the 1305
Revised Code that charges the offender with committing the 1306
offense by discharging a firearm at a peace officer as defined 1307
in section 2935.01 of the Revised Code or a corrections officer, 1308
as defined in section 2941.1412 of the Revised Code, the court, 1309
after imposing a prison term on the offender for the felony 1310
offense under division (A), (B) (2), or (B) (3) of this section, 1311
shall impose an additional prison term of seven years upon the 1312

offender that shall not be reduced pursuant to section 2929.20, 1313
section 2967.19, section 2967.193, or any other provision of 1314
Chapter 2967. or Chapter 5120. of the Revised Code. 1315

(ii) If an offender is convicted of or pleads guilty to a 1316
felony that includes, as an essential element, causing or 1317
attempting to cause the death of or physical harm to another and 1318
also is convicted of or pleads guilty to a specification of the 1319
type described in division (B) of section 2941.1412 of the 1320
Revised Code that charges the offender with committing the 1321
offense by discharging a firearm at a peace officer, as defined 1322
in section 2935.01 of the Revised Code, or a corrections 1323
officer, as defined in section 2941.1412 of the Revised Code, 1324
and that the offender previously has been convicted of or 1325
pleaded guilty to a specification of the type described in 1326
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1327
the Revised Code, the court, after imposing a prison term on the 1328
offender for the felony offense under division (A), (B) (2), or 1329
(3) of this section, shall impose an additional prison term of 1330
one hundred twenty-six months upon the offender that shall not 1331
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1332
any other provision of Chapter 2967. or 5120. of the Revised 1333
Code. 1334

(iii) If an offender is convicted of or pleads guilty to 1335
two or more felonies that include, as an essential element, 1336
causing or attempting to cause the death or physical harm to 1337
another and also is convicted of or pleads guilty to a 1338
specification of the type described under division (B) (1) (f) of 1339
this section in connection with two or more of the felonies of 1340
which the offender is convicted or to which the offender pleads 1341
guilty, the sentencing court shall impose on the offender the 1342
prison term specified under division (B) (1) (f) of this section 1343

for each of two of the specifications of which the offender is 1344
convicted or to which the offender pleads guilty and, in its 1345
discretion, also may impose on the offender the prison term 1346
specified under that division for any or all of the remaining 1347
specifications. If a court imposes an additional prison term on 1348
an offender under division (B) (1) (f) of this section relative to 1349
an offense, the court shall not impose a prison term under 1350
division (B) (1) (a) or (c) of this section relative to the same 1351
offense. 1352

(g) If an offender is convicted of or pleads guilty to two 1353
or more felonies, if one or more of those felonies are 1354
aggravated murder, murder, attempted aggravated murder, 1355
attempted murder, aggravated robbery, felonious assault, or 1356
rape, and if the offender is convicted of or pleads guilty to a 1357
specification of the type described under division (B) (1) (a) of 1358
this section in connection with two or more of the felonies, the 1359
sentencing court shall impose on the offender the prison term 1360
specified under division (B) (1) (a) of this section for each of 1361
the two most serious specifications of which the offender is 1362
convicted or to which the offender pleads guilty and, in its 1363
discretion, also may impose on the offender the prison term 1364
specified under that division for any or all of the remaining 1365
specifications. 1366

(2) (a) If division (B) (2) (b) of this section does not 1367
apply, the court may impose on an offender, in addition to the 1368
longest prison term authorized or required for the offense, an 1369
additional definite prison term of one, two, three, four, five, 1370
six, seven, eight, nine, or ten years if all of the following 1371
criteria are met: 1372

(i) The offender is convicted of or pleads guilty to a 1373

specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender.

