

**As Re-Referred by the House Rules and Reference Committee**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. H. B. No. 3**

**Representatives Boyd, Carruthers**

**Cosponsors: Representatives Boggs, Brent, Crawley, Cross, Crossman, Galonski, Hicks-Hudson, Hoops, Howse, Ingram, Kent, Leland, Lepore-Hagan, Lightbody, Liston, Miranda, O'Brien, Patterson, Robinson, Sobecki, Sweeney, Sykes, Upchurch, Weinstein, West, Plummer, Grendell, Rogers, Smith, T.**

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**A BILL**

To amend sections 109.744, 109.803, 2903.01, 1  
2919.25, 2919.27, 2929.12, 2929.13, 2929.14, 2  
2929.22, 2935.032, 2937.23, and 3113.31; to 3  
amend, for the purpose of adopting a new section 4  
number as indicated in parentheses, section 5  
2935.033 (2935.034); and to enact new section 6  
2935.033 and section 2919.261 of the Revised 7  
Code; and to amend Section 221.10 of H.B. 166 of 8  
the 133rd General Assembly to add domestic 9  
violence circumstances to the offense of 10  
aggravated murder, to expand the offense of 11  
domestic violence to also prohibit strangulation 12  
of a family or household member, to require law 13  
enforcement officers to utilize a qualified 14  
lethality assessment screening tool to refer 15  
high risk victims to domestic violence 16  
resources, to create the Domestic Violence 17  
Prosecution Study Committee, to name this act 18  
Aisha's Law, and to make an appropriation. 19

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

**Section 1.** That sections 109.744, 109.803, 2903.01, 20  
2919.25, 2919.27, 2929.12, 2929.13, 2929.14, 2929.22, 2935.032, 21  
2937.23, and 3113.31 be amended; section 2935.033 (2935.034) be 22  
amended for the purpose of adopting a new section number as 23  
indicated in parentheses; and new section 2935.033 and section 24  
2919.261 of the Revised Code be enacted to read as follows: 25

**Sec. 109.744.** The attorney general shall adopt, in 26  
accordance with Chapter 119. of the Revised Code or pursuant to 27  
section 109.74 of the Revised Code, rules governing the training 28  
of peace officers in the handling of the offense of domestic 29  
violence, other types of domestic violence-related offenses and 30  
incidents, and protection orders and consent agreements issued 31  
or approved under section 2919.26 or 3113.31 of the Revised 32  
Code. The provisions of the rules shall include, but shall not 33  
be limited to, all of the following: 34

(A) A specified amount of training that is necessary for 35  
the satisfactory completion of basic training programs at 36  
approved peace officer training schools, other than the Ohio 37  
peace officer training academy; 38

(B) A requirement that the training include, but not be 39  
limited to, training in all of the following: 40

(1) All recent amendments to domestic violence-related 41  
laws; 42

(2) Notifying a victim of domestic violence of the 43  
victim's rights; 44

(3) Processing protection orders and consent agreements 45  
issued or approved under section 2919.26 or 3113.31 of the 46  
Revised Code; 47

(4) Using an evidence-based lethality assessment screening 48

tool to determine the level of risk to a victim of domestic 49  
violence and to refer high risk victims to local or regional 50  
domestic violence advocacy services, as required under section 51  
2935.033 of the Revised Code. 52

(C) A list of validated and evidence-based lethality 53  
assessment screening tools that constitute qualified lethality 54  
assessment screening tools including all of the following: 55

(1) The domestic violence lethality screen for first 56  
responders developed by the Maryland network against domestic 57  
violence; 58

(2) The danger assessment for law enforcement tool 59  
developed by the Jeanne Geiger crisis center; 60

(3) Any other lethality assessment screening tool endorsed 61  
by the United States department of justice and found to meet 62  
criteria established by the attorney general. 63

**Sec. 109.803.** (A) (1) Subject to divisions (A) (2) and (B) 64  
of this section, every appointing authority shall require each 65  
of its appointed peace officers and troopers to complete up to 66  
twenty-four hours of continuing professional training each 67  
calendar year, as directed by the Ohio peace officer training 68  
commission. The number of hours directed by the commission, up 69  
to twenty-four hours, is intended to be a minimum requirement, 70  
and appointing authorities are encouraged to exceed the number 71  
of hours the commission directs as the minimum. The commission 72  
shall set the required minimum number of hours based upon 73  
available funding for reimbursement as described in this 74  
division. ~~If~~ Except as provided in division (B) (4) of this 75  
section, if no funding for the reimbursement is available, no 76  
continuing professional training will be required. 77

(2) An appointing authority may submit a written request 78  
to the peace officer training commission that requests for a 79  
calendar year because of emergency circumstances an extension of 80  
the time within which one or more of its appointed peace 81  
officers or troopers must complete the required minimum number 82  
of hours of continuing professional training set by the 83  
commission, as described in division (A)(1) of this section. A 84  
request made under this division shall set forth the name of 85  
each of the appointing authority's peace officers or troopers 86  
for whom an extension is requested, identify the emergency 87  
circumstances related to that peace officer or trooper, include 88  
documentation of those emergency circumstances, and set forth 89  
the date on which the request is submitted to the commission. A 90  
request shall be made under this division not later than the 91  
fifteenth day of December in the calendar year for which the 92  
extension is requested. 93

Upon receipt of a written request made under this 94  
division, the executive director of the commission shall review 95  
the request and the submitted documentation. If the executive 96  
director of the commission is satisfied that emergency 97  
circumstances exist for any peace officer or trooper for whom a 98  
request was made under this division, the executive director may 99  
approve the request for that peace officer or trooper and grant 100  
an extension of the time within which that peace officer or 101  
trooper must complete the required minimum number of hours of 102  
continuing professional training set by the commission. An 103  
extension granted under this division may be for any period of 104  
time the executive director believes to be appropriate, and the 105  
executive director shall specify in the notice granting the 106  
extension the date on which the extension ends. Not later than 107  
thirty days after the date on which a request is submitted to 108

the commission, for each peace officer and trooper for whom an extension is requested, the executive director either shall approve the request and grant an extension or deny the request and deny an extension and shall send to the appointing authority that submitted the request written notice of the executive director's decision.

If the executive director grants an extension of the time within which a particular appointed peace officer or trooper of an appointing authority must complete the required minimum number of hours of continuing professional training set by the commission, the appointing authority shall require that peace officer or trooper to complete the required minimum number of hours of training not later than the date on which the extension ends.

(B) With the advice of the Ohio peace officer training commission, the attorney general shall adopt in accordance with Chapter 119. of the Revised Code rules setting forth minimum standards for continuing professional training for peace officers and troopers and governing the administration of continuing professional training programs for peace officers and troopers. The rules adopted by the attorney general under division (B) of this section shall do all of the following:

(1) Allow peace officers and troopers to earn credit for up to four hours of continuing professional training for time spent while on duty providing drug use prevention education training that utilizes evidence-based curricula to students in school districts, community schools established under Chapter 3314., STEM schools established under Chapter 3326., and college-preparatory boarding schools established under Chapter 3328. of the Revised Code.

(2) Allow a peace officer or trooper appointed by a law enforcement agency to earn hours of continuing professional training for other peace officers or troopers appointed by the law enforcement agency by providing drug use prevention education training under division (B)(1) of this section so that hours earned by the peace officer or trooper providing the training in excess of four hours may be applied to offset the number of continuing professional training hours required of another peace officer or trooper appointed by that law enforcement agency.

(3) Prohibit the use of continuing professional training hours earned under division (B)(1) or (2) of this section from being used to offset any mandatory hands-on training requirement.

(4) Require every peace officer and trooper who handles complaints of domestic violence to complete biennial professional training on both of the following:

(a) Intervention techniques in domestic violence cases and the use of an evidence-based lethality assessment screening tool to determine the level of risk to a victim of domestic violence;

(b) The referral of high risk victims to local or regional domestic violence advocacy services, as required under section 2935.033 of the Revised Code.

(5) Allow the peace officer training commission to pay for training required under division (B)(4) of this section using federal funds made available to the state or localities pursuant to a program of the United States department of justice or using funds appropriated by the general assembly or allocated for that purpose by the attorney general.

(C) The attorney general shall transmit a certified copy 168  
of any rule adopted under this section to the secretary of 169  
state. 170

**Sec. 2903.01.** (A) No person shall purposely, and with 171  
prior calculation and design, cause the death of another or the 172  
unlawful termination of another's pregnancy. 173

(B) No person shall purposely cause the death of another 174  
or the unlawful termination of another's pregnancy while 175  
committing or attempting to commit, or while fleeing immediately 176  
after committing or attempting to commit, kidnapping, rape, 177  
aggravated arson, arson, aggravated robbery, robbery, aggravated 178  
burglary, burglary, trespass in a habitation when a person is 179  
present or likely to be present, terrorism, or escape. 180

(C) No person shall purposely cause the death of another 181  
who is under thirteen years of age at the time of the commission 182  
of the offense. 183

(D) No person who is under detention as a result of having 184  
been found guilty of or having pleaded guilty to a felony or who 185  
breaks that detention shall purposely cause the death of 186  
another. 187

(E) No person shall purposely cause the death of a law 188  
enforcement officer whom the offender knows or has reasonable 189  
cause to know is a law enforcement officer when either of the 190  
following applies: 191

(1) The victim, at the time of the commission of the 192  
offense, is engaged in the victim's duties. 193

(2) It is the offender's specific purpose to kill a law 194  
enforcement officer. 195

(F) No person shall purposely cause the death of a first responder or military member whom the offender knows or has reasonable cause to know is a first responder or military member when it is the offender's specific purpose to kill a first responder or military member.

(G) No person shall purposely cause the death of another person when both of the following apply:

(1) The victim was a family or household member of the offender;

(2) The offender has previously been convicted of domestic violence resulting in serious physical harm or an offense of violence against the victim resulting in serious physical harm.

(H) Whoever violates this section is guilty of aggravated murder, and shall be punished as provided in section 2929.02 of the Revised Code.

~~(H)~~ (I) As used in this section:

(1) "Detention" has the same meaning as in section 2921.01 of the Revised Code.

(2) "Law enforcement officer" has the same meaning as in section 2911.01 of the Revised Code and also includes any federal law enforcement officer as defined in section 2921.51 of the Revised Code and anyone who has previously served as a law enforcement officer or federal law enforcement officer.

(3) "First responder" means an emergency medical service provider, a firefighter, or any other emergency response personnel, or anyone who has previously served as a first responder.

