

**As Reported by the Senate Judiciary Committee**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. S. B. No. 20**

**Senator Hackett**

**Cosponsors: Senators Gardner, Uecker, Yuko, Wilson, Bacon, O'Brien**

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**A BILL**

To amend sections 2903.11, 2919.22, 2929.01, 1  
2929.13, and 2929.14 and to enact section 2  
2941.1425 of the Revised Code to require an 3  
additional prison term of 3 to 8 years for an 4  
offender who is convicted in specified 5  
circumstances of a felony offense of endangering 6  
children or felonious assault of a child if the 7  
offender also is convicted of a specification 8  
that the victim suffered permanent disabling 9  
harm and to name the act "Destiny's Law." 10

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

**Section 1.** That sections 2903.11, 2919.22, 2929.01, 11  
2929.13, and 2929.14 be amended and section 2941.1425 of the 12  
Revised Code be enacted to read as follows: 13

**Sec. 2903.11.** (A) No person shall knowingly do either of 14  
the following: 15

(1) Cause serious physical harm to another or to another's 16  
unborn; 17

(2) Cause or attempt to cause physical harm to another or 18

to another's unborn by means of a deadly weapon or dangerous  
ordnance. 19  
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(B) No person, with knowledge that the person has tested  
positive as a carrier of a virus that causes acquired  
immunodeficiency syndrome, shall knowingly do any of the  
following: 21  
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(1) Engage in sexual conduct with another person without  
disclosing that knowledge to the other person prior to engaging  
in the sexual conduct; 25  
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(2) Engage in sexual conduct with a person whom the  
offender knows or has reasonable cause to believe lacks the  
mental capacity to appreciate the significance of the knowledge  
that the offender has tested positive as a carrier of a virus  
that causes acquired immunodeficiency syndrome; 28  
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(3) Engage in sexual conduct with a person under eighteen  
years of age who is not the spouse of the offender. 33  
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(C) The prosecution of a person under this section does  
not preclude prosecution of that person under section 2907.02 of  
the Revised Code. 35  
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(D) (1) (a) Whoever violates this section is guilty of  
felonious assault. Except as otherwise provided in this division  
or division (D) (1) (b) of this section, felonious assault is a  
felony of the second degree. If the victim of a violation of  
division (A) of this section is a peace officer or an  
investigator of the bureau of criminal identification and  
investigation, felonious assault is a felony of the first  
degree. 38  
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(b) Regardless of whether the felonious assault is a  
felony of the first or second degree under division (D) (1) (a) of 46  
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this section, if the offender also is convicted of or pleads 48  
guilty to a specification as described in section 2941.1423 of 49  
the Revised Code that was included in the indictment, count in 50  
the indictment, or information charging the offense, except as 51  
otherwise provided in this division or unless a longer prison 52  
term is required under any other provision of law, the court 53  
shall sentence the offender to a mandatory prison term as 54  
provided in division (B) (8) of section 2929.14 of the Revised 55  
Code. If the victim of the offense is a peace officer or an 56  
investigator of the bureau of criminal identification and 57  
investigation, and if the victim suffered serious physical harm 58  
as a result of the commission of the offense, felonious assault 59  
is a felony of the first degree, and the court, pursuant to 60  
division (F) of section 2929.13 of the Revised Code, shall 61  
impose as a mandatory prison term one of the prison terms 62  
prescribed for a felony of the first degree. 63

(2) In addition to any other sanctions imposed pursuant to 64  
division (D) (1) of this section for felonious assault committed 65  
in violation of division (A) (2) of this section, if the deadly 66  
weapon used in the commission of the violation is a motor 67  
vehicle, the court shall impose upon the offender a class two 68  
suspension of the offender's driver's license, commercial 69  
driver's license, temporary instruction permit, probationary 70  
license, or nonresident operating privilege as specified in 71  
division (A) (2) of section 4510.02 of the Revised Code. 72

(3) If the victim of a felonious assault committed in 73  
violation of division (A) or (B) of this section is a child 74  
under thirteen years of age or a mentally or physically 75  
handicapped child under twenty-one years of age and if the 76  
offender also is convicted of or pleads guilty to a 77  
specification as described in section 2941.1425 of the Revised 78

Code that was included in the indictment, count in the 79  
indictment, or information and that charges that the victim of 80  
the offense suffered permanent disabling harm as a result of the 81  
offense, in addition to any other penalty or sanction imposed 82  
for the violation, the court shall sentence the offender to a 83  
mandatory prison term pursuant to division (B)(9) of section 84  
2929.14 of the Revised Code. 85

(E) As used in this section: 86

(1) "Deadly weapon" and "dangerous ordnance" have the same 87  
meanings as in section 2923.11 of the Revised Code. 88

(2) "Motor vehicle" has the same meaning as in section 89  
4501.01 of the Revised Code. 90

(3) "Peace officer" has the same meaning as in section 91  
2935.01 of the Revised Code. 92

(4) "Sexual conduct" has the same meaning as in section 93  
2907.01 of the Revised Code, except that, as used in this 94  
section, it does not include the insertion of an instrument, 95  
apparatus, or other object that is not a part of the body into 96  
the vaginal or anal opening of another, unless the offender knew 97  
at the time of the insertion that the instrument, apparatus, or 98  
other object carried the offender's bodily fluid. 99

(5) "Investigator of the bureau of criminal identification 100  
and investigation" means an investigator of the bureau of 101  
criminal identification and investigation who is commissioned by 102  
the superintendent of the bureau as a special agent for the 103  
purpose of assisting law enforcement officers or providing 104  
emergency assistance to peace officers pursuant to authority 105  
granted under section 109.541 of the Revised Code. 106

(6) "Investigator" has the same meaning as in section 107

109.541 of the Revised Code.	108
<u>(7) "Permanent disabling harm" has the same meaning as in</u>	109
<u>section 2929.01 of the Revised Code.</u>	110
<b>Sec. 2919.22.</b> (A) No person, who is the parent, guardian,	111
custodian, person having custody or control, or person in loco	112
parentis of a child under eighteen years of age or a mentally or	113
physically handicapped child under twenty-one years of age,	114
shall create a substantial risk to the health or safety of the	115
child, by violating a duty of care, protection, or support. It	116
is not a violation of a duty of care, protection, or support	117
under this division when the parent, guardian, custodian, or	118
person having custody or control of a child treats the physical	119
or mental illness or defect of the child by spiritual means	120
through prayer alone, in accordance with the tenets of a	121
recognized religious body.	122
(B) No person shall do any of the following to a child	123
under eighteen years of age or a mentally or physically	124
handicapped child under twenty-one years of age:	125
(1) Abuse the child;	126
(2) Torture or cruelly abuse the child;	127
(3) Administer corporal punishment or other physical	128
disciplinary measure, or physically restrain the child in a	129
cruel manner or for a prolonged period, which punishment,	130
discipline, or restraint is excessive under the circumstances	131
and creates a substantial risk of serious physical harm to the	132
child;	133
(4) Repeatedly administer unwarranted disciplinary	134
measures to the child, when there is a substantial risk that	135
such conduct, if continued, will seriously impair or retard the	136

child's mental health or development;	137
(5) Entice, coerce, permit, encourage, compel, hire,	138
employ, use, or allow the child to act, model, or in any other	139
way participate in, or be photographed for, the production,	140
presentation, dissemination, or advertisement of any material or	141
performance that the offender knows or reasonably should know is	142
obscene, is sexually oriented matter, or is nudity-oriented	143
matter;	144
(6) Allow the child to be on the same parcel of real	145
property and within one hundred feet of, or, in the case of more	146
than one housing unit on the same parcel of real property, in	147
the same housing unit and within one hundred feet of, any act in	148
violation of section 2925.04 or 2925.041 of the Revised Code	149
when the person knows that the act is occurring, whether or not	150
any person is prosecuted for or convicted of the violation of	151
section 2925.04 or 2925.041 of the Revised Code that is the	152
basis of the violation of this division.	153
(C) (1) No person shall operate a vehicle, streetcar, or	154
trackless trolley within this state in violation of division (A)	155
of section 4511.19 of the Revised Code when one or more children	156
under eighteen years of age are in the vehicle, streetcar, or	157
trackless trolley. Notwithstanding any other provision of law, a	158
person may be convicted at the same trial or proceeding of a	159
violation of this division and a violation of division (A) of	160
section 4511.19 of the Revised Code that constitutes the basis	161
of the charge of the violation of this division. For purposes of	162
sections 4511.191 to 4511.197 of the Revised Code and all	163
related provisions of law, a person arrested for a violation of	164
this division shall be considered to be under arrest for	165
operating a vehicle while under the influence of alcohol, a drug	166

of abuse, or a combination of them or for operating a vehicle 167  
with a prohibited concentration of alcohol, a controlled 168  
substance, or a metabolite of a controlled substance in the 169  
whole blood, blood serum or plasma, breath, or urine. 170

(2) As used in division (C) (1) of this section: 171

(a) "Controlled substance" has the same meaning as in 172  
section 3719.01 of the Revised Code. 173

(b) "Vehicle," "streetcar," and "trackless trolley" have 174  
the same meanings as in section 4511.01 of the Revised Code. 175

(D) (1) Division (B) (5) of this section does not apply to 176  
any material or performance that is produced, presented, or 177  
disseminated for a bona fide medical, scientific, educational, 178  
religious, governmental, judicial, or other proper purpose, by 179  
or to a physician, psychologist, sociologist, scientist, 180  
teacher, person pursuing bona fide studies or research, 181  
librarian, member of the clergy, prosecutor, judge, or other 182  
person having a proper interest in the material or performance. 183

(2) Mistake of age is not a defense to a charge under 184  
division (B) (5) of this section. 185

(3) In a prosecution under division (B) (5) of this 186  
section, the trier of fact may infer that an actor, model, or 187  
participant in the material or performance involved is a 188  
juvenile if the material or performance, through its title, 189  
text, visual representation, or otherwise, represents or depicts 190  
the actor, model, or participant as a juvenile. 191

(4) As used in this division and division (B) (5) of this 192  
section: 193

(a) "Material," "performance," "obscene," and "sexual 194

activity" have the same meanings as in section 2907.01 of the Revised Code.	195 196
(b) "Nudity-oriented matter" means any material or performance that shows a minor in a state of nudity and that, taken as a whole by the average person applying contemporary community standards, appeals to prurient interest.	197 198 199 200
(c) "Sexually oriented matter" means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality.	201 202 203
(E) (1) Whoever violates this section is guilty of endangering children.	204 205
(2) If the offender violates division (A) or (B) (1) of this section, endangering children is one of the following, and, in the circumstances described in division (E) (2) (e) <u>or (E) (6)</u> of this section, that division applies:	206 207 208 209
(a) Except as otherwise provided in division (E) (2) (b), (c), or (d) of this section, a misdemeanor of the first degree;	210 211
(b) If the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (E) (2) (c) or (d) of this section, a felony of the fourth degree;	212 213 214 215 216
(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, a felony of the third degree;	217 218 219
(d) If the violation is a violation of division (B) (1) of this section and results in serious physical harm to the child involved, a felony of the second degree.	220 221 222



(e) If the violation is a felony violation of division (B) 223  
(1) of this section and the offender also is convicted of or 224  
pleads guilty to a specification as described in section 225  
2941.1422 of the Revised Code that was included in the 226  
indictment, count in the indictment, or information charging the 227  
offense, the court shall sentence the offender to a mandatory 228  
prison term as provided in division (B) (7) of section 2929.14 of 229  
the Revised Code and shall order the offender to make 230  
restitution as provided in division (B) (8) of section 2929.18 of 231  
the Revised Code. 232

(3) If the offender violates division (B) (2), (3), (4), or 233  
(6) of this section, ~~except endangering children is one of the~~ 234  
following and, in the circumstances described in division (E) (3) 235  
(c) or (d) or (E) (6) of this section, that division applies: 236

(a) Except as otherwise provided in this division (E) (3) 237  
(b) of this section, endangering children is a felony of the 238  
third degree. ~~If;~~ 239

(b) If the violation results in serious physical harm to 240  
the child involved, or if the offender previously has been 241  
convicted of an offense under this section or of any offense 242  
involving neglect, abandonment, contributing to the delinquency 243  
of, or physical abuse of a child, ~~endangering children is a~~ 244  
felony of the second degree. ~~If;~~ 245

(c) If the offender violates violation is a violation of 246  
division (B) (2), (3), or (4) of this section and the offender 247  
also is convicted of or pleads guilty to a specification as 248  
described in section 2941.1422 of the Revised Code that was 249  
included in the indictment, count in the indictment, or 250  
information charging the offense, the court shall sentence the 251  
offender to a mandatory prison term as provided in division (B) 252

(7) of section 2929.14 of the Revised Code and shall order the 253  
offender to make restitution as provided in division (B) (8) of 254  
section 2929.18 of the Revised Code. ~~If~~ 255

(d) If the offender violates violation is a violation of 256  
division (B) (6) of this section and the drug involved is 257  
methamphetamine, the court shall impose a mandatory prison term 258  
on the offender as follows: 259

~~(a) (i) If the violation is a violation of division (B) (6)~~ 260  
~~of this section that is a felony of the third degree under~~ 261  
division (E) (3) (a) of this section and the drug involved is 262  
methamphetamine, except as otherwise provided in this division, 263  
the court shall impose as a mandatory prison term one of the 264  
prison terms prescribed for a felony of the third degree that is 265  
not less than two years. ~~If the violation is a violation of~~ 266  
~~division (B) (6) of this section that is a felony of the third~~ 267  
degree under division (E) (3) (a) of this section, if the drug 268  
involved is methamphetamine, and if the offender previously has 269  
been convicted of or pleaded guilty to a violation of division 270  
(B) (6) of this section, a violation of division (A) of section 271  
2925.04 of the Revised Code, or a violation of division (A) of 272  
section 2925.041 of the Revised Code, the court shall impose as 273  
a mandatory prison term one of the prison terms prescribed for a 274  
felony of the third degree that is not less than five years. 275

~~(b) (ii) If the violation is a violation of division (B) (6)~~ 276  
~~of this section that is a felony of the second degree under~~ 277  
division (E) (3) (b) of this section and the drug involved is 278  
methamphetamine, except as otherwise provided in this division, 279  
the court shall impose as a mandatory prison term one of the 280  
prison terms prescribed for a felony of the second degree that 281  
is not less than three years. ~~If the violation is a violation of~~ 282

