

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 63

Representative Hughes

Cosponsors: Representatives Duffey, Leland, Kent, Boggs

A BILL

To amend sections 2903.11, 2929.01, 2929.13, and 1
2929.14 and to enact section 2941.1425 of the 2
Revised Code to require an additional prison 3
term for felonious assault of 5, 6, 7, 8, 9, 10, 4
11, 12, 13, 14, 15, 16, 17, 18, 19, or 20 years 5
if the offender also is convicted of a 6
specification that charges that the harm caused 7
by the violation resulted in a permanent, 8
serious disfigurement or substantial incapacity 9
or that the offender used an accelerant in 10
committing the violation and to name the act's 11
provisions "Judy's Law." 12

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

Section 1. That sections 2903.11, 2929.01, 2929.13, and 13
2929.14 be amended and section 2941.1425 of the Revised Code be 14
enacted to read as follows: 15

Sec. 2903.11. (A) No person shall knowingly do either of 16
the following: 17

(1) Cause serious physical harm to another or to another's 18

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| unborn; | 19 |
| (2) Cause or attempt to cause physical harm to another or | 20 |
| to another's unborn by means of a deadly weapon or dangerous | 21 |
| ordnance. | 22 |
| (B) No person, with knowledge that the person has tested | 23 |
| positive as a carrier of a virus that causes acquired | 24 |
| immunodeficiency syndrome, shall knowingly do any of the | 25 |
| following: | 26 |
| (1) Engage in sexual conduct with another person without | 27 |
| disclosing that knowledge to the other person prior to engaging | 28 |
| in the sexual conduct; | 29 |
| (2) Engage in sexual conduct with a person whom the | 30 |
| offender knows or has reasonable cause to believe lacks the | 31 |
| mental capacity to appreciate the significance of the knowledge | 32 |
| that the offender has tested positive as a carrier of a virus | 33 |
| that causes acquired immunodeficiency syndrome; | 34 |
| (3) Engage in sexual conduct with a person under eighteen | 35 |
| years of age who is not the spouse of the offender. | 36 |
| (C) The prosecution of a person under this section does | 37 |
| not preclude prosecution of that person under section 2907.02 of | 38 |
| the Revised Code. | 39 |
| (D) (1) (a) Whoever violates this section is guilty of | 40 |
| felonious assault. Except as otherwise provided in this division | 41 |
| or division (D) (1) (b) of this section, felonious assault is a | 42 |
| felony of the second degree. If the victim of a violation of | 43 |
| division (A) of this section is a peace officer or an | 44 |
| investigator of the bureau of criminal identification and | 45 |
| investigation, felonious assault is a felony of the first | 46 |
| degree. | 47 |

(b) Regardless of whether the felonious assault is a 48
felony of the first or second degree under division (D) (1) (a) of 49
this section, if the offender also is convicted of or pleads 50
guilty to a specification as described in section 2941.1423 of 51
the Revised Code that was included in the indictment, count in 52
the indictment, or information charging the offense, except as 53
otherwise provided in this division or unless a longer prison 54
term is required under any other provision of law, the court 55
shall sentence the offender to a mandatory prison term as 56
provided in division (B) (8) of section 2929.14 of the Revised 57
Code. If the victim of the offense is a peace officer or an 58
investigator of the bureau of criminal identification and 59
investigation, and if the victim suffered serious physical harm 60
as a result of the commission of the offense, felonious assault 61
is a felony of the first degree, and the court, pursuant to 62
division (F) of section 2929.13 of the Revised Code, shall 63
impose as a mandatory prison term one of the prison terms 64
prescribed for a felony of the first degree. 65

(2) In addition to any other sanctions imposed pursuant to 66
division (D) (1) of this section for felonious assault committed 67
in violation of division (A) (1) or (2) of this section, if the 68
offender also is convicted of or pleads guilty to a 69
specification of the type described in section 2941.1425 of the 70
Revised Code that was included in the indictment, count in the 71
indictment, or information charging the offense, the court shall 72
sentence the offender to a mandatory prison term under division 73
(A) (9) of section 2929.14 of the Revised Code. 74

(3) In addition to any other sanctions imposed pursuant to 75
division (D) (1) of this section for felonious assault committed 76
in violation of division (A) (2) of this section, if the deadly 77
weapon used in the commission of the violation is a motor 78

vehicle, the court shall impose upon the offender a class two 79
suspension of the offender's driver's license, commercial 80
driver's license, temporary instruction permit, probationary 81
license, or nonresident operating privilege as specified in 82
division (A) (2) of section 4510.02 of the Revised Code. 83

(E) As used in this section: 84

(1) "Deadly weapon" and "dangerous ordnance" have the same 85
meanings as in section 2923.11 of the Revised Code. 86

(2) "Motor vehicle" has the same meaning as in section 87
4501.01 of the Revised Code. 88

(3) "Peace officer" has the same meaning as in section 89
2935.01 of the Revised Code. 90

(4) "Sexual conduct" has the same meaning as in section 91
2907.01 of the Revised Code, except that, as used in this 92
section, it does not include the insertion of an instrument, 93
apparatus, or other object that is not a part of the body into 94
the vaginal or anal opening of another, unless the offender knew 95
at the time of the insertion that the instrument, apparatus, or 96
other object carried the offender's bodily fluid. 97

(5) "Investigator of the bureau of criminal identification 98
and investigation" means an investigator of the bureau of 99
criminal identification and investigation who is commissioned by 100
the superintendent of the bureau as a special agent for the 101
purpose of assisting law enforcement officers or providing 102
emergency assistance to peace officers pursuant to authority 103
granted under section 109.541 of the Revised Code. 104

(6) "Investigator" has the same meaning as in section 105
109.541 of the Revised Code. 106

(F) The provisions of division (D) (2) of this section and 107
of division (F) (20) of section 2929.13, divisions (B) (9) and (C) 108
(6) of section 2929.14, and section 2941.1425 of the Revised 109
Code shall be known as "Judy's Law." 110

Sec. 2929.01. As used in this chapter: 111

(A) (1) "Alternative residential facility" means, subject 112
to division (A) (2) of this section, any facility other than an 113
offender's home or residence in which an offender is assigned to 114
live and that satisfies all of the following criteria: 115

(a) It provides programs through which the offender may 116
seek or maintain employment or may receive education, training, 117
treatment, or habilitation. 118

(b) It has received the appropriate license or certificate 119
for any specialized education, training, treatment, 120
habilitation, or other service that it provides from the 121
government agency that is responsible for licensing or 122
certifying that type of education, training, treatment, 123
habilitation, or service. 124

(2) "Alternative residential facility" does not include a 125
community-based correctional facility, jail, halfway house, or 126
prison. 127

(B) "Basic probation supervision" means a requirement that 128
the offender maintain contact with a person appointed to 129
supervise the offender in accordance with sanctions imposed by 130
the court or imposed by the parole board pursuant to section 131
2967.28 of the Revised Code. "Basic probation supervision" 132
includes basic parole supervision and basic post-release control 133
supervision. 134

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 135

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| the same meanings as in section 2925.01 of the Revised Code. | 136 |
| (D) "Community-based correctional facility" means a | 137 |
| community-based correctional facility and program or district | 138 |
| community-based correctional facility and program developed | 139 |
| pursuant to sections 2301.51 to 2301.58 of the Revised Code. | 140 |
| (E) "Community control sanction" means a sanction that is | 141 |
| not a prison term and that is described in section 2929.15, | 142 |
| 2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction | 143 |
| that is not a jail term and that is described in section | 144 |
| 2929.26, 2929.27, or 2929.28 of the Revised Code. "Community | 145 |
| control sanction" includes probation if the sentence involved | 146 |
| was imposed for a felony that was committed prior to July 1, | 147 |
| 1996, or if the sentence involved was imposed for a misdemeanor | 148 |
| that was committed prior to January 1, 2004. | 149 |
| (F) "Controlled substance," "marihuana," "schedule I," and | 150 |
| "schedule II" have the same meanings as in section 3719.01 of | 151 |
| the Revised Code. | 152 |
| (G) "Curfew" means a requirement that an offender during a | 153 |
| specified period of time be at a designated place. | 154 |
| (H) "Day reporting" means a sanction pursuant to which an | 155 |
| offender is required each day to report to and leave a center or | 156 |
| other approved reporting location at specified times in order to | 157 |
| participate in work, education or training, treatment, and other | 158 |
| approved programs at the center or outside the center. | 159 |
| (I) "Deadly weapon" has the same meaning as in section | 160 |
| 2923.11 of the Revised Code. | 161 |
| (J) "Drug and alcohol use monitoring" means a program | 162 |
| under which an offender agrees to submit to random chemical | 163 |
| analysis of the offender's blood, breath, or urine to determine | 164 |

whether the offender has ingested any alcohol or other drugs. 165

(K) "Drug treatment program" means any program under which 166
a person undergoes assessment and treatment designed to reduce 167
or completely eliminate the person's physical or emotional 168
reliance upon alcohol, another drug, or alcohol and another drug 169
and under which the person may be required to receive assessment 170
and treatment on an outpatient basis or may be required to 171
reside at a facility other than the person's home or residence 172
while undergoing assessment and treatment. 173

(L) "Economic loss" means any economic detriment suffered 174
by a victim as a direct and proximate result of the commission 175
of an offense and includes any loss of income due to lost time 176
at work because of any injury caused to the victim, and any 177
property loss, medical cost, or funeral expense incurred as a 178
result of the commission of the offense. "Economic loss" does 179
not include non-economic loss or any punitive or exemplary 180
damages. 181

(M) "Education or training" includes study at, or in 182
conjunction with a program offered by, a university, college, or 183
technical college or vocational study and also includes the 184
completion of primary school, secondary school, and literacy 185
curricula or their equivalent. 186

(N) "Firearm" has the same meaning as in section 2923.11 187
of the Revised Code. 188

(O) "Halfway house" means a facility licensed by the 189
division of parole and community services of the department of 190
rehabilitation and correction pursuant to section 2967.14 of the 191
Revised Code as a suitable facility for the care and treatment 192
of adult offenders. 193

(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:

(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.

(2) The offender is required to report periodically to a person designated by the court or parole board.

(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.