(4) "Military member" means a member of the armed forces

of the United States, reserves, or Ohio national guard, a 224  
participant in ROTC, JROTC, or any similar military training 225  
program, or anyone who has previously served in the military. 226

(5) "Family or household member" means any of the 227  
following: 228

(a) Any of the following who is residing with or has 229  
resided with the offender: 230

(i) A spouse, a person living as a spouse, or a former 231  
spouse of the offender; 232

(ii) A parent, a foster parent, or a child of the 233  
offender, or another person related by consanguinity or affinity 234  
to the offender; 235

(iii) A parent or a child of a spouse, person living as a 236  
spouse, or former spouse of the offender, or another person 237  
related by consanguinity or affinity to a spouse, person living 238  
as a spouse, or former spouse of the offender; 239

(iv) A child whose guardian or custodian is a spouse, 240  
person living as a spouse, or former spouse of the offender. 241

(b) The natural parent of any child of whom the offender 242  
is the other natural parent or is the putative other natural 243  
parent. 244

(6) "Person living as a spouse" means a person who is 245  
living or has lived with the offender in a common law marital 246  
relationship, who otherwise is cohabiting with the offender, or 247  
who otherwise has cohabited with the offender within five years 248  
prior to the date of the alleged occurrence of the act in 249  
question. 250

(7) "Child," "custodian," and "guardian" have the same 251

<u>meanings as in section 3109.51 of the Revised Code.</u>	252
<b>Sec. 2919.25.</b> (A) No person shall knowingly cause or attempt to cause physical harm to a family or household member.	253 254
(B) No person shall recklessly cause serious physical harm to a family or household member.	255 256
(C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.	257 258 259
<u>(D) No person shall recklessly impede the normal breathing or circulation of the blood of a family or household member by applying pressure to the throat or neck, or by covering the nose and mouth, of the family or household member.</u>	260 261 262 263
<u>(E)</u> (1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided in divisions <del>(D)</del> <u>(E)</u> (2) to <del>(6)</del> <u>(8)</u> of this section.	264 265 266
(2) Except as otherwise provided in divisions <del>(D)</del> <u>(E)</u> (3) to (5) of this section, a violation of division (C) of this section is a misdemeanor of the fourth degree, and a violation of division (A) or (B) of this section is a misdemeanor of the first degree.	267 268 269 270 271
(3) Except as otherwise provided in division <del>(D)</del> <u>(E)</u> (4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former	272 273 274 275 276 277 278 279 280

municipal ordinance or law of this or any other state or the 281  
United States that is substantially similar to any of those 282  
sections if the victim of the violation was a family or 283  
household member at the time of the commission of the violation, 284  
or any offense of violence if the victim of the offense was a 285  
family or household member at the time of the commission of the 286  
offense, a violation of division (A) or (B) of this section is a 287  
felony of the fourth degree, and, if the offender knew that the 288  
victim of the violation was pregnant at the time of the 289  
violation, the court shall impose a mandatory prison term on the 290  
offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, and 291  
a violation of division (C) of this section is a misdemeanor of 292  
the second degree. 293

(4) If the offender previously has pleaded guilty to or 294  
been convicted of two or more offenses of domestic violence or 295  
two or more violations or offenses of the type described in 296  
division ~~(D)~~ (E) (3) of this section involving a person who was a 297  
family or household member at the time of the violations or 298  
offenses, a violation of division (A) or (B) of this section is 299  
a felony of the third degree, and, if the offender knew that the 300  
victim of the violation was pregnant at the time of the 301  
violation, the court shall impose a mandatory prison term on the 302  
offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, and 303  
a violation of division (C) of this section is a misdemeanor of 304  
the first degree. 305

(5) Except as otherwise provided in division ~~(D)~~ (E) (3) or 306  
(4) of this section, if the offender knew that the victim of the 307  
violation was pregnant at the time of the violation, a violation 308  
of division (A) or (B) of this section is a felony of the fifth 309  
degree, and the court shall impose a mandatory prison term on 310  
the offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, 311

and a violation of division (C) of this section is a misdemeanor 312  
of the third degree. 313

(6) Except as otherwise provided in division (E) (7) of 314  
this section, a violation of division (D) of this section is a 315  
felony of the third degree. 316

(7) If the offender previously has pleaded guilty to or 317  
been convicted of a violation of this section, or if the 318  
offender previously has pleaded guilty to or been convicted of 319  
two or more offenses of violence, a violation of division (D) of 320  
this section is a felony of the second degree. 321

(8) If division ~~(D)~~(E) (3), (4), or (5) of this section 322  
requires the court that sentences an offender for a violation of 323  
division (A) or (B) of this section to impose a mandatory prison 324  
term on the offender pursuant to this division, the court shall 325  
impose the mandatory prison term as follows: 326

(a) If the violation of division (A) or (B) of this 327  
section is a felony of the fourth or fifth degree, except as 328  
otherwise provided in division ~~(D)~~(E) (8) (b) or (c) of this 329  
section, the court shall impose a mandatory prison term on the 330  
offender of at least six months. 331

(b) If the violation of division (A) or (B) of this 332  
section is a felony of the fifth degree and the offender, in 333  
committing the violation, caused serious physical harm to the 334  
pregnant woman's unborn or caused the termination of the 335  
pregnant woman's pregnancy, the court shall impose a mandatory 336  
prison term on the offender of twelve months. 337

(c) If the violation of division (A) or (B) of this 338  
section is a felony of the fourth degree and the offender, in 339  
committing the violation, caused serious physical harm to the 340

pregnant woman's unborn or caused the termination of the 341  
pregnant woman's pregnancy, the court shall impose a mandatory 342  
prison term on the offender of at least twelve months. 343

(d) If the violation of division (A) or (B) of this 344  
section is a felony of the third degree, except as otherwise 345  
provided in division ~~(D) (6)~~ (E) (8) (e) of this section and 346  
notwithstanding the range of definite prison terms prescribed in 347  
division (A) (3) of section 2929.14 of the Revised Code for a 348  
felony of the third degree, the court shall impose a mandatory 349  
prison term on the offender of either a definite term of six 350  
months or one of the prison terms prescribed in division (A) (3) 351  
(b) of section 2929.14 of the Revised Code for felonies of the 352  
third degree. 353

(e) If the violation of division (A) or (B) of this 354  
section is a felony of the third degree and the offender, in 355  
committing the violation, caused serious physical harm to the 356  
pregnant woman's unborn or caused the termination of the 357  
pregnant woman's pregnancy, notwithstanding the range of 358  
definite prison terms prescribed in division (A) (3) of section 359  
2929.14 of the Revised Code for a felony of the third degree, 360  
the court shall impose a mandatory prison term on the offender 361  
of either a definite term of one year or one of the prison terms 362  
prescribed in division (A) (3) (b) of section 2929.14 of the 363  
Revised Code for felonies of the third degree. 364

~~(E)~~ (F) Notwithstanding any provision of law to the 365  
contrary, no court or unit of state or local government shall 366  
charge any fee, cost, deposit, or money in connection with the 367  
filing of charges against a person alleging that the person 368  
violated this section or a municipal ordinance substantially 369  
similar to this section or in connection with the prosecution of 370

any charges so filed. 371

~~(F)~~ (G) It is not required in a prosecution under division 372  
(D) of this section to allege or prove that the family or 373  
household member who is the victim suffered physical harm or 374  
serious physical harm or visible injury or that there was an 375  
intent to kill or protractedly injure the family or household 376  
member. 377

(H) It is an affirmative defense to a charge under 378  
division (D) of this section that the act was done to the family 379  
or household member as part of a medical or other procedure 380  
undertaken to aid or benefit the victim. 381

(I) A prosecution for a violation of this section does not 382  
preclude a prosecution of a violation of any other section of 383  
the Revised Code. One or more acts, a series of acts, or a 384  
course of behavior that can be prosecuted under this section or 385  
any other section of the Revised Code may be prosecuted under 386  
this section, the other section of the Revised Code, or both 387  
sections. However, if an offender is convicted of or pleads 388  
guilty to a violation of this section and also is convicted of 389  
or pleads guilty to a violation of section 2903.11, 2903.12, or 390  
2903.13 of the Revised Code based on the same conduct involving 391  
the same victim that was the basis of the violation of this 392  
section, the two offenses are allied offenses of similar import 393  
under section 2941.25 of the Revised Code. 394

(J) As used in this section and sections 2919.251 and 395  
2919.26 of the Revised Code: 396

(1) "Family or household member" means any of the 397  
following: 398

(a) Any of the following who is residing or has resided 399

with the offender:	400
(i) A spouse, a person living as a spouse, or a former spouse of the offender;	401 402
(ii) A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender;	403 404 405
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.	406 407 408 409
(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.	410 411 412
(2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.	413 414 415 416 417 418
(3) "Pregnant woman's unborn" has the same meaning as "such other person's unborn," as set forth in section 2903.09 of the Revised Code, as it relates to the pregnant woman. Division (C) of that section applies regarding the use of the term in this section, except that the second and third sentences of division (C)(1) of that section shall be construed for purposes of this section as if they included a reference to this section in the listing of Revised Code sections they contain.	419 420 421 422 423 424 425 426
(4) "Termination of the pregnant woman's pregnancy" has the same meaning as "unlawful termination of another's	427 428

pregnancy," as set forth in section 2903.09 of the Revised Code, 429  
as it relates to the pregnant woman. Division (C) of that 430  
section applies regarding the use of the term in this section, 431  
except that the second and third sentences of division (C) (1) of 432  
that section shall be construed for purposes of this section as 433  
if they included a reference to this section in the listing of 434  
Revised Code sections they contain. 435

Sec. 2919.261. (A) A law enforcement officer, on behalf of 436  
and with the consent of a victim of domestic violence, may 437  
request an emergency protection order from a judicial officer 438  
during any period of time that the court is not open for regular 439  
business. The request may be made orally or in writing based 440  
upon the sworn statement of the law enforcement officer and an 441  
allegation of either of the following by the person seeking the 442  
order: 443

(1) That the victim is in immediate and present danger of 444  
domestic violence based on the officer's observations and an 445  
allegation of a recent incident of domestic violence; 446

(2) That a child of the victim is in immediate and present 447  
danger, based on the officer's observations and an allegation of 448  
a recent incident of domestic violence. 449