~~division (B) (6) of this section that~~ is a felony of the second 283  
degree under division (E) (3) (b) of this section, if the drug 284  
involved is methamphetamine, and if the offender previously has 285  
been convicted of or pleaded guilty to a violation of division 286  
(B) (6) of this section, a violation of division (A) of section 287  
2925.04 of the Revised Code, or a violation of division (A) of 288  
section 2925.041 of the Revised Code, the court shall impose as 289  
a mandatory prison term one of the prison terms prescribed for a 290  
felony of the second degree that is not less than five years. 291

(4) If the offender violates division (B) (5) of this 292  
section, endangering children is a felony of the second degree. 293  
If the offender also is convicted of or pleads guilty to a 294  
specification as described in section 2941.1422 of the Revised 295  
Code that was included in the indictment, count in the 296  
indictment, or information charging the offense, the court shall 297  
sentence the offender to a mandatory prison term as provided in 298  
division (B) (7) of section 2929.14 of the Revised Code and shall 299  
order the offender to make restitution as provided in division 300  
(B) (8) of section 2929.18 of the Revised Code. 301

(5) If the offender violates division (C) of this section, 302  
the offender shall be punished as follows: 303

(a) Except as otherwise provided in division (E) (5) (b) or 304  
(c) of this section, endangering children in violation of 305  
division (C) of this section is a misdemeanor of the first 306  
degree. 307

(b) If the violation results in serious physical harm to 308  
the child involved or the offender previously has been convicted 309  
of an offense under this section or any offense involving 310  
neglect, abandonment, contributing to the delinquency of, or 311  
physical abuse of a child, except as otherwise provided in 312

division (E) (5) (c) of this section, endangering children in 313  
violation of division (C) of this section is a felony of the 314  
fifth degree. 315

(c) If the violation results in serious physical harm to 316  
the child involved and if the offender previously has been 317  
convicted of a violation of division (C) of this section, 318  
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 319  
of the Revised Code as it existed prior to March 23, 2000, or 320  
section 2903.04 of the Revised Code in a case in which the 321  
offender was subject to the sanctions described in division (D) 322  
of that section, endangering children in violation of division 323  
(C) of this section is a felony of the fourth degree. 324

(d) In addition to any term of imprisonment, fine, or 325  
other sentence, penalty, or sanction it imposes upon the 326  
offender pursuant to division (E) (5) (a), (b), or (c) of this 327  
section or pursuant to any other provision of law and in 328  
addition to any suspension of the offender's driver's or 329  
commercial driver's license or permit or nonresident operating 330  
privilege under Chapter 4506., 4509., 4510., or 4511. of the 331  
Revised Code or under any other provision of law, the court also 332  
may impose upon the offender a class seven suspension of the 333  
offender's driver's or commercial driver's license or permit or 334  
nonresident operating privilege from the range specified in 335  
division (A) (7) of section 4510.02 of the Revised Code. 336

(e) In addition to any term of imprisonment, fine, or 337  
other sentence, penalty, or sanction imposed upon the offender 338  
pursuant to division (E) (5) (a), (b), (c), or (d) of this section 339  
or pursuant to any other provision of law for the violation of 340  
division (C) of this section, if as part of the same trial or 341  
proceeding the offender also is convicted of or pleads guilty to 342

a separate charge charging the violation of division (A) of 343  
section 4511.19 of the Revised Code that was the basis of the 344  
charge of the violation of division (C) of this section, the 345  
offender also shall be sentenced in accordance with section 346  
4511.19 of the Revised Code for that violation of division (A) 347  
of section 4511.19 of the Revised Code. 348

(6) If the offender violates division (A), (B) (1), or (B) 349  
(2) of this section, if the offense is a felony, and if the 350  
offender also is convicted of or pleads guilty to a 351  
specification as described in section 2941.1425 of the Revised 352  
Code that was included in the indictment, count in the 353  
indictment, or information and that charges that the victim of 354  
the offense suffered permanent disabling harm as a result of the 355  
offense, in addition to any other penalty or sanction imposed 356  
for the violation, the court shall sentence the offender to a 357  
mandatory prison term pursuant to division (B) (9) of section 358  
2929.14 of the Revised Code. 359

(F) (1) (a) A court may require an offender to perform not 360  
more than two hundred hours of supervised community service work 361  
under the authority of an agency, subdivision, or charitable 362  
organization. The requirement shall be part of the community 363  
control sanction or sentence of the offender, and the court 364  
shall impose the community service in accordance with and 365  
subject to divisions (F) (1) (a) and (b) of this section. The 366  
court may require an offender whom it requires to perform 367  
supervised community service work as part of the offender's 368  
community control sanction or sentence to pay the court a 369  
reasonable fee to cover the costs of the offender's 370  
participation in the work, including, but not limited to, the 371  
costs of procuring a policy or policies of liability insurance 372  
to cover the period during which the offender will perform the 373

work. If the court requires the offender to perform supervised 374  
community service work as part of the offender's community 375  
control sanction or sentence, the court shall do so in 376  
accordance with the following limitations and criteria: 377

(i) The court shall require that the community service 378  
work be performed after completion of the term of imprisonment 379  
or jail term imposed upon the offender for the violation of 380  
division (C) of this section, if applicable. 381

(ii) The supervised community service work shall be 382  
subject to the limitations set forth in divisions (B) (1), (2), 383  
and (3) of section 2951.02 of the Revised Code. 384

(iii) The community service work shall be supervised in 385  
the manner described in division (B) (4) of section 2951.02 of 386  
the Revised Code by an official or person with the 387  
qualifications described in that division. The official or 388  
person periodically shall report in writing to the court 389  
concerning the conduct of the offender in performing the work. 390

(iv) The court shall inform the offender in writing that 391  
if the offender does not adequately perform, as determined by 392  
the court, all of the required community service work, the court 393  
may order that the offender be committed to a jail or workhouse 394  
for a period of time that does not exceed the term of 395  
imprisonment that the court could have imposed upon the offender 396  
for the violation of division (C) of this section, reduced by 397  
the total amount of time that the offender actually was 398  
imprisoned under the sentence or term that was imposed upon the 399  
offender for that violation and by the total amount of time that 400  
the offender was confined for any reason arising out of the 401  
offense for which the offender was convicted and sentenced as 402  
described in sections 2949.08 and 2967.191 of the Revised Code, 403

and that, if the court orders that the offender be so committed, 404  
the court is authorized, but not required, to grant the offender 405  
credit upon the period of the commitment for the community 406  
service work that the offender adequately performed. 407

(b) If a court, pursuant to division (F)(1)(a) of this 408  
section, orders an offender to perform community service work as 409  
part of the offender's community control sanction or sentence 410  
and if the offender does not adequately perform all of the 411  
required community service work, as determined by the court, the 412  
court may order that the offender be committed to a jail or 413  
workhouse for a period of time that does not exceed the term of 414  
imprisonment that the court could have imposed upon the offender 415  
for the violation of division (C) of this section, reduced by 416  
the total amount of time that the offender actually was 417  
imprisoned under the sentence or term that was imposed upon the 418  
offender for that violation and by the total amount of time that 419  
the offender was confined for any reason arising out of the 420  
offense for which the offender was convicted and sentenced as 421  
described in sections 2949.08 and 2967.191 of the Revised Code. 422  
The court may order that a person committed pursuant to this 423  
division shall receive hour-for-hour credit upon the period of 424  
the commitment for the community service work that the offender 425  
adequately performed. No commitment pursuant to this division 426  
shall exceed the period of the term of imprisonment that the 427  
sentencing court could have imposed upon the offender for the 428  
violation of division (C) of this section, reduced by the total 429  
amount of time that the offender actually was imprisoned under 430  
that sentence or term and by the total amount of time that the 431  
offender was confined for any reason arising out of the offense 432  
for which the offender was convicted and sentenced as described 433  
in sections 2949.08 and 2967.191 of the Revised Code. 434

(2) Division (F)(1) of this section does not limit or 435  
affect the authority of the court to suspend the sentence 436  
imposed upon a misdemeanor offender and place the offender under 437  
a community control sanction pursuant to section 2929.25 of the 438  
Revised Code, to require a misdemeanor or felony offender to 439  
perform supervised community service work in accordance with 440  
division (B) of section 2951.02 of the Revised Code, or to place 441  
a felony offender under a community control sanction. 442

(G)(1) If a court suspends an offender's driver's or 443  
commercial driver's license or permit or nonresident operating 444  
privilege under division (E)(5)(d) of this section, the period 445  
of the suspension shall be consecutive to, and commence after, 446  
the period of suspension of the offender's driver's or 447  
commercial driver's license or permit or nonresident operating 448  
privilege that is imposed under Chapter 4506., 4509., 4510., or 449  
4511. of the Revised Code or under any other provision of law in 450  
relation to the violation of division (C) of this section that 451  
is the basis of the suspension under division (E)(5)(d) of this 452  
section or in relation to the violation of division (A) of 453  
section 4511.19 of the Revised Code that is the basis for that 454  
violation of division (C) of this section. 455

(2) An offender is not entitled to request, and the court 456  
shall not grant to the offender, limited driving privileges if 457  
the offender's license, permit, or privilege has been suspended 458  
under division (E)(5)(d) of this section and the offender, 459  
within the preceding six years, has been convicted of or pleaded 460  
guilty to three or more violations of one or more of the 461  
following: 462

(a) Division (C) of this section; 463

(b) Any equivalent offense, as defined in section 4511.181 464



of the Revised Code. 465

(H) (1) If a person violates division (C) of this section 466  
and if, at the time of the violation, there were two or more 467  
children under eighteen years of age in the motor vehicle 468  
involved in the violation, the offender may be convicted of a 469  
violation of division (C) of this section for each of the 470  
children, but the court may sentence the offender for only one 471  
of the violations. 472

(2) (a) If a person is convicted of or pleads guilty to a 473  
violation of division (C) of this section but the person is not 474  
also convicted of and does not also plead guilty to a separate 475  
charge charging the violation of division (A) of section 4511.19 476  
of the Revised Code that was the basis of the charge of the 477  
violation of division (C) of this section, both of the following 478  
apply: 479

(i) For purposes of the provisions of section 4511.19 of 480  
the Revised Code that set forth the penalties and sanctions for 481  
a violation of division (A) of section 4511.19 of the Revised 482  
Code, the conviction of or plea of guilty to the violation of 483  
division (C) of this section shall not constitute a violation of 484  
division (A) of section 4511.19 of the Revised Code; 485

(ii) For purposes of any provision of law that refers to a 486  
conviction of or plea of guilty to a violation of division (A) 487  
of section 4511.19 of the Revised Code and that is not described 488  
in division (H) (2) (a) (i) of this section, the conviction of or 489  
plea of guilty to the violation of division (C) of this section 490  
shall constitute a conviction of or plea of guilty to a 491  
violation of division (A) of section 4511.19 of the Revised 492  
Code. 493

(b) If a person is convicted of or pleads guilty to a violation of division (C) of this section and the person also is convicted of or pleads guilty to a separate charge charging the violation of division (A) of section 4511.19 of the Revised Code that was the basis of the charge of the violation of division (C) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code, a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code.

(I) As used in this section:

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code;

(2) "Limited driving privileges" has the same meaning as in section 4501.01 of the Revised Code;

(3) "Methamphetamine" has the same meaning as in section 2925.01 of the Revised Code.

(4) "Permanent disabling harm" has the same meaning as in section 2929.01 of the Revised Code.

**Sec. 2929.01.** As used in this chapter:

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

(a) It provides programs through which the offender may seek or maintain employment or may receive education, training,

treatment, or habilitation.	522
(b) It has received the appropriate license or certificate	523
for any specialized education, training, treatment,	524
habilitation, or other service that it provides from the	525
government agency that is responsible for licensing or	526
certifying that type of education, training, treatment,	527
habilitation, or service.	528
(2) "Alternative residential facility" does not include a	529
community-based correctional facility, jail, halfway house, or	530
prison.	531
(B) "Basic probation supervision" means a requirement that	532
the offender maintain contact with a person appointed to	533
supervise the offender in accordance with sanctions imposed by	534
the court or imposed by the parole board pursuant to section	535
2967.28 of the Revised Code. "Basic probation supervision"	536
includes basic parole supervision and basic post-release control	537
supervision.	538
(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have	539
the same meanings as in section 2925.01 of the Revised Code.	540
(D) "Community-based correctional facility" means a	541
community-based correctional facility and program or district	542
community-based correctional facility and program developed	543
pursuant to sections 2301.51 to 2301.58 of the Revised Code.	544
(E) "Community control sanction" means a sanction that is	545
not a prison term and that is described in section 2929.15,	546
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction	547
that is not a jail term and that is described in section	548
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community	549
control sanction" includes probation if the sentence involved	550

was imposed for a felony that was committed prior to July 1, 551  
1996, or if the sentence involved was imposed for a misdemeanor 552  
that was committed prior to January 1, 2004. 553

(F) "Controlled substance," "marihuana," "schedule I," and 554  
"schedule II" have the same meanings as in section 3719.01 of 555  
the Revised Code. 556

(G) "Curfew" means a requirement that an offender during a 557  
specified period of time be at a designated place. 558

(H) "Day reporting" means a sanction pursuant to which an 559  
offender is required each day to report to and leave a center or 560  
other approved reporting location at specified times in order to 561  
participate in work, education or training, treatment, and other 562  
approved programs at the center or outside the center. 563

(I) "Deadly weapon" has the same meaning as in section 564  
2923.11 of the Revised Code. 565

(J) "Drug and alcohol use monitoring" means a program 566  
under which an offender agrees to submit to random chemical 567  
analysis of the offender's blood, breath, or urine to determine 568  
whether the offender has ingested any alcohol or other drugs. 569

(K) "Drug treatment program" means any program under which 570  
a person undergoes assessment and treatment designed to reduce 571  
or completely eliminate the person's physical or emotional 572  
reliance upon alcohol, another drug, or alcohol and another drug 573  
and under which the person may be required to receive assessment 574  
and treatment on an outpatient basis or may be required to 575  
reside at a facility other than the person's home or residence 576  
while undergoing assessment and treatment. 577

(L) "Economic loss" means any economic detriment suffered 578  
by a victim as a direct and proximate result of the commission 579

of an offense and includes any loss of income due to lost time 580  
at work because of any injury caused to the victim, and any 581  
property loss, medical cost, or funeral expense incurred as a 582  
result of the commission of the offense. "Economic loss" does 583  
not include non-economic loss or any punitive or exemplary 584  
damages. 585

(M) "Education or training" includes study at, or in 586  
conjunction with a program offered by, a university, college, or 587  
technical college or vocational study and also includes the 588  
completion of primary school, secondary school, and literacy 589  
curricula or their equivalent. 590

(N) "Firearm" has the same meaning as in section 2923.11 591  
of the Revised Code. 592

(O) "Halfway house" means a facility licensed by the 593  
division of parole and community services of the department of 594  
rehabilitation and correction pursuant to section 2967.14 of the 595  
Revised Code as a suitable facility for the care and treatment 596  
of adult offenders. 597

(P) "House arrest" means a period of confinement of an 598  
offender that is in the offender's home or in other premises 599  
specified by the sentencing court or by the parole board 600  
pursuant to section 2967.28 of the Revised Code and during which 601  
all of the following apply: 602

(1) The offender is required to remain in the offender's 603  
home or other specified premises for the specified period of 604  
confinement, except for periods of time during which the 605  
offender is at the offender's place of employment or at other 606  
premises as authorized by the sentencing court or by the parole 607  
board. 608

(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 state.