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

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

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

(v) The court finds that the prison terms imposed pursuant to division (B) (2) (a) (iii) of this section and, if applicable, division (B) (1) or (3) of this section are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the Revised Code indicating that the offender's conduct is more serious than conduct normally

constituting the offense are present, and they outweigh the 1404
applicable factors under that section indicating that the 1405
offender's conduct is less serious than conduct normally 1406
constituting the offense. 1407

(b) The court shall impose on an offender the longest 1408
prison term authorized or required for the offense and shall 1409
impose on the offender an additional definite prison term of 1410
one, two, three, four, five, six, seven, eight, nine, or ten 1411
years if all of the following criteria are met: 1412

(i) The offender is convicted of or pleads guilty to a 1413
specification of the type described in section 2941.149 of the 1414
Revised Code that the offender is a repeat violent offender. 1415

(ii) The offender within the preceding twenty years has 1416
been convicted of or pleaded guilty to three or more offenses 1417
described in division (CC) (1) of section 2929.01 of the Revised 1418
Code, including all offenses described in that division of which 1419
the offender is convicted or to which the offender pleads guilty 1420
in the current prosecution and all offenses described in that 1421
division of which the offender previously has been convicted or 1422
to which the offender previously pleaded guilty, whether 1423
prosecuted together or separately. 1424

(iii) The offense or offenses of which the offender 1425
currently is convicted or to which the offender currently pleads 1426
guilty is aggravated murder and the court does not impose a 1427
sentence of death or life imprisonment without parole, murder, 1428
terrorism and the court does not impose a sentence of life 1429
imprisonment without parole, any felony of the first degree that 1430
is an offense of violence and the court does not impose a 1431
sentence of life imprisonment without parole, or any felony of 1432
the second degree that is an offense of violence and the trier 1433

of fact finds that the offense involved an attempt to cause or a threat to cause serious physical harm to a person or resulted in serious physical harm to a person.

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

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

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

(3) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03 or 2925.11 of the Revised Code and that section classifies the offender as a major drug offender, if the offender commits a felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, division (C) or (D) of section 3719.172, division (E) of section 4729.51, or division (J) of section 4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence

upon the offender finds that the offender is guilty of a 1464
specification of the type described in section 2941.1410 of the 1465
Revised Code charging that the offender is a major drug 1466
offender, if the court imposing sentence upon an offender for a 1467
felony finds that the offender is guilty of corrupt activity 1468
with the most serious offense in the pattern of corrupt activity 1469
being a felony of the first degree, or if the offender is guilty 1470
of an attempted violation of section 2907.02 of the Revised Code 1471
and, had the offender completed the violation of section 2907.02 1472
of the Revised Code that was attempted, the offender would have 1473
been subject to a sentence of life imprisonment or life 1474
imprisonment without parole for the violation of section 2907.02 1475
of the Revised Code, the court shall impose upon the offender 1476
for the felony violation a mandatory prison term of the maximum 1477
prison term prescribed for a felony of the first degree that, 1478
subject to divisions (C) to (I) of section 2967.19 of the 1479
Revised Code, cannot be reduced pursuant to section 2929.20, 1480
section 2967.19, or any other provision of Chapter 2967. or 1481
5120. of the Revised Code. 1482

(4) If the offender is being sentenced for a third or 1483
fourth degree felony OVI offense under division (G) (2) of 1484
section 2929.13 of the Revised Code, the sentencing court shall 1485
impose upon the offender a mandatory prison term in accordance 1486
with that division. In addition to the mandatory prison term, if 1487
the offender is being sentenced for a fourth degree felony OVI 1488
offense, the court, notwithstanding division (A) (4) of this 1489
section, may sentence the offender to a definite prison term of 1490
not less than six months and not more than thirty months, and if 1491
the offender is being sentenced for a third degree felony OVI 1492
offense, the sentencing court may sentence the offender to an 1493
additional prison term of any duration specified in division (A) 1494