(B) If the court finds probable cause, based on a request 450  
made under division (A) of this section, to believe that the 451  
victim or child of a victim is in immediate danger based on an 452  
allegation of a recent incident of domestic violence, the court 453  
shall issue an emergency protection order. 454

(C) An emergency protection order issued under this 455  
section may contain any of the following terms: 456

(1) That the alleged domestic violence offender refrain 457

from abusing, threatening, harassing, stalking, or forcing 458  
sexual relations on a protected person; 459

(2) That the alleged domestic violence offender refrain 460  
from entering or interfering with the residence, school, 461  
business, place of employment, child care provider, or child 462  
day-care center of a protected person; 463

(3) That the alleged domestic violence offender refrain 464  
from initiating or having any contact with a protected person or 465  
the residence, school, business, place of employment, child care 466  
provider, or child day-care center of a protected person; 467

(4) That the alleged domestic violence offender refrain 468  
from being within five hundred feet of a protected person. 469

(D) A court that orders an emergency protection order 470  
under this section shall communicate the terms of the order by 471  
reliable electronic means to an officer of the appropriate law 472  
enforcement agency. Upon receiving the order, the law 473  
enforcement officer shall do all of the following: 474

(1) Provide a copy of the order to each person protected 475  
by the order; 476

(2) Serve a copy of the order on the alleged domestic 477  
violence offender who is subject to the order; 478

(3) Enter the order into the law enforcement automated 479  
data system so that the order may be entered into the national 480  
crime information center's protection order file. 481

(E) An emergency protection order issued under this 482  
section shall remain in effect until the earliest of the 483  
following: 484

(1) Ninety-six hours after the order was issued; 485

(2) Five o'clock in the evening of the first day that the 486  
court is open for business after the day that the order was 487  
issued; 488

(3) The time at which the court, at the request of the 489  
petitioner, terminates the order. 490

(F) As used in this section, "contact" includes telephone 491  
contact; contact by text message, instant message, voice mail, 492  
electronic mail, or social networking media; and contact by any 493  
other means of communication. 494

**Sec. 2919.27.** (A) No person shall recklessly violate the 495  
terms of any of the following: 496

(1) A protection order issued or consent agreement 497  
approved pursuant to section 2919.26, 2919.261, or 3113.31 of 498  
the Revised Code; 499

(2) A protection order issued pursuant to section 2151.34, 500  
2903.213, or 2903.214 of the Revised Code; 501

(3) A protection order issued by a court of another state. 502

(B) (1) Whoever violates this section is guilty of 503  
violating a protection order. 504

(2) Except as otherwise provided in division (B) (3) or (4) 505  
of this section, violating a protection order is a misdemeanor 506  
of the first degree. 507

(3) Violating a protection order is a felony of the fifth 508  
degree if the offender previously has been convicted of, pleaded 509  
guilty to, or been adjudicated a delinquent child for any of the 510  
following: 511

(a) A violation of a protection order issued or consent 512

agreement approved pursuant to section 2151.34, 2903.213, 513  
2903.214, 2919.26, 2919.261, or 3113.31 of the Revised Code; 514

(b) Two or more violations of section 2903.21, 2903.211, 515  
2903.22, or 2911.211 of the Revised Code, or any combination of 516  
those offenses, that involved the same person who is the subject 517  
of the protection order or consent agreement; 518

(c) One or more violations of this section. 519

(4) If the offender violates a protection order or consent 520  
agreement while committing a felony offense, violating a 521  
protection order is a felony of the third degree. 522

(5) If the protection order violated by the offender was 523  
an order issued pursuant to section 2151.34 or 2903.214 of the 524  
Revised Code that required electronic monitoring of the offender 525  
pursuant to that section, the court may require in addition to 526  
any other sentence imposed upon the offender that the offender 527  
be electronically monitored for a period not exceeding five 528  
years by a law enforcement agency designated by the court. If 529  
the court requires under this division that the offender be 530  
electronically monitored, unless the court determines that the 531  
offender is indigent, the court shall order that the offender 532  
pay the costs of the installation of the electronic monitoring 533  
device and the cost of monitoring the electronic monitoring 534  
device. If the court determines that the offender is indigent 535  
and subject to the maximum amount allowable and the rules 536  
promulgated by the attorney general under section 2903.214 of 537  
the Revised Code, the costs of the installation of the 538  
electronic monitoring device and the cost of monitoring the 539  
electronic monitoring device may be paid out of funds from the 540  
reparations fund created pursuant to section 2743.191 of the 541  
Revised Code. The total amount paid from the reparations fund 542

created pursuant to section 2743.191 of the Revised Code for 543  
electronic monitoring under this section and sections 2151.34 544  
and 2903.214 of the Revised Code shall not exceed three hundred 545  
thousand dollars per year. 546

(C) It is an affirmative defense to a charge under 547  
division (A) (3) of this section that the protection order issued 548  
by a court of another state does not comply with the 549  
requirements specified in 18 U.S.C. 2265(b) for a protection 550  
order that must be accorded full faith and credit by a court of 551  
this state or that it is not entitled to full faith and credit 552  
under 18 U.S.C. 2265(c). 553

(D) In a prosecution for a violation of this section, it 554  
is not necessary for the prosecution to prove that the 555  
protection order or consent agreement was served on the 556  
defendant if the prosecution proves that the defendant was shown 557  
the protection order or consent agreement or a copy of either or 558  
a judge, magistrate, or law enforcement officer informed the 559  
defendant that a protection order or consent agreement had been 560  
issued, and proves that the defendant recklessly violated the 561  
terms of the order or agreement. 562

(E) As used in this section, "protection order issued by a 563  
court of another state" means an injunction or another order 564  
issued by a criminal court of another state for the purpose of 565  
preventing violent or threatening acts or harassment against, 566  
contact or communication with, or physical proximity to another 567  
person, including a temporary order, and means an injunction or 568  
order of that nature issued by a civil court of another state, 569  
including a temporary order and a final order issued in an 570  
independent action or as a pendente lite order in a proceeding 571  
for other relief, if the court issued it in response to a 572

complaint, petition, or motion filed by or on behalf of a person 573  
seeking protection. "Protection order issued by a court of 574  
another state" does not include an order for support or for 575  
custody of a child issued pursuant to the divorce and child 576  
custody laws of another state, except to the extent that the 577  
order for support or for custody of a child is entitled to full 578  
faith and credit under the laws of the United States. 579

**Sec. 2929.12.** (A) Unless otherwise required by section 580  
2929.13 or 2929.14 of the Revised Code, a court that imposes a 581  
sentence under this chapter upon an offender for a felony has 582  
discretion to determine the most effective way to comply with 583  
the purposes and principles of sentencing set forth in section 584  
2929.11 of the Revised Code. In exercising that discretion, the 585  
court shall consider the factors set forth in divisions (B) and 586  
(C) of this section relating to the seriousness of the conduct, 587  
the factors provided in divisions (D) and (E) of this section 588  
relating to the likelihood of the offender's recidivism, and the 589  
factors set forth in division (F) of this section pertaining to 590  
the offender's service in the armed forces of the United States 591  
and, in addition, may consider any other factors that are 592  
relevant to achieving those purposes and principles of 593  
sentencing. 594

(B) The sentencing court shall consider all of the 595  
following that apply regarding the offender, the offense, or the 596  
victim, and any other relevant factors, as indicating that the 597  
offender's conduct is more serious than conduct normally 598  
constituting the offense: 599

(1) The physical or mental injury suffered by the victim 600  
of the offense due to the conduct of the offender was 601  
exacerbated because of the physical or mental condition or age 602

of the victim. 603

(2) The victim of the offense suffered serious physical, 604  
psychological, or economic harm as a result of the offense. 605

(3) The offender held a public office or position of trust 606  
in the community, and the offense related to that office or 607  
position. 608

(4) The offender's occupation, elected office, or 609  
profession obliged the offender to prevent the offense or bring 610  
others committing it to justice. 611

(5) The offender's professional reputation or occupation, 612  
elected office, or profession was used to facilitate the offense 613  
or is likely to influence the future conduct of others. 614

(6) The offender's relationship with the victim 615  
facilitated the offense. 616

(7) The offender committed the offense for hire or as a 617  
part of an organized criminal activity. 618

(8) In committing the offense, the offender was motivated 619  
by prejudice based on race, ethnic background, gender, sexual 620  
orientation, or religion. 621

(9) If the offense is a violation of section 2919.25 or a 622  
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 623  
Code involving a person who was a family or household member at 624  
the time of the violation, the offender committed the offense in 625  
the vicinity of one or more children who are not victims of the 626  
offense, and the offender or the victim of the offense is a 627  
parent, guardian, custodian, or person in loco parentis of one 628  
or more of those children. 629

(C) The sentencing court shall consider all of the 630

following that apply regarding the offender, the offense, or the 631  
victim, and any other relevant factors, as indicating that the 632  
offender's conduct is less serious than conduct normally 633  
constituting the offense: 634

(1) The victim induced or facilitated the offense. 635

(2) In committing the offense, the offender acted under 636  
strong provocation. 637

(3) In committing the offense, the offender did not cause 638  
or expect to cause physical harm to any person or property. 639

(4) There are substantial grounds to mitigate the 640  
offender's conduct, although the grounds are not enough to 641  
constitute a defense. 642

(D) The sentencing court shall consider all of the 643  
following that apply regarding the offender, and any other 644  
relevant factors, as factors indicating that the offender is 645  
likely to commit future crimes: 646

(1) At the time of committing the offense, the offender 647  
was under release from confinement before trial or sentencing; 648  
was under a sanction imposed pursuant to section 2929.16, 649  
2929.17, or 2929.18 of the Revised Code; was under post-release 650  
control pursuant to section 2967.28 or any other provision of 651  
the Revised Code for an earlier offense or had been unfavorably 652  
terminated from post-release control for a prior offense 653  
pursuant to division (B) of section 2967.16 or section 2929.141 654  
of the Revised Code; was under transitional control in 655  
connection with a prior offense; or had absconded from the 656  
offender's approved community placement resulting in the 657  
offender's removal from the transitional control program under 658  
section 2967.26 of the Revised Code. 659

(2) The offender previously was adjudicated a delinquent child pursuant to Chapter 2151. of the Revised Code prior to January 1, 2002, or pursuant to Chapter 2152. of the Revised Code, or the offender has a history of criminal convictions.