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

(T) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) of section 1547.99 of the Revised Code, division (E) of section 2903.06 or division (D) of section 2903.08 of the Revised Code,

division (E) or (G) of section 2929.24 of the Revised Code, 638  
division (B) of section 4510.14 of the Revised Code, or division 639  
(G) of section 4511.19 of the Revised Code or pursuant to any 640  
other provision of the Revised Code that requires a term in a 641  
jail for a misdemeanor conviction. 642

(U) "Delinquent child" has the same meaning as in section 643  
2152.02 of the Revised Code. 644

(V) "License violation report" means a report that is made 645  
by a sentencing court, or by the parole board pursuant to 646  
section 2967.28 of the Revised Code, to the regulatory or 647  
licensing board or agency that issued an offender a professional 648  
license or a license or permit to do business in this state and 649  
that specifies that the offender has been convicted of or 650  
pleaded guilty to an offense that may violate the conditions 651  
under which the offender's professional license or license or 652  
permit to do business in this state was granted or an offense 653  
for which the offender's professional license or license or 654  
permit to do business in this state may be revoked or suspended. 655

(W) "Major drug offender" means an offender who is 656  
convicted of or pleads guilty to the possession of, sale of, or 657  
offer to sell any drug, compound, mixture, preparation, or 658  
substance that consists of or contains at least one thousand 659  
grams of hashish; at least one hundred grams of cocaine; at 660  
least one thousand unit doses or one hundred grams of heroin; at 661  
least five thousand unit doses of L.S.D. or five hundred grams 662  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 663  
distillate form; at least fifty grams of a controlled substance 664  
analog; or at least one hundred times the amount of any other 665  
schedule I or II controlled substance other than marihuana that 666  
is necessary to commit a felony of the third degree pursuant to 667

section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised Code that is based on the possession of, sale of, or offer to sell the controlled substance.

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

(1) Subject to division (X) (2) of this section, the term in prison that must be imposed for the offenses or circumstances set forth in divisions (F) (1) to (8) or (F) (12) to ~~(18)~~ (20) of section 2929.13 and division (B) of section 2929.14 of the Revised Code. Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, and 2925.11 of the Revised Code, unless the maximum or another specific term is required under section 2929.14 or 2929.142 of the Revised Code, a mandatory prison term described in this division may be any prison term authorized for the level of offense.

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

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



(Y) "Monitored time" means a period of time during which 697  
an offender continues to be under the control of the sentencing 698  
court or parole board, subject to no conditions other than 699  
leading a law-abiding life. 700

(Z) "Offender" means a person who, in this state, is 701  
convicted of or pleads guilty to a felony or a misdemeanor. 702

(AA) "Prison" means a residential facility used for the 703  
confinement of convicted felony offenders that is under the 704  
control of the department of rehabilitation and correction but 705  
does not include a violation sanction center operated under 706  
authority of section 2967.141 of the Revised Code. 707

(BB) "Prison term" includes either of the following 708  
sanctions for an offender: 709

(1) A stated prison term; 710

(2) A term in a prison shortened by, or with the approval 711  
of, the sentencing court pursuant to section 2929.143, 2929.20, 712  
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 713

(CC) "Repeat violent offender" means a person about whom 714  
both of the following apply: 715

(1) The person is being sentenced for committing or for 716  
complicity in committing any of the following: 717

(a) Aggravated murder, murder, any felony of the first or 718  
second degree that is an offense of violence, or an attempt to 719  
commit any of these offenses if the attempt is a felony of the 720  
first or second degree; 721

(b) An offense under an existing or former law of this 722  
state, another state, or the United States that is or was 723  
substantially equivalent to an offense described in division 724

(CC) (1) (a) of this section.	725
(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC) (1) (a) or (b) of this section.	726 727 728
(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code.	729 730 731 732 733
(EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense.	734 735 736
(FF) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code. If an offender is serving a prison term as a risk reduction sentence under sections 2929.143 and 5120.036 of the Revised Code, "stated prison term" includes any period of time by which the prison term imposed upon the offender is shortened by the offender's successful completion of all assessment and treatment or programming pursuant to those sections.	737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752
(GG) "Victim-offender mediation" means a reconciliation or	753

mediation program that involves an offender and the victim of 754  
the offense committed by the offender and that includes a 755  
meeting in which the offender and the victim may discuss the 756  
offense, discuss restitution, and consider other sanctions for 757  
the offense. 758

(HH) "Fourth degree felony OVI offense" means a violation 759  
of division (A) of section 4511.19 of the Revised Code that, 760  
under division (G) of that section, is a felony of the fourth 761  
degree. 762

(II) "Mandatory term of local incarceration" means the 763  
term of sixty or one hundred twenty days in a jail, a community- 764  
based correctional facility, a halfway house, or an alternative 765  
residential facility that a sentencing court may impose upon a 766  
person who is convicted of or pleads guilty to a fourth degree 767  
felony OVI offense pursuant to division (G) (1) of section 768  
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 769  
section 4511.19 of the Revised Code. 770

(JJ) "Designated homicide, assault, or kidnapping 771  
offense," "violent sex offense," "sexual motivation 772  
specification," "sexually violent offense," "sexually violent 773  
predator," and "sexually violent predator specification" have 774  
the same meanings as in section 2971.01 of the Revised Code. 775

(KK) "Sexually oriented offense," "child-victim oriented 776  
offense," and "tier III sex offender/child-victim offender" have 777  
the same meanings as in section 2950.01 of the Revised Code. 778

(LL) An offense is "committed in the vicinity of a child" 779  
if the offender commits the offense within thirty feet of or 780  
within the same residential unit as a child who is under 781  
eighteen years of age, regardless of whether the offender knows 782

the age of the child or whether the offender knows the offense 783  
is being committed within thirty feet of or within the same 784  
residential unit as the child and regardless of whether the 785  
child actually views the commission of the offense. 786

(MM) "Family or household member" has the same meaning as 787  
in section 2919.25 of the Revised Code. 788

(NN) "Motor vehicle" and "manufactured home" have the same 789  
meanings as in section 4501.01 of the Revised Code. 790

(OO) "Detention" and "detention facility" have the same 791  
meanings as in section 2921.01 of the Revised Code. 792

(PP) "Third degree felony OVI offense" means a violation 793  
of division (A) of section 4511.19 of the Revised Code that, 794  
under division (G) of that section, is a felony of the third 795  
degree. 796

(QQ) "Random drug testing" has the same meaning as in 797  
section 5120.63 of the Revised Code. 798

(RR) "Felony sex offense" has the same meaning as in 799  
section 2967.28 of the Revised Code. 800

(SS) "Body armor" has the same meaning as in section 801  
2941.1411 of the Revised Code. 802

(TT) "Electronic monitoring" means monitoring through the 803  
use of an electronic monitoring device. 804

(UU) "Electronic monitoring device" means any of the 805  
following: 806

(1) Any device that can be operated by electrical or 807  
battery power and that conforms with all of the following: 808

(a) The device has a transmitter that can be attached to a 809

person, that will transmit a specified signal to a receiver of 810  
the type described in division (UU) (1) (b) of this section if the 811  
transmitter is removed from the person, turned off, or altered 812  
in any manner without prior court approval in relation to 813  
electronic monitoring or without prior approval of the 814  
department of rehabilitation and correction in relation to the 815  
use of an electronic monitoring device for an inmate on 816  
transitional control or otherwise is tampered with, that can 817  
transmit continuously and periodically a signal to that receiver 818  
when the person is within a specified distance from the 819  
receiver, and that can transmit an appropriate signal to that 820  
receiver if the person to whom it is attached travels a 821  
specified distance from that receiver. 822

(b) The device has a receiver that can receive 823  
continuously the signals transmitted by a transmitter of the 824  
type described in division (UU) (1) (a) of this section, can 825  
transmit continuously those signals by a wireless or landline 826  
telephone connection to a central monitoring computer of the 827  
type described in division (UU) (1) (c) of this section, and can 828  
transmit continuously an appropriate signal to that central 829  
monitoring computer if the device has been turned off or altered 830  
without prior court approval or otherwise tampered with. The 831  
device is designed specifically for use in electronic 832  
monitoring, is not a converted wireless phone or another 833  
tracking device that is clearly not designed for electronic 834  
monitoring, and provides a means of text-based or voice 835  
communication with the person. 836

(c) The device has a central monitoring computer that can 837  
receive continuously the signals transmitted by a wireless or 838  
landline telephone connection by a receiver of the type 839  
described in division (UU) (1) (b) of this section and can monitor 840

continuously the person to whom an electronic monitoring device 841  
of the type described in division (UU) (1) (a) of this section is 842  
attached. 843

(2) Any device that is not a device of the type described 844  
in division (UU) (1) of this section and that conforms with all 845  
of the following: 846

(a) The device includes a transmitter and receiver that 847  
can monitor and determine the location of a subject person at 848  
any time, or at a designated point in time, through the use of a 849  
central monitoring computer or through other electronic means. 850

(b) The device includes a transmitter and receiver that 851  
can determine at any time, or at a designated point in time, 852  
through the use of a central monitoring computer or other 853  
electronic means the fact that the transmitter is turned off or 854  
altered in any manner without prior approval of the court in 855  
relation to the electronic monitoring or without prior approval 856  
of the department of rehabilitation and correction in relation 857  
to the use of an electronic monitoring device for an inmate on 858  
transitional control or otherwise is tampered with. 859

(3) Any type of technology that can adequately track or 860  
determine the location of a subject person at any time and that 861  
is approved by the director of rehabilitation and correction, 862  
including, but not limited to, any satellite technology, voice 863  
tracking system, or retinal scanning system that is so approved. 864

(VV) "Non-economic loss" means nonpecuniary harm suffered 865  
by a victim of an offense as a result of or related to the 866  
commission of the offense, including, but not limited to, pain 867  
and suffering; loss of society, consortium, companionship, care, 868  
assistance, attention, protection, advice, guidance, counsel, 869

instruction, training, or education; mental anguish; and any 870  
other intangible loss. 871

(WW) "Prosecutor" has the same meaning as in section 872  
2935.01 of the Revised Code. 873

(XX) "Continuous alcohol monitoring" means the ability to 874  
automatically test and periodically transmit alcohol consumption 875  
levels and tamper attempts at least every hour, regardless of 876  
the location of the person who is being monitored. 877

(YY) A person is "adjudicated a sexually violent predator" 878  
if the person is convicted of or pleads guilty to a violent sex 879  
offense and also is convicted of or pleads guilty to a sexually 880  
violent predator specification that was included in the 881  
indictment, count in the indictment, or information charging 882  
that violent sex offense or if the person is convicted of or 883  
pleads guilty to a designated homicide, assault, or kidnapping 884  
offense and also is convicted of or pleads guilty to both a 885  
sexual motivation specification and a sexually violent predator 886  
specification that were included in the indictment, count in the 887  
indictment, or information charging that designated homicide, 888  
assault, or kidnapping offense. 889

(ZZ) An offense is "committed in proximity to a school" if 890  
the offender commits the offense in a school safety zone or 891  
within five hundred feet of any school building or the 892  
boundaries of any school premises, regardless of whether the 893  
offender knows the offense is being committed in a school safety 894  
zone or within five hundred feet of any school building or the 895  
boundaries of any school premises. 896

(AAA) "Human trafficking" means a scheme or plan to which 897  
all of the following apply: 898

(1) Its object is one or more of the following:	899
(a) To subject a victim or victims to involuntary servitude, as defined in section 2905.31 of the Revised Code or to compel a victim or victims to engage in sexual activity for hire, to engage in a performance that is obscene, sexually oriented, or nudity oriented, or to be a model or participant in the production of material that is obscene, sexually oriented, or nudity oriented;	900 901 902 903 904 905 906
(b) To facilitate, encourage, or recruit a victim who is less than sixteen years of age or is a person with a developmental disability, or victims who are less than sixteen years of age or are persons with developmental disabilities, for any purpose listed in divisions (A) (2) (a) to (c) of section 2905.32 of the Revised Code;	907 908 909 910 911 912
(c) To facilitate, encourage, or recruit a victim who is sixteen or seventeen years of age, or victims who are sixteen or seventeen years of age, for any purpose listed in divisions (A) (2) (a) to (c) of section 2905.32 of the Revised Code, if the circumstances described in division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) of section 2907.03 of the Revised Code apply with respect to the person engaging in the conduct and the victim or victims.	913 914 915 916 917 918 919 920
(2) It involves at least two felony offenses, whether or not there has been a prior conviction for any of the felony offenses, to which all of the following apply:	921 922 923
(a) Each of the felony offenses is a violation of section 2905.01, 2905.02, 2905.32, 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 or	924 925 926 927



is a violation of a law of any state other than this state that 928  
is substantially similar to any of the sections or divisions of 929  
the Revised Code identified in this division. 930

(b) At least one of the felony offenses was committed in 931  
this state. 932

(c) The felony offenses are related to the same scheme or 933  
plan and are not isolated instances. 934