(3) of this section. In either case, the additional prison term 1495
imposed shall be reduced by the sixty or one hundred twenty days 1496
imposed upon the offender as the mandatory prison term. The 1497
total of the additional prison term imposed under division (B) 1498
(4) of this section plus the sixty or one hundred twenty days 1499
imposed as the mandatory prison term shall equal a definite term 1500
in the range of six months to thirty months for a fourth degree 1501
felony OVI offense and shall equal one of the authorized prison 1502
terms specified in division (A) (3) of this section for a third 1503
degree felony OVI offense. If the court imposes an additional 1504
prison term under division (B) (4) of this section, the offender 1505
shall serve the additional prison term after the offender has 1506
served the mandatory prison term required for the offense. In 1507
addition to the mandatory prison term or mandatory and 1508
additional prison term imposed as described in division (B) (4) 1509
of this section, the court also may sentence the offender to a 1510
community control sanction under section 2929.16 or 2929.17 of 1511
the Revised Code, but the offender shall serve all of the prison 1512
terms so imposed prior to serving the community control 1513
sanction. 1514

If the offender is being sentenced for a fourth degree 1515
felony OVI offense under division (G) (1) of section 2929.13 of 1516
the Revised Code and the court imposes a mandatory term of local 1517
incarceration, the court may impose a prison term as described 1518
in division (A) (1) of that section. 1519

(5) If an offender is convicted of or pleads guilty to a 1520
violation of division (A) (1) or (2) of section 2903.06 of the 1521
Revised Code and also is convicted of or pleads guilty to a 1522
specification of the type described in section 2941.1414 of the 1523
Revised Code that charges that the victim of the offense is a 1524
peace officer, as defined in section 2935.01 of the Revised 1525

Code, or an investigator of the bureau of criminal 1526
identification and investigation, as defined in section 2903.11 1527
of the Revised Code, the court shall impose on the offender a 1528
prison term of five years. If a court imposes a prison term on 1529
an offender under division (B) (5) of this section, the prison 1530
term, subject to divisions (C) to (I) of section 2967.19 of the 1531
Revised Code, shall not be reduced pursuant to section 2929.20, 1532
section 2967.19, section 2967.193, or any other provision of 1533
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1534
shall not impose more than one prison term on an offender under 1535
division (B) (5) of this section for felonies committed as part 1536
of the same act. 1537

(6) If an offender is convicted of or pleads guilty to a 1538
violation of division (A) (1) or (2) of section 2903.06 of the 1539
Revised Code and also is convicted of or pleads guilty to a 1540
specification of the type described in section 2941.1415 of the 1541
Revised Code that charges that the offender previously has been 1542
convicted of or pleaded guilty to three or more violations of 1543
division (A) or (B) of section 4511.19 of the Revised Code or an 1544
equivalent offense, as defined in section 2941.1415 of the 1545
Revised Code, or three or more violations of any combination of 1546
those divisions and offenses, the court shall impose on the 1547
offender a prison term of three years. If a court imposes a 1548
prison term on an offender under division (B) (6) of this 1549
section, the prison term, subject to divisions (C) to (I) of 1550
section 2967.19 of the Revised Code, shall not be reduced 1551
pursuant to section 2929.20, section 2967.19, section 2967.193, 1552
or any other provision of Chapter 2967. or Chapter 5120. of the 1553
Revised Code. A court shall not impose more than one prison term 1554
on an offender under division (B) (6) of this section for 1555
felonies committed as part of the same act. 1556

(7) (a) If an offender is convicted of or pleads guilty to 1557
a felony violation of section 2905.01, 2905.02, 2907.21, 1558
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 1559
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 1560
the Revised Code and also is convicted of or pleads guilty to a 1561
specification of the type described in section 2941.1422 of the 1562
Revised Code that charges that the offender knowingly committed 1563
the offense in furtherance of human trafficking, the court shall 1564
impose on the offender a mandatory prison term that is one of 1565
the following: 1566

(i) If the offense is a felony of the first degree, a 1567
definite prison term of not less than five years and not greater 1568
than ten years; 1569

(ii) If the offense is a felony of the second or third 1570
degree, a definite prison term of not less than three years and 1571
not greater than the maximum prison term allowed for the offense 1572
by division (A) of section 2929.14 of the Revised Code; 1573