(3) The offender has not been rehabilitated to a satisfactory degree after previously being adjudicated a delinquent child pursuant to Chapter 2151. of the Revised Code prior to January 1, 2002, or pursuant to Chapter 2152. of the Revised Code, or the offender has not responded favorably to sanctions previously imposed for criminal convictions.

(4) The offender has demonstrated a pattern of drug or alcohol abuse that is related to the offense, and the offender refuses to acknowledge that the offender has demonstrated that pattern, or the offender refuses treatment for the drug or alcohol abuse.

(5) The offender shows no genuine remorse for the offense.

(E) The sentencing court shall consider all of the following that apply regarding the offender, and any other relevant factors, as factors indicating that the offender is not likely to commit future crimes:

(1) Prior to committing the offense, the offender had not been adjudicated a delinquent child.

(2) Prior to committing the offense, the offender had not been convicted of or pleaded guilty to a criminal offense.

(3) Prior to committing the offense, the offender had led a law-abiding life for a significant number of years.

(4) The offense was committed under circumstances not likely to recur.

(5) The offender shows genuine remorse for the offense. 688

(F) The sentencing court shall consider the offender's 689  
military service record and whether the offender has an 690  
emotional, mental, or physical condition that is traceable to 691  
the offender's service in the armed forces of the United States 692  
and that was a contributing factor in the offender's commission 693  
of the offense or offenses. 694

(G) The sentencing court shall consider the results of any 695  
screening conducted in the case under division (A) (2) (e) of 696  
section 2935.032 of the Revised Code, if any such results are 697  
available. 698

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 699  
or (G) of this section and unless a specific sanction is 700  
required to be imposed or is precluded from being imposed 701  
pursuant to law, a court that imposes a sentence upon an 702  
offender for a felony may impose any sanction or combination of 703  
sanctions on the offender that are provided in sections 2929.14 704  
to 2929.18 of the Revised Code. 705

If the offender is eligible to be sentenced to community 706  
control sanctions, the court shall consider the appropriateness 707  
of imposing a financial sanction pursuant to section 2929.18 of 708  
the Revised Code or a sanction of community service pursuant to 709  
section 2929.17 of the Revised Code as the sole sanction for the 710  
offense. Except as otherwise provided in this division, if the 711  
court is required to impose a mandatory prison term for the 712  
offense for which sentence is being imposed, the court also 713  
shall impose any financial sanction pursuant to section 2929.18 714  
of the Revised Code that is required for the offense and may 715  
impose any other financial sanction pursuant to that section but 716  
may not impose any additional sanction or combination of 717

sanctions under section 2929.16 or 2929.17 of the Revised Code. 718

If the offender is being sentenced for a fourth degree 719  
felony OVI offense or for a third degree felony OVI offense, in 720  
addition to the mandatory term of local incarceration or the 721  
mandatory prison term required for the offense by division (G) 722  
(1) or (2) of this section, the court shall impose upon the 723  
offender a mandatory fine in accordance with division (B) (3) of 724  
section 2929.18 of the Revised Code and may impose whichever of 725  
the following is applicable: 726

(1) For a fourth degree felony OVI offense for which 727  
sentence is imposed under division (G) (1) of this section, an 728  
additional community control sanction or combination of 729  
community control sanctions under section 2929.16 or 2929.17 of 730  
the Revised Code. If the court imposes upon the offender a 731  
community control sanction and the offender violates any 732  
condition of the community control sanction, the court may take 733  
any action prescribed in division (B) of section 2929.15 of the 734  
Revised Code relative to the offender, including imposing a 735  
prison term on the offender pursuant to that division. 736

(2) For a third or fourth degree felony OVI offense for 737  
which sentence is imposed under division (G) (2) of this section, 738  
an additional prison term as described in division (B) (4) of 739  
section 2929.14 of the Revised Code or a community control 740  
sanction as described in division (G) (2) of this section. 741

(B) (1) (a) Except as provided in division (B) (1) (b) of this 742  
section, if an offender is convicted of or pleads guilty to a 743  
felony of the fourth or fifth degree that is not an offense of 744  
violence or that is a qualifying assault offense, the court 745  
shall sentence the offender to a community control sanction or 746  
combination of community control sanctions if all of the 747

following apply: 748

(i) The offender previously has not been convicted of or 749  
pleaded guilty to a felony offense. 750

(ii) The most serious charge against the offender at the 751  
time of sentencing is a felony of the fourth or fifth degree. 752

(iii) The offender previously has not been convicted of or 753  
pleaded guilty to a misdemeanor offense of violence that the 754  
offender committed within two years prior to the offense for 755  
which sentence is being imposed. 756

(b) The court has discretion to impose a prison term upon 757  
an offender who is convicted of or pleads guilty to a felony of 758  
the fourth or fifth degree that is not an offense of violence or 759  
that is a qualifying assault offense if any of the following 760  
apply: 761

(i) The offender committed the offense while having a 762  
firearm on or about the offender's person or under the 763  
offender's control. 764

(ii) If the offense is a qualifying assault offense, the 765  
offender caused serious physical harm to another person while 766  
committing the offense, and, if the offense is not a qualifying 767  
assault offense, the offender caused physical harm to another 768  
person while committing the offense. 769

(iii) The offender violated a term of the conditions of 770  
bond as set by the court. 771

(iv) The offense is a sex offense that is a fourth or 772  
fifth degree felony violation of any provision of Chapter 2907. 773  
of the Revised Code. 774

(v) In committing the offense, the offender attempted to 775

cause or made an actual threat of physical harm to a person with 776  
a deadly weapon. 777

(vi) In committing the offense, the offender attempted to 778  
cause or made an actual threat of physical harm to a person, and 779  
the offender previously was convicted of an offense that caused 780  
physical harm to a person. 781

(vii) The offender held a public office or position of 782  
trust, and the offense related to that office or position; the 783  
offender's position obliged the offender to prevent the offense 784  
or to bring those committing it to justice; or the offender's 785  
professional reputation or position facilitated the offense or 786  
was likely to influence the future conduct of others. 787

(viii) The offender committed the offense for hire or as 788  
part of an organized criminal activity. 789

(ix) The offender at the time of the offense was serving, 790  
or the offender previously had served, a prison term. 791

(x) The offender committed the offense while under a 792  
community control sanction, while on probation, or while 793  
released from custody on a bond or personal recognizance. 794

(c) A sentencing court may impose an additional penalty 795  
under division (B) of section 2929.15 of the Revised Code upon 796  
an offender sentenced to a community control sanction under 797  
division (B)(1)(a) of this section if the offender violates the 798  
conditions of the community control sanction, violates a law, or 799  
leaves the state without the permission of the court or the 800  
offender's probation officer. 801

(2) If division (B)(1) of this section does not apply, 802  
except as provided in division (E), (F), or (G) of this section, 803  
in determining whether to impose a prison term as a sanction for 804

a felony of the fourth or fifth degree, the sentencing court 805  
shall comply with the purposes and principles of sentencing 806  
under section 2929.11 of the Revised Code and with section 807  
2929.12 of the Revised Code. 808

(C) Except as provided in division (D), (E), (F), or (G) 809  
of this section, in determining whether to impose a prison term 810  
as a sanction for a felony of the third degree or a felony drug 811  
offense that is a violation of a provision of Chapter 2925. of 812  
the Revised Code and that is specified as being subject to this 813  
division for purposes of sentencing, the sentencing court shall 814  
comply with the purposes and principles of sentencing under 815  
section 2929.11 of the Revised Code and with section 2929.12 of 816  
the Revised Code. 817

(D) (1) Except as provided in division (E) or (F) of this 818  
section, for a felony of the first or second degree, for a 819  
felony drug offense that is a violation of any provision of 820  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 821  
presumption in favor of a prison term is specified as being 822  
applicable, and for a violation of division (A) (4) or (B) of 823  
section 2907.05 of the Revised Code for which a presumption in 824  
favor of a prison term is specified as being applicable, it is 825  
presumed that a prison term is necessary in order to comply with 826  
the purposes and principles of sentencing under section 2929.11 827  
of the Revised Code. Division (D) (2) of this section does not 828  
apply to a presumption established under this division for a 829  
violation of division (A) (4) of section 2907.05 of the Revised 830  
Code. 831

(2) Notwithstanding the presumption established under 832  
division (D) (1) of this section for the offenses listed in that 833  
division other than a violation of division (A) (4) or (B) of 834

section 2907.05 of the Revised Code, the sentencing court may 835  
impose a community control sanction or a combination of 836  
community control sanctions instead of a prison term on an 837  
offender for a felony of the first or second degree or for a 838  
felony drug offense that is a violation of any provision of 839  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 840  
presumption in favor of a prison term is specified as being 841  
applicable if it makes both of the following findings: 842

(a) A community control sanction or a combination of 843  
community control sanctions would adequately punish the offender 844  
and protect the public from future crime, because the applicable 845  
factors under section 2929.12 of the Revised Code indicating a 846  
lesser likelihood of recidivism outweigh the applicable factors 847  
under that section indicating a greater likelihood of 848  
recidivism. 849

(b) A community control sanction or a combination of 850  
community control sanctions would not demean the seriousness of 851  
the offense, because one or more factors under section 2929.12 852  
of the Revised Code that indicate that the offender's conduct 853  
was less serious than conduct normally constituting the offense 854  
are applicable, and they outweigh the applicable factors under 855  
that section that indicate that the offender's conduct was more 856  
serious than conduct normally constituting the offense. 857

(E) (1) Except as provided in division (F) of this section, 858  
for any drug offense that is a violation of any provision of 859  
Chapter 2925. of the Revised Code and that is a felony of the 860  
third, fourth, or fifth degree, the applicability of a 861  
presumption under division (D) of this section in favor of a 862  
prison term or of division (B) or (C) of this section in 863  
determining whether to impose a prison term for the offense 864

shall be determined as specified in section 2925.02, 2925.03, 865  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 866  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 867  
regarding the violation. 868

(2) If an offender who was convicted of or pleaded guilty 869  
to a felony violates the conditions of a community control 870  
sanction imposed for the offense solely by reason of producing 871  
positive results on a drug test or by acting pursuant to 872  
division (B)(2)(b) of section 2925.11 of the Revised Code with 873  
respect to a minor drug possession offense, the court, as 874  
punishment for the violation of the sanction, shall not order 875  
that the offender be imprisoned unless the court determines on 876  
the record either of the following: 877

(a) The offender had been ordered as a sanction for the 878  
felony to participate in a drug treatment program, in a drug 879  
education program, or in narcotics anonymous or a similar 880  
program, and the offender continued to use illegal drugs after a 881  
reasonable period of participation in the program. 882