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

(R) "Jail" means a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political

subdivision or a combination of political subdivisions of this 223
state. 224

(S) "Jail term" means the term in a jail that a sentencing 225
court imposes or is authorized to impose pursuant to section 226
2929.24 or 2929.25 of the Revised Code or pursuant to any other 227
provision of the Revised Code that authorizes a term in a jail 228
for a misdemeanor conviction. 229

(T) "Mandatory jail term" means the term in a jail that a 230
sentencing court is required to impose pursuant to division (G) 231
of section 1547.99 of the Revised Code, division (E) of section 232
2903.06 or division (D) of section 2903.08 of the Revised Code, 233
division (E) or (G) of section 2929.24 of the Revised Code, 234
division (B) of section 4510.14 of the Revised Code, or division 235
(G) of section 4511.19 of the Revised Code or pursuant to any 236
other provision of the Revised Code that requires a term in a 237
jail for a misdemeanor conviction. 238

(U) "Delinquent child" has the same meaning as in section 239
2152.02 of the Revised Code. 240

(V) "License violation report" means a report that is made 241
by a sentencing court, or by the parole board pursuant to 242
section 2967.28 of the Revised Code, to the regulatory or 243
licensing board or agency that issued an offender a professional 244
license or a license or permit to do business in this state and 245
that specifies that the offender has been convicted of or 246
pleaded guilty to an offense that may violate the conditions 247
under which the offender's professional license or license or 248
permit to do business in this state was granted or an offense 249
for which the offender's professional license or license or 250
permit to do business in this state may be revoked or suspended. 251

(W) "Major drug offender" means an offender who is 252
convicted of or pleads guilty to the possession of, sale of, or 253
offer to sell any drug, compound, mixture, preparation, or 254
substance that consists of or contains at least one thousand 255
grams of hashish; at least one hundred grams of cocaine; at 256
least one thousand unit doses or one hundred grams of heroin; at 257
least five thousand unit doses of L.S.D. or five hundred grams 258
of L.S.D. in a liquid concentrate, liquid extract, or liquid 259
distillate form; at least fifty grams of a controlled substance 260
analog; or at least one hundred times the amount of any other 261
schedule I or II controlled substance other than marihuana that 262
is necessary to commit a felony of the third degree pursuant to 263
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 264
Code that is based on the possession of, sale of, or offer to 265
sell the controlled substance. 266

(X) "Mandatory prison term" means any of the following: 267

(1) Subject to division (X) (2) of this section, the term 268
in prison that must be imposed for the offenses or circumstances 269
set forth in divisions (F) (1) to (8) or (F) (12) to (18) of 270
section 2929.13 and division (B) of section 2929.14 of the 271
Revised Code. Except as provided in sections 2925.02, 2925.03, 272
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 273
maximum or another specific term is required under section 274
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 275
described in this division may be any prison term authorized for 276
the level of offense. 277

(2) The term of sixty or one hundred twenty days in prison 278
that a sentencing court is required to impose for a third or 279
fourth degree felony OVI offense pursuant to division (G) (2) of 280
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 281

of the Revised Code or the term of one, two, three, four, or 282
five years in prison that a sentencing court is required to 283
impose pursuant to division (G) (2) of section 2929.13 of the 284
Revised Code. 285

(3) The term in prison imposed pursuant to division (A) of 286
section 2971.03 of the Revised Code for the offenses and in the 287
circumstances described in division (F) (11) of section 2929.13 288
of the Revised Code or pursuant to division (B) (1) (a), (b), or 289
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 290
section 2971.03 of the Revised Code and that term as modified or 291
terminated pursuant to section 2971.05 of the Revised Code. 292

(Y) "Monitored time" means a period of time during which 293
an offender continues to be under the control of the sentencing 294
court or parole board, subject to no conditions other than 295
leading a law-abiding life. 296

(Z) "Offender" means a person who, in this state, is 297
convicted of or pleads guilty to a felony or a misdemeanor. 298

(AA) "Prison" means a residential facility used for the 299
confinement of convicted felony offenders that is under the 300
control of the department of rehabilitation and correction but 301
does not include a violation sanction center operated under 302
authority of section 2967.141 of the Revised Code. 303

(BB) "Prison term" includes either of the following 304
sanctions for an offender: 305

(1) A stated prison term; 306

(2) A term in a prison shortened by, or with the approval 307
of, the sentencing court pursuant to section 2929.143, 2929.20, 308
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 309

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| (CC) "Repeat violent offender" means a person about whom | 310 |
| both of the following apply: | 311 |
| (1) The person is being sentenced for committing or for | 312 |
| complicity in committing any of the following: | 313 |
| (a) Aggravated murder, murder, any felony of the first or | 314 |
| second degree that is an offense of violence, or an attempt to | 315 |
| commit any of these offenses if the attempt is a felony of the | 316 |
| first or second degree; | 317 |
| (b) An offense under an existing or former law of this | 318 |
| state, another state, or the United States that is or was | 319 |
| substantially equivalent to an offense described in division | 320 |
| (CC) (1) (a) of this section. | 321 |
| (2) The person previously was convicted of or pleaded | 322 |
| guilty to an offense described in division (CC) (1) (a) or (b) of | 323 |
| this section. | 324 |
| (DD) "Sanction" means any penalty imposed upon an offender | 325 |
| who is convicted of or pleads guilty to an offense, as | 326 |
| punishment for the offense. "Sanction" includes any sanction | 327 |
| imposed pursuant to any provision of sections 2929.14 to 2929.18 | 328 |
| or 2929.24 to 2929.28 of the Revised Code. | 329 |
| (EE) "Sentence" means the sanction or combination of | 330 |
| sanctions imposed by the sentencing court on an offender who is | 331 |
| convicted of or pleads guilty to an offense. | 332 |
| (FF) "Stated prison term" means the prison term, mandatory | 333 |
| prison term, or combination of all prison terms and mandatory | 334 |
| prison terms imposed by the sentencing court pursuant to section | 335 |
| 2929.14, 2929.142, or 2971.03 of the Revised Code or under | 336 |
| section 2919.25 of the Revised Code. "Stated prison term" | 337 |
| includes any credit received by the offender for time spent in | 338 |

jail awaiting trial, sentencing, or transfer to prison for the 339
offense and any time spent under house arrest or house arrest 340
with electronic monitoring imposed after earning credits 341
pursuant to section 2967.193 of the Revised Code. If an offender 342
is serving a prison term as a risk reduction sentence under 343
sections 2929.143 and 5120.036 of the Revised Code, "stated 344
prison term" includes any period of time by which the prison 345
term imposed upon the offender is shortened by the offender's 346
successful completion of all assessment and treatment or 347
programming pursuant to those sections. 348

(GG) "Victim-offender mediation" means a reconciliation or 349
mediation program that involves an offender and the victim of 350
the offense committed by the offender and that includes a 351
meeting in which the offender and the victim may discuss the 352
offense, discuss restitution, and consider other sanctions for 353
the offense. 354

(HH) "Fourth degree felony OVI offense" means a violation 355
of division (A) of section 4511.19 of the Revised Code that, 356
under division (G) of that section, is a felony of the fourth 357
degree. 358

(II) "Mandatory term of local incarceration" means the 359
term of sixty or one hundred twenty days in a jail, a community- 360
based correctional facility, a halfway house, or an alternative 361
residential facility that a sentencing court may impose upon a 362
person who is convicted of or pleads guilty to a fourth degree 363
felony OVI offense pursuant to division (G) (1) of section 364
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 365
section 4511.19 of the Revised Code. 366

(JJ) "Designated homicide, assault, or kidnapping 367
offense," "violent sex offense," "sexual motivation 368

specification," "sexually violent offense," "sexually violent predator," and "sexually violent predator specification" have the same meanings as in section 2971.01 of the Revised Code.

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

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

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

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

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

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

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

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

(SS) "Body armor" has the same meaning as in section 397
2941.1411 of the Revised Code. 398

(TT) "Electronic monitoring" means monitoring through the 399
use of an electronic monitoring device. 400

(UU) "Electronic monitoring device" means any of the 401
following: 402

(1) Any device that can be operated by electrical or 403
battery power and that conforms with all of the following: 404

(a) The device has a transmitter that can be attached to a 405
person, that will transmit a specified signal to a receiver of 406
the type described in division (UU) (1) (b) of this section if the 407
transmitter is removed from the person, turned off, or altered 408
in any manner without prior court approval in relation to 409
electronic monitoring or without prior approval of the 410
department of rehabilitation and correction in relation to the 411
use of an electronic monitoring device for an inmate on 412
transitional control or otherwise is tampered with, that can 413
transmit continuously and periodically a signal to that receiver 414
when the person is within a specified distance from the 415
receiver, and that can transmit an appropriate signal to that 416
receiver if the person to whom it is attached travels a 417
specified distance from that receiver. 418

(b) The device has a receiver that can receive 419
continuously the signals transmitted by a transmitter of the 420
type described in division (UU) (1) (a) of this section, can 421
transmit continuously those signals by a wireless or landline 422
telephone connection to a central monitoring computer of the 423
type described in division (UU) (1) (c) of this section, and can 424
transmit continuously an appropriate signal to that central 425

monitoring computer if the device has been turned off or altered 426
without prior court approval or otherwise tampered with. The 427
device is designed specifically for use in electronic 428
monitoring, is not a converted wireless phone or another 429
tracking device that is clearly not designed for electronic 430
monitoring, and provides a means of text-based or voice 431
communication with the person. 432

(c) The device has a central monitoring computer that can 433
receive continuously the signals transmitted by a wireless or 434
landline telephone connection by a receiver of the type 435
described in division (UU) (1) (b) of this section and can monitor 436
continuously the person to whom an electronic monitoring device 437
of the type described in division (UU) (1) (a) of this section is 438
attached. 439

(2) Any device that is not a device of the type described 440
in division (UU) (1) of this section and that conforms with all 441
of the following: 442

(a) The device includes a transmitter and receiver that 443
can monitor and determine the location of a subject person at 444
any time, or at a designated point in time, through the use of a 445
central monitoring computer or through other electronic means. 446

(b) The device includes a transmitter and receiver that 447
can determine at any time, or at a designated point in time, 448
through the use of a central monitoring computer or other 449
electronic means the fact that the transmitter is turned off or 450
altered in any manner without prior approval of the court in 451
relation to the electronic monitoring or without prior approval 452
of the department of rehabilitation and correction in relation 453
to the use of an electronic monitoring device for an inmate on 454
transitional control or otherwise is tampered with. 455

(3) Any type of technology that can adequately track or 456
determine the location of a subject person at any time and that 457
is approved by the director of rehabilitation and correction, 458
including, but not limited to, any satellite technology, voice 459
tracking system, or retinal scanning system that is so approved. 460

(VV) "Non-economic loss" means nonpecuniary harm suffered 461
by a victim of an offense as a result of or related to the 462
commission of the offense, including, but not limited to, pain 463
and suffering; loss of society, consortium, companionship, care, 464
assistance, attention, protection, advice, guidance, counsel, 465
instruction, training, or education; mental anguish; and any 466
other intangible loss. 467

(WW) "Prosecutor" has the same meaning as in section 468
2935.01 of the Revised Code. 469

(XX) "Continuous alcohol monitoring" means the ability to 470
automatically test and periodically transmit alcohol consumption 471
levels and tamper attempts at least every hour, regardless of 472
the location of the person who is being monitored. 473

(YY) A person is "adjudicated a sexually violent predator" 474
if the person is convicted of or pleads guilty to a violent sex 475
offense and also is convicted of or pleads guilty to a sexually 476
violent predator specification that was included in the 477
indictment, count in the indictment, or information charging 478
that violent sex offense or if the person is convicted of or 479
pleads guilty to a designated homicide, assault, or kidnapping 480
offense and also is convicted of or pleads guilty to both a 481
sexual motivation specification and a sexually violent predator 482
specification that were included in the indictment, count in the 483
indictment, or information charging that designated homicide, 484
assault, or kidnapping offense. 485

(ZZ) An offense is "committed in proximity to a school" if 486
the offender commits the offense in a school safety zone or 487
within five hundred feet of any school building or the 488
boundaries of any school premises, regardless of whether the 489
offender knows the offense is being committed in a school safety 490
zone or within five hundred feet of any school building or the 491
boundaries of any school premises. 492

(AAA) "Human trafficking" means a scheme or plan to which 493
all of the following apply: 494

(1) Its object is one or more of the following: 495

(a) To subject a victim or victims to involuntary 496
servitude, as defined in section 2905.31 of the Revised Code or 497
to compel a victim or victims to engage in sexual activity for 498
hire, to engage in a performance that is obscene, sexually 499
oriented, or nudity oriented, or to be a model or participant in 500
the production of material that is obscene, sexually oriented, 501
or nudity oriented; 502

(b) To facilitate, encourage, or recruit a victim who is 503
less than sixteen years of age or is a person with a 504
developmental disability, or victims who are less than sixteen 505
years of age or are persons with developmental disabilities, for 506
any purpose listed in divisions (A)(2)(a) to (c) of section 507
2905.32 of the Revised Code; 508

(c) To facilitate, encourage, or recruit a victim who is 509
sixteen or seventeen years of age, or victims who are sixteen or 510
seventeen years of age, for any purpose listed in divisions (A) 511
(2)(a) to (c) of section 2905.32 of the Revised Code, if the 512
circumstances described in division (A)(5), (6), (7), (8), (9), 513
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 514

apply with respect to the person engaging in the conduct and the 515
victim or victims. 516