(iii) If the offense is a felony of the fourth or fifth 1574
degree, a definite prison term that is the maximum prison term 1575
allowed for the offense by division (A) of section 2929.14 of 1576
the Revised Code. 1577

(b) Subject to divisions (C) to (I) of section 2967.19 of 1578
the Revised Code, the prison term imposed under division (B) (7) 1579
(a) of this section shall not be reduced pursuant to section 1580
2929.20, section 2967.19, section 2967.193, or any other 1581
provision of Chapter 2967. of the Revised Code. A court shall 1582
not impose more than one prison term on an offender under 1583
division (B) (7) (a) of this section for felonies committed as 1584
part of the same act, scheme, or plan. 1585

(8) If an offender is convicted of or pleads guilty to a 1586
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1587
Revised Code and also is convicted of or pleads guilty to a 1588
specification of the type described in section 2941.1423 of the 1589
Revised Code that charges that the victim of the violation was a 1590
woman whom the offender knew was pregnant at the time of the 1591
violation, notwithstanding the range of prison terms prescribed 1592
in division (A) of this section for felonies of the same degree 1593
as the violation, the court shall impose on the offender a 1594
mandatory prison term that is either a definite prison term of 1595
six months or one of the prison terms prescribed in section 1596
2929.14 of the Revised Code for felonies of the same degree as 1597
the violation. 1598

(9) (a) If an offender is convicted of or pleads guilty to 1599
a violation of division (A) (1) or (2) of section 2903.11 of the 1600
Revised Code and also is convicted of or pleads guilty to a 1601
specification of the type described in section 2941.1425 of the 1602
Revised Code, the court shall impose on the offender a mandatory 1603
prison term of six years if either of the following applies: 1604

(i) The violation is a violation of division (A) (1) of 1605
section 2903.11 of the Revised Code and the specification 1606
charges that the offender used an accelerant in committing the 1607
violation and the serious physical harm to another or to 1608
another's unborn caused by the violation resulted in a 1609
permanent, serious disfigurement or permanent, substantial 1610
incapacity; 1611

(ii) The violation is a violation of division (A) (2) of 1612
section 2903.11 of the Revised Code and the specification 1613
charges that the offender used an accelerant in committing the 1614
violation, that the violation caused physical harm to another or 1615

to another's unborn, and that the physical harm resulted in a 1616
permanent, serious disfigurement or permanent, substantial 1617
incapacity. 1618

(b) If a court imposes a prison term on an offender under 1619
division (B) (9) (a) of this section, the prison term shall not be 1620
reduced pursuant to section 2929.20, section 2967.19, section 1621
2967.193, or any other provision of Chapter 2967. or Chapter 1622
5120. of the Revised Code. A court shall not impose more than 1623
one prison term on an offender under division (B) (9) of this 1624
section for felonies committed as part of the same act. 1625

(c) The provisions of divisions (B) (9) and (C) (6) of this 1626
section and of division (D) (2) of section 2903.11, division (F) 1627
(20) of section 2929.13, and section 2941.1425 of the Revised 1628
Code shall be known as "Judy's Law." 1629

(10) If an offender is convicted of or pleads guilty to a 1630
violation of division (A) of section 2903.11 of the Revised Code 1631
and also is convicted of or pleads guilty to a specification of 1632
the type described in section 2941.1426 of the Revised Code that 1633
charges that the victim of the offense suffered permanent 1634
disabling harm as a result of the offense and that the victim 1635
was under ten years of age at the time of the offense, 1636
regardless of whether the offender knew the age of the victim, 1637
the court shall impose upon the offender an additional definite 1638
prison term of six years. A prison term imposed on an offender 1639
under division (B) (10) of this section shall not be reduced 1640
pursuant to section 2929.20, section 2967.193, or any other 1641
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1642