(b) The imprisonment of the offender for the violation is 883  
consistent with the purposes and principles of sentencing set 884  
forth in section 2929.11 of the Revised Code. 885

(3) A court that sentences an offender for a drug abuse 886  
offense that is a felony of the third, fourth, or fifth degree 887  
may require that the offender be assessed by a properly 888  
credentialed professional within a specified period of time. The 889  
court shall require the professional to file a written 890  
assessment of the offender with the court. If the offender is 891  
eligible for a community control sanction and after considering 892  
the written assessment, the court may impose a community control 893  
sanction that includes addiction services and recovery supports 894

included in a community-based continuum of care established 895  
under section 340.032 of the Revised Code. If the court imposes 896  
addiction services and recovery supports as a community control 897  
sanction, the court shall direct the level and type of addiction 898  
services and recovery supports after considering the assessment 899  
and recommendation of community addiction services providers. 900

(F) Notwithstanding divisions (A) to (E) of this section, 901  
the court shall impose a prison term or terms under sections 902  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 903  
section 2971.03 of the Revised Code and except as specifically 904  
provided in section 2929.20, divisions (C) to (I) of section 905  
2967.19, or section 2967.191 of the Revised Code or when parole 906  
is authorized for the offense under section 2967.13 of the 907  
Revised Code shall not reduce the term or terms pursuant to 908  
section 2929.20, section 2967.19, section 2967.193, or any other 909  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 910  
for any of the following offenses: 911

(1) Aggravated murder when death is not imposed or murder; 912

(2) Any rape, regardless of whether force was involved and 913  
regardless of the age of the victim, or an attempt to commit 914  
rape if, had the offender completed the rape that was attempted, 915  
the offender would have been guilty of a violation of division 916  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 917  
sentenced under section 2971.03 of the Revised Code; 918

(3) Gross sexual imposition or sexual battery, if the 919  
victim is less than thirteen years of age and if any of the 920  
following applies: 921

(a) Regarding gross sexual imposition, the offender 922  
previously was convicted of or pleaded guilty to rape, the 923

former offense of felonious sexual penetration, gross sexual 924  
imposition, or sexual battery, and the victim of the previous 925  
offense was less than thirteen years of age; 926

(b) Regarding gross sexual imposition, the offense was 927  
committed on or after August 3, 2006, and evidence other than 928  
the testimony of the victim was admitted in the case 929  
corroborating the violation. 930

(c) Regarding sexual battery, either of the following 931  
applies: 932

(i) The offense was committed prior to August 3, 2006, the 933  
offender previously was convicted of or pleaded guilty to rape, 934  
the former offense of felonious sexual penetration, or sexual 935  
battery, and the victim of the previous offense was less than 936  
thirteen years of age. 937

(ii) The offense was committed on or after August 3, 2006. 938

(4) A felony violation of section 2903.04, 2903.06, 939  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 940  
or 2923.132 of the Revised Code if the section requires the 941  
imposition of a prison term; 942

(5) A first, second, or third degree felony drug offense 943  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 944  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 945  
or 4729.99 of the Revised Code, whichever is applicable 946  
regarding the violation, requires the imposition of a mandatory 947  
prison term; 948

(6) Any offense that is a first or second degree felony 949  
and that is not set forth in division (F) (1), (2), (3), or (4) 950  
of this section, if the offender previously was convicted of or 951  
pleaded guilty to aggravated murder, murder, any first or second 952

degree felony, or an offense under an existing or former law of 953  
this state, another state, or the United States that is or was 954  
substantially equivalent to one of those offenses; 955

(7) Any offense that is a third degree felony and either 956  
is a violation of section 2903.04 of the Revised Code or an 957  
attempt to commit a felony of the second degree that is an 958  
offense of violence and involved an attempt to cause serious 959  
physical harm to a person or that resulted in serious physical 960  
harm to a person if the offender previously was convicted of or 961  
pleaded guilty to any of the following offenses: 962

(a) Aggravated murder, murder, involuntary manslaughter, 963  
rape, felonious sexual penetration as it existed under section 964  
2907.12 of the Revised Code prior to September 3, 1996, a felony 965  
of the first or second degree that resulted in the death of a 966  
person or in physical harm to a person, or complicity in or an 967  
attempt to commit any of those offenses; 968

(b) An offense under an existing or former law of this 969  
state, another state, or the United States that is or was 970  
substantially equivalent to an offense listed in division (F) (7) 971  
(a) of this section that resulted in the death of a person or in 972  
physical harm to a person. 973

(8) Any offense, other than a violation of section 2923.12 974  
of the Revised Code, that is a felony, if the offender had a 975  
firearm on or about the offender's person or under the 976  
offender's control while committing the felony, with respect to 977  
a portion of the sentence imposed pursuant to division (B) (1) (a) 978  
of section 2929.14 of the Revised Code for having the firearm; 979

(9) Any offense of violence that is a felony, if the 980  
offender wore or carried body armor while committing the felony 981

offense of violence, with respect to the portion of the sentence 982  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 983  
Revised Code for wearing or carrying the body armor; 984

(10) Corrupt activity in violation of section 2923.32 of 985  
the Revised Code when the most serious offense in the pattern of 986  
corrupt activity that is the basis of the offense is a felony of 987  
the first degree; 988

(11) Any violent sex offense or designated homicide, 989  
assault, or kidnapping offense if, in relation to that offense, 990  
the offender is adjudicated a sexually violent predator; 991

(12) A violation of division (A) (1) or (2) of section 992  
2921.36 of the Revised Code, or a violation of division (C) of 993  
that section involving an item listed in division (A) (1) or (2) 994  
of that section, if the offender is an officer or employee of 995  
the department of rehabilitation and correction; 996

(13) A violation of division (A) (1) or (2) of section 997  
2903.06 of the Revised Code if the victim of the offense is a 998  
peace officer, as defined in section 2935.01 of the Revised 999  
Code, or an investigator of the bureau of criminal 1000  
identification and investigation, as defined in section 2903.11 1001  
of the Revised Code, with respect to the portion of the sentence 1002  
imposed pursuant to division (B) (5) of section 2929.14 of the 1003  
Revised Code; 1004

(14) A violation of division (A) (1) or (2) of section 1005  
2903.06 of the Revised Code if the offender has been convicted 1006  
of or pleaded guilty to three or more violations of division (A) 1007  
or (B) of section 4511.19 of the Revised Code or an equivalent 1008  
offense, as defined in section 2941.1415 of the Revised Code, or 1009  
three or more violations of any combination of those divisions 1010

and offenses, with respect to the portion of the sentence 1011  
imposed pursuant to division (B) (6) of section 2929.14 of the 1012  
Revised Code; 1013

(15) Kidnapping, in the circumstances specified in section 1014  
2971.03 of the Revised Code and when no other provision of 1015  
division (F) of this section applies; 1016

(16) Kidnapping, abduction, compelling prostitution, 1017  
promoting prostitution, engaging in a pattern of corrupt 1018  
activity, a violation of division (A) (1) or (2) of section 1019  
2907.323 of the Revised Code that involves a minor, or 1020  
endangering children in violation of division (B) (1), (2), (3), 1021  
(4), or (5) of section 2919.22 of the Revised Code, if the 1022  
offender is convicted of or pleads guilty to a specification as 1023  
described in section 2941.1422 of the Revised Code that was 1024  
included in the indictment, count in the indictment, or 1025  
information charging the offense; 1026

(17) A felony violation of division (A) or (B) of section 1027  
2919.25 of the Revised Code if division ~~(D) (3)~~ (E) (3), (4), or 1028  
(5) of that section, and division ~~(D) (6)~~ (E) (8) of that section, 1029  
require the imposition of a prison term; 1030

(18) A felony violation of section 2903.11, 2903.12, or 1031  
2903.13 of the Revised Code, if the victim of the offense was a 1032  
woman that the offender knew was pregnant at the time of the 1033  
violation, with respect to a portion of the sentence imposed 1034  
pursuant to division (B) (8) of section 2929.14 of the Revised 1035  
Code; 1036

(19) (a) Any violent felony offense if the offender is a 1037  
violent career criminal and had a firearm on or about the 1038  
offender's person or under the offender's control during the 1039

commission of the violent felony offense and displayed or 1040  
brandished the firearm, indicated that the offender possessed a 1041  
firearm, or used the firearm to facilitate the offense, with 1042  
respect to the portion of the sentence imposed under division 1043  
(K) of section 2929.14 of the Revised Code. 1044

(b) As used in division (F)(19)(a) of this section, 1045  
"violent career criminal" and "violent felony offense" have the 1046  
same meanings as in section 2923.132 of the Revised Code. 1047

(20) Any violation of division (A)(1) of section 2903.11 1048  
of the Revised Code if the offender used an accelerant in 1049  
committing the violation and the serious physical harm to 1050  
another or another's unborn caused by the violation resulted in 1051  
a permanent, serious disfigurement or permanent, substantial 1052  
incapacity or any violation of division (A)(2) of that section 1053  
if the offender used an accelerant in committing the violation, 1054  
the violation caused physical harm to another or another's 1055  
unborn, and the physical harm resulted in a permanent, serious 1056  
disfigurement or permanent, substantial incapacity, with respect 1057  
to a portion of the sentence imposed pursuant to division (B)(9) 1058  
of section 2929.14 of the Revised Code. The provisions of this 1059  
division and of division (D)(2) of section 2903.11, divisions 1060  
(B)(9) and (C)(6) of section 2929.14, and section 2941.1425 of 1061  
the Revised Code shall be known as "Judy's Law." 1062

(21) Any violation of division (A) of section 2903.11 of 1063  
the Revised Code if the victim of the offense suffered permanent 1064  
disabling harm as a result of the offense and the victim was 1065  
under ten years of age at the time of the offense, with respect 1066  
to a portion of the sentence imposed pursuant to division (B) 1067  
(10) of section 2929.14 of the Revised Code. 1068

(22) A felony violation of section 2925.03, 2925.05, or 1069

2925.11 of the Revised Code, if the drug involved in the 1070  
violation is a fentanyl-related compound or a compound, mixture, 1071  
preparation, or substance containing a fentanyl-related compound 1072  
and the offender is convicted of or pleads guilty to a 1073  
specification of the type described in division (B) of section 1074  
2941.1410 of the Revised Code that was included in the 1075  
indictment, count in the indictment, or information charging the 1076  
offense, with respect to the portion of the sentence imposed 1077  
under division (B) (11) of section 2929.14 of the Revised Code. 1078