(BBB) "Material," "nudity," "obscene," "performance," and 935  
"sexual activity" have the same meanings as in section 2907.01 936  
of the Revised Code. 937

(CCC) "Material that is obscene, sexually oriented, or 938  
nudity oriented" means any material that is obscene, that shows 939  
a person participating or engaging in sexual activity, 940  
masturbation, or bestiality, or that shows a person in a state 941  
of nudity. 942

(DDD) "Performance that is obscene, sexually oriented, or 943  
nudity oriented" means any performance that is obscene, that 944  
shows a person participating or engaging in sexual activity, 945  
masturbation, or bestiality, or that shows a person in a state 946  
of nudity. 947

(EEE) "Permanent disabling harm" means serious physical 948  
harm that results in permanent injury to the intellectual, 949  
physical, or sensory functions and that permanently and 950  
substantially impairs a person's ability to meet one or more of 951  
the ordinary demands of life, including the functions of caring 952  
for one's self, performing manual tasks, walking, seeing, 953  
hearing, speaking, breathing, learning, and working. 954

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 955  
or (G) of this section and unless a specific sanction is 956

required to be imposed or is precluded from being imposed 957  
pursuant to law, a court that imposes a sentence upon an 958  
offender for a felony may impose any sanction or combination of 959  
sanctions on the offender that are provided in sections 2929.14 960  
to 2929.18 of the Revised Code. 961

If the offender is eligible to be sentenced to community 962  
control sanctions, the court shall consider the appropriateness 963  
of imposing a financial sanction pursuant to section 2929.18 of 964  
the Revised Code or a sanction of community service pursuant to 965  
section 2929.17 of the Revised Code as the sole sanction for the 966  
offense. Except as otherwise provided in this division, if the 967  
court is required to impose a mandatory prison term for the 968  
offense for which sentence is being imposed, the court also 969  
shall impose any financial sanction pursuant to section 2929.18 970  
of the Revised Code that is required for the offense and may 971  
impose any other financial sanction pursuant to that section but 972  
may not impose any additional sanction or combination of 973  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 974

If the offender is being sentenced for a fourth degree 975  
felony OVI offense or for a third degree felony OVI offense, in 976  
addition to the mandatory term of local incarceration or the 977  
mandatory prison term required for the offense by division (G) 978  
(1) or (2) of this section, the court shall impose upon the 979  
offender a mandatory fine in accordance with division (B) (3) of 980  
section 2929.18 of the Revised Code and may impose whichever of 981  
the following is applicable: 982

(1) For a fourth degree felony OVI offense for which 983  
sentence is imposed under division (G) (1) of this section, an 984  
additional community control sanction or combination of 985  
community control sanctions under section 2929.16 or 2929.17 of 986

the Revised Code. If the court imposes upon the offender a 987  
community control sanction and the offender violates any 988  
condition of the community control sanction, the court may take 989  
any action prescribed in division (B) of section 2929.15 of the 990  
Revised Code relative to the offender, including imposing a 991  
prison term on the offender pursuant to that division. 992

(2) For a third or fourth degree felony OVI offense for 993  
which sentence is imposed under division (G) (2) of this section, 994  
an additional prison term as described in division (B) (4) of 995  
section 2929.14 of the Revised Code or a community control 996  
sanction as described in division (G) (2) of this section. 997

(B) (1) (a) Except as provided in division (B) (1) (b) of this 998  
section, if an offender is convicted of or pleads guilty to a 999  
felony of the fourth or fifth degree that is not an offense of 1000  
violence or that is a qualifying assault offense, the court 1001  
shall sentence the offender to a community control sanction of 1002  
at least one year's duration if all of the following apply: 1003

(i) The offender previously has not been convicted of or 1004  
pleaded guilty to a felony offense. 1005

(ii) The most serious charge against the offender at the 1006  
time of sentencing is a felony of the fourth or fifth degree. 1007

(iii) If the court made a request of the department of 1008  
rehabilitation and correction pursuant to division (B) (1) (c) of 1009  
this section, the department, within the forty-five-day period 1010  
specified in that division, provided the court with the names 1011  
of, contact information for, and program details of one or more 1012  
community control sanctions of at least one year's duration that 1013  
are available for persons sentenced by the court. 1014

(iv) The offender previously has not been convicted of or 1015

pleaded guilty to a misdemeanor offense of violence that the 1016  
offender committed within two years prior to the offense for 1017  
which sentence is being imposed. 1018

(b) The court has discretion to impose a prison term upon 1019  
an offender who is convicted of or pleads guilty to a felony of 1020  
the fourth or fifth degree that is not an offense of violence or 1021  
that is a qualifying assault offense if any of the following 1022  
apply: 1023

(i) The offender committed the offense while having a 1024  
firearm on or about the offender's person or under the 1025  
offender's control. 1026

(ii) If the offense is a qualifying assault offense, the 1027  
offender caused serious physical harm to another person while 1028  
committing the offense, and, if the offense is not a qualifying 1029  
assault offense, the offender caused physical harm to another 1030  
person while committing the offense. 1031

(iii) The offender violated a term of the conditions of 1032  
bond as set by the court. 1033

(iv) The court made a request of the department of 1034  
rehabilitation and correction pursuant to division (B)(1)(c) of 1035  
this section, and the department, within the forty-five-day 1036  
period specified in that division, did not provide the court 1037  
with the name of, contact information for, and program details 1038  
of any community control sanction of at least one year's 1039  
duration that is available for persons sentenced by the court. 1040

(v) The offense is a sex offense that is a fourth or fifth 1041  
degree felony violation of any provision of Chapter 2907. of the 1042  
Revised Code. 1043

(vi) In committing the offense, the offender attempted to 1044

cause or made an actual threat of physical harm to a person with 1045  
a deadly weapon. 1046

(vii) In committing the offense, the offender attempted to 1047  
cause or made an actual threat of physical harm to a person, and 1048  
the offender previously was convicted of an offense that caused 1049  
physical harm to a person. 1050

(viii) The offender held a public office or position of 1051  
trust, and the offense related to that office or position; the 1052  
offender's position obliged the offender to prevent the offense 1053  
or to bring those committing it to justice; or the offender's 1054  
professional reputation or position facilitated the offense or 1055  
was likely to influence the future conduct of others. 1056

(ix) The offender committed the offense for hire or as 1057  
part of an organized criminal activity. 1058

(x) The offender at the time of the offense was serving, 1059  
or the offender previously had served, a prison term. 1060

(xi) The offender committed the offense while under a 1061  
community control sanction, while on probation, or while 1062  
released from custody on a bond or personal recognizance. 1063

(c) If a court that is sentencing an offender who is 1064  
convicted of or pleads guilty to a felony of the fourth or fifth 1065  
degree that is not an offense of violence or that is a 1066  
qualifying assault offense believes that no community control 1067  
sanctions are available for its use that, if imposed on the 1068  
offender, will adequately fulfill the overriding principles and 1069  
purposes of sentencing, the court shall contact the department 1070  
of rehabilitation and correction and ask the department to 1071  
provide the court with the names of, contact information for, 1072  
and program details of one or more community control sanctions 1073

of at least one year's duration that are available for persons 1074  
sentenced by the court. Not later than forty-five days after 1075  
receipt of a request from a court under this division, the 1076  
department shall provide the court with the names of, contact 1077  
information for, and program details of one or more community 1078  
control sanctions of at least one year's duration that are 1079  
available for persons sentenced by the court, if any. Upon 1080  
making a request under this division that relates to a 1081  
particular offender, a court shall defer sentencing of that 1082  
offender until it receives from the department the names of, 1083  
contact information for, and program details of one or more 1084  
community control sanctions of at least one year's duration that 1085  
are available for persons sentenced by the court or for forty- 1086  
five days, whichever is the earlier. 1087

If the department provides the court with the names of, 1088  
contact information for, and program details of one or more 1089  
community control sanctions of at least one year's duration that 1090  
are available for persons sentenced by the court within the 1091  
forty-five-day period specified in this division, the court 1092  
shall impose upon the offender a community control sanction 1093  
under division (B) (1) (a) of this section, except that the court 1094  
may impose a prison term under division (B) (1) (b) of this 1095  
section if a factor described in division (B) (1) (b) (i) or (ii) 1096  
of this section applies. If the department does not provide the 1097  
court with the names of, contact information for, and program 1098  
details of one or more community control sanctions of at least 1099  
one year's duration that are available for persons sentenced by 1100  
the court within the forty-five-day period specified in this 1101  
division, the court may impose upon the offender a prison term 1102  
under division (B) (1) (b) (iv) of this section. 1103

(d) A sentencing court may impose an additional penalty 1104

under division (B) of section 2929.15 of the Revised Code upon 1105  
an offender sentenced to a community control sanction under 1106  
division (B)(1)(a) of this section if the offender violates the 1107  
conditions of the community control sanction, violates a law, or 1108  
leaves the state without the permission of the court or the 1109  
offender's probation officer. 1110

(2) If division (B)(1) of this section does not apply, 1111  
except as provided in division (E), (F), or (G) of this section, 1112  
in determining whether to impose a prison term as a sanction for 1113  
a felony of the fourth or fifth degree, the sentencing court 1114  
shall comply with the purposes and principles of sentencing 1115  
under section 2929.11 of the Revised Code and with section 1116  
2929.12 of the Revised Code. 1117

(C) Except as provided in division (D), (E), (F), or (G) 1118  
of this section, in determining whether to impose a prison term 1119  
as a sanction for a felony of the third degree or a felony drug 1120  
offense that is a violation of a provision of Chapter 2925. of 1121  
the Revised Code and that is specified as being subject to this 1122  
division for purposes of sentencing, the sentencing court shall 1123  
comply with the purposes and principles of sentencing under 1124  
section 2929.11 of the Revised Code and with section 2929.12 of 1125  
the Revised Code. 1126

(D)(1) Except as provided in division (E) or (F) of this 1127  
section, for a felony of the first or second degree, for a 1128  
felony drug offense that is a violation of any provision of 1129  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1130  
presumption in favor of a prison term is specified as being 1131  
applicable, and for a violation of division (A)(4) or (B) of 1132  
section 2907.05 of the Revised Code for which a presumption in 1133  
favor of a prison term is specified as being applicable, it is 1134

presumed that a prison term is necessary in order to comply with 1135  
the purposes and principles of sentencing under section 2929.11 1136  
of the Revised Code. Division (D) (2) of this section does not 1137  
apply to a presumption established under this division for a 1138  
violation of division (A) (4) of section 2907.05 of the Revised 1139  
Code. 1140

(2) Notwithstanding the presumption established under 1141  
division (D) (1) of this section for the offenses listed in that 1142  
division other than a violation of division (A) (4) or (B) of 1143  
section 2907.05 of the Revised Code, the sentencing court may 1144  
impose a community control sanction or a combination of 1145  
community control sanctions instead of a prison term on an 1146  
offender for a felony of the first or second degree or for a 1147  
felony drug offense that is a violation of any provision of 1148  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1149  
presumption in favor of a prison term is specified as being 1150  
applicable if it makes both of the following findings: 1151

(a) A community control sanction or a combination of 1152  
community control sanctions would adequately punish the offender 1153  
and protect the public from future crime, because the applicable 1154  
factors under section 2929.12 of the Revised Code indicating a 1155  
lesser likelihood of recidivism outweigh the applicable factors 1156  
under that section indicating a greater likelihood of 1157  
recidivism. 1158

(b) A community control sanction or a combination of 1159  
community control sanctions would not demean the seriousness of 1160  
the offense, because one or more factors under section 2929.12 1161  
of the Revised Code that indicate that the offender's conduct 1162  
was less serious than conduct normally constituting the offense 1163  
are applicable, and they outweigh the applicable factors under 1164



that section that indicate that the offender's conduct was more 1165  
serious than conduct normally constituting the offense. 1166

(E) (1) Except as provided in division (F) of this section, 1167  
for any drug offense that is a violation of any provision of 1168  
Chapter 2925. of the Revised Code and that is a felony of the 1169  
third, fourth, or fifth degree, the applicability of a 1170  
presumption under division (D) of this section in favor of a 1171  
prison term or of division (B) or (C) of this section in 1172  
determining whether to impose a prison term for the offense 1173  
shall be determined as specified in section 2925.02, 2925.03, 1174  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 1175  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 1176  
regarding the violation. 1177

(2) If an offender who was convicted of or pleaded guilty 1178  
to a felony violates the conditions of a community control 1179  
sanction imposed for the offense solely by reason of producing 1180  
positive results on a drug test or by acting pursuant to 1181  
division (B) (2) (b) of section 2925.11 of the Revised Code with 1182  
respect to a minor drug possession offense, the court, as 1183  
punishment for the violation of the sanction, shall not order 1184  
that the offender be imprisoned unless the court determines on 1185  
the record either of the following: 1186

(a) The offender had been ordered as a sanction for the 1187  
felony to participate in a drug treatment program, in a drug 1188  
education program, or in narcotics anonymous or a similar 1189  
program, and the offender continued to use illegal drugs after a 1190  
reasonable period of participation in the program. 1191

(b) The imprisonment of the offender for the violation is 1192  
consistent with the purposes and principles of sentencing set 1193  
forth in section 2929.11 of the Revised Code. 1194

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

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

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

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted,

the offender would have been guilty of a violation of division 1225  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 1226  
sentenced under section 2971.03 of the Revised Code; 1227

(3) Gross sexual imposition or sexual battery, if the 1228  
victim is less than thirteen years of age and if any of the 1229  
following applies: 1230

(a) Regarding gross sexual imposition, the offender 1231  
previously was convicted of or pleaded guilty to rape, the 1232  
former offense of felonious sexual penetration, gross sexual 1233  
imposition, or sexual battery, and the victim of the previous 1234  
offense was less than thirteen years of age; 1235

(b) Regarding gross sexual imposition, the offense was 1236  
committed on or after August 3, 2006, and evidence other than 1237  
the testimony of the victim was admitted in the case 1238  
corroborating the violation. 1239

(c) Regarding sexual battery, either of the following 1240  
applies: 1241

(i) The offense was committed prior to August 3, 2006, the 1242  
offender previously was convicted of or pleaded guilty to rape, 1243  
the former offense of felonious sexual penetration, or sexual 1244  
battery, and the victim of the previous offense was less than 1245  
thirteen years of age. 1246