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1643
if a mandatory prison term is imposed upon an offender pursuant 1644
to division (B) (1) (a) of this section for having a firearm on or 1645

about the offender's person or under the offender's control 1646
while committing a felony, if a mandatory prison term is imposed 1647
upon an offender pursuant to division (B) (1) (c) of this section 1648
for committing a felony specified in that division by 1649
discharging a firearm from a motor vehicle, or if both types of 1650
mandatory prison terms are imposed, the offender shall serve any 1651
mandatory prison term imposed under either division 1652
consecutively to any other mandatory prison term imposed under 1653
either division or under division (B) (1) (d) of this section, 1654
consecutively to and prior to any prison term imposed for the 1655
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1656
this section or any other section of the Revised Code, and 1657
consecutively to any other prison term or mandatory prison term 1658
previously or subsequently imposed upon the offender. 1659

(b) If a mandatory prison term is imposed upon an offender 1660
pursuant to division (B) (1) (d) of this section for wearing or 1661
carrying body armor while committing an offense of violence that 1662
is a felony, the offender shall serve the mandatory term so 1663
imposed consecutively to any other mandatory prison term imposed 1664
under that division or under division (B) (1) (a) or (c) of this 1665
section, consecutively to and prior to any prison term imposed 1666
for the underlying felony under division (A), (B) (2), or (B) (3) 1667
of this section or any other section of the Revised Code, and 1668
consecutively to any other prison term or mandatory prison term 1669
previously or subsequently imposed upon the offender. 1670

(c) If a mandatory prison term is imposed upon an offender 1671
pursuant to division (B) (1) (f) of this section, the offender 1672
shall serve the mandatory prison term so imposed consecutively 1673
to and prior to any prison term imposed for the underlying 1674
felony under division (A), (B) (2), or (B) (3) of this section or 1675
any other section of the Revised Code, and consecutively to any 1676

other prison term or mandatory prison term previously or 1677
subsequently imposed upon the offender. 1678

(d) If a mandatory prison term is imposed upon an offender 1679
pursuant to division (B) (7) or (8) of this section, the offender 1680
shall serve the mandatory prison term so imposed consecutively 1681
to any other mandatory prison term imposed under that division 1682
or under any other provision of law and consecutively to any 1683
other prison term or mandatory prison term previously or 1684
subsequently imposed upon the offender. 1685

(2) If an offender who is an inmate in a jail, prison, or 1686
other residential detention facility violates section 2917.02, 1687
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1688
(2) of section 2921.34 of the Revised Code, if an offender who 1689
is under detention at a detention facility commits a felony 1690
violation of section 2923.131 of the Revised Code, or if an 1691
offender who is an inmate in a jail, prison, or other 1692
residential detention facility or is under detention at a 1693
detention facility commits another felony while the offender is 1694
an escapee in violation of division (A) (1) or (2) of section 1695
2921.34 of the Revised Code, any prison term imposed upon the 1696
offender for one of those violations shall be served by the 1697
offender consecutively to the prison term or term of 1698
imprisonment the offender was serving when the offender 1699
committed that offense and to any other prison term previously 1700
or subsequently imposed upon the offender. 1701

(3) If a prison term is imposed for a violation of 1702
division (B) of section 2911.01 of the Revised Code, a violation 1703
of division (A) of section 2913.02 of the Revised Code in which 1704
the stolen property is a firearm or dangerous ordnance, or a 1705
felony violation of division (B) of section 2921.331 of the 1706

Revised Code, the offender shall serve that prison term 1707
consecutively to any other prison term or mandatory prison term 1708
previously or subsequently imposed upon the offender. 1709

(4) If multiple prison terms are imposed on an offender 1710
for convictions of multiple offenses, the court may require the 1711
offender to serve the prison terms consecutively if the court 1712
finds that the consecutive service is necessary to protect the 1713
public from future crime or to punish the offender and that 1714
consecutive sentences are not disproportionate to the 1715
seriousness of the offender's conduct and to the danger the 1716
offender poses to the public, and if the court also finds any of 1717
the following: 1718