(G) Notwithstanding divisions (A) to (E) of this section, 1079  
if an offender is being sentenced for a fourth degree felony OVI 1080  
offense or for a third degree felony OVI offense, the court 1081  
shall impose upon the offender a mandatory term of local 1082  
incarceration or a mandatory prison term in accordance with the 1083  
following: 1084

(1) If the offender is being sentenced for a fourth degree 1085  
felony OVI offense and if the offender has not been convicted of 1086  
and has not pleaded guilty to a specification of the type 1087  
described in section 2941.1413 of the Revised Code, the court 1088  
may impose upon the offender a mandatory term of local 1089  
incarceration of sixty days or one hundred twenty days as 1090  
specified in division (G) (1) (d) of section 4511.19 of the 1091  
Revised Code. The court shall not reduce the term pursuant to 1092  
section 2929.20, 2967.193, or any other provision of the Revised 1093  
Code. The court that imposes a mandatory term of local 1094  
incarceration under this division shall specify whether the term 1095  
is to be served in a jail, a community-based correctional 1096  
facility, a halfway house, or an alternative residential 1097  
facility, and the offender shall serve the term in the type of 1098  
facility specified by the court. A mandatory term of local 1099  
incarceration imposed under division (G) (1) of this section is 1100

not subject to any other Revised Code provision that pertains to 1101  
a prison term except as provided in division (A) (1) of this 1102  
section. 1103

(2) If the offender is being sentenced for a third degree 1104  
felony OVI offense, or if the offender is being sentenced for a 1105  
fourth degree felony OVI offense and the court does not impose a 1106  
mandatory term of local incarceration under division (G) (1) of 1107  
this section, the court shall impose upon the offender a 1108  
mandatory prison term of one, two, three, four, or five years if 1109  
the offender also is convicted of or also pleads guilty to a 1110  
specification of the type described in section 2941.1413 of the 1111  
Revised Code or shall impose upon the offender a mandatory 1112  
prison term of sixty days or one hundred twenty days as 1113  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 1114  
Revised Code if the offender has not been convicted of and has 1115  
not pleaded guilty to a specification of that type. Subject to 1116  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 1117  
court shall not reduce the term pursuant to section 2929.20, 1118  
2967.19, 2967.193, or any other provision of the Revised Code. 1119  
The offender shall serve the one-, two-, three-, four-, or five- 1120  
year mandatory prison term consecutively to and prior to the 1121  
prison term imposed for the underlying offense and consecutively 1122  
to any other mandatory prison term imposed in relation to the 1123  
offense. In no case shall an offender who once has been 1124  
sentenced to a mandatory term of local incarceration pursuant to 1125  
division (G) (1) of this section for a fourth degree felony OVI 1126  
offense be sentenced to another mandatory term of local 1127  
incarceration under that division for any violation of division 1128  
(A) of section 4511.19 of the Revised Code. In addition to the 1129  
mandatory prison term described in division (G) (2) of this 1130  
section, the court may sentence the offender to a community 1131

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

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

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

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

require the offender to submit to a DNA specimen collection 1162  
procedure pursuant to section 2901.07 of the Revised Code. 1163

(I) If an offender is being sentenced for a sexually 1164  
oriented offense or a child-victim oriented offense committed on 1165  
or after January 1, 1997, the judge shall include in the 1166  
sentence a summary of the offender's duties imposed under 1167  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1168  
Code and the duration of the duties. The judge shall inform the 1169  
offender, at the time of sentencing, of those duties and of 1170  
their duration. If required under division (A) (2) of section 1171  
2950.03 of the Revised Code, the judge shall perform the duties 1172  
specified in that section, or, if required under division (A) (6) 1173  
of section 2950.03 of the Revised Code, the judge shall perform 1174  
the duties specified in that division. 1175

(J) (1) Except as provided in division (J) (2) of this 1176  
section, when considering sentencing factors under this section 1177  
in relation to an offender who is convicted of or pleads guilty 1178  
to an attempt to commit an offense in violation of section 1179  
2923.02 of the Revised Code, the sentencing court shall consider 1180  
the factors applicable to the felony category of the violation 1181  
of section 2923.02 of the Revised Code instead of the factors 1182  
applicable to the felony category of the offense attempted. 1183

(2) When considering sentencing factors under this section 1184  
in relation to an offender who is convicted of or pleads guilty 1185  
to an attempt to commit a drug abuse offense for which the 1186  
penalty is determined by the amount or number of unit doses of 1187  
the controlled substance involved in the drug abuse offense, the 1188  
sentencing court shall consider the factors applicable to the 1189  
felony category that the drug abuse offense attempted would be 1190  
if that drug abuse offense had been committed and had involved 1191

an amount or number of unit doses of the controlled substance 1192  
that is within the next lower range of controlled substance 1193  
amounts than was involved in the attempt. 1194

(K) As used in this section: 1195

(1) "Community addiction services provider" has the same 1196  
meaning as in section 5119.01 of the Revised Code. 1197

(2) "Drug abuse offense" has the same meaning as in 1198  
section 2925.01 of the Revised Code. 1199

(3) "Minor drug possession offense" has the same meaning 1200  
as in section 2925.11 of the Revised Code. 1201

(4) "Qualifying assault offense" means a violation of 1202  
section 2903.13 of the Revised Code for which the penalty 1203  
provision in division (C) (8) (b) or (C) (9) (b) of that section 1204  
applies. 1205

(L) At the time of sentencing an offender for any sexually 1206  
oriented offense, if the offender is a tier III sex 1207  
offender/child-victim offender relative to that offense and the 1208  
offender does not serve a prison term or jail term, the court 1209  
may require that the offender be monitored by means of a global 1210  
positioning device. If the court requires such monitoring, the 1211  
cost of monitoring shall be borne by the offender. If the 1212  
offender is indigent, the cost of compliance shall be paid by 1213  
the crime victims reparations fund. 1214

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 1215  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1216  
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 1217  
in division ~~(D) (6)~~ (E) (8) of section 2919.25 of the Revised Code 1218  
and except in relation to an offense for which a sentence of 1219  
death or life imprisonment is to be imposed, if the court 1220

imposing a sentence upon an offender for a felony elects or is 1221  
required to impose a prison term on the offender pursuant to 1222  
this chapter, the court shall impose a prison term that shall be 1223  
one of the following: 1224

(1) (a) For a felony of the first degree committed on or 1225  
after the effective date of this amendment, the prison term 1226  
shall be an indefinite prison term with a stated minimum term 1227  
selected by the court of three, four, five, six, seven, eight, 1228  
nine, ten, or eleven years and a maximum term that is determined 1229  
pursuant to section 2929.144 of the Revised Code, except that if 1230  
the section that criminalizes the conduct constituting the 1231  
felony specifies a different minimum term or penalty for the 1232  
offense, the specific language of that section shall control in 1233  
determining the minimum term or otherwise sentencing the 1234  
offender but the minimum term or sentence imposed under that 1235  
specific language shall be considered for purposes of the 1236  
Revised Code as if it had been imposed under this division. 1237

(b) For a felony of the first degree committed prior to 1238  
the effective date of this amendment, the prison term shall be a 1239  
definite prison term of three, four, five, six, seven, eight, 1240  
nine, ten, or eleven years. 1241

(2) (a) For a felony of the second degree committed on or 1242  
after the effective date of this amendment, the prison term 1243  
shall be an indefinite prison term with a stated minimum term 1244  
selected by the court of two, three, four, five, six, seven, or 1245  
eight years and a maximum term that is determined pursuant to 1246  
section 2929.144 of the Revised Code, except that if the section 1247  
that criminalizes the conduct constituting the felony specifies 1248  
a different minimum term or penalty for the offense, the 1249  
specific language of that section shall control in determining 1250

the minimum term or otherwise sentencing the offender but the 1251  
minimum term or sentence imposed under that specific language 1252  
shall be considered for purposes of the Revised Code as if it 1253  
had been imposed under this division. 1254

(b) For a felony of the second degree committed prior to 1255  
the effective date of this amendment, the prison term shall be a 1256  
definite term of two, three, four, five, six, seven, or eight 1257  
years. 1258

(3) (a) For a felony of the third degree that is a 1259  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1260  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 1261  
Code or that is a violation of section 2911.02 or 2911.12 of the 1262  
Revised Code if the offender previously has been convicted of or 1263  
pleaded guilty in two or more separate proceedings to two or 1264  
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 1265  
of the Revised Code, the prison term shall be a definite term of 1266  
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 1267  
forty-eight, fifty-four, or sixty months. 1268

(b) For a felony of the third degree that is not an 1269  
offense for which division (A) (3) (a) of this section applies, 1270  
the prison term shall be a definite term of nine, twelve, 1271  
eighteen, twenty-four, thirty, or thirty-six months. 1272

(4) For a felony of the fourth degree, the prison term 1273  
shall be a definite term of six, seven, eight, nine, ten, 1274  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1275  
or eighteen months. 1276

(5) For a felony of the fifth degree, the prison term 1277  
shall be a definite term of six, seven, eight, nine, ten, 1278  
eleven, or twelve months. 1279

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

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

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

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

(iv) A prison term of nine years if the specification is of the type described in division (D) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and

specifies that the offender previously has been convicted of or 1310  
pleaded guilty to a specification of the type described in 1311  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1312  
the Revised Code; 1313

(v) A prison term of fifty-four months if the 1314  
specification is of the type described in division (D) of 1315  
section 2941.145 of the Revised Code that charges the offender 1316  
with having a firearm on or about the offender's person or under 1317  
the offender's control while committing the offense and 1318  
displaying the firearm, brandishing the firearm, indicating that 1319  
the offender possessed the firearm, or using the firearm to 1320  
facilitate the offense and that the offender previously has been 1321  
convicted of or pleaded guilty to a specification of the type 1322  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1323  
2941.1412 of the Revised Code; 1324

(vi) A prison term of eighteen months if the specification 1325  
is of the type described in division (D) of section 2941.141 of 1326  
the Revised Code that charges the offender with having a firearm 1327  
on or about the offender's person or under the offender's 1328  
control while committing the offense and that the offender 1329  
previously has been convicted of or pleaded guilty to a 1330  
specification of the type described in section 2941.141, 1331  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1332