(2) It involves at least two felony offenses, whether or 517
not there has been a prior conviction for any of the felony 518
offenses, to which all of the following apply: 519

(a) Each of the felony offenses is a violation of section 520
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 521
division (A) (1) or (2) of section 2907.323, or division (B) (1), 522
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 523
is a violation of a law of any state other than this state that 524
is substantially similar to any of the sections or divisions of 525
the Revised Code identified in this division. 526

(b) At least one of the felony offenses was committed in 527
this state. 528

(c) The felony offenses are related to the same scheme or 529
plan and are not isolated instances. 530

(BBB) "Material," "nudity," "obscene," "performance," and 531
"sexual activity" have the same meanings as in section 2907.01 532
of the Revised Code. 533

(CCC) "Material that is obscene, sexually oriented, or 534
nudity oriented" means any material that is obscene, that shows 535
a person participating or engaging in sexual activity, 536
masturbation, or bestiality, or that shows a person in a state 537
of nudity. 538

(DDD) "Performance that is obscene, sexually oriented, or 539
nudity oriented" means any performance that is obscene, that 540
shows a person participating or engaging in sexual activity, 541
masturbation, or bestiality, or that shows a person in a state 542
of nudity. 543

(EEE) "Permanent, serious disfigurement or substantial 544
incapacity" means a physical or mental impairment that 545
substantially limits one or more major life activities. 546

Sec. 2929.13. (A) Except as provided in division (E), (F), 547
or (G) of this section and unless a specific sanction is 548
required to be imposed or is precluded from being imposed 549
pursuant to law, a court that imposes a sentence upon an 550
offender for a felony may impose any sanction or combination of 551
sanctions on the offender that are provided in sections 2929.14 552
to 2929.18 of the Revised Code. 553

If the offender is eligible to be sentenced to community 554
control sanctions, the court shall consider the appropriateness 555
of imposing a financial sanction pursuant to section 2929.18 of 556
the Revised Code or a sanction of community service pursuant to 557
section 2929.17 of the Revised Code as the sole sanction for the 558
offense. Except as otherwise provided in this division, if the 559
court is required to impose a mandatory prison term for the 560
offense for which sentence is being imposed, the court also 561
shall impose any financial sanction pursuant to section 2929.18 562
of the Revised Code that is required for the offense and may 563
impose any other financial sanction pursuant to that section but 564
may not impose any additional sanction or combination of 565
sanctions under section 2929.16 or 2929.17 of the Revised Code. 566

If the offender is being sentenced for a fourth degree 567
felony OVI offense or for a third degree felony OVI offense, in 568
addition to the mandatory term of local incarceration or the 569
mandatory prison term required for the offense by division (G) 570
(1) or (2) of this section, the court shall impose upon the 571
offender a mandatory fine in accordance with division (B) (3) of 572
section 2929.18 of the Revised Code and may impose whichever of 573

the following is applicable: 574

(1) For a fourth degree felony OVI offense for which 575
sentence is imposed under division (G) (1) of this section, an 576
additional community control sanction or combination of 577
community control sanctions under section 2929.16 or 2929.17 of 578
the Revised Code. If the court imposes upon the offender a 579
community control sanction and the offender violates any 580
condition of the community control sanction, the court may take 581
any action prescribed in division (B) of section 2929.15 of the 582
Revised Code relative to the offender, including imposing a 583
prison term on the offender pursuant to that division. 584

(2) For a third or fourth degree felony OVI offense for 585
which sentence is imposed under division (G) (2) of this section, 586
an additional prison term as described in division (B) (4) of 587
section 2929.14 of the Revised Code or a community control 588
sanction as described in division (G) (2) of this section. 589

(B) (1) (a) Except as provided in division (B) (1) (b) of this 590
section, if an offender is convicted of or pleads guilty to a 591
felony of the fourth or fifth degree that is not an offense of 592
violence or that is a qualifying assault offense, the court 593
shall sentence the offender to a community control sanction of 594
at least one year's duration if all of the following apply: 595

(i) The offender previously has not been convicted of or 596
pleaded guilty to a felony offense. 597

(ii) The most serious charge against the offender at the 598
time of sentencing is a felony of the fourth or fifth degree. 599

(iii) If the court made a request of the department of 600
rehabilitation and correction pursuant to division (B) (1) (c) of 601
this section, the department, within the forty-five-day period 602

specified in that division, provided the court with the names 603
of, contact information for, and program details of one or more 604
community control sanctions of at least one year's duration that 605
are available for persons sentenced by the court. 606

(iv) The offender previously has not been convicted of or 607
pleaded guilty to a misdemeanor offense of violence that the 608
offender committed within two years prior to the offense for 609
which sentence is being imposed. 610

(b) The court has discretion to impose a prison term upon 611
an offender who is convicted of or pleads guilty to a felony of 612
the fourth or fifth degree that is not an offense of violence or 613
that is a qualifying assault offense if any of the following 614
apply: 615

(i) The offender committed the offense while having a 616
firearm on or about the offender's person or under the 617
offender's control. 618

(ii) If the offense is a qualifying assault offense, the 619
offender caused serious physical harm to another person while 620
committing the offense, and, if the offense is not a qualifying 621
assault offense, the offender caused physical harm to another 622
person while committing the offense. 623

(iii) The offender violated a term of the conditions of 624
bond as set by the court. 625

(iv) The court made a request of the department of 626
rehabilitation and correction pursuant to division (B)(1)(c) of 627
this section, and the department, within the forty-five-day 628
period specified in that division, did not provide the court 629
with the name of, contact information for, and program details 630
of any community control sanction of at least one year's 631

duration that is available for persons sentenced by the court. 632

(v) The offense is a sex offense that is a fourth or fifth 633
degree felony violation of any provision of Chapter 2907. of the 634
Revised Code. 635

(vi) In committing the offense, the offender attempted to 636
cause or made an actual threat of physical harm to a person with 637
a deadly weapon. 638

(vii) In committing the offense, the offender attempted to 639
cause or made an actual threat of physical harm to a person, and 640
the offender previously was convicted of an offense that caused 641
physical harm to a person. 642

(viii) The offender held a public office or position of 643
trust, and the offense related to that office or position; the 644
offender's position obliged the offender to prevent the offense 645
or to bring those committing it to justice; or the offender's 646
professional reputation or position facilitated the offense or 647
was likely to influence the future conduct of others. 648

(ix) The offender committed the offense for hire or as 649
part of an organized criminal activity. 650

(x) The offender at the time of the offense was serving, 651
or the offender previously had served, a prison term. 652

(xi) The offender committed the offense while under a 653
community control sanction, while on probation, or while 654
released from custody on a bond or personal recognizance. 655

(c) If a court that is sentencing an offender who is 656
convicted of or pleads guilty to a felony of the fourth or fifth 657
degree that is not an offense of violence or that is a 658
qualifying assault offense believes that no community control 659

sanctions are available for its use that, if imposed on the 660
offender, will adequately fulfill the overriding principles and 661
purposes of sentencing, the court shall contact the department 662
of rehabilitation and correction and ask the department to 663
provide the court with the names of, contact information for, 664
and program details of one or more community control sanctions 665
of at least one year's duration that are available for persons 666
sentenced by the court. Not later than forty-five days after 667
receipt of a request from a court under this division, the 668
department shall provide the court with the names of, contact 669
information for, and program details of one or more community 670
control sanctions of at least one year's duration that are 671
available for persons sentenced by the court, if any. Upon 672
making a request under this division that relates to a 673
particular offender, a court shall defer sentencing of that 674
offender until it receives from the department the names of, 675
contact information for, and program details of one or more 676
community control sanctions of at least one year's duration that 677
are available for persons sentenced by the court or for forty- 678
five days, whichever is the earlier. 679

If the department provides the court with the names of, 680
contact information for, and program details of one or more 681
community control sanctions of at least one year's duration that 682
are available for persons sentenced by the court within the 683
forty-five-day period specified in this division, the court 684
shall impose upon the offender a community control sanction 685
under division (B) (1) (a) of this section, except that the court 686
may impose a prison term under division (B) (1) (b) of this 687
section if a factor described in division (B) (1) (b) (i) or (ii) 688
of this section applies. If the department does not provide the 689
court with the names of, contact information for, and program 690

details of one or more community control sanctions of at least 691
one year's duration that are available for persons sentenced by 692
the court within the forty-five-day period specified in this 693
division, the court may impose upon the offender a prison term 694
under division (B) (1) (b) (iv) of this section. 695

(d) A sentencing court may impose an additional penalty 696
under division (B) of section 2929.15 of the Revised Code upon 697
an offender sentenced to a community control sanction under 698
division (B) (1) (a) of this section if the offender violates the 699
conditions of the community control sanction, violates a law, or 700
leaves the state without the permission of the court or the 701
offender's probation officer. 702

(2) If division (B) (1) of this section does not apply, 703
except as provided in division (E), (F), or (G) of this section, 704
in determining whether to impose a prison term as a sanction for 705
a felony of the fourth or fifth degree, the sentencing court 706
shall comply with the purposes and principles of sentencing 707
under section 2929.11 of the Revised Code and with section 708
2929.12 of the Revised Code. 709

(C) Except as provided in division (D), (E), (F), or (G) 710
of this section, in determining whether to impose a prison term 711
as a sanction for a felony of the third degree or a felony drug 712
offense that is a violation of a provision of Chapter 2925. of 713
the Revised Code and that is specified as being subject to this 714
division for purposes of sentencing, the sentencing court shall 715
comply with the purposes and principles of sentencing under 716
section 2929.11 of the Revised Code and with section 2929.12 of 717
the Revised Code. 718

(D) (1) Except as provided in division (E) or (F) of this 719
section, for a felony of the first or second degree, for a 720

felony drug offense that is a violation of any provision of 721
Chapter 2925., 3719., or 4729. of the Revised Code for which a 722
presumption in favor of a prison term is specified as being 723
applicable, and for a violation of division (A) (4) or (B) of 724
section 2907.05 of the Revised Code for which a presumption in 725
favor of a prison term is specified as being applicable, it is 726
presumed that a prison term is necessary in order to comply with 727
the purposes and principles of sentencing under section 2929.11 728
of the Revised Code. Division (D) (2) of this section does not 729
apply to a presumption established under this division for a 730
violation of division (A) (4) of section 2907.05 of the Revised 731
Code. 732

(2) Notwithstanding the presumption established under 733
division (D) (1) of this section for the offenses listed in that 734
division other than a violation of division (A) (4) or (B) of 735
section 2907.05 of the Revised Code, the sentencing court may 736
impose a community control sanction or a combination of 737
community control sanctions instead of a prison term on an 738
offender for a felony of the first or second degree or for a 739
felony drug offense that is a violation of any provision of 740
Chapter 2925., 3719., or 4729. of the Revised Code for which a 741
presumption in favor of a prison term is specified as being 742
applicable if it makes both of the following findings: 743

(a) A community control sanction or a combination of 744
community control sanctions would adequately punish the offender 745
and protect the public from future crime, because the applicable 746
factors under section 2929.12 of the Revised Code indicating a 747
lesser likelihood of recidivism outweigh the applicable factors 748
under that section indicating a greater likelihood of 749
recidivism. 750

(b) A community control sanction or a combination of 751
community control sanctions would not demean the seriousness of 752
the offense, because one or more factors under section 2929.12 753
of the Revised Code that indicate that the offender's conduct 754
was less serious than conduct normally constituting the offense 755
are applicable, and they outweigh the applicable factors under 756
that section that indicate that the offender's conduct was more 757
serious than conduct normally constituting the offense. 758