(ii) The offense was committed on or after August 3, 2006. 1247

(4) A felony violation of section 2903.04, 2903.06, 1248  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 1249  
or 2923.132 of the Revised Code if the section requires the 1250  
imposition of a prison term; 1251

(5) A first, second, or third degree felony drug offense 1252

for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1253  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 1254  
or 4729.99 of the Revised Code, whichever is applicable 1255  
regarding the violation, requires the imposition of a mandatory 1256  
prison term; 1257

(6) Any offense that is a first or second degree felony 1258  
and that is not set forth in division (F) (1), (2), (3), or (4) 1259  
of this section, if the offender previously was convicted of or 1260  
pleaded guilty to aggravated murder, murder, any first or second 1261  
degree felony, or an offense under an existing or former law of 1262  
this state, another state, or the United States that is or was 1263  
substantially equivalent to one of those offenses; 1264

(7) Any offense that is a third degree felony and either 1265  
is a violation of section 2903.04 of the Revised Code or an 1266  
attempt to commit a felony of the second degree that is an 1267  
offense of violence and involved an attempt to cause serious 1268  
physical harm to a person or that resulted in serious physical 1269  
harm to a person if the offender previously was convicted of or 1270  
pleaded guilty to any of the following offenses: 1271

(a) Aggravated murder, murder, involuntary manslaughter, 1272  
rape, felonious sexual penetration as it existed under section 1273  
2907.12 of the Revised Code prior to September 3, 1996, a felony 1274  
of the first or second degree that resulted in the death of a 1275  
person or in physical harm to a person, or complicity in or an 1276  
attempt to commit any of those offenses; 1277

(b) An offense under an existing or former law of this 1278  
state, another state, or the United States that is or was 1279  
substantially equivalent to an offense listed in division (F) (7) 1280  
(a) of this section that resulted in the death of a person or in 1281  
physical harm to a person. 1282

(8) Any offense, other than a violation of section 2923.12	1283
of the Revised Code, that is a felony, if the offender had a	1284
firearm on or about the offender's person or under the	1285
offender's control while committing the felony, with respect to	1286
a portion of the sentence imposed pursuant to division (B) (1) (a)	1287
of section 2929.14 of the Revised Code for having the firearm;	1288
(9) Any offense of violence that is a felony, if the	1289
offender wore or carried body armor while committing the felony	1290
offense of violence, with respect to the portion of the sentence	1291
imposed pursuant to division (B) (1) (d) of section 2929.14 of the	1292
Revised Code for wearing or carrying the body armor;	1293
(10) Corrupt activity in violation of section 2923.32 of	1294
the Revised Code when the most serious offense in the pattern of	1295
corrupt activity that is the basis of the offense is a felony of	1296
the first degree;	1297
(11) Any violent sex offense or designated homicide,	1298
assault, or kidnapping offense if, in relation to that offense,	1299
the offender is adjudicated a sexually violent predator;	1300
(12) A violation of division (A) (1) or (2) of section	1301
2921.36 of the Revised Code, or a violation of division (C) of	1302
that section involving an item listed in division (A) (1) or (2)	1303
of that section, if the offender is an officer or employee of	1304
the department of rehabilitation and correction;	1305
(13) A violation of division (A) (1) or (2) of section	1306
2903.06 of the Revised Code if the victim of the offense is a	1307
peace officer, as defined in section 2935.01 of the Revised	1308
Code, or an investigator of the bureau of criminal	1309
identification and investigation, as defined in section 2903.11	1310
of the Revised Code, with respect to the portion of the sentence	1311

imposed pursuant to division (B) (5) of section 2929.14 of the Revised Code; 1312  
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(14) A violation of division (A) (1) or (2) of section 2903.06 of the Revised Code if the offender has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, with respect to the portion of the sentence imposed pursuant to division (B) (6) of section 2929.14 of the Revised Code; 1314  
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(15) Kidnapping, in the circumstances specified in section 2971.03 of the Revised Code and when no other provision of division (F) of this section applies; 1323  
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(16) Kidnapping, abduction, compelling prostitution, promoting prostitution, engaging in a pattern of corrupt activity, illegal use of a minor in a nudity-oriented material or performance in violation of division (A) (1) or (2) of section 2907.323 of the Revised Code, or endangering children in violation of division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code, if the offender is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense; 1326  
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(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; 1337  
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(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;

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

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

(20) A felony violation of division (A), (B) (1), or (B) (2) of section 2919.22 of the Revised Code or a violation of section 2903.11 of the Revised Code when the victim of the violation is a child under thirteen years of age or a mentally or physically handicapped child under twenty-one years of age, if the offender is convicted of or pleads guilty to a specification as described in section 2941.1425 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, with respect to the portion of the sentence imposed under division (B) (9) of section 2929.14 of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court

shall impose upon the offender a mandatory term of local 1371  
incarceration or a mandatory prison term in accordance with the 1372  
following: 1373

(1) If the offender is being sentenced for a fourth degree 1374  
felony OVI offense and if the offender has not been convicted of 1375  
and has not pleaded guilty to a specification of the type 1376  
described in section 2941.1413 of the Revised Code, the court 1377  
may impose upon the offender a mandatory term of local 1378  
incarceration of sixty days or one hundred twenty days as 1379  
specified in division (G) (1) (d) of section 4511.19 of the 1380  
Revised Code. The court shall not reduce the term pursuant to 1381  
section 2929.20, 2967.193, or any other provision of the Revised 1382  
Code. The court that imposes a mandatory term of local 1383  
incarceration under this division shall specify whether the term 1384  
is to be served in a jail, a community-based correctional 1385  
facility, a halfway house, or an alternative residential 1386  
facility, and the offender shall serve the term in the type of 1387  
facility specified by the court. A mandatory term of local 1388  
incarceration imposed under division (G) (1) of this section is 1389  
not subject to any other Revised Code provision that pertains to 1390  
a prison term except as provided in division (A) (1) of this 1391  
section. 1392

(2) If the offender is being sentenced for a third degree 1393  
felony OVI offense, or if the offender is being sentenced for a 1394  
fourth degree felony OVI offense and the court does not impose a 1395  
mandatory term of local incarceration under division (G) (1) of 1396  
this section, the court shall impose upon the offender a 1397  
mandatory prison term of one, two, three, four, or five years if 1398  
the offender also is convicted of or also pleads guilty to a 1399  
specification of the type described in section 2941.1413 of the 1400  
Revised Code or shall impose upon the offender a mandatory 1401



prison term of sixty days or one hundred twenty days as 1402  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 1403  
Revised Code if the offender has not been convicted of and has 1404  
not pleaded guilty to a specification of that type. Subject to 1405  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 1406  
court shall not reduce the term pursuant to section 2929.20, 1407  
2967.19, 2967.193, or any other provision of the Revised Code. 1408  
The offender shall serve the one-, two-, three-, four-, or five- 1409  
year mandatory prison term consecutively to and prior to the 1410  
prison term imposed for the underlying offense and consecutively 1411  
to any other mandatory prison term imposed in relation to the 1412  
offense. In no case shall an offender who once has been 1413  
sentenced to a mandatory term of local incarceration pursuant to 1414  
division (G) (1) of this section for a fourth degree felony OVI 1415  
offense be sentenced to another mandatory term of local 1416  
incarceration under that division for any violation of division 1417  
(A) of section 4511.19 of the Revised Code. In addition to the 1418  
mandatory prison term described in division (G) (2) of this 1419  
section, the court may sentence the offender to a community 1420  
control sanction under section 2929.16 or 2929.17 of the Revised 1421  
Code, but the offender shall serve the prison term prior to 1422  
serving the community control sanction. The department of 1423  
rehabilitation and correction may place an offender sentenced to 1424  
a mandatory prison term under this division in an intensive 1425  
program prison established pursuant to section 5120.033 of the 1426  
Revised Code if the department gave the sentencing judge prior 1427  
notice of its intent to place the offender in an intensive 1428  
program prison established under that section and if the judge 1429  
did not notify the department that the judge disapproved the 1430  
placement. Upon the establishment of the initial intensive 1431  
program prison pursuant to section 5120.033 of the Revised Code 1432  
that is privately operated and managed by a contractor pursuant 1433

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 procedure pursuant to section 2901.07 of the Revised Code.

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

the duties specified in that division. 1464

(J) (1) Except as provided in division (J) (2) of this 1465  
section, when considering sentencing factors under this section 1466  
in relation to an offender who is convicted of or pleads guilty 1467  
to an attempt to commit an offense in violation of section 1468  
2923.02 of the Revised Code, the sentencing court shall consider 1469  
the factors applicable to the felony category of the violation 1470  
of section 2923.02 of the Revised Code instead of the factors 1471  
applicable to the felony category of the offense attempted. 1472

(2) When considering sentencing factors under this section 1473  
in relation to an offender who is convicted of or pleads guilty 1474  
to an attempt to commit a drug abuse offense for which the 1475  
penalty is determined by the amount or number of unit doses of 1476  
the controlled substance involved in the drug abuse offense, the 1477  
sentencing court shall consider the factors applicable to the 1478  
felony category that the drug abuse offense attempted would be 1479  
if that drug abuse offense had been committed and had involved 1480  
an amount or number of unit doses of the controlled substance 1481  
that is within the next lower range of controlled substance 1482  
amounts than was involved in the attempt. 1483

(K) As used in this section: 1484

(1) "Community addiction services provider" has the same 1485  
meaning as in section 5119.01 of the Revised Code. 1486

(2) "Drug abuse offense" has the same meaning as in 1487  
section 2925.01 of the Revised Code. 1488

(3) "Minor drug possession offense" has the same meaning 1489  
as in section 2925.11 of the Revised Code. 1490

(4) "Qualifying assault offense" means a violation of 1491  
section 2903.13 of the Revised Code for which the penalty 1492

provision in division (C) (8) (b) or (C) (9) (b) of that section 1493  
applies. 1494

(L) At the time of sentencing an offender for any sexually 1495  
oriented offense, if the offender is a tier III sex 1496  
offender/child-victim offender relative to that offense and the 1497  
offender does not serve a prison term or jail term, the court 1498  
may require that the offender be monitored by means of a global 1499  
positioning device. If the court requires such monitoring, the 1500  
cost of monitoring shall be borne by the offender. If the 1501  
offender is indigent, the cost of compliance shall be paid by 1502  
the crime victims reparations fund. 1503

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 1504  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1505  
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 1506  
of section 2919.25 of the Revised Code and except in relation to 1507  
an offense for which a sentence of death or life imprisonment is 1508  
to be imposed, if the court imposing a sentence upon an offender 1509  
for a felony elects or is required to impose a prison term on 1510  
the offender pursuant to this chapter, the court shall impose a 1511  
definite prison term that shall be one of the following: 1512

(1) For a felony of the first degree, the prison term 1513  
shall be three, four, five, six, seven, eight, nine, ten, or 1514  
eleven years. 1515

(2) For a felony of the second degree, the prison term 1516  
shall be two, three, four, five, six, seven, or eight years. 1517

(3) (a) For a felony of the third degree that is a 1518  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1519  
2907.05, or 3795.04 of the Revised Code or that is a violation 1520  
of section 2911.02 or 2911.12 of the Revised Code if the 1521

offender previously has been convicted of or pleaded guilty in 1522  
two or more separate proceedings to two or more violations of 1523  
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 1524  
Code, the prison term shall be twelve, eighteen, twenty-four, 1525  
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 1526  
months. 1527

(b) For a felony of the third degree that is not an 1528  
offense for which division (A) (3) (a) of this section applies, 1529  
the prison term shall be nine, twelve, eighteen, twenty-four, 1530  
thirty, or thirty-six months. 1531

(4) For a felony of the fourth degree, the prison term 1532  
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1533  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1534

(5) For a felony of the fifth degree, the prison term 1535  
shall be six, seven, eight, nine, ten, eleven, or twelve months. 1536

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1537  
section, if an offender who is convicted of or pleads guilty to 1538  
a felony also is convicted of or pleads guilty to a 1539  
specification of the type described in section 2941.141, 1540  
2941.144, or 2941.145 of the Revised Code, the court shall 1541  
impose on the offender one of the following prison terms: 1542

(i) A prison term of six years if the specification is of 1543  
the type described in division (A) of section 2941.144 of the 1544  
Revised Code that charges the offender with having a firearm 1545  
that is an automatic firearm or that was equipped with a firearm 1546  
muffler or suppressor on or about the offender's person or under 1547  
the offender's control while committing the offense; 1548

(ii) A prison term of three years if the specification is 1549  
of the type described in division (A) of section 2941.145 of the 1550

Revised Code that charges the offender with having a firearm on 1551  
or about the offender's person or under the offender's control 1552  
while committing the offense and displaying the firearm, 1553  
brandishing the firearm, indicating that the offender possessed 1554  
the firearm, or using it to facilitate the offense; 1555

(iii) A prison term of one year if the specification is of 1556  
the type described in division (A) of section 2941.141 of the 1557  
Revised Code that charges the offender with having a firearm on 1558  
or about the offender's person or under the offender's control 1559  
while committing the offense; 1560

(iv) A prison term of nine years if the specification is 1561  
of the type described in division (D) of section 2941.144 of the 1562  
Revised Code that charges the offender with having a firearm 1563  
that is an automatic firearm or that was equipped with a firearm 1564  
muffler or suppressor on or about the offender's person or under 1565  
the offender's control while committing the offense and 1566  
specifies that the offender previously has been convicted of or 1567  
pleaded guilty to a specification of the type described in 1568  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1569  
the Revised Code; 1570

(v) A prison term of fifty-four months if the 1571  
specification is of the type described in division (D) of 1572  
section 2941.145 of the Revised Code that charges the offender 1573  
with having a firearm on or about the offender's person or under 1574  
the offender's control while committing the offense and 1575  
displaying the firearm, brandishing the firearm, indicating that 1576  
the offender possessed the firearm, or using the firearm to 1577  
facilitate the offense and that the offender previously has been 1578  
convicted of or pleaded guilty to a specification of the type 1579  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1580