(a) The offender committed one or more of the multiple 1719
offenses while the offender was awaiting trial or sentencing, 1720
was under a sanction imposed pursuant to section 2929.16, 1721
2929.17, or 2929.18 of the Revised Code, or was under post- 1722
release control for a prior offense. 1723

(b) At least two of the multiple offenses were committed 1724
as part of one or more courses of conduct, and the harm caused 1725
by two or more of the multiple offenses so committed was so 1726
great or unusual that no single prison term for any of the 1727
offenses committed as part of any of the courses of conduct 1728
adequately reflects the seriousness of the offender's conduct. 1729

(c) The offender's history of criminal conduct 1730
demonstrates that consecutive sentences are necessary to protect 1731
the public from future crime by the offender. 1732

(5) If a mandatory prison term is imposed upon an offender 1733
pursuant to division (B) (5) or (6) of this section, the offender 1734
shall serve the mandatory prison term consecutively to and prior 1735

to any prison term imposed for the underlying violation of 1736
division (A) (1) or (2) of section 2903.06 of the Revised Code 1737
pursuant to division (A) of this section or section 2929.142 of 1738
the Revised Code. If a mandatory prison term is imposed upon an 1739
offender pursuant to division (B) (5) of this section, and if a 1740
mandatory prison term also is imposed upon the offender pursuant 1741
to division (B) (6) of this section in relation to the same 1742
violation, the offender shall serve the mandatory prison term 1743
imposed pursuant to division (B) (5) of this section 1744
consecutively to and prior to the mandatory prison term imposed 1745
pursuant to division (B) (6) of this section and consecutively to 1746
and prior to any prison term imposed for the underlying 1747
violation of division (A) (1) or (2) of section 2903.06 of the 1748
Revised Code pursuant to division (A) of this section or section 1749
2929.142 of the Revised Code. 1750

(6) If a mandatory prison term is imposed on an offender 1751
pursuant to division (B) (9) of this section, the offender shall 1752
serve the mandatory prison term consecutively to and prior to 1753
any prison term imposed for the underlying violation of division 1754
(A) (1) or (2) of section 2903.11 of the Revised Code and 1755
consecutively to and prior to any other prison term or mandatory 1756
prison term previously or subsequently imposed on the offender. 1757

(7) If a mandatory prison term is imposed on an offender 1758
pursuant to division (B) (10) of this section, the offender shall 1759
serve that mandatory prison term consecutively to and prior to 1760
any prison term imposed for the underlying felonious assault. 1761
Except as otherwise provided in division (C) of this section, 1762
any other prison term or mandatory prison term previously or 1763
subsequently imposed upon the offender may be served 1764
concurrently with, or consecutively to, the prison term imposed 1765
pursuant to division (B) (10) of this section. 1766

(8) When consecutive prison terms are imposed pursuant to 1767
division (C) (1), (2), (3), (4), (5), ~~or (6)~~, or (7) or division 1768
(H) (1) or (2) of this section, the term to be served is the 1769
aggregate of all of the terms so imposed. 1770

(D) (1) If a court imposes a prison term for a felony of 1771
the first degree, for a felony of the second degree, for a 1772
felony sex offense, or for a felony of the third degree that is 1773
not a felony sex offense and in the commission of which the 1774
offender caused or threatened to cause physical harm to a 1775
person, it shall include in the sentence a requirement that the 1776
offender be subject to a period of post-release control after 1777
the offender's release from imprisonment, in accordance with 1778
that division. If a court imposes a sentence including a prison 1779
term of a type described in this division on or after July 11, 1780
2006, the failure of a court to include a post-release control 1781
requirement in the sentence pursuant to this division does not 1782
negate, limit, or otherwise affect the mandatory period of post- 1783
release control that is required for the offender under division 1784
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1785
the Revised Code applies if, prior to July 11, 2006, a court 1786
imposed a sentence including a prison term of a type described 1787
in this division and failed to include in the sentence pursuant 1788
to this division a statement regarding post-release control. 1789