(E) (1) Except as provided in division (F) of this section, 759
for any drug offense that is a violation of any provision of 760
Chapter 2925. of the Revised Code and that is a felony of the 761
third, fourth, or fifth degree, the applicability of a 762
presumption under division (D) of this section in favor of a 763
prison term or of division (B) or (C) of this section in 764
determining whether to impose a prison term for the offense 765
shall be determined as specified in section 2925.02, 2925.03, 766
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 767
2925.36, or 2925.37 of the Revised Code, whichever is applicable 768
regarding the violation. 769

(2) If an offender who was convicted of or pleaded guilty 770
to a felony violates the conditions of a community control 771
sanction imposed for the offense solely by reason of producing 772
positive results on a drug test or by acting pursuant to 773
division (B) (2) (b) of section 2925.11 of the Revised Code with 774
respect to a minor drug possession offense, the court, as 775
punishment for the violation of the sanction, shall not order 776
that the offender be imprisoned unless the court determines on 777
the record either of the following: 778

(a) The offender had been ordered as a sanction for the 779
felony to participate in a drug treatment program, in a drug 780

education program, or in narcotics anonymous or a similar 781
program, and the offender continued to use illegal drugs after a 782
reasonable period of participation in the program. 783

(b) The imprisonment of the offender for the violation is 784
consistent with the purposes and principles of sentencing set 785
forth in section 2929.11 of the Revised Code. 786

(3) A court that sentences an offender for a drug abuse 787
offense that is a felony of the third, fourth, or fifth degree 788
may require that the offender be assessed by a properly 789
credentialed professional within a specified period of time. The 790
court shall require the professional to file a written 791
assessment of the offender with the court. If the offender is 792
eligible for a community control sanction and after considering 793
the written assessment, the court may impose a community control 794
sanction that includes addiction services and recovery supports 795
included in a community-based continuum of care established 796
under section 340.032 of the Revised Code. If the court imposes 797
addiction services and recovery supports as a community control 798
sanction, the court shall direct the level and type of addiction 799
services and recovery supports after considering the assessment 800
and recommendation of community addiction services providers. 801

(F) Notwithstanding divisions (A) to (E) of this section, 802
the court shall impose a prison term or terms under sections 803
2929.02 to 2929.06, section 2929.14, section 2929.142, or 804
section 2971.03 of the Revised Code and except as specifically 805
provided in section 2929.20, divisions (C) to (I) of section 806
2967.19, or section 2967.191 of the Revised Code or when parole 807
is authorized for the offense under section 2967.13 of the 808
Revised Code shall not reduce the term or terms pursuant to 809
section 2929.20, section 2967.19, section 2967.193, or any other 810

provision of Chapter 2967. or Chapter 5120. of the Revised Code 811
for any of the following offenses: 812

(1) Aggravated murder when death is not imposed or murder; 813

(2) Any rape, regardless of whether force was involved and 814
regardless of the age of the victim, or an attempt to commit 815
rape if, had the offender completed the rape that was attempted, 816
the offender would have been guilty of a violation of division 817
(A) (1) (b) of section 2907.02 of the Revised Code and would be 818
sentenced under section 2971.03 of the Revised Code; 819

(3) Gross sexual imposition or sexual battery, if the 820
victim is less than thirteen years of age and if any of the 821
following applies: 822

(a) Regarding gross sexual imposition, the offender 823
previously was convicted of or pleaded guilty to rape, the 824
former offense of felonious sexual penetration, gross sexual 825
imposition, or sexual battery, and the victim of the previous 826
offense was less than thirteen years of age; 827

(b) Regarding gross sexual imposition, the offense was 828
committed on or after August 3, 2006, and evidence other than 829
the testimony of the victim was admitted in the case 830
corroborating the violation. 831

(c) Regarding sexual battery, either of the following 832
applies: 833

(i) The offense was committed prior to August 3, 2006, the 834
offender previously was convicted of or pleaded guilty to rape, 835
the former offense of felonious sexual penetration, or sexual 836
battery, and the victim of the previous offense was less than 837
thirteen years of age. 838

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| (ii) The offense was committed on or after August 3, 2006. | 839 |
| (4) A felony violation of section 2903.04, 2903.06, | 840 |
| 2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, | 841 |
| or 2923.132 of the Revised Code if the section requires the | 842 |
| imposition of a prison term; | 843 |
| (5) A first, second, or third degree felony drug offense | 844 |
| for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, | 845 |
| 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, | 846 |
| or 4729.99 of the Revised Code, whichever is applicable | 847 |
| regarding the violation, requires the imposition of a mandatory | 848 |
| prison term; | 849 |
| (6) Any offense that is a first or second degree felony | 850 |
| and that is not set forth in division (F)(1), (2), (3), or (4) | 851 |
| of this section, if the offender previously was convicted of or | 852 |
| pleaded guilty to aggravated murder, murder, any first or second | 853 |
| degree felony, or an offense under an existing or former law of | 854 |
| this state, another state, or the United States that is or was | 855 |
| substantially equivalent to one of those offenses; | 856 |
| (7) Any offense that is a third degree felony and either | 857 |
| is a violation of section 2903.04 of the Revised Code or an | 858 |
| attempt to commit a felony of the second degree that is an | 859 |
| offense of violence and involved an attempt to cause serious | 860 |
| physical harm to a person or that resulted in serious physical | 861 |
| harm to a person if the offender previously was convicted of or | 862 |
| pleaded guilty to any of the following offenses: | 863 |
| (a) Aggravated murder, murder, involuntary manslaughter, | 864 |
| rape, felonious sexual penetration as it existed under section | 865 |
| 2907.12 of the Revised Code prior to September 3, 1996, a felony | 866 |
| of the first or second degree that resulted in the death of a | 867 |

person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;

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

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

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

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

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

(12) A violation of division (A) (1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A) (1) or (2) of that section, if the offender is an officer or employee of

the department of rehabilitation and correction; 897

(13) A violation of division (A) (1) or (2) of section 898
2903.06 of the Revised Code if the victim of the offense is a 899
peace officer, as defined in section 2935.01 of the Revised 900
Code, or an investigator of the bureau of criminal 901
identification and investigation, as defined in section 2903.11 902
of the Revised Code, with respect to the portion of the sentence 903
imposed pursuant to division (B) (5) of section 2929.14 of the 904
Revised Code; 905

(14) A violation of division (A) (1) or (2) of section 906
2903.06 of the Revised Code if the offender has been convicted 907
of or pleaded guilty to three or more violations of division (A) 908
or (B) of section 4511.19 of the Revised Code or an equivalent 909
offense, as defined in section 2941.1415 of the Revised Code, or 910
three or more violations of any combination of those divisions 911
and offenses, with respect to the portion of the sentence 912
imposed pursuant to division (B) (6) of section 2929.14 of the 913
Revised Code; 914

(15) Kidnapping, in the circumstances specified in section 915
2971.03 of the Revised Code and when no other provision of 916
division (F) of this section applies; 917

(16) Kidnapping, abduction, compelling prostitution, 918
promoting prostitution, engaging in a pattern of corrupt 919
activity, illegal use of a minor in a nudity-oriented material 920
or performance in violation of division (A) (1) or (2) of section 921
2907.323 of the Revised Code, or endangering children in 922
violation of division (B) (1), (2), (3), (4), or (5) of section 923
2919.22 of the Revised Code, if the offender is convicted of or 924
pleads guilty to a specification as described in section 925
2941.1422 of the Revised Code that was included in the 926

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| indictment, count in the indictment, or information charging the offense; | 927 928 |
| (17) A felony violation of division (A) or (B) of section 2919.25 of the Revised Code if division (D) (3), (4), or (5) of that section, and division (D) (6) of that section, require the imposition of a prison term; | 929 930 931 932 |
| (18) A felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B) (8) of section 2929.14 of the Revised Code; | 933 934 935 936 937 938 |
| (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. | 939 940 941 942 943 944 945 946 |
| (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; | 947 948 949 |
| <u>(20) Any violation of division (A) (1) of section 2903.11 of the Revised Code if the serious physical harm to another or another's unborn caused by the violation resulted in a permanent, serious disfigurement or substantial incapacity or the offender used an accelerant in committing the violation or any violation of division (A) (2) of that section if the</u> | 950 951 952 953 954 955 |

violation caused physical harm to another or another's unborn 956
and either the physical harm resulted in a permanent, serious 957
disfigurement or substantial incapacity or the offender used an 958
accelerant in committing the violation, with respect to a 959
portion of the sentence imposed pursuant to division (B) (9) of 960
section 2929.14 of the Revised Code. The provisions of this 961
division and of division (D) (2) of section 2903.11, divisions 962
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 963
the Revised Code shall be known as "Judy's Law." 964

(G) Notwithstanding divisions (A) to (E) of this section, 965
if an offender is being sentenced for a fourth degree felony OVI 966
offense or for a third degree felony OVI offense, the court 967
shall impose upon the offender a mandatory term of local 968
incarceration or a mandatory prison term in accordance with the 969
following: 970

(1) If the offender is being sentenced for a fourth degree 971
felony OVI offense and if the offender has not been convicted of 972
and has not pleaded guilty to a specification of the type 973
described in section 2941.1413 of the Revised Code, the court 974
may impose upon the offender a mandatory term of local 975
incarceration of sixty days or one hundred twenty days as 976
specified in division (G) (1) (d) of section 4511.19 of the 977
Revised Code. The court shall not reduce the term pursuant to 978
section 2929.20, 2967.193, or any other provision of the Revised 979
Code. The court that imposes a mandatory term of local 980
incarceration under this division shall specify whether the term 981
is to be served in a jail, a community-based correctional 982
facility, a halfway house, or an alternative residential 983
facility, and the offender shall serve the term in the type of 984
facility specified by the court. A mandatory term of local 985
incarceration imposed under division (G) (1) of this section is 986

not subject to any other Revised Code provision that pertains to 987
a prison term except as provided in division (A) (1) of this 988
section. 989

(2) If the offender is being sentenced for a third degree 990
felony OVI offense, or if the offender is being sentenced for a 991
fourth degree felony OVI offense and the court does not impose a 992
mandatory term of local incarceration under division (G) (1) of 993
this section, the court shall impose upon the offender a 994
mandatory prison term of one, two, three, four, or five years if 995
the offender also is convicted of or also pleads guilty to a 996
specification of the type described in section 2941.1413 of the 997
Revised Code or shall impose upon the offender a mandatory 998
prison term of sixty days or one hundred twenty days as 999
specified in division (G) (1) (d) or (e) of section 4511.19 of the 1000
Revised Code if the offender has not been convicted of and has 1001
not pleaded guilty to a specification of that type. Subject to 1002
divisions (C) to (I) of section 2967.19 of the Revised Code, the 1003
court shall not reduce the term pursuant to section 2929.20, 1004
2967.19, 2967.193, or any other provision of the Revised Code. 1005
The offender shall serve the one-, two-, three-, four-, or five- 1006
year mandatory prison term consecutively to and prior to the 1007
prison term imposed for the underlying offense and consecutively 1008
to any other mandatory prison term imposed in relation to the 1009
offense. In no case shall an offender who once has been 1010
sentenced to a mandatory term of local incarceration pursuant to 1011
division (G) (1) of this section for a fourth degree felony OVI 1012
offense be sentenced to another mandatory term of local 1013
incarceration under that division for any violation of division 1014
(A) of section 4511.19 of the Revised Code. In addition to the 1015
mandatory prison term described in division (G) (2) of this 1016
section, the court may sentence the offender to a community 1017

control sanction under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve the prison term prior to serving the community control sanction. The department of rehabilitation and correction may place an offender sentenced to a mandatory prison term under this division in an intensive program prison established pursuant to section 5120.033 of the Revised Code if the department gave the sentencing judge prior notice of its intent to place the offender in an intensive program prison established under that section and if the judge did not notify the department that the judge disapproved the placement. Upon the establishment of the initial intensive program prison pursuant to section 5120.033 of the Revised Code that is privately operated and managed by a contractor pursuant to a contract entered into under section 9.06 of the Revised Code, both of the following apply:

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

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

(H) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a felony committed on or after January 1, 1997, the judge shall

require the offender to submit to a DNA specimen collection 1048
procedure pursuant to section 2901.07 of the Revised Code. 1049

(I) If an offender is being sentenced for a sexually 1050
oriented offense or a child-victim oriented offense committed on 1051
or after January 1, 1997, the judge shall include in the 1052
sentence a summary of the offender's duties imposed under 1053
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1054
Code and the duration of the duties. The judge shall inform the 1055
offender, at the time of sentencing, of those duties and of 1056
their duration. If required under division (A) (2) of section 1057
2950.03 of the Revised Code, the judge shall perform the duties 1058
specified in that section, or, if required under division (A) (6) 1059
of section 2950.03 of the Revised Code, the judge shall perform 1060
the duties specified in that division. 1061

(J) (1) Except as provided in division (J) (2) of this 1062
section, when considering sentencing factors under this section 1063
in relation to an offender who is convicted of or pleads guilty 1064
to an attempt to commit an offense in violation of section 1065
2923.02 of the Revised Code, the sentencing court shall consider 1066
the factors applicable to the felony category of the violation 1067
of section 2923.02 of the Revised Code instead of the factors 1068
applicable to the felony category of the offense attempted. 1069

(2) When considering sentencing factors under this section 1070
in relation to an offender who is convicted of or pleads guilty 1071
to an attempt to commit a drug abuse offense for which the 1072
penalty is determined by the amount or number of unit doses of 1073
the controlled substance involved in the drug abuse offense, the 1074
sentencing court shall consider the factors applicable to the 1075
felony category that the drug abuse offense attempted would be 1076
if that drug abuse offense had been committed and had involved 1077

an amount or number of unit doses of the controlled substance 1078
that is within the next lower range of controlled substance 1079
amounts than was involved in the attempt. 1080

(K) As used in this section: 1081

(1) "Community addiction services provider" has the same 1082
meaning as in section 5119.01 of the Revised Code. 1083

(2) "Drug abuse offense" has the same meaning as in 1084
section 2925.01 of the Revised Code. 1085

(3) "Minor drug possession offense" has the same meaning 1086
as in section 2925.11 of the Revised Code. 1087

(4) "Qualifying assault offense" means a violation of 1088
section 2903.13 of the Revised Code for which the penalty 1089
provision in division (C) (8) (b) or (C) (9) (b) of that section 1090
applies. 1091

(L) At the time of sentencing an offender for any sexually 1092
oriented offense, if the offender is a tier III sex 1093
offender/child-victim offender relative to that offense and the 1094
offender does not serve a prison term or jail term, the court 1095
may require that the offender be monitored by means of a global 1096
positioning device. If the court requires such monitoring, the 1097
cost of monitoring shall be borne by the offender. If the 1098
offender is indigent, the cost of compliance shall be paid by 1099
the crime victims reparations fund. 1100

Sec. 2929.14. (A) Except as provided in division (B) (1), 1101
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1102
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 1103
of section 2919.25 of the Revised Code and except in relation to 1104
an offense for which a sentence of death or life imprisonment is 1105
to be imposed, if the court imposing a sentence upon an offender 1106

for a felony elects or is required to impose a prison term on 1107
the offender pursuant to this chapter, the court shall impose a 1108
definite prison term that shall be one of the following: 1109

(1) For a felony of the first degree, the prison term 1110
shall be three, four, five, six, seven, eight, nine, ten, or 1111
eleven years. 1112

(2) For a felony of the second degree, the prison term 1113
shall be two, three, four, five, six, seven, or eight years. 1114

(3) (a) For a felony of the third degree that is a 1115
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1116
2907.05, or 3795.04 of the Revised Code or that is a violation 1117
of section 2911.02 or 2911.12 of the Revised Code if the 1118
offender previously has been convicted of or pleaded guilty in 1119
two or more separate proceedings to two or more violations of 1120
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 1121
Code, the prison term shall be twelve, eighteen, twenty-four, 1122
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 1123
months. 1124

(b) For a felony of the third degree that is not an 1125
offense for which division (A) (3) (a) of this section applies, 1126
the prison term shall be nine, twelve, eighteen, twenty-four, 1127
thirty, or thirty-six months. 1128

(4) For a felony of the fourth degree, the prison term 1129
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1130
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1131

(5) For a felony of the fifth degree, the prison term 1132
shall be six, seven, eight, nine, ten, eleven, or twelve months. 1133

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1134
section, if an offender who is convicted of or pleads guilty to 1135

a felony also is convicted of or pleads guilty to a 1136
specification of the type described in section 2941.141, 1137
2941.144, or 2941.145 of the Revised Code, the court shall 1138
impose on the offender one of the following prison terms: 1139

(i) A prison term of six years if the specification is of 1140
the type described in division (A) of section 2941.144 of the 1141
Revised Code that charges the offender with having a firearm 1142
that is an automatic firearm or that was equipped with a firearm 1143
muffler or suppressor on or about the offender's person or under 1144
the offender's control while committing the offense; 1145

(ii) A prison term of three years if the specification is 1146
of the type described in division (A) of section 2941.145 of the 1147
Revised Code that charges the offender with having a firearm on 1148
or about the offender's person or under the offender's control 1149
while committing the offense and displaying the firearm, 1150
brandishing the firearm, indicating that the offender possessed 1151
the firearm, or using it to facilitate the offense; 1152

(iii) A prison term of one year if the specification is of 1153
the type described in division (A) of section 2941.141 of the 1154
Revised Code that charges the offender with having a firearm on 1155
or about the offender's person or under the offender's control 1156
while committing the offense; 1157

(iv) A prison term of nine years if the specification is 1158
of the type described in division (D) of section 2941.144 of the 1159
Revised Code that charges the offender with having a firearm 1160
that is an automatic firearm or that was equipped with a firearm 1161
muffler or suppressor on or about the offender's person or under 1162
the offender's control while committing the offense and 1163
specifies that the offender previously has been convicted of or 1164
pleaded guilty to a specification of the type described in 1165

section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1166
the Revised Code; 1167

(v) A prison term of fifty-four months if the 1168
specification is of the type described in division (D) of 1169
section 2941.145 of the Revised Code that charges the offender 1170
with having a firearm on or about the offender's person or under 1171
the offender's control while committing the offense and 1172
displaying the firearm, brandishing the firearm, indicating that 1173
the offender possessed the firearm, or using the firearm to 1174
facilitate the offense and that the offender previously has been 1175
convicted of or pleaded guilty to a specification of the type 1176
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1177
2941.1412 of the Revised Code; 1178

(vi) A prison term of eighteen months if the specification 1179
is of the type described in division (D) of section 2941.141 of 1180
the Revised Code that charges the offender with having a firearm 1181
on or about the offender's person or under the offender's 1182
control while committing the offense and that the offender 1183
previously has been convicted of or pleaded guilty to a 1184
specification of the type described in section 2941.141, 1185
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1186

(b) If a court imposes a prison term on an offender under 1187
division (B)(1)(a) of this section, the prison term shall not be 1188
reduced pursuant to section 2967.19, section 2929.20, section 1189
2967.193, or any other provision of Chapter 2967. or Chapter 1190
5120. of the Revised Code. Except as provided in division (B)(1) 1191
(g) of this section, a court shall not impose more than one 1192
prison term on an offender under division (B)(1)(a) of this 1193
section for felonies committed as part of the same act or 1194
transaction. 1195

(c) (i) Except as provided in division (B) (1) (e) of this 1196
section, if an offender who is convicted of or pleads guilty to 1197
a violation of section 2923.161 of the Revised Code or to a 1198
felony that includes, as an essential element, purposely or 1199
knowingly causing or attempting to cause the death of or 1200
physical harm to another, also is convicted of or pleads guilty 1201
to a specification of the type described in division (A) of 1202
section 2941.146 of the Revised Code that charges the offender 1203
with committing the offense by discharging a firearm from a 1204
motor vehicle other than a manufactured home, the court, after 1205
imposing a prison term on the offender for the violation of 1206
section 2923.161 of the Revised Code or for the other felony 1207
offense under division (A), (B) (2), or (B) (3) of this section, 1208
shall impose an additional prison term of five years upon the 1209
offender that shall not be reduced pursuant to section 2929.20, 1210
section 2967.19, section 2967.193, or any other provision of 1211
Chapter 2967. or Chapter 5120. of the Revised Code. 1212

(ii) Except as provided in division (B) (1) (e) of this 1213
section, if an offender who is convicted of or pleads guilty to 1214
a violation of section 2923.161 of the Revised Code or to a 1215
felony that includes, as an essential element, purposely or 1216
knowingly causing or attempting to cause the death of or 1217
physical harm to another, also is convicted of or pleads guilty 1218
to a specification of the type described in division (C) of 1219
section 2941.146 of the Revised Code that charges the offender 1220
with committing the offense by discharging a firearm from a 1221
motor vehicle other than a manufactured home and that the 1222
offender previously has been convicted of or pleaded guilty to a 1223
specification of the type described in section 2941.141, 1224
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1225
the court, after imposing a prison term on the offender for the 1226

violation of section 2923.161 of the Revised Code or for the 1227
other felony offense under division (A), (B) (2), or (3) of this 1228
section, shall impose an additional prison term of ninety months 1229
upon the offender that shall not be reduced pursuant to section 1230
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1231
2967. or Chapter 5120. of the Revised Code. 1232

(iii) A court shall not impose more than one additional 1233
prison term on an offender under division (B) (1) (c) of this 1234
section for felonies committed as part of the same act or 1235
transaction. If a court imposes an additional prison term on an 1236
offender under division (B) (1) (c) of this section relative to an 1237
offense, the court also shall impose a prison term under 1238
division (B) (1) (a) of this section relative to the same offense, 1239
provided the criteria specified in that division for imposing an 1240
additional prison term are satisfied relative to the offender 1241
and the offense. 1242

(d) If an offender who is convicted of or pleads guilty to 1243
an offense of violence that is a felony also is convicted of or 1244
pleads guilty to a specification of the type described in 1245
section 2941.1411 of the Revised Code that charges the offender 1246
with wearing or carrying body armor while committing the felony 1247
offense of violence, the court shall impose on the offender a 1248
prison term of two years. The prison term so imposed, subject to 1249
divisions (C) to (I) of section 2967.19 of the Revised Code, 1250
shall not be reduced pursuant to section 2929.20, section 1251
2967.19, section 2967.193, or any other provision of Chapter 1252
2967. or Chapter 5120. of the Revised Code. A court shall not 1253
impose more than one prison term on an offender under division 1254
(B) (1) (d) of this section for felonies committed as part of the 1255
same act or transaction. If a court imposes an additional prison 1256
term under division (B) (1) (a) or (c) of this section, the court 1257

is not precluded from imposing an additional prison term under 1258
division (B) (1) (d) of this section. 1259

(e) The court shall not impose any of the prison terms 1260
described in division (B) (1) (a) of this section or any of the 1261
additional prison terms described in division (B) (1) (c) of this 1262
section upon an offender for a violation of section 2923.12 or 1263
2923.123 of the Revised Code. The court shall not impose any of 1264
the prison terms described in division (B) (1) (a) or (b) of this 1265
section upon an offender for a violation of section 2923.122 1266
that involves a deadly weapon that is a firearm other than a 1267
dangerous ordnance, section 2923.16, or section 2923.121 of the 1268
Revised Code. The court shall not impose any of the prison terms 1269
described in division (B) (1) (a) of this section or any of the 1270
additional prison terms described in division (B) (1) (c) of this 1271
section upon an offender for a violation of section 2923.13 of 1272
the Revised Code unless all of the following apply: 1273