2941.1412 of the Revised Code; 1581

(vi) A prison term of eighteen months if the specification 1582  
is of the type described in division (D) of section 2941.141 of 1583  
the Revised Code that charges the offender with having a firearm 1584  
on or about the offender's person or under the offender's 1585  
control while committing the offense and that the offender 1586  
previously has been convicted of or pleaded guilty to a 1587  
specification of the type described in section 2941.141, 1588  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1589

(b) If a court imposes a prison term on an offender under 1590  
division (B) (1) (a) of this section, the prison term shall not be 1591  
reduced pursuant to section 2967.19, section 2929.20, section 1592  
2967.193, or any other provision of Chapter 2967. or Chapter 1593  
5120. of the Revised Code. Except as provided in division (B) (1) 1594  
(g) of this section, a court shall not impose more than one 1595  
prison term on an offender under division (B) (1) (a) of this 1596  
section for felonies committed as part of the same act or 1597  
transaction. 1598

(c) (i) Except as provided in division (B) (1) (e) of this 1599  
section, if an offender who is convicted of or pleads guilty to 1600  
a violation of section 2923.161 of the Revised Code or to a 1601  
felony that includes, as an essential element, purposely or 1602  
knowingly causing or attempting to cause the death of or 1603  
physical harm to another, also is convicted of or pleads guilty 1604  
to a specification of the type described in division (A) of 1605  
section 2941.146 of the Revised Code that charges the offender 1606  
with committing the offense by discharging a firearm from a 1607  
motor vehicle other than a manufactured home, the court, after 1608  
imposing a prison term on the offender for the violation of 1609  
section 2923.161 of the Revised Code or for the other felony 1610

offense under division (A), (B) (2), or (B) (3) of this section, 1611  
shall impose an additional prison term of five years upon the 1612  
offender that shall not be reduced pursuant to section 2929.20, 1613  
section 2967.19, section 2967.193, or any other provision of 1614  
Chapter 2967. or Chapter 5120. of the Revised Code. 1615

(ii) Except as provided in division (B) (1) (e) of this 1616  
section, if an offender who is convicted of or pleads guilty to 1617  
a violation of section 2923.161 of the Revised Code or to a 1618  
felony that includes, as an essential element, purposely or 1619  
knowingly causing or attempting to cause the death of or 1620  
physical harm to another, also is convicted of or pleads guilty 1621  
to a specification of the type described in division (C) of 1622  
section 2941.146 of the Revised Code that charges the offender 1623  
with committing the offense by discharging a firearm from a 1624  
motor vehicle other than a manufactured home and that the 1625  
offender previously has been convicted of or pleaded guilty to a 1626  
specification of the type described in section 2941.141, 1627  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1628  
the court, after imposing a prison term on the offender for the 1629  
violation of section 2923.161 of the Revised Code or for the 1630  
other felony offense under division (A), (B) (2), or (3) of this 1631  
section, shall impose an additional prison term of ninety months 1632  
upon the offender that shall not be reduced pursuant to section 1633  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1634  
2967. or Chapter 5120. of the Revised Code. 1635

(iii) A court shall not impose more than one additional 1636  
prison term on an offender under division (B) (1) (c) of this 1637  
section for felonies committed as part of the same act or 1638  
transaction. If a court imposes an additional prison term on an 1639  
offender under division (B) (1) (c) of this section relative to an 1640  
offense, the court also shall impose a prison term under 1641



division (B) (1) (a) of this section relative to the same offense, 1642  
provided the criteria specified in that division for imposing an 1643  
additional prison term are satisfied relative to the offender 1644  
and the offense. 1645

(d) If an offender who is convicted of or pleads guilty to 1646  
an offense of violence that is a felony also is convicted of or 1647  
pleads guilty to a specification of the type described in 1648  
section 2941.1411 of the Revised Code that charges the offender 1649  
with wearing or carrying body armor while committing the felony 1650  
offense of violence, the court shall impose on the offender a 1651  
prison term of two years. The prison term so imposed, subject to 1652  
divisions (C) to (I) of section 2967.19 of the Revised Code, 1653  
shall not be reduced pursuant to section 2929.20, section 1654  
2967.19, section 2967.193, or any other provision of Chapter 1655  
2967. or Chapter 5120. of the Revised Code. A court shall not 1656  
impose more than one prison term on an offender under division 1657  
(B) (1) (d) of this section for felonies committed as part of the 1658  
same act or transaction. If a court imposes an additional prison 1659  
term under division (B) (1) (a) or (c) of this section, the court 1660  
is not precluded from imposing an additional prison term under 1661  
division (B) (1) (d) of this section. 1662

(e) The court shall not impose any of the prison terms 1663  
described in division (B) (1) (a) of this section or any of the 1664  
additional prison terms described in division (B) (1) (c) of this 1665  
section upon an offender for a violation of section 2923.12 or 1666  
2923.123 of the Revised Code. The court shall not impose any of 1667  
the prison terms described in division (B) (1) (a) or (b) of this 1668  
section upon an offender for a violation of section 2923.122 1669  
that involves a deadly weapon that is a firearm other than a 1670  
dangerous ordnance, section 2923.16, or section 2923.121 of the 1671  
Revised Code. The court shall not impose any of the prison terms 1672

described in division (B) (1) (a) of this section or any of the 1673  
additional prison terms described in division (B) (1) (c) of this 1674  
section upon an offender for a violation of section 2923.13 of 1675  
the Revised Code unless all of the following apply: 1676

(i) The offender previously has been convicted of 1677  
aggravated murder, murder, or any felony of the first or second 1678  
degree. 1679

(ii) Less than five years have passed since the offender 1680  
was released from prison or post-release control, whichever is 1681  
later, for the prior offense. 1682

(f) (i) If an offender is convicted of or pleads guilty to 1683  
a felony that includes, as an essential element, causing or 1684  
attempting to cause the death of or physical harm to another and 1685  
also is convicted of or pleads guilty to a specification of the 1686  
type described in division (A) of section 2941.1412 of the 1687  
Revised Code that charges the offender with committing the 1688  
offense by discharging a firearm at a peace officer as defined 1689  
in section 2935.01 of the Revised Code or a corrections officer, 1690  
as defined in section 2941.1412 of the Revised Code, the court, 1691  
after imposing a prison term on the offender for the felony 1692  
offense under division (A), (B) (2), or (B) (3) of this section, 1693  
shall impose an additional prison term of seven years upon the 1694  
offender that shall not be reduced pursuant to section 2929.20, 1695  
section 2967.19, section 2967.193, or any other provision of 1696  
Chapter 2967. or Chapter 5120. of the Revised Code. 1697

(ii) If an offender is convicted of or pleads guilty to a 1698  
felony that includes, as an essential element, causing or 1699  
attempting to cause the death of or physical harm to another and 1700  
also is convicted of or pleads guilty to a specification of the 1701  
type described in division (B) of section 2941.1412 of the 1702

Revised Code that charges the offender with committing the 1703  
offense by discharging a firearm at a peace officer, as defined 1704  
in section 2935.01 of the Revised Code, or a corrections 1705  
officer, as defined in section 2941.1412 of the Revised Code, 1706  
and that the offender previously has been convicted of or 1707  
pleaded guilty to a specification of the type described in 1708  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1709  
the Revised Code, the court, after imposing a prison term on the 1710  
offender for the felony offense under division (A), (B) (2), or 1711  
(3) of this section, shall impose an additional prison term of 1712  
one hundred twenty-six months upon the offender that shall not 1713  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1714  
any other provision of Chapter 2967. or 5120. of the Revised 1715  
Code. 1716

(iii) If an offender is convicted of or pleads guilty to 1717  
two or more felonies that include, as an essential element, 1718  
causing or attempting to cause the death or physical harm to 1719  
another and also is convicted of or pleads guilty to a 1720  
specification of the type described under division (B) (1) (f) of 1721  
this section in connection with two or more of the felonies of 1722  
which the offender is convicted or to which the offender pleads 1723  
guilty, the sentencing court shall impose on the offender the 1724  
prison term specified under division (B) (1) (f) of this section 1725  
for each of two of the specifications of which the offender is 1726  
convicted or to which the offender pleads guilty and, in its 1727  
discretion, also may impose on the offender the prison term 1728  
specified under that division for any or all of the remaining 1729  
specifications. If a court imposes an additional prison term on 1730  
an offender under division (B) (1) (f) of this section relative to 1731  
an offense, the court shall not impose a prison term under 1732  
division (B) (1) (a) or (c) of this section relative to the same 1733

offense. 1734

(g) If an offender is convicted of or pleads guilty to two 1735  
or more felonies, if one or more of those felonies are 1736  
aggravated murder, murder, attempted aggravated murder, 1737  
attempted murder, aggravated robbery, felonious assault, or 1738  
rape, and if the offender is convicted of or pleads guilty to a 1739  
specification of the type described under division (B) (1) (a) of 1740  
this section in connection with two or more of the felonies, the 1741  
sentencing court shall impose on the offender the prison term 1742  
specified under division (B) (1) (a) of this section for each of 1743  
the two most serious specifications of which the offender is 1744  
convicted or to which the offender pleads guilty and, in its 1745  
discretion, also may impose on the offender the prison term 1746  
specified under that division for any or all of the remaining 1747  
specifications. 1748

(2) (a) If division (B) (2) (b) of this section does not 1749  
apply, the court may impose on an offender, in addition to the 1750  
longest prison term authorized or required for the offense, an 1751  
additional definite prison term of one, two, three, four, five, 1752  
six, seven, eight, nine, or ten years if all of the following 1753  
criteria are met: 1754

(i) The offender is convicted of or pleads guilty to a 1755  
specification of the type described in section 2941.149 of the 1756  
Revised Code that the offender is a repeat violent offender. 1757

(ii) The offense of which the offender currently is 1758  
convicted or to which the offender currently pleads guilty is 1759  
aggravated murder and the court does not impose a sentence of 1760  
death or life imprisonment without parole, murder, terrorism and 1761  
the court does not impose a sentence of life imprisonment 1762  
without parole, any felony of the first degree that is an 1763

offense of violence and the court does not impose a sentence of 1764  
life imprisonment without parole, or any felony of the second 1765  
degree that is an offense of violence and the trier of fact 1766  
finds that the offense involved an attempt to cause or a threat 1767  
to cause serious physical harm to a person or resulted in 1768  
serious physical harm to a person. 1769

(iii) The court imposes the longest prison term for the 1770  
offense that is not life imprisonment without parole. 1771

(iv) The court finds that the prison terms imposed 1772  
pursuant to division (B) (2) (a) (iii) of this section and, if 1773  
applicable, division (B) (1) or (3) of this section are 1774  
inadequate to punish the offender and protect the public from 1775  
future crime, because the applicable factors under section 1776  
2929.12 of the Revised Code indicating a greater likelihood of 1777  
recidivism outweigh the applicable factors under that section 1778  
indicating a lesser likelihood of recidivism. 1779

(v) The court finds that the prison terms imposed pursuant 1780  
to division (B) (2) (a) (iii) of this section and, if applicable, 1781  
division (B) (1) or (3) of this section are demeaning to the 1782  
seriousness of the offense, because one or more of the factors 1783  
under section 2929.12 of the Revised Code indicating that the 1784  
offender's conduct is more serious than conduct normally 1785  
constituting the offense are present, and they outweigh the 1786  
applicable factors under that section indicating that the 1787  
offender's conduct is less serious than conduct normally 1788  
constituting the offense. 1789

(b) The court shall impose on an offender the longest 1790  
prison term authorized or required for the offense and shall 1791  
impose on the offender an additional definite prison term of 1792  
one, two, three, four, five, six, seven, eight, nine, or ten 1793

years if all of the following criteria are met: 1794

(i) The offender is convicted of or pleads guilty to a 1795  
specification of the type described in section 2941.149 of the 1796  
Revised Code that the offender is a repeat violent offender. 1797

(ii) The offender within the preceding twenty years has 1798  
been convicted of or pleaded guilty to three or more offenses 1799  
described in division (CC) (1) of section 2929.01 of the Revised 1800  
Code, including all offenses described in that division of which 1801  
the offender is convicted or to which the offender pleads guilty 1802  
in the current prosecution and all offenses described in that 1803  
division of which the offender previously has been convicted or 1804  
to which the offender previously pleaded guilty, whether 1805  
prosecuted together or separately. 1806

(iii) The offense or offenses of which the offender 1807  
currently is convicted or to which the offender currently pleads 1808  
guilty is aggravated murder and the court does not impose a 1809  
sentence of death or life imprisonment without parole, murder, 1810  
terrorism and the court does not impose a sentence of life 1811  
imprisonment without parole, any felony of the first degree that 1812  
is an offense of violence and the court does not impose a 1813  
sentence of life imprisonment without parole, or any felony of 1814  
the second degree that is an offense of violence and the trier 1815  
of fact finds that the offense involved an attempt to cause or a 1816  
threat to cause serious physical harm to a person or resulted in 1817  
serious physical harm to a person. 1818

(c) For purposes of division (B) (2) (b) of this section, 1819  
two or more offenses committed at the same time or as part of 1820  
the same act or event shall be considered one offense, and that 1821  
one offense shall be the offense with the greatest penalty. 1822

(d) A sentence imposed under division (B) (2) (a) or (b) of 1823  
this section shall not be reduced pursuant to section 2929.20, 1824  
section 2967.19, or section 2967.193, or any other provision of 1825  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1826  
shall serve an additional prison term imposed under this section 1827  
consecutively to and prior to the prison term imposed for the 1828  
underlying offense. 1829

(e) When imposing a sentence pursuant to division (B) (2) 1830  
(a) or (b) of this section, the court shall state its findings 1831  
explaining the imposed sentence. 1832