(b) If a court imposes a prison term on an offender under 1333  
division (B)(1)(a) of this section, the prison term shall not be 1334  
reduced pursuant to section 2967.19, section 2929.20, section 1335  
2967.193, or any other provision of Chapter 2967. or Chapter 1336  
5120. of the Revised Code. Except as provided in division (B)(1) 1337  
(g) of this section, a court shall not impose more than one 1338  
prison term on an offender under division (B)(1)(a) of this 1339

section for felonies committed as part of the same act or 1340  
transaction. 1341

(c) (i) Except as provided in division (B) (1) (e) of this 1342  
section, if an offender who is convicted of or pleads guilty to 1343  
a violation of section 2923.161 of the Revised Code or to a 1344  
felony that includes, as an essential element, purposely or 1345  
knowingly causing or attempting to cause the death of or 1346  
physical harm to another, also is convicted of or pleads guilty 1347  
to a specification of the type described in division (A) of 1348  
section 2941.146 of the Revised Code that charges the offender 1349  
with committing the offense by discharging a firearm from a 1350  
motor vehicle other than a manufactured home, the court, after 1351  
imposing a prison term on the offender for the violation of 1352  
section 2923.161 of the Revised Code or for the other felony 1353  
offense under division (A), (B) (2), or (B) (3) of this section, 1354  
shall impose an additional prison term of five years upon the 1355  
offender that shall not be reduced pursuant to section 2929.20, 1356  
section 2967.19, section 2967.193, or any other provision of 1357  
Chapter 2967. or Chapter 5120. of the Revised Code. 1358

(ii) Except as provided in division (B) (1) (e) of this 1359  
section, if an offender who is convicted of or pleads guilty to 1360  
a violation of section 2923.161 of the Revised Code or to a 1361  
felony that includes, as an essential element, purposely or 1362  
knowingly causing or attempting to cause the death of or 1363  
physical harm to another, also is convicted of or pleads guilty 1364  
to a specification of the type described in division (C) of 1365  
section 2941.146 of the Revised Code that charges the offender 1366  
with committing the offense by discharging a firearm from a 1367  
motor vehicle other than a manufactured home and that the 1368  
offender previously has been convicted of or pleaded guilty to a 1369  
specification of the type described in section 2941.141, 1370

2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1371  
the court, after imposing a prison term on the offender for the 1372  
violation of section 2923.161 of the Revised Code or for the 1373  
other felony offense under division (A), (B) (2), or (3) of this 1374  
section, shall impose an additional prison term of ninety months 1375  
upon the offender that shall not be reduced pursuant to section 1376  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1377  
2967. or Chapter 5120. of the Revised Code. 1378

(iii) A court shall not impose more than one additional 1379  
prison term on an offender under division (B) (1) (c) of this 1380  
section for felonies committed as part of the same act or 1381  
transaction. If a court imposes an additional prison term on an 1382  
offender under division (B) (1) (c) of this section relative to an 1383  
offense, the court also shall impose a prison term under 1384  
division (B) (1) (a) of this section relative to the same offense, 1385  
provided the criteria specified in that division for imposing an 1386  
additional prison term are satisfied relative to the offender 1387  
and the offense. 1388

(d) If an offender who is convicted of or pleads guilty to 1389  
an offense of violence that is a felony also is convicted of or 1390  
pleads guilty to a specification of the type described in 1391  
section 2941.1411 of the Revised Code that charges the offender 1392  
with wearing or carrying body armor while committing the felony 1393  
offense of violence, the court shall impose on the offender an 1394  
additional prison term of two years. The prison term so imposed, 1395  
subject to divisions (C) to (I) of section 2967.19 of the 1396  
Revised Code, shall not be reduced pursuant to section 2929.20, 1397  
section 2967.19, section 2967.193, or any other provision of 1398  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1399  
shall not impose more than one prison term on an offender under 1400  
division (B) (1) (d) of this section for felonies committed as 1401

part of the same act or transaction. If a court imposes an 1402  
additional prison term under division (B) (1) (a) or (c) of this 1403  
section, the court is not precluded from imposing an additional 1404  
prison term under division (B) (1) (d) of this section. 1405

(e) The court shall not impose any of the prison terms 1406  
described in division (B) (1) (a) of this section or any of the 1407  
additional prison terms described in division (B) (1) (c) of this 1408  
section upon an offender for a violation of section 2923.12 or 1409  
2923.123 of the Revised Code. The court shall not impose any of 1410  
the prison terms described in division (B) (1) (a) or (b) of this 1411  
section upon an offender for a violation of section 2923.122 1412  
that involves a deadly weapon that is a firearm other than a 1413  
dangerous ordnance, section 2923.16, or section 2923.121 of the 1414  
Revised Code. The court shall not impose any of the prison terms 1415  
described in division (B) (1) (a) of this section or any of the 1416  
additional prison terms described in division (B) (1) (c) of this 1417  
section upon an offender for a violation of section 2923.13 of 1418  
the Revised Code unless all of the following apply: 1419

(i) The offender previously has been convicted of 1420  
aggravated murder, murder, or any felony of the first or second 1421  
degree. 1422

(ii) Less than five years have passed since the offender 1423  
was released from prison or post-release control, whichever is 1424  
later, for the prior offense. 1425

(f) (i) If an offender is convicted of or pleads guilty to 1426  
a felony that includes, as an essential element, causing or 1427  
attempting to cause the death of or physical harm to another and 1428  
also is convicted of or pleads guilty to a specification of the 1429  
type described in division (A) of section 2941.1412 of the 1430  
Revised Code that charges the offender with committing the 1431

offense by discharging a firearm at a peace officer as defined 1432  
in section 2935.01 of the Revised Code or a corrections officer, 1433  
as defined in section 2941.1412 of the Revised Code, the court, 1434  
after imposing a prison term on the offender for the felony 1435  
offense under division (A), (B) (2), or (B) (3) of this section, 1436  
shall impose an additional prison term of seven years upon the 1437  
offender that shall not be reduced pursuant to section 2929.20, 1438  
section 2967.19, section 2967.193, or any other provision of 1439  
Chapter 2967. or Chapter 5120. of the Revised Code. 1440

(ii) If an offender is convicted of or pleads guilty to a 1441  
felony that includes, as an essential element, causing or 1442  
attempting to cause the death of or physical harm to another and 1443  
also is convicted of or pleads guilty to a specification of the 1444  
type described in division (B) of section 2941.1412 of the 1445  
Revised Code that charges the offender with committing the 1446  
offense by discharging a firearm at a peace officer, as defined 1447  
in section 2935.01 of the Revised Code, or a corrections 1448  
officer, as defined in section 2941.1412 of the Revised Code, 1449  
and that the offender previously has been convicted of or 1450  
pleaded guilty to a specification of the type described in 1451  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1452  
the Revised Code, the court, after imposing a prison term on the 1453  
offender for the felony offense under division (A), (B) (2), or 1454  
(3) of this section, shall impose an additional prison term of 1455  
one hundred twenty-six months upon the offender that shall not 1456  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1457  
any other provision of Chapter 2967. or 5120. of the Revised 1458  
Code. 1459

(iii) If an offender is convicted of or pleads guilty to 1460  
two or more felonies that include, as an essential element, 1461  
causing or attempting to cause the death or physical harm to 1462

another and also is convicted of or pleads guilty to a 1463  
specification of the type described under division (B) (1) (f) of 1464  
this section in connection with two or more of the felonies of 1465  
which the offender is convicted or to which the offender pleads 1466  
guilty, the sentencing court shall impose on the offender the 1467  
prison term specified under division (B) (1) (f) of this section 1468  
for each of two of the specifications of which the offender is 1469  
convicted or to which the offender pleads guilty and, in its 1470  
discretion, also may impose on the offender the prison term 1471  
specified under that division for any or all of the remaining 1472  
specifications. If a court imposes an additional prison term on 1473  
an offender under division (B) (1) (f) of this section relative to 1474  
an offense, the court shall not impose a prison term under 1475  
division (B) (1) (a) or (c) of this section relative to the same 1476  
offense. 1477

(g) If an offender is convicted of or pleads guilty to two 1478  
or more felonies, if one or more of those felonies are 1479  
aggravated murder, murder, attempted aggravated murder, 1480  
attempted murder, aggravated robbery, felonious assault, or 1481  
rape, and if the offender is convicted of or pleads guilty to a 1482  
specification of the type described under division (B) (1) (a) of 1483  
this section in connection with two or more of the felonies, the 1484  
sentencing court shall impose on the offender the prison term 1485  
specified under division (B) (1) (a) of this section for each of 1486  
the two most serious specifications of which the offender is 1487  
convicted or to which the offender pleads guilty and, in its 1488  
discretion, also may impose on the offender the prison term 1489  
specified under that division for any or all of the remaining 1490  
specifications. 1491

(2) (a) If division (B) (2) (b) of this section does not 1492  
apply, the court may impose on an offender, in addition to the 1493

longest prison term authorized or required for the offense or, 1494  
for offenses for which division (A) (1) (a) or (2) (a) of this 1495  
section applies, in addition to the longest minimum prison term 1496  
authorized or required for the offense, an additional definite 1497  
prison term of one, two, three, four, five, six, seven, eight, 1498  
nine, or ten years if all of the following criteria are met: 1499

(i) The offender is convicted of or pleads guilty to a 1500  
specification of the type described in section 2941.149 of the 1501  
Revised Code that the offender is a repeat violent offender. 1502

(ii) The offense of which the offender currently is 1503  
convicted or to which the offender currently pleads guilty is 1504  
aggravated murder and the court does not impose a sentence of 1505  
death or life imprisonment without parole, murder, terrorism and 1506  
the court does not impose a sentence of life imprisonment 1507  
without parole, any felony of the first degree that is an 1508  
offense of violence and the court does not impose a sentence of 1509  
life imprisonment without parole, or any felony of the second 1510  
degree that is an offense of violence and the trier of fact 1511  
finds that the offense involved an attempt to cause or a threat 1512  
to cause serious physical harm to a person or resulted in 1513  
serious physical harm to a person. 1514

(iii) The court imposes the longest prison term for the 1515  
offense or the longest minimum prison term for the offense, 1516  
whichever is applicable, that is not life imprisonment without 1517  
parole. 1518

(iv) The court finds that the prison terms imposed 1519  
pursuant to division (B) (2) (a) (iii) of this section and, if 1520  
applicable, division (B) (1) or (3) of this section are 1521  
inadequate to punish the offender and protect the public from 1522  
future crime, because the applicable factors under section 1523