(i) The offender previously has been convicted of 1274
aggravated murder, murder, or any felony of the first or second 1275
degree. 1276

(ii) Less than five years have passed since the offender 1277
was released from prison or post-release control, whichever is 1278
later, for the prior offense. 1279

(f) (i) If an offender is convicted of or pleads guilty to 1280
a felony that includes, as an essential element, causing or 1281
attempting to cause the death of or physical harm to another and 1282
also is convicted of or pleads guilty to a specification of the 1283
type described in division (A) of section 2941.1412 of the 1284
Revised Code that charges the offender with committing the 1285
offense by discharging a firearm at a peace officer as defined 1286
in section 2935.01 of the Revised Code or a corrections officer, 1287

as defined in section 2941.1412 of the Revised Code, the court, 1288
after imposing a prison term on the offender for the felony 1289
offense under division (A), (B) (2), or (B) (3) of this section, 1290
shall impose an additional prison term of seven years upon the 1291
offender that shall not be reduced pursuant to section 2929.20, 1292
section 2967.19, section 2967.193, or any other provision of 1293
Chapter 2967. or Chapter 5120. of the Revised Code. 1294

(ii) If an offender is convicted of or pleads guilty to a 1295
felony that includes, as an essential element, causing or 1296
attempting to cause the death of or physical harm to another and 1297
also is convicted of or pleads guilty to a specification of the 1298
type described in division (B) of section 2941.1412 of the 1299
Revised Code that charges the offender with committing the 1300
offense by discharging a firearm at a peace officer, as defined 1301
in section 2935.01 of the Revised Code, or a corrections 1302
officer, as defined in section 2941.1412 of the Revised Code, 1303
and that the offender previously has been convicted of or 1304
pleaded guilty to a specification of the type described in 1305
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1306
the Revised Code, the court, after imposing a prison term on the 1307
offender for the felony offense under division (A), (B) (2), or 1308
(3) of this section, shall impose an additional prison term of 1309
one hundred twenty-six months upon the offender that shall not 1310
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1311
any other provision of Chapter 2967. or 5120. of the Revised 1312
Code. 1313

(iii) If an offender is convicted of or pleads guilty to 1314
two or more felonies that include, as an essential element, 1315
causing or attempting to cause the death or physical harm to 1316
another and also is convicted of or pleads guilty to a 1317
specification of the type described under division (B) (1) (f) of 1318

this section in connection with two or more of the felonies of 1319
which the offender is convicted or to which the offender pleads 1320
guilty, the sentencing court shall impose on the offender the 1321
prison term specified under division (B) (1) (f) of this section 1322
for each of two of the specifications of which the offender is 1323
convicted or to which the offender pleads guilty and, in its 1324
discretion, also may impose on the offender the prison term 1325
specified under that division for any or all of the remaining 1326
specifications. If a court imposes an additional prison term on 1327
an offender under division (B) (1) (f) of this section relative to 1328
an offense, the court shall not impose a prison term under 1329
division (B) (1) (a) or (c) of this section relative to the same 1330
offense. 1331

(g) If an offender is convicted of or pleads guilty to two 1332
or more felonies, if one or more of those felonies are 1333
aggravated murder, murder, attempted aggravated murder, 1334
attempted murder, aggravated robbery, felonious assault, or 1335
rape, and if the offender is convicted of or pleads guilty to a 1336
specification of the type described under division (B) (1) (a) of 1337
this section in connection with two or more of the felonies, the 1338
sentencing court shall impose on the offender the prison term 1339
specified under division (B) (1) (a) of this section for each of 1340
the two most serious specifications of which the offender is 1341
convicted or to which the offender pleads guilty and, in its 1342
discretion, also may impose on the offender the prison term 1343
specified under that division for any or all of the remaining 1344
specifications. 1345

(2) (a) If division (B) (2) (b) of this section does not 1346
apply, the court may impose on an offender, in addition to the 1347
longest prison term authorized or required for the offense, an 1348
additional definite prison term of one, two, three, four, five, 1349

six, seven, eight, nine, or ten years if all of the following 1350
criteria are met: 1351

(i) The offender is convicted of or pleads guilty to a 1352
specification of the type described in section 2941.149 of the 1353
Revised Code that the offender is a repeat violent offender. 1354

(ii) The offense of which the offender currently is 1355
convicted or to which the offender currently pleads guilty is 1356
aggravated murder and the court does not impose a sentence of 1357
death or life imprisonment without parole, murder, terrorism and 1358
the court does not impose a sentence of life imprisonment 1359
without parole, any felony of the first degree that is an 1360
offense of violence and the court does not impose a sentence of 1361
life imprisonment without parole, or any felony of the second 1362
degree that is an offense of violence and the trier of fact 1363
finds that the offense involved an attempt to cause or a threat 1364
to cause serious physical harm to a person or resulted in 1365
serious physical harm to a person. 1366

(iii) The court imposes the longest prison term for the 1367
offense that is not life imprisonment without parole. 1368

(iv) The court finds that the prison terms imposed 1369
pursuant to division (B) (2) (a) (iii) of this section and, if 1370
applicable, division (B) (1) or (3) of this section are 1371
inadequate to punish the offender and protect the public from 1372
future crime, because the applicable factors under section 1373
2929.12 of the Revised Code indicating a greater likelihood of 1374
recidivism outweigh the applicable factors under that section 1375
indicating a lesser likelihood of recidivism. 1376

(v) The court finds that the prison terms imposed pursuant 1377
to division (B) (2) (a) (iii) of this section and, if applicable, 1378

division (B) (1) or (3) of this section are demeaning to the 1379
seriousness of the offense, because one or more of the factors 1380
under section 2929.12 of the Revised Code indicating that the 1381
offender's conduct is more serious than conduct normally 1382
constituting the offense are present, and they outweigh the 1383
applicable factors under that section indicating that the 1384
offender's conduct is less serious than conduct normally 1385
constituting the offense. 1386

(b) The court shall impose on an offender the longest 1387
prison term authorized or required for the offense and shall 1388
impose on the offender an additional definite prison term of 1389
one, two, three, four, five, six, seven, eight, nine, or ten 1390
years if all of the following criteria are met: 1391

(i) The offender is convicted of or pleads guilty to a 1392
specification of the type described in section 2941.149 of the 1393
Revised Code that the offender is a repeat violent offender. 1394

(ii) The offender within the preceding twenty years has 1395
been convicted of or pleaded guilty to three or more offenses 1396
described in division (CC) (1) of section 2929.01 of the Revised 1397
Code, including all offenses described in that division of which 1398
the offender is convicted or to which the offender pleads guilty 1399
in the current prosecution and all offenses described in that 1400
division of which the offender previously has been convicted or 1401
to which the offender previously pleaded guilty, whether 1402
prosecuted together or separately. 1403

(iii) The offense or offenses of which the offender 1404
currently is convicted or to which the offender currently pleads 1405
guilty is aggravated murder and the court does not impose a 1406
sentence of death or life imprisonment without parole, murder, 1407
terrorism and the court does not impose a sentence of life 1408

imprisonment without parole, any felony of the first degree that 1409
is an offense of violence and the court does not impose a 1410
sentence of life imprisonment without parole, or any felony of 1411
the second degree that is an offense of violence and the trier 1412
of fact finds that the offense involved an attempt to cause or a 1413
threat to cause serious physical harm to a person or resulted in 1414
serious physical harm to a person. 1415

(c) For purposes of division (B) (2) (b) of this section, 1416
two or more offenses committed at the same time or as part of 1417
the same act or event shall be considered one offense, and that 1418
one offense shall be the offense with the greatest penalty. 1419

(d) A sentence imposed under division (B) (2) (a) or (b) of 1420
this section shall not be reduced pursuant to section 2929.20, 1421
section 2967.19, or section 2967.193, or any other provision of 1422
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1423
shall serve an additional prison term imposed under this section 1424
consecutively to and prior to the prison term imposed for the 1425
underlying offense. 1426

(e) When imposing a sentence pursuant to division (B) (2) 1427
(a) or (b) of this section, the court shall state its findings 1428
explaining the imposed sentence. 1429

(3) Except when an offender commits a violation of section 1430
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1431
for the violation is life imprisonment or commits a violation of 1432
section 2903.02 of the Revised Code, if the offender commits a 1433
violation of section 2925.03 or 2925.11 of the Revised Code and 1434
that section classifies the offender as a major drug offender, 1435
if the offender commits a felony violation of section 2925.02, 1436
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1437
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1438

division (E) of section 4729.51, or division (J) of section 1439
4729.54 of the Revised Code that includes the sale, offer to 1440
sell, or possession of a schedule I or II controlled substance, 1441
with the exception of marihuana, and the court imposing sentence 1442
upon the offender finds that the offender is guilty of a 1443
specification of the type described in section 2941.1410 of the 1444
Revised Code charging that the offender is a major drug 1445
offender, if the court imposing sentence upon an offender for a 1446
felony finds that the offender is guilty of corrupt activity 1447
with the most serious offense in the pattern of corrupt activity 1448
being a felony of the first degree, or if the offender is guilty 1449
of an attempted violation of section 2907.02 of the Revised Code 1450
and, had the offender completed the violation of section 2907.02 1451
of the Revised Code that was attempted, the offender would have 1452
been subject to a sentence of life imprisonment or life 1453
imprisonment without parole for the violation of section 2907.02 1454
of the Revised Code, the court shall impose upon the offender 1455
for the felony violation a mandatory prison term of the maximum 1456
prison term prescribed for a felony of the first degree that, 1457
subject to divisions (C) to (I) of section 2967.19 of the 1458
Revised Code, cannot be reduced pursuant to section 2929.20, 1459
section 2967.19, or any other provision of Chapter 2967. or 1460
5120. of the Revised Code. 1461

(4) If the offender is being sentenced for a third or 1462
fourth degree felony OVI offense under division (G) (2) of 1463
section 2929.13 of the Revised Code, the sentencing court shall 1464
impose upon the offender a mandatory prison term in accordance 1465
with that division. In addition to the mandatory prison term, if 1466
the offender is being sentenced for a fourth degree felony OVI 1467
offense, the court, notwithstanding division (A) (4) of this 1468
section, may sentence the offender to a definite prison term of 1469

not less than six months and not more than thirty months, and if 1470
the offender is being sentenced for a third degree felony OVI 1471
offense, the sentencing court may sentence the offender to an 1472
additional prison term of any duration specified in division (A) 1473
(3) of this section. In either case, the additional prison term 1474
imposed shall be reduced by the sixty or one hundred twenty days 1475
imposed upon the offender as the mandatory prison term. The 1476
total of the additional prison term imposed under division (B) 1477
(4) of this section plus the sixty or one hundred twenty days 1478
imposed as the mandatory prison term shall equal a definite term 1479
in the range of six months to thirty months for a fourth degree 1480
felony OVI offense and shall equal one of the authorized prison 1481
terms specified in division (A) (3) of this section for a third 1482
degree felony OVI offense. If the court imposes an additional 1483
prison term under division (B) (4) of this section, the offender 1484
shall serve the additional prison term after the offender has 1485
served the mandatory prison term required for the offense. In 1486
addition to the mandatory prison term or mandatory and 1487
additional prison term imposed as described in division (B) (4) 1488
of this section, the court also may sentence the offender to a 1489
community control sanction under section 2929.16 or 2929.17 of 1490
the Revised Code, but the offender shall serve all of the prison 1491
terms so imposed prior to serving the community control 1492
sanction. 1493