(3) Except when an offender commits a violation of section 1833  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1834  
for the violation is life imprisonment or commits a violation of 1835  
section 2903.02 of the Revised Code, if the offender commits a 1836  
violation of section 2925.03 or 2925.11 of the Revised Code and 1837  
that section classifies the offender as a major drug offender, 1838  
if the offender commits a felony violation of section 2925.02, 1839  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1840  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1841  
division (E) of section 4729.51, or division (J) of section 1842  
4729.54 of the Revised Code that includes the sale, offer to 1843  
sell, or possession of a schedule I or II controlled substance, 1844  
with the exception of marihuana, and the court imposing sentence 1845  
upon the offender finds that the offender is guilty of a 1846  
specification of the type described in section 2941.1410 of the 1847  
Revised Code charging that the offender is a major drug 1848  
offender, if the court imposing sentence upon an offender for a 1849  
felony finds that the offender is guilty of corrupt activity 1850  
with the most serious offense in the pattern of corrupt activity 1851  
being a felony of the first degree, or if the offender is guilty 1852  
of an attempted violation of section 2907.02 of the Revised Code 1853

and, had the offender completed the violation of section 2907.02 1854  
of the Revised Code that was attempted, the offender would have 1855  
been subject to a sentence of life imprisonment or life 1856  
imprisonment without parole for the violation of section 2907.02 1857  
of the Revised Code, the court shall impose upon the offender 1858  
for the felony violation a mandatory prison term of the maximum 1859  
prison term prescribed for a felony of the first degree that, 1860  
subject to divisions (C) to (I) of section 2967.19 of the 1861  
Revised Code, cannot be reduced pursuant to section 2929.20, 1862  
section 2967.19, or any other provision of Chapter 2967. or 1863  
5120. of the Revised Code. 1864

(4) If the offender is being sentenced for a third or 1865  
fourth degree felony OVI offense under division (G) (2) of 1866  
section 2929.13 of the Revised Code, the sentencing court shall 1867  
impose upon the offender a mandatory prison term in accordance 1868  
with that division. In addition to the mandatory prison term, if 1869  
the offender is being sentenced for a fourth degree felony OVI 1870  
offense, the court, notwithstanding division (A) (4) of this 1871  
section, may sentence the offender to a definite prison term of 1872  
not less than six months and not more than thirty months, and if 1873  
the offender is being sentenced for a third degree felony OVI 1874  
offense, the sentencing court may sentence the offender to an 1875  
additional prison term of any duration specified in division (A) 1876  
(3) of this section. In either case, the additional prison term 1877  
imposed shall be reduced by the sixty or one hundred twenty days 1878  
imposed upon the offender as the mandatory prison term. The 1879  
total of the additional prison term imposed under division (B) 1880  
(4) of this section plus the sixty or one hundred twenty days 1881  
imposed as the mandatory prison term shall equal a definite term 1882  
in the range of six months to thirty months for a fourth degree 1883  
felony OVI offense and shall equal one of the authorized prison 1884



terms specified in division (A) (3) of this section for a third 1885  
degree felony OVI offense. If the court imposes an additional 1886  
prison term under division (B) (4) of this section, the offender 1887  
shall serve the additional prison term after the offender has 1888  
served the mandatory prison term required for the offense. In 1889  
addition to the mandatory prison term or mandatory and 1890  
additional prison term imposed as described in division (B) (4) 1891  
of this section, the court also may sentence the offender to a 1892  
community control sanction under section 2929.16 or 2929.17 of 1893  
the Revised Code, but the offender shall serve all of the prison 1894  
terms so imposed prior to serving the community control 1895  
sanction. 1896

If the offender is being sentenced for a fourth degree 1897  
felony OVI offense under division (G) (1) of section 2929.13 of 1898  
the Revised Code and the court imposes a mandatory term of local 1899  
incarceration, the court may impose a prison term as described 1900  
in division (A) (1) of that section. 1901

(5) If an offender is convicted of or pleads guilty to a 1902  
violation of division (A) (1) or (2) of section 2903.06 of the 1903  
Revised Code and also is convicted of or pleads guilty to a 1904  
specification of the type described in section 2941.1414 of the 1905  
Revised Code that charges that the victim of the offense is a 1906  
peace officer, as defined in section 2935.01 of the Revised 1907  
Code, or an investigator of the bureau of criminal 1908  
identification and investigation, as defined in section 2903.11 1909  
of the Revised Code, the court shall impose on the offender a 1910  
prison term of five years. If a court imposes a prison term on 1911  
an offender under division (B) (5) of this section, the prison 1912  
term, subject to divisions (C) to (I) of section 2967.19 of the 1913  
Revised Code, shall not be reduced pursuant to section 2929.20, 1914  
section 2967.19, section 2967.193, or any other provision of 1915

Chapter 2967. or Chapter 5120. of the Revised Code. A court 1916  
shall not impose more than one prison term on an offender under 1917  
division (B) (5) of this section for felonies committed as part 1918  
of the same act. 1919

(6) If an offender is convicted of or pleads guilty to a 1920  
violation of division (A) (1) or (2) of section 2903.06 of the 1921  
Revised Code and also is convicted of or pleads guilty to a 1922  
specification of the type described in section 2941.1415 of the 1923  
Revised Code that charges that the offender previously has been 1924  
convicted of or pleaded guilty to three or more violations of 1925  
division (A) or (B) of section 4511.19 of the Revised Code or an 1926  
equivalent offense, as defined in section 2941.1415 of the 1927  
Revised Code, or three or more violations of any combination of 1928  
those divisions and offenses, the court shall impose on the 1929  
offender a prison term of three years. If a court imposes a 1930  
prison term on an offender under division (B) (6) of this 1931  
section, the prison term, subject to divisions (C) to (I) of 1932  
section 2967.19 of the Revised Code, shall not be reduced 1933  
pursuant to section 2929.20, section 2967.19, section 2967.193, 1934  
or any other provision of Chapter 2967. or Chapter 5120. of the 1935  
Revised Code. A court shall not impose more than one prison term 1936  
on an offender under division (B) (6) of this section for 1937  
felonies committed as part of the same act. 1938

(7) (a) If an offender is convicted of or pleads guilty to 1939  
a felony violation of section 2905.01, 2905.02, 2907.21, 1940  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 1941  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 1942  
the Revised Code and also is convicted of or pleads guilty to a 1943  
specification of the type described in section 2941.1422 of the 1944  
Revised Code that charges that the offender knowingly committed 1945  
the offense in furtherance of human trafficking, the court shall 1946

impose on the offender a mandatory prison term that is one of 1947  
the following: 1948

(i) If the offense is a felony of the first degree, a 1949  
definite prison term of not less than five years and not greater 1950  
than ten years; 1951

(ii) If the offense is a felony of the second or third 1952  
degree, a definite prison term of not less than three years and 1953  
not greater than the maximum prison term allowed for the offense 1954  
by division (A) of section 2929.14 of the Revised Code; 1955

(iii) If the offense is a felony of the fourth or fifth 1956  
degree, a definite prison term that is the maximum prison term 1957  
allowed for the offense by division (A) of section 2929.14 of 1958  
the Revised Code. 1959

(b) Subject to divisions (C) to (I) of section 2967.19 of 1960  
the Revised Code, the prison term imposed under division (B) (7) 1961  
(a) of this section shall not be reduced pursuant to section 1962  
2929.20, section 2967.19, section 2967.193, or any other 1963  
provision of Chapter 2967. of the Revised Code. A court shall 1964  
not impose more than one prison term on an offender under 1965  
division (B) (7) (a) of this section for felonies committed as 1966  
part of the same act, scheme, or plan. 1967

(8) If an offender is convicted of or pleads guilty to a 1968  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1969  
Revised Code and also is convicted of or pleads guilty to a 1970  
specification of the type described in section 2941.1423 of the 1971  
Revised Code that charges that the victim of the violation was a 1972  
woman whom the offender knew was pregnant at the time of the 1973  
violation, notwithstanding the range of prison terms prescribed 1974  
in division (A) of this section for felonies of the same degree 1975

as the violation, the court shall impose on the offender a 1976  
mandatory prison term that is either a definite prison term of 1977  
six months or one of the prison terms prescribed in section 1978  
2929.14 of the Revised Code for felonies of the same degree as 1979  
the violation. 1980

(9) If an offender is convicted of or pleads guilty to a 1981  
felony violation of division (A), (B) (1), or (B) (2) of section 1982  
2919.22 of the Revised Code or a violation of section 2903.11 of 1983  
the Revised Code when the victim of the offense is a child under 1984  
thirteen years of age or a mentally or physically handicapped 1985  
child under twenty-one years of age, and if the offender also is 1986  
convicted of or pleads guilty to a specification of the type 1987  
described in section 2941.1425 of the Revised Code that charges 1988  
that the victim of the offense suffered permanent disabling harm 1989  
as a result of the offense, the court shall impose upon the 1990  
offender, in addition to any other sanction imposed for the 1991  
violation, a mandatory definite prison term of three, four, 1992  
five, six, seven, or eight years. A prison term imposed upon an 1993  
offender under division (B) (9) of this section shall not be 1994  
reduced pursuant to section 2929.20, section 2967.193, or any 1995  
other provision of Chapter 2967. or Chapter 5120. of the Revised 1996  
Code. 1997

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1998  
if a mandatory prison term is imposed upon an offender pursuant 1999  
to division (B) (1) (a) of this section for having a firearm on or 2000  
about the offender's person or under the offender's control 2001  
while committing a felony, if a mandatory prison term is imposed 2002  
upon an offender pursuant to division (B) (1) (c) of this section 2003  
for committing a felony specified in that division by 2004  
discharging a firearm from a motor vehicle, or if both types of 2005  
mandatory prison terms are imposed, the offender shall serve any 2006

mandatory prison term imposed under either division 2007  
consecutively to any other mandatory prison term imposed under 2008  
either division or under division (B) (1) (d) of this section, 2009  
consecutively to and prior to any prison term imposed for the 2010  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 2011  
this section or any other section of the Revised Code, and 2012  
consecutively to any other prison term or mandatory prison term 2013  
previously or subsequently imposed upon the offender. 2014

(b) If a mandatory prison term is imposed upon an offender 2015  
pursuant to division (B) (1) (d) of this section for wearing or 2016  
carrying body armor while committing an offense of violence that 2017  
is a felony, the offender shall serve the mandatory term so 2018  
imposed consecutively to any other mandatory prison term imposed 2019  
under that division or under division (B) (1) (a) or (c) of this 2020  
section, consecutively to and prior to any prison term imposed 2021  
for the underlying felony under division (A), (B) (2), or (B) (3) 2022  
of this section or any other section of the Revised Code, and 2023  
consecutively to any other prison term or mandatory prison term 2024  
previously or subsequently imposed upon the offender. 2025

(c) If a mandatory prison term is imposed upon an offender 2026  
pursuant to division (B) (1) (f) of this section, the offender 2027  
shall serve the mandatory prison term so imposed consecutively 2028  
to and prior to any prison term imposed for the underlying 2029  
felony under division (A), (B) (2), or (B) (3) of this section or 2030  
any other section of the Revised Code, and consecutively to any 2031  
other prison term or mandatory prison term previously or 2032  
subsequently imposed upon the offender. 2033

(d) If a mandatory prison term is imposed upon an offender 2034  
pursuant to division (B) (7) or (8) of this section, the offender 2035  
shall serve the mandatory prison term so imposed consecutively 2036

to any other mandatory prison term imposed under that division 2037  
or under any other provision of law and consecutively to any 2038  
other prison term or mandatory prison term previously or 2039  
subsequently imposed upon the offender. 2040

(2) If an offender who is an inmate in a jail, prison, or 2041  
other residential detention facility violates section 2917.02, 2042  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 2043  
(2) of section 2921.34 of the Revised Code, if an offender who 2044  
is under detention at a detention facility commits a felony 2045  
violation of section 2923.131 of the Revised Code, or if an 2046  
offender who is an inmate in a jail, prison, or other 2047  
residential detention facility or is under detention at a 2048  
detention facility commits another felony while the offender is 2049  
an escapee in violation of division (A) (1) or (2) of section 2050  
2921.34 of the Revised Code, any prison term imposed upon the 2051  
offender for one of those violations shall be served by the 2052  
offender consecutively to the prison term or term of 2053  
imprisonment the offender was serving when the offender 2054  
committed that offense and to any other prison term previously 2055  
or subsequently imposed upon the offender. 2056

(3) If a prison term is imposed for a violation of 2057  
division (B) of section 2911.01 of the Revised Code, a violation 2058  
of division (A) of section 2913.02 of the Revised Code in which 2059  
the stolen property is a firearm or dangerous ordnance, or a 2060  
felony violation of division (B) of section 2921.331 of the 2061  
Revised Code, the offender shall serve that prison term 2062  
consecutively to any other prison term or mandatory prison term 2063  
previously or subsequently imposed upon the offender. 2064

(4) If multiple prison terms are imposed on an offender 2065  
for convictions of multiple offenses, the court may require the 2066

offender to serve the prison terms consecutively if the court 2067  
finds that the consecutive service is necessary to protect the 2068  
public from future crime or to punish the offender and that 2069  
consecutive sentences are not disproportionate to the 2070  
seriousness of the offender's conduct and to the danger the 2071  
offender poses to the public, and if the court also finds any of 2072  
the following: 2073

(a) The offender committed one or more of the multiple 2074  
offenses while the offender was awaiting trial or sentencing, 2075  
was under a sanction imposed pursuant to section 2929.16, 2076  
2929.17, or 2929.18 of the Revised Code, or was under post- 2077  
release control for a prior offense. 2078

(b) At least two of the multiple offenses were committed 2079  
as part of one or more courses of conduct, and the harm caused 2080  
by two or more of the multiple offenses so committed was so 2081  
great or unusual that no single prison term for any of the 2082  
offenses committed as part of any of the courses of conduct 2083  
adequately reflects the seriousness of the offender's conduct. 2084

(c) The offender's history of criminal conduct 2085  
demonstrates that consecutive sentences are necessary to protect 2086  
the public from future crime by the offender. 2087

(5) If a mandatory prison term is imposed upon an offender 2088  
pursuant to division (B) (5) or (6) of this section, the offender 2089  
shall serve the mandatory prison term consecutively to and prior 2090  
to any prison term imposed for the underlying violation of 2091  
division (A) (1) or (2) of section 2903.06 of the Revised Code 2092  
pursuant to division (A) of this section or section 2929.142 of 2093  
the Revised Code. If a mandatory prison term is imposed upon an 2094  
offender pursuant to division (B) (5) of this section, and if a 2095  
mandatory prison term also is imposed upon the offender pursuant 2096

to division (B) (6) of this section in relation to the same 2097  
violation, the offender shall serve the mandatory prison term 2098  
imposed pursuant to division (B) (5) of this section 2099  
consecutively to and prior to the mandatory prison term imposed 2100  
pursuant to division (B) (6) of this section and consecutively to 2101  
and prior to any prison term imposed for the underlying 2102  
violation of division (A) (1) or (2) of section 2903.06 of the 2103  
Revised Code pursuant to division (A) of this section or section 2104  
2929.142 of the Revised Code. 2105