(2) If a court imposes a prison term for a felony of the 1790
third, fourth, or fifth degree that is not subject to division 1791
(D) (1) of this section, it shall include in the sentence a 1792
requirement that the offender be subject to a period of post- 1793
release control after the offender's release from imprisonment, 1794
in accordance with that division, if the parole board determines 1795
that a period of post-release control is necessary. Section 1796
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1797

a court imposed a sentence including a prison term of a type 1798
described in this division and failed to include in the sentence 1799
pursuant to this division a statement regarding post-release 1800
control. 1801

(E) The court shall impose sentence upon the offender in 1802
accordance with section 2971.03 of the Revised Code, and Chapter 1803
2971. of the Revised Code applies regarding the prison term or 1804
term of life imprisonment without parole imposed upon the 1805
offender and the service of that term of imprisonment if any of 1806
the following apply: 1807

(1) A person is convicted of or pleads guilty to a violent 1808
sex offense or a designated homicide, assault, or kidnapping 1809
offense, and, in relation to that offense, the offender is 1810
adjudicated a sexually violent predator. 1811

(2) A person is convicted of or pleads guilty to a 1812
violation of division (A) (1) (b) of section 2907.02 of the 1813
Revised Code committed on or after January 2, 2007, and either 1814
the court does not impose a sentence of life without parole when 1815
authorized pursuant to division (B) of section 2907.02 of the 1816
Revised Code, or division (B) of section 2907.02 of the Revised 1817
Code provides that the court shall not sentence the offender 1818
pursuant to section 2971.03 of the Revised Code. 1819

(3) A person is convicted of or pleads guilty to attempted 1820
rape committed on or after January 2, 2007, and a specification 1821
of the type described in section 2941.1418, 2941.1419, or 1822
2941.1420 of the Revised Code. 1823

(4) A person is convicted of or pleads guilty to a 1824
violation of section 2905.01 of the Revised Code committed on or 1825
after January 1, 2008, and that section requires the court to 1826

sentence the offender pursuant to section 2971.03 of the Revised Code. 1827
1828

(5) A person is convicted of or pleads guilty to 1829
aggravated murder committed on or after January 1, 2008, and 1830
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1831
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1832
(d) of section 2929.03, or division (A) or (B) of section 1833
2929.06 of the Revised Code requires the court to sentence the 1834
offender pursuant to division (B) (3) of section 2971.03 of the 1835
Revised Code. 1836

(6) A person is convicted of or pleads guilty to murder 1837
committed on or after January 1, 2008, and division (B) (2) of 1838
section 2929.02 of the Revised Code requires the court to 1839
sentence the offender pursuant to section 2971.03 of the Revised 1840
Code. 1841

(F) If a person who has been convicted of or pleaded 1842
guilty to a felony is sentenced to a prison term or term of 1843
imprisonment under this section, sections 2929.02 to 2929.06 of 1844
the Revised Code, section 2929.142 of the Revised Code, section 1845
2971.03 of the Revised Code, or any other provision of law, 1846
section 5120.163 of the Revised Code applies regarding the 1847
person while the person is confined in a state correctional 1848
institution. 1849

(G) If an offender who is convicted of or pleads guilty to 1850
a felony that is an offense of violence also is convicted of or 1851
pleads guilty to a specification of the type described in 1852
section 2941.142 of the Revised Code that charges the offender 1853
with having committed the felony while participating in a 1854
criminal gang, the court shall impose upon the offender an 1855
additional prison term of one, two, or three years. 1856

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

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

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

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

(b) In lieu of imposing an additional prison term under division (H) (2) (a) of this section, the court may directly

impose on the offender a sanction that requires the offender to 1887
wear a real-time processing, continual tracking electronic 1888
monitoring device during the period of time specified by the 1889
court. The period of time specified by the court shall equal the 1890
duration of an additional prison term that the court could have 1891
imposed upon the offender under division (H) (2) (a) of this 1892
section. A sanction imposed under this division shall commence 1893
on the date specified by the court, provided that the sanction 1894
shall not commence until after the offender has served the 1895
prison term imposed for the felony violation of section 2907.22, 1896
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1897
residential sanction imposed for the violation under section 1898
2929.16 of the Revised Code. A sanction imposed under this 1899
division shall be considered to be a community control sanction 1900
for purposes of section 2929.15 of the Revised Code, and all 1901
provisions of the Revised Code that pertain to community control 1902
sanctions shall apply to a sanction imposed under this division, 1903
except to the extent that they would by their nature be clearly 1904
inapplicable. The offender shall pay all costs associated with a 1905
sanction imposed under this division, including the cost of the 1906
use of the monitoring device. 1907