If the offender is being sentenced for a fourth degree 1494
felony OVI offense under division (G) (1) of section 2929.13 of 1495
the Revised Code and the court imposes a mandatory term of local 1496
incarceration, the court may impose a prison term as described 1497
in division (A) (1) of that section. 1498

(5) If an offender is convicted of or pleads guilty to a 1499
violation of division (A) (1) or (2) of section 2903.06 of the 1500

Revised Code and also is convicted of or pleads guilty to a 1501
specification of the type described in section 2941.1414 of the 1502
Revised Code that charges that the victim of the offense is a 1503
peace officer, as defined in section 2935.01 of the Revised 1504
Code, or an investigator of the bureau of criminal 1505
identification and investigation, as defined in section 2903.11 1506
of the Revised Code, the court shall impose on the offender a 1507
prison term of five years. If a court imposes a prison term on 1508
an offender under division (B) (5) of this section, the prison 1509
term, subject to divisions (C) to (I) of section 2967.19 of the 1510
Revised Code, shall not be reduced pursuant to section 2929.20, 1511
section 2967.19, section 2967.193, or any other provision of 1512
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1513
shall not impose more than one prison term on an offender under 1514
division (B) (5) of this section for felonies committed as part 1515
of the same act. 1516

(6) If an offender is convicted of or pleads guilty to a 1517
violation of division (A) (1) or (2) of section 2903.06 of the 1518
Revised Code and also is convicted of or pleads guilty to a 1519
specification of the type described in section 2941.1415 of the 1520
Revised Code that charges that the offender previously has been 1521
convicted of or pleaded guilty to three or more violations of 1522
division (A) or (B) of section 4511.19 of the Revised Code or an 1523
equivalent offense, as defined in section 2941.1415 of the 1524
Revised Code, or three or more violations of any combination of 1525
those divisions and offenses, the court shall impose on the 1526
offender a prison term of three years. If a court imposes a 1527
prison term on an offender under division (B) (6) of this 1528
section, the prison term, subject to divisions (C) to (I) of 1529
section 2967.19 of the Revised Code, shall not be reduced 1530
pursuant to section 2929.20, section 2967.19, section 2967.193, 1531

or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (6) of this section for felonies committed as part of the same act.

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

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

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

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

(b) Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the prison term imposed under division (B) (7) (a) of this section shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other

provision of Chapter 2967. of the Revised Code. A court shall 1561
not impose more than one prison term on an offender under 1562
division (B) (7) (a) of this section for felonies committed as 1563
part of the same act, scheme, or plan. 1564

(8) If an offender is convicted of or pleads guilty to a 1565
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1566
Revised Code and also is convicted of or pleads guilty to a 1567
specification of the type described in section 2941.1423 of the 1568
Revised Code that charges that the victim of the violation was a 1569
woman whom the offender knew was pregnant at the time of the 1570
violation, notwithstanding the range of prison terms prescribed 1571
in division (A) of this section for felonies of the same degree 1572
as the violation, the court shall impose on the offender a 1573
mandatory prison term that is either a definite prison term of 1574
six months or one of the prison terms prescribed in section 1575
2929.14 of the Revised Code for felonies of the same degree as 1576
the violation. 1577

(9) (a) If an offender is convicted of or pleads guilty to 1578
a violation of division (A) (1) or (2) of section 2903.11 of the 1579
Revised Code and also is convicted of or pleads guilty to a 1580
specification of the type described in section 2941.1425 of the 1581
Revised Code, the court shall impose on the offender a mandatory 1582
prison term of five, six, seven, eight, nine, ten, eleven, 1583
twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1584
eighteen, nineteen, or twenty years if either of the following 1585
applies: 1586

(i) The violation is a violation of division (A) (1) of 1587
section 2903.11 of the Revised Code and the specification 1588
charges that the serious physical harm to another or to 1589
another's unborn caused by the violation resulted in a 1590

permanent, serious disfigurement or substantial incapacity or 1591
that the offender used an accelerant in committing the 1592
violation; 1593

(ii) The violation is a violation of division (A)(2) of 1594
section 2903.11 of the Revised Code and the specification 1595
charges that the violation caused physical harm to another or to 1596
another's unborn and that either the physical harm resulted in a 1597
permanent, serious disfigurement or substantial incapacity or 1598
that the offender used an accelerant in committing the 1599
violation. 1600

(b) If a court imposes a prison term on an offender under 1601
division (B)(9)(a) of this section, the prison term shall not be 1602
reduced pursuant to section 2929.20, section 2967.19, section 1603
2967.193, or any other provision of Chapter 2967. or Chapter 1604
5120. of the Revised Code. A court shall not impose more than 1605
one prison term on an offender under division (B)(9) of this 1606
section for felonies committed as part of the same act. 1607

(c) The provisions of divisions (B)(9) and (C)(6) of this 1608
section and of division (D)(2) of section 2903.11, division (F) 1609
(20) of section 2929.13, and section 2941.1425 of the Revised 1610
Code shall be known as "Judy's Law." 1611

(C)(1)(a) Subject to division (C)(1)(b) of this section, 1612
if a mandatory prison term is imposed upon an offender pursuant 1613
to division (B)(1)(a) of this section for having a firearm on or 1614
about the offender's person or under the offender's control 1615
while committing a felony, if a mandatory prison term is imposed 1616
upon an offender pursuant to division (B)(1)(c) of this section 1617
for committing a felony specified in that division by 1618
discharging a firearm from a motor vehicle, or if both types of 1619
mandatory prison terms are imposed, the offender shall serve any 1620

mandatory prison term imposed under either division 1621
consecutively to any other mandatory prison term imposed under 1622
either division or under division (B) (1) (d) of this section, 1623
consecutively to and prior to any prison term imposed for the 1624
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1625
this section or any other section of the Revised Code, and 1626
consecutively to any other prison term or mandatory prison term 1627
previously or subsequently imposed upon the offender. 1628

(b) If a mandatory prison term is imposed upon an offender 1629
pursuant to division (B) (1) (d) of this section for wearing or 1630
carrying body armor while committing an offense of violence that 1631
is a felony, the offender shall serve the mandatory term so 1632
imposed consecutively to any other mandatory prison term imposed 1633
under that division or under division (B) (1) (a) or (c) of this 1634
section, consecutively to and prior to any prison term imposed 1635
for the underlying felony under division (A), (B) (2), or (B) (3) 1636
of this section or any other section of the Revised Code, and 1637
consecutively to any other prison term or mandatory prison term 1638
previously or subsequently imposed upon the offender. 1639

(c) If a mandatory prison term is imposed upon an offender 1640
pursuant to division (B) (1) (f) of this section, the offender 1641
shall serve the mandatory prison term so imposed consecutively 1642
to and prior to any prison term imposed for the underlying 1643
felony under division (A), (B) (2), or (B) (3) of this section or 1644
any other section of the Revised Code, and consecutively to any 1645
other prison term or mandatory prison term previously or 1646
subsequently imposed upon the offender. 1647

(d) If a mandatory prison term is imposed upon an offender 1648
pursuant to division (B) (7) or (8) of this section, the offender 1649
shall serve the mandatory prison term so imposed consecutively 1650

to any other mandatory prison term imposed under that division 1651
or under any other provision of law and consecutively to any 1652
other prison term or mandatory prison term previously or 1653
subsequently imposed upon the offender. 1654

(2) If an offender who is an inmate in a jail, prison, or 1655
other residential detention facility violates section 2917.02, 1656
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1657
(2) of section 2921.34 of the Revised Code, if an offender who 1658
is under detention at a detention facility commits a felony 1659
violation of section 2923.131 of the Revised Code, or if an 1660
offender who is an inmate in a jail, prison, or other 1661
residential detention facility or is under detention at a 1662
detention facility commits another felony while the offender is 1663
an escapee in violation of division (A) (1) or (2) of section 1664
2921.34 of the Revised Code, any prison term imposed upon the 1665
offender for one of those violations shall be served by the 1666
offender consecutively to the prison term or term of 1667
imprisonment the offender was serving when the offender 1668
committed that offense and to any other prison term previously 1669
or subsequently imposed upon the offender. 1670

(3) If a prison term is imposed for a violation of 1671
division (B) of section 2911.01 of the Revised Code, a violation 1672
of division (A) of section 2913.02 of the Revised Code in which 1673
the stolen property is a firearm or dangerous ordnance, or a 1674
felony violation of division (B) of section 2921.331 of the 1675
Revised Code, the offender shall serve that prison term 1676
consecutively to any other prison term or mandatory prison term 1677
previously or subsequently imposed upon the offender. 1678

(4) If multiple prison terms are imposed on an offender 1679
for convictions of multiple offenses, the court may require the 1680

offender to serve the prison terms consecutively if the court 1681
finds that the consecutive service is necessary to protect the 1682
public from future crime or to punish the offender and that 1683
consecutive sentences are not disproportionate to the 1684
seriousness of the offender's conduct and to the danger the 1685
offender poses to the public, and if the court also finds any of 1686
the following: 1687

(a) The offender committed one or more of the multiple 1688
offenses while the offender was awaiting trial or sentencing, 1689
was under a sanction imposed pursuant to section 2929.16, 1690
2929.17, or 2929.18 of the Revised Code, or was under post- 1691
release control for a prior offense. 1692

(b) At least two of the multiple offenses were committed 1693
as part of one or more courses of conduct, and the harm caused 1694
by two or more of the multiple offenses so committed was so 1695
great or unusual that no single prison term for any of the 1696
offenses committed as part of any of the courses of conduct 1697
adequately reflects the seriousness of the offender's conduct. 1698

(c) The offender's history of criminal conduct 1699
demonstrates that consecutive sentences are necessary to protect 1700
the public from future crime by the offender. 1701

(5) If a mandatory prison term is imposed upon an offender 1702
pursuant to division (B) (5) or (6) of this section, the offender 1703
shall serve the mandatory prison term consecutively to and prior 1704
to any prison term imposed for the underlying violation of 1705
division (A) (1) or (2) of section 2903.06 of the Revised Code 1706
pursuant to division (A) of this section or section 2929.142 of 1707
the Revised Code. If a mandatory prison term is imposed upon an 1708
offender pursuant to division (B) (5) of this section, and if a 1709
mandatory prison term also is imposed upon the offender pursuant 1710

to division (B) (6) of this section in relation to the same 1711
violation, the offender shall serve the mandatory prison term 1712
imposed pursuant to division (B) (5) of this section 1713
consecutively to and prior to the mandatory prison term imposed 1714
pursuant to division (B) (6) of this section and consecutively to 1715
and prior to any prison term imposed for the underlying 1716
violation of division (A) (1) or (2) of section 2903.06 of the 1717
Revised Code pursuant to division (A) of this section or section 1718
2929.142 of the Revised Code. 1719

(6) If a mandatory prison term is imposed on an offender 1720
pursuant to division (B) (9) of this section, the offender shall 1721
serve the mandatory prison term consecutively to and prior to 1722
any prison term imposed for the underlying violation of division 1723
(A) (1) or (2) of section 2903.11 of the Revised Code and 1724
consecutively to and prior to any other prison term or mandatory 1725
prison term previously or subsequently imposed on the offender. 1726

(7) When consecutive prison terms are imposed pursuant to 1727
division (C) (1), (2), (3), (4), ~~or~~ (5), or (6) or division (H) 1728
(1) or (2) of this section, the term to be served is the 1729
aggregate of all of the terms so imposed. 1730

(D) (1) If a court imposes a prison term for a felony of 1731
the first degree, for a felony of the second degree, for a 1732
felony sex offense, or for a felony of the third degree that is 1733
not a felony sex offense and in the commission of which the 1734
offender caused or threatened to cause physical harm to a 1735
person, it shall include in the sentence a requirement that the 1736
offender be subject to a period of post-release control after 1737
the offender's release from imprisonment, in accordance with 1738
that division. If a court imposes a sentence including a prison 1739
term of a type described in this division on or after July 11, 1740