(6) If a mandatory prison term is imposed upon an offender 2106  
under division (B) (9) of this section, the offender shall serve 2107  
that mandatory prison term consecutively to and prior to any 2108  
prison term imposed for the underlying violation of division 2109  
(A), (B) (1), or (B) (2) of section 2919.22 of the Revised Code or 2110  
of section 2903.11 of the Revised Code and consecutively to and 2111  
prior to any other prison term or mandatory prison term 2112  
previously or subsequently imposed upon the offender. 2113

(7) When consecutive prison terms are imposed pursuant to 2114  
division (C) (1), (2), (3), (4), ~~or (5)~~, or (6) or division (H) 2115  
(1) or (2) of this section, the term to be served is the 2116  
aggregate of all of the terms so imposed. 2117

(D) (1) If a court imposes a prison term for a felony of 2118  
the first degree, for a felony of the second degree, for a 2119  
felony sex offense, or for a felony of the third degree that is 2120  
not a felony sex offense and in the commission of which the 2121  
offender caused or threatened to cause physical harm to a 2122  
person, it shall include in the sentence a requirement that the 2123  
offender be subject to a period of post-release control after 2124  
the offender's release from imprisonment, in accordance with 2125  
that division. If a court imposes a sentence including a prison 2126



term of a type described in this division on or after July 11, 2127  
2006, the failure of a court to include a post-release control 2128  
requirement in the sentence pursuant to this division does not 2129  
negate, limit, or otherwise affect the mandatory period of post- 2130  
release control that is required for the offender under division 2131  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 2132  
the Revised Code applies if, prior to July 11, 2006, a court 2133  
imposed a sentence including a prison term of a type described 2134  
in this division and failed to include in the sentence pursuant 2135  
to this division a statement regarding post-release control. 2136

(2) If a court imposes a prison term for a felony of the 2137  
third, fourth, or fifth degree that is not subject to division 2138  
(D)(1) of this section, it shall include in the sentence a 2139  
requirement that the offender be subject to a period of post- 2140  
release control after the offender's release from imprisonment, 2141  
in accordance with that division, if the parole board determines 2142  
that a period of post-release control is necessary. Section 2143  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 2144  
a court imposed a sentence including a prison term of a type 2145  
described in this division and failed to include in the sentence 2146  
pursuant to this division a statement regarding post-release 2147  
control. 2148

(E) The court shall impose sentence upon the offender in 2149  
accordance with section 2971.03 of the Revised Code, and Chapter 2150  
2971. of the Revised Code applies regarding the prison term or 2151  
term of life imprisonment without parole imposed upon the 2152  
offender and the service of that term of imprisonment if any of 2153  
the following apply: 2154

(1) A person is convicted of or pleads guilty to a violent 2155  
sex offense or a designated homicide, assault, or kidnapping 2156

offense, and, in relation to that offense, the offender is 2157  
adjudicated a sexually violent predator. 2158

(2) A person is convicted of or pleads guilty to a 2159  
violation of division (A) (1) (b) of section 2907.02 of the 2160  
Revised Code committed on or after January 2, 2007, and either 2161  
the court does not impose a sentence of life without parole when 2162  
authorized pursuant to division (B) of section 2907.02 of the 2163  
Revised Code, or division (B) of section 2907.02 of the Revised 2164  
Code provides that the court shall not sentence the offender 2165  
pursuant to section 2971.03 of the Revised Code. 2166

(3) A person is convicted of or pleads guilty to attempted 2167  
rape committed on or after January 2, 2007, and a specification 2168  
of the type described in section 2941.1418, 2941.1419, or 2169  
2941.1420 of the Revised Code. 2170

(4) A person is convicted of or pleads guilty to a 2171  
violation of section 2905.01 of the Revised Code committed on or 2172  
after January 1, 2008, and that section requires the court to 2173  
sentence the offender pursuant to section 2971.03 of the Revised 2174  
Code. 2175

(5) A person is convicted of or pleads guilty to 2176  
aggravated murder committed on or after January 1, 2008, and 2177  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 2178  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 2179  
(d) of section 2929.03, or division (A) or (B) of section 2180  
2929.06 of the Revised Code requires the court to sentence the 2181  
offender pursuant to division (B) (3) of section 2971.03 of the 2182  
Revised Code. 2183

(6) A person is convicted of or pleads guilty to murder 2184  
committed on or after January 1, 2008, and division (B) (2) of 2185

section 2929.02 of the Revised Code requires the court to 2186  
sentence the offender pursuant to section 2971.03 of the Revised 2187  
Code. 2188

(F) If a person who has been convicted of or pleaded 2189  
guilty to a felony is sentenced to a prison term or term of 2190  
imprisonment under this section, sections 2929.02 to 2929.06 of 2191  
the Revised Code, section 2929.142 of the Revised Code, section 2192  
2971.03 of the Revised Code, or any other provision of law, 2193  
section 5120.163 of the Revised Code applies regarding the 2194  
person while the person is confined in a state correctional 2195  
institution. 2196

(G) If an offender who is convicted of or pleads guilty to 2197  
a felony that is an offense of violence also is convicted of or 2198  
pleads guilty to a specification of the type described in 2199  
section 2941.142 of the Revised Code that charges the offender 2200  
with having committed the felony while participating in a 2201  
criminal gang, the court shall impose upon the offender an 2202  
additional prison term of one, two, or three years. 2203

(H) (1) If an offender who is convicted of or pleads guilty 2204  
to aggravated murder, murder, or a felony of the first, second, 2205  
or third degree that is an offense of violence also is convicted 2206  
of or pleads guilty to a specification of the type described in 2207  
section 2941.143 of the Revised Code that charges the offender 2208  
with having committed the offense in a school safety zone or 2209  
towards a person in a school safety zone, the court shall impose 2210  
upon the offender an additional prison term of two years. The 2211  
offender shall serve the additional two years consecutively to 2212  
and prior to the prison term imposed for the underlying offense. 2213

(2) (a) If an offender is convicted of or pleads guilty to 2214  
a felony violation of section 2907.22, 2907.24, 2907.241, or 2215

2907.25 of the Revised Code and to a specification of the type 2216  
described in section 2941.1421 of the Revised Code and if the 2217  
court imposes a prison term on the offender for the felony 2218  
violation, the court may impose upon the offender an additional 2219  
prison term as follows: 2220

(i) Subject to division (H) (2) (a) (ii) of this section, an 2221  
additional prison term of one, two, three, four, five, or six 2222  
months; 2223

(ii) If the offender previously has been convicted of or 2224  
pleaded guilty to one or more felony or misdemeanor violations 2225  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 2226  
the Revised Code and also was convicted of or pleaded guilty to 2227  
a specification of the type described in section 2941.1421 of 2228  
the Revised Code regarding one or more of those violations, an 2229  
additional prison term of one, two, three, four, five, six, 2230  
seven, eight, nine, ten, eleven, or twelve months. 2231

(b) In lieu of imposing an additional prison term under 2232  
division (H) (2) (a) of this section, the court may directly 2233  
impose on the offender a sanction that requires the offender to 2234  
wear a real-time processing, continual tracking electronic 2235  
monitoring device during the period of time specified by the 2236  
court. The period of time specified by the court shall equal the 2237  
duration of an additional prison term that the court could have 2238  
imposed upon the offender under division (H) (2) (a) of this 2239  
section. A sanction imposed under this division shall commence 2240  
on the date specified by the court, provided that the sanction 2241  
shall not commence until after the offender has served the 2242  
prison term imposed for the felony violation of section 2907.22, 2243  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 2244  
residential sanction imposed for the violation under section 2245

2929.16 of the Revised Code. A sanction imposed under this 2246  
division shall be considered to be a community control sanction 2247  
for purposes of section 2929.15 of the Revised Code, and all 2248  
provisions of the Revised Code that pertain to community control 2249  
sanctions shall apply to a sanction imposed under this division, 2250  
except to the extent that they would by their nature be clearly 2251  
inapplicable. The offender shall pay all costs associated with a 2252  
sanction imposed under this division, including the cost of the 2253  
use of the monitoring device. 2254

(I) At the time of sentencing, the court may recommend the 2255  
offender for placement in a program of shock incarceration under 2256  
section 5120.031 of the Revised Code or for placement in an 2257  
intensive program prison under section 5120.032 of the Revised 2258  
Code, disapprove placement of the offender in a program of shock 2259  
incarceration or an intensive program prison of that nature, or 2260  
make no recommendation on placement of the offender. In no case 2261  
shall the department of rehabilitation and correction place the 2262  
offender in a program or prison of that nature unless the 2263  
department determines as specified in section 5120.031 or 2264  
5120.032 of the Revised Code, whichever is applicable, that the 2265  
offender is eligible for the placement. 2266

If the court disapproves placement of the offender in a 2267  
program or prison of that nature, the department of 2268  
rehabilitation and correction shall not place the offender in 2269  
any program of shock incarceration or intensive program prison. 2270

If the court recommends placement of the offender in a 2271  
program of shock incarceration or in an intensive program 2272  
prison, and if the offender is subsequently placed in the 2273  
recommended program or prison, the department shall notify the 2274  
court of the placement and shall include with the notice a brief 2275

description of the placement. 2276

If the court recommends placement of the offender in a 2277  
program of shock incarceration or in an intensive program prison 2278  
and the department does not subsequently place the offender in 2279  
the recommended program or prison, the department shall send a 2280  
notice to the court indicating why the offender was not placed 2281  
in the recommended program or prison. 2282

If the court does not make a recommendation under this 2283  
division with respect to an offender and if the department 2284  
determines as specified in section 5120.031 or 5120.032 of the 2285  
Revised Code, whichever is applicable, that the offender is 2286  
eligible for placement in a program or prison of that nature, 2287  
the department shall screen the offender and determine if there 2288  
is an available program of shock incarceration or an intensive 2289  
program prison for which the offender is suited. If there is an 2290  
available program of shock incarceration or an intensive program 2291  
prison for which the offender is suited, the department shall 2292  
notify the court of the proposed placement of the offender as 2293  
specified in section 5120.031 or 5120.032 of the Revised Code 2294  
and shall include with the notice a brief description of the 2295  
placement. The court shall have ten days from receipt of the 2296  
notice to disapprove the placement. 2297

(J) If a person is convicted of or pleads guilty to 2298  
aggravated vehicular homicide in violation of division (A) (1) of 2299  
section 2903.06 of the Revised Code and division (B) (2) (c) of 2300  
that section applies, the person shall be sentenced pursuant to 2301  
section 2929.142 of the Revised Code. 2302

(K) (1) The court shall impose an additional mandatory 2303  
prison term of two, three, four, five, six, seven, eight, nine, 2304  
ten, or eleven years on an offender who is convicted of or 2305

pleads guilty to a violent felony offense if the offender also 2306  
is convicted of or pleads guilty to a specification of the type 2307  
described in section 2941.1424 of the Revised Code that charges 2308  
that the offender is a violent career criminal and had a firearm 2309  
on or about the offender's person or under the offender's 2310  
control while committing the presently charged violent felony 2311  
offense and displayed or brandished the firearm, indicated that 2312  
the offender possessed a firearm, or used the firearm to 2313  
facilitate the offense. The offender shall serve the prison term 2314  
imposed under this division consecutively to and prior to the 2315  
prison term imposed for the underlying offense. The prison term 2316  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 2317  
any other provision of Chapter 2967. or 5120. of the Revised 2318  
Code. A court may not impose more than one sentence under 2319  
division (B) (2) (a) of this section and this division for acts 2320  
committed as part of the same act or transaction. 2321

(2) As used in division (K) (1) of this section, "violent 2322  
career criminal" and "violent felony offense" have the same 2323  
meanings as in section 2923.132 of the Revised Code. 2324

Sec. 2941.1425. (A) Imposition of a mandatory prison term 2325  
of three, four, five, six, seven, or eight years upon an 2326  
offender under division (B) (9) of section 2929.14 of the Revised 2327  
Code is precluded unless the offender is convicted of or pleads 2328  
guilty to a felony violation of division (A), (B) (1), or (B) (2) 2329  
of section 2919.22 of the Revised Code or a violation of section 2330  
2903.11 of the Revised Code when the victim of the offense is a 2331  
child under thirteen years of age or a mentally or physically 2332  
handicapped child under twenty-one years of age and unless the 2333  
indictment, count in the indictment, or information charging the 2334  
offense specifies that the victim of the offense suffered 2335  
permanent disabling harm as a result of the offense. The 2336

specification shall be stated at the end of the body of the 2337  
indictment, count, or information and shall be stated in 2338  
substantially the following form: 2339

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 2340  
Grand Jurors (or insert the person's or the prosecuting 2341  
attorney's name when appropriate) further find and specify that 2342  
(set forth that the victim of the offense suffered permanent 2343  
disabling harm as a result of the offense)." 2344

(B) As used in this section, "permanent disabling harm" 2345  
has the same meaning as in section 2929.01 of the Revised Code. 2346

**Section 2.** That existing sections 2903.11, 2919.22, 2347  
2929.01, 2929.13, and 2929.14 of the Revised Code are hereby 2348  
repealed. 2349

**Section 3.** Section 2929.01 of the Revised Code is 2350  
presented in this act as a composite of the section as amended 2351  
by both Sub. H.B. 158 and H.B. 171 of the 131st General 2352  
Assembly. The General Assembly, applying the principle stated in 2353  
division (B) of section 1.52 of the Revised Code that amendments 2354  
are to be harmonized if reasonably capable of simultaneous 2355  
operation, finds that the composite is the resulting version of 2356  
the section in effect prior to the effective date of the section 2357  
as presented in this act. 2358

Section 2929.14 of the Revised Code is presented in this 2359  
act as a composite of the section as amended by both Sub. H.B. 2360  
470 and Sub. S.B. 319 of the 131st General Assembly. The General 2361  
Assembly, applying the principle stated in division (B) of 2362  
section 1.52 of the Revised Code that amendments are to be 2363  
harmonized if reasonably capable of simultaneous operation, 2364  
finds that the composite is the resulting version of the section 2365



in effect prior to the effective date of the section as 2366  
presented in this act. 2367

**Section 4.** This act shall be known as "Destiny's Law." 2368