(I) At the time of sentencing, the court may recommend the 1908
offender for placement in a program of shock incarceration under 1909
section 5120.031 of the Revised Code or for placement in an 1910
intensive program prison under section 5120.032 of the Revised 1911
Code, disapprove placement of the offender in a program of shock 1912
incarceration or an intensive program prison of that nature, or 1913
make no recommendation on placement of the offender. In no case 1914
shall the department of rehabilitation and correction place the 1915
offender in a program or prison of that nature unless the 1916
department determines as specified in section 5120.031 or 1917

5120.032 of the Revised Code, whichever is applicable, that the 1918
offender is eligible for the placement. 1919

If the court disapproves placement of the offender in a 1920
program or prison of that nature, the department of 1921
rehabilitation and correction shall not place the offender in 1922
any program of shock incarceration or intensive program prison. 1923

If the court recommends placement of the offender in a 1924
program of shock incarceration or in an intensive program 1925
prison, and if the offender is subsequently placed in the 1926
recommended program or prison, the department shall notify the 1927
court of the placement and shall include with the notice a brief 1928
description of the placement. 1929

If the court recommends placement of the offender in a 1930
program of shock incarceration or in an intensive program prison 1931
and the department does not subsequently place the offender in 1932
the recommended program or prison, the department shall send a 1933
notice to the court indicating why the offender was not placed 1934
in the recommended program or prison. 1935

If the court does not make a recommendation under this 1936
division with respect to an offender and if the department 1937
determines as specified in section 5120.031 or 5120.032 of the 1938
Revised Code, whichever is applicable, that the offender is 1939
eligible for placement in a program or prison of that nature, 1940
the department shall screen the offender and determine if there 1941
is an available program of shock incarceration or an intensive 1942
program prison for which the offender is suited. If there is an 1943
available program of shock incarceration or an intensive program 1944
prison for which the offender is suited, the department shall 1945
notify the court of the proposed placement of the offender as 1946
specified in section 5120.031 or 5120.032 of the Revised Code 1947

and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

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

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

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

Sec. 2941.1426. (A) Imposition of a mandatory prison term 1978
of six years upon an offender under division (B) (10) of section 1979
2929.14 of the Revised Code is precluded unless the offender is 1980
convicted of or pleads guilty to a violation of division (A) of 1981
section 2903.11 of the Revised Code and unless the indictment, 1982
count, or information charging the offense specifies that the 1983
victim of the offense suffered permanent disabling harm as a 1984
result of the offense and that the victim was under ten years of 1985
age at the time of the offense, regardless of whether the 1986
offender knew the age of the victim. The specification shall be 1987
stated at the end of the body of the indictment, count, or 1988
information and shall be stated in substantially the following 1989
form: 1990

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1991
Grand Jurors (or insert the person's or the prosecuting 1992
attorney's name when appropriate) further find and specify that 1993
(set forth that the victim of the offense suffered permanent 1994
disabling harm as a result of the offense and that the victim 1995
was under ten years of age at the time of the offense, 1996
regardless of whether the offender knew the age of the victim)." 1997

(B) As used in this section, "permanent disabling harm" 1998
has the same meaning as in section 2929.01 of the Revised Code. 1999

Section 2. That existing sections 2903.11, 2929.01, 2000
2929.13, and 2929.14 of the Revised Code are hereby repealed. 2001

Section 3. This act shall be known as "Destiny's Law." 2002