2006, the failure of a court to include a post-release control 1741
requirement in the sentence pursuant to this division does not 1742
negate, limit, or otherwise affect the mandatory period of post- 1743
release control that is required for the offender under division 1744
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1745
the Revised Code applies if, prior to July 11, 2006, a court 1746
imposed a sentence including a prison term of a type described 1747
in this division and failed to include in the sentence pursuant 1748
to this division a statement regarding post-release control. 1749

(2) If a court imposes a prison term for a felony of the 1750
third, fourth, or fifth degree that is not subject to division 1751
(D)(1) of this section, it shall include in the sentence a 1752
requirement that the offender be subject to a period of post- 1753
release control after the offender's release from imprisonment, 1754
in accordance with that division, if the parole board determines 1755
that a period of post-release control is necessary. Section 1756
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1757
a court imposed a sentence including a prison term of a type 1758
described in this division and failed to include in the sentence 1759
pursuant to this division a statement regarding post-release 1760
control. 1761

(E) The court shall impose sentence upon the offender in 1762
accordance with section 2971.03 of the Revised Code, and Chapter 1763
2971. of the Revised Code applies regarding the prison term or 1764
term of life imprisonment without parole imposed upon the 1765
offender and the service of that term of imprisonment if any of 1766
the following apply: 1767

(1) A person is convicted of or pleads guilty to a violent 1768
sex offense or a designated homicide, assault, or kidnapping 1769
offense, and, in relation to that offense, the offender is 1770

adjudicated a sexually violent predator. 1771

(2) A person is convicted of or pleads guilty to a 1772
violation of division (A) (1) (b) of section 2907.02 of the 1773
Revised Code committed on or after January 2, 2007, and either 1774
the court does not impose a sentence of life without parole when 1775
authorized pursuant to division (B) of section 2907.02 of the 1776
Revised Code, or division (B) of section 2907.02 of the Revised 1777
Code provides that the court shall not sentence the offender 1778
pursuant to section 2971.03 of the Revised Code. 1779

(3) A person is convicted of or pleads guilty to attempted 1780
rape committed on or after January 2, 2007, and a specification 1781
of the type described in section 2941.1418, 2941.1419, or 1782
2941.1420 of the Revised Code. 1783

(4) A person is convicted of or pleads guilty to a 1784
violation of section 2905.01 of the Revised Code committed on or 1785
after January 1, 2008, and that section requires the court to 1786
sentence the offender pursuant to section 2971.03 of the Revised 1787
Code. 1788

(5) A person is convicted of or pleads guilty to 1789
aggravated murder committed on or after January 1, 2008, and 1790
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1791
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1792
(d) of section 2929.03, or division (A) or (B) of section 1793
2929.06 of the Revised Code requires the court to sentence the 1794
offender pursuant to division (B) (3) of section 2971.03 of the 1795
Revised Code. 1796

(6) A person is convicted of or pleads guilty to murder 1797
committed on or after January 1, 2008, and division (B) (2) of 1798
section 2929.02 of the Revised Code requires the court to 1799

sentence the offender pursuant to section 2971.03 of the Revised Code. 1800
1801

(F) If a person who has been convicted of or pleaded 1802
guilty to a felony is sentenced to a prison term or term of 1803
imprisonment under this section, sections 2929.02 to 2929.06 of 1804
the Revised Code, section 2929.142 of the Revised Code, section 1805
2971.03 of the Revised Code, or any other provision of law, 1806
section 5120.163 of the Revised Code applies regarding the 1807
person while the person is confined in a state correctional 1808
institution. 1809

(G) If an offender who is convicted of or pleads guilty to 1810
a felony that is an offense of violence also is convicted of or 1811
pleads guilty to a specification of the type described in 1812
section 2941.142 of the Revised Code that charges the offender 1813
with having committed the felony while participating in a 1814
criminal gang, the court shall impose upon the offender an 1815
additional prison term of one, two, or three years. 1816

(H) (1) If an offender who is convicted of or pleads guilty 1817
to aggravated murder, murder, or a felony of the first, second, 1818
or third degree that is an offense of violence also is convicted 1819
of or pleads guilty to a specification of the type described in 1820
section 2941.143 of the Revised Code that charges the offender 1821
with having committed the offense in a school safety zone or 1822
towards a person in a school safety zone, the court shall impose 1823
upon the offender an additional prison term of two years. The 1824
offender shall serve the additional two years consecutively to 1825
and prior to the prison term imposed for the underlying offense. 1826

(2) (a) If an offender is convicted of or pleads guilty to 1827
a felony violation of section 2907.22, 2907.24, 2907.241, or 1828
2907.25 of the Revised Code and to a specification of the type 1829

described in section 2941.1421 of the Revised Code and if the 1830
court imposes a prison term on the offender for the felony 1831
violation, the court may impose upon the offender an additional 1832
prison term as follows: 1833

(i) Subject to division (H)(2)(a)(ii) of this section, an 1834
additional prison term of one, two, three, four, five, or six 1835
months; 1836

(ii) If the offender previously has been convicted of or 1837
pleaded guilty to one or more felony or misdemeanor violations 1838
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1839
the Revised Code and also was convicted of or pleaded guilty to 1840
a specification of the type described in section 2941.1421 of 1841
the Revised Code regarding one or more of those violations, an 1842
additional prison term of one, two, three, four, five, six, 1843
seven, eight, nine, ten, eleven, or twelve months. 1844

(b) In lieu of imposing an additional prison term under 1845
division (H)(2)(a) of this section, the court may directly 1846
impose on the offender a sanction that requires the offender to 1847
wear a real-time processing, continual tracking electronic 1848
monitoring device during the period of time specified by the 1849
court. The period of time specified by the court shall equal the 1850
duration of an additional prison term that the court could have 1851
imposed upon the offender under division (H)(2)(a) of this 1852
section. A sanction imposed under this division shall commence 1853
on the date specified by the court, provided that the sanction 1854
shall not commence until after the offender has served the 1855
prison term imposed for the felony violation of section 2907.22, 1856
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1857
residential sanction imposed for the violation under section 1858
2929.16 of the Revised Code. A sanction imposed under this 1859

division shall be considered to be a community control sanction 1860
for purposes of section 2929.15 of the Revised Code, and all 1861
provisions of the Revised Code that pertain to community control 1862
sanctions shall apply to a sanction imposed under this division, 1863
except to the extent that they would by their nature be clearly 1864
inapplicable. The offender shall pay all costs associated with a 1865
sanction imposed under this division, including the cost of the 1866
use of the monitoring device. 1867

(I) At the time of sentencing, the court may recommend the 1868
offender for placement in a program of shock incarceration under 1869
section 5120.031 of the Revised Code or for placement in an 1870
intensive program prison under section 5120.032 of the Revised 1871
Code, disapprove placement of the offender in a program of shock 1872
incarceration or an intensive program prison of that nature, or 1873
make no recommendation on placement of the offender. In no case 1874
shall the department of rehabilitation and correction place the 1875
offender in a program or prison of that nature unless the 1876
department determines as specified in section 5120.031 or 1877
5120.032 of the Revised Code, whichever is applicable, that the 1878
offender is eligible for the placement. 1879

If the court disapproves placement of the offender in a 1880
program or prison of that nature, the department of 1881
rehabilitation and correction shall not place the offender in 1882
any program of shock incarceration or intensive program prison. 1883

If the court recommends placement of the offender in a 1884
program of shock incarceration or in an intensive program 1885
prison, and if the offender is subsequently placed in the 1886
recommended program or prison, the department shall notify the 1887
court of the placement and shall include with the notice a brief 1888
description of the placement. 1889

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

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

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

(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 1920
described in section 2941.1424 of the Revised Code that charges 1921
that the offender is a violent career criminal and had a firearm 1922
on or about the offender's person or under the offender's 1923
control while committing the presently charged violent felony 1924
offense and displayed or brandished the firearm, indicated that 1925
the offender possessed a firearm, or used the firearm to 1926
facilitate the offense. The offender shall serve the prison term 1927
imposed under this division consecutively to and prior to the 1928
prison term imposed for the underlying offense. The prison term 1929
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1930
any other provision of Chapter 2967. or 5120. of the Revised 1931
Code. A court may not impose more than one sentence under 1932
division (B) (2) (a) of this section and this division for acts 1933
committed as part of the same act or transaction. 1934

(2) As used in division (K) (1) of this section, "violent 1935
career criminal" and "violent felony offense" have the same 1936
meanings as in section 2923.132 of the Revised Code. 1937

Sec. 2941.1425. (A) Imposition of a mandatory prison term 1938
under division (B) (9) of section 2929.14 of the Revised Code is 1939
precluded unless the offender is convicted of or pleads guilty 1940
to a violation of division (A) (1) or (2) of section 2903.11 of 1941
the Revised Code and unless the indictment, count in the 1942
indictment, or information charging the offense specifies one of 1943
the following: 1944

(1) Regarding a violation of division (A) (1) of section 1945
2903.11 of the Revised Code, that the serious physical harm to 1946
another or to another's unborn caused by the violation resulted 1947
in a permanent, serious disfigurement or substantial incapacity 1948
or that the offender used an accelerant in committing the 1949

violation; 1950

(2) Regarding a violation of division (A)(2) of section 2903.11 of the Revised Code, that the violation caused physical harm to another or to another's unborn and that either the physical harm resulted in a permanent, serious disfigurement or substantial incapacity or the offender used an accelerant in committing the violation. 1951
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(B) The specification described in division (A) of this section shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form: 1957
1958
1959
1960

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or prosecuting attorney's name when appropriate) further find and specify that (set forth that the serious physical harm to another or to another's unborn caused by the violation of division (A)(1) of section 2903.11 of the Revised Code resulted in a permanent, serious disfigurement or substantial incapacity or that the offender used an accelerant in committing the violation, or that the violation of division (A)(2) of section 2903.11 of the Revised Code caused physical harm to another or to another's unborn and that either the physical harm resulted in a permanent, serious disfigurement or substantial incapacity or the offender used an accelerant in committing the violation, whichever is applicable)." 1961
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(C) As used in this section, "permanent, serious disfigurement or substantial incapacity" has the same meaning as in section 2929.01 of the Revised Code. 1974
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(D) The provisions of this section and of division (D)(2) of section 2903.11, division (F)(20) of section 2929.13, and 1977
1978

divisions (B) (9) and (C) (6) of section 2929.14 of the Revised 1979
Code shall be known as "Judy's Law." 1980

Section 2. That existing sections 2903.11, 2929.01, 1981
2929.13, and 2929.14 of the Revised Code are hereby repealed. 1982

Section 3. Section 2929.01 of the Revised Code is 1983
presented in this act as a composite of the section as amended 1984
by both Sub. H.B. 158 and H.B. 171 of the 132nd General 1985
Assembly. The General Assembly, applying the principle stated in 1986
division (B) of section 1.52 of the Revised Code that amendments 1987
are to be harmonized if reasonably capable of simultaneous 1988
operation, finds that the composite is the resulting version of 1989
the section in effect prior to the effective date of the section 1990
as presented in this act. 1991

Section 2929.14 of the Revised Code is presented in this 1992
act as a composite of the section as amended by both Sub. H.B. 1993
470 and Sub. S.B. 319 of the 132nd General Assembly. The General 1994
Assembly, applying the principle stated in division (B) of 1995
section 1.52 of the Revised Code that amendments are to be 1996
harmonized if reasonably capable of simultaneous operation, 1997
finds that the composite is the resulting version of the section 1998
in effect prior to the effective date of the section as 1999
presented in this act. 2000