2929.12 of the Revised Code indicating a greater likelihood of 1524  
recidivism outweigh the applicable factors under that section 1525  
indicating a lesser likelihood of recidivism. 1526

(v) The court finds that the prison terms imposed pursuant 1527  
to division (B) (2) (a) (iii) of this section and, if applicable, 1528  
division (B) (1) or (3) of this section are demeaning to the 1529  
seriousness of the offense, because one or more of the factors 1530  
under section 2929.12 of the Revised Code indicating that the 1531  
offender's conduct is more serious than conduct normally 1532  
constituting the offense are present, and they outweigh the 1533  
applicable factors under that section indicating that the 1534  
offender's conduct is less serious than conduct normally 1535  
constituting the offense. 1536

(b) The court shall impose on an offender the longest 1537  
prison term authorized or required for the offense or, for 1538  
offenses for which division (A) (1) (a) or (2) (a) of this section 1539  
applies, the longest minimum prison term authorized or required 1540  
for the offense, and shall impose on the offender an additional 1541  
definite prison term of one, two, three, four, five, six, seven, 1542  
eight, nine, or ten years if all of the following criteria are 1543  
met: 1544

(i) The offender is convicted of or pleads guilty to a 1545  
specification of the type described in section 2941.149 of the 1546  
Revised Code that the offender is a repeat violent offender. 1547

(ii) The offender within the preceding twenty years has 1548  
been convicted of or pleaded guilty to three or more offenses 1549  
described in division (CC) (1) of section 2929.01 of the Revised 1550  
Code, including all offenses described in that division of which 1551  
the offender is convicted or to which the offender pleads guilty 1552  
in the current prosecution and all offenses described in that 1553

division of which the offender previously has been convicted or 1554  
to which the offender previously pleaded guilty, whether 1555  
prosecuted together or separately. 1556

(iii) The offense or offenses of which the offender 1557  
currently is convicted or to which the offender currently pleads 1558  
guilty is aggravated murder and the court does not impose a 1559  
sentence of death or life imprisonment without parole, murder, 1560  
terrorism and the court does not impose a sentence of life 1561  
imprisonment without parole, any felony of the first degree that 1562  
is an offense of violence and the court does not impose a 1563  
sentence of life imprisonment without parole, or any felony of 1564  
the second degree that is an offense of violence and the trier 1565  
of fact finds that the offense involved an attempt to cause or a 1566  
threat to cause serious physical harm to a person or resulted in 1567  
serious physical harm to a person. 1568

(c) For purposes of division (B) (2) (b) of this section, 1569  
two or more offenses committed at the same time or as part of 1570  
the same act or event shall be considered one offense, and that 1571  
one offense shall be the offense with the greatest penalty. 1572

(d) A sentence imposed under division (B) (2) (a) or (b) of 1573  
this section shall not be reduced pursuant to section 2929.20, 1574  
section 2967.19, or section 2967.193, or any other provision of 1575  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1576  
shall serve an additional prison term imposed under division (B) 1577  
(2) (a) or (b) of this section consecutively to and prior to the 1578  
prison term imposed for the underlying offense. 1579

(e) When imposing a sentence pursuant to division (B) (2) 1580  
(a) or (b) of this section, the court shall state its findings 1581  
explaining the imposed sentence. 1582

(3) Except when an offender commits a violation of section 1583  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1584  
for the violation is life imprisonment or commits a violation of 1585  
section 2903.02 of the Revised Code, if the offender commits a 1586  
violation of section 2925.03 or 2925.11 of the Revised Code and 1587  
that section classifies the offender as a major drug offender, 1588  
if the offender commits a violation of section 2925.05 of the 1589  
Revised Code and division (E)(1) of that section classifies the 1590  
offender as a major drug offender, if the offender commits a 1591  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1592  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1593  
division (C) or (D) of section 3719.172, division (E) of section 1594  
4729.51, or division (J) of section 4729.54 of the Revised Code 1595  
that includes the sale, offer to sell, or possession of a 1596  
schedule I or II controlled substance, with the exception of 1597  
marihuana, and the court imposing sentence upon the offender 1598  
finds that the offender is guilty of a specification of the type 1599  
described in division (A) of section 2941.1410 of the Revised 1600  
Code charging that the offender is a major drug offender, if the 1601  
court imposing sentence upon an offender for a felony finds that 1602  
the offender is guilty of corrupt activity with the most serious 1603  
offense in the pattern of corrupt activity being a felony of the 1604  
first degree, or if the offender is guilty of an attempted 1605  
violation of section 2907.02 of the Revised Code and, had the 1606  
offender completed the violation of section 2907.02 of the 1607  
Revised Code that was attempted, the offender would have been 1608  
subject to a sentence of life imprisonment or life imprisonment 1609  
without parole for the violation of section 2907.02 of the 1610  
Revised Code, the court shall impose upon the offender for the 1611  
felony violation a mandatory prison term determined as described 1612  
in this division that, subject to divisions (C) to (I) of 1613  
section 2967.19 of the Revised Code, cannot be reduced pursuant 1614

to section 2929.20, section 2967.19, or any other provision of 1615  
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 1616  
term shall be the maximum definite prison term prescribed in 1617  
division (A) (1) (b) of this section for a felony of the first 1618  
degree, except that for offenses for which division (A) (1) (a) of 1619  
this section applies, the mandatory prison term shall be the 1620  
longest minimum prison term prescribed in that division for the 1621  
offense. 1622

(4) If the offender is being sentenced for a third or 1623  
fourth degree felony OVI offense under division (G) (2) of 1624  
section 2929.13 of the Revised Code, the sentencing court shall 1625  
impose upon the offender a mandatory prison term in accordance 1626  
with that division. In addition to the mandatory prison term, if 1627  
the offender is being sentenced for a fourth degree felony OVI 1628  
offense, the court, notwithstanding division (A) (4) of this 1629  
section, may sentence the offender to a definite prison term of 1630  
not less than six months and not more than thirty months, and if 1631  
the offender is being sentenced for a third degree felony OVI 1632  
offense, the sentencing court may sentence the offender to an 1633  
additional prison term of any duration specified in division (A) 1634  
(3) of this section. In either case, the additional prison term 1635  
imposed shall be reduced by the sixty or one hundred twenty days 1636  
imposed upon the offender as the mandatory prison term. The 1637  
total of the additional prison term imposed under division (B) 1638  
(4) of this section plus the sixty or one hundred twenty days 1639  
imposed as the mandatory prison term shall equal a definite term 1640  
in the range of six months to thirty months for a fourth degree 1641  
felony OVI offense and shall equal one of the authorized prison 1642  
terms specified in division (A) (3) of this section for a third 1643  
degree felony OVI offense. If the court imposes an additional 1644  
prison term under division (B) (4) of this section, the offender 1645

shall serve the additional prison term after the offender has 1646  
served the mandatory prison term required for the offense. In 1647  
addition to the mandatory prison term or mandatory and 1648  
additional prison term imposed as described in division (B) (4) 1649  
of this section, the court also may sentence the offender to a 1650  
community control sanction under section 2929.16 or 2929.17 of 1651  
the Revised Code, but the offender shall serve all of the prison 1652  
terms so imposed prior to serving the community control 1653  
sanction. 1654

If the offender is being sentenced for a fourth degree 1655  
felony OVI offense under division (G) (1) of section 2929.13 of 1656  
the Revised Code and the court imposes a mandatory term of local 1657  
incarceration, the court may impose a prison term as described 1658  
in division (A) (1) of that section. 1659

(5) If an offender is convicted of or pleads guilty to a 1660  
violation of division (A) (1) or (2) of section 2903.06 of the 1661  
Revised Code and also is convicted of or pleads guilty to a 1662  
specification of the type described in section 2941.1414 of the 1663  
Revised Code that charges that the victim of the offense is a 1664  
peace officer, as defined in section 2935.01 of the Revised 1665  
Code, or an investigator of the bureau of criminal 1666  
identification and investigation, as defined in section 2903.11 1667  
of the Revised Code, the court shall impose on the offender a 1668  
prison term of five years. If a court imposes a prison term on 1669  
an offender under division (B) (5) of this section, the prison 1670  
term, subject to divisions (C) to (I) of section 2967.19 of the 1671  
Revised Code, shall not be reduced pursuant to section 2929.20, 1672  
section 2967.19, section 2967.193, or any other provision of 1673  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1674  
shall not impose more than one prison term on an offender under 1675  
division (B) (5) of this section for felonies committed as part 1676

of the same act. 1677

(6) If an offender is convicted of or pleads guilty to a 1678  
violation of division (A) (1) or (2) of section 2903.06 of the 1679  
Revised Code and also is convicted of or pleads guilty to a 1680  
specification of the type described in section 2941.1415 of the 1681  
Revised Code that charges that the offender previously has been 1682  
convicted of or pleaded guilty to three or more violations of 1683  
division (A) or (B) of section 4511.19 of the Revised Code or an 1684  
equivalent offense, as defined in section 2941.1415 of the 1685  
Revised Code, or three or more violations of any combination of 1686  
those divisions and offenses, the court shall impose on the 1687  
offender a prison term of three years. If a court imposes a 1688  
prison term on an offender under division (B) (6) of this 1689  
section, the prison term, subject to divisions (C) to (I) of 1690  
section 2967.19 of the Revised Code, shall not be reduced 1691  
pursuant to section 2929.20, section 2967.19, section 2967.193, 1692  
or any other provision of Chapter 2967. or Chapter 5120. of the 1693  
Revised Code. A court shall not impose more than one prison term 1694  
on an offender under division (B) (6) of this section for 1695  
felonies committed as part of the same act. 1696

(7) (a) If an offender is convicted of or pleads guilty to 1697  
a felony violation of section 2905.01, 2905.02, 2907.21, 1698  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1699  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1700  
section 2919.22 of the Revised Code and also is convicted of or 1701  
pleads guilty to a specification of the type described in 1702  
section 2941.1422 of the Revised Code that charges that the 1703  
offender knowingly committed the offense in furtherance of human 1704  
trafficking, the court shall impose on the offender a mandatory 1705  
prison term that is one of the following: 1706

(i) If the offense is a felony of the first degree, a 1707  
definite prison term of not less than five years and not greater 1708  
than eleven years, except that if the offense is a felony of the 1709  
first degree committed on or after the effective date of this 1710  
amendment, the court shall impose as the minimum prison term a 1711  
mandatory term of not less than five years and not greater than 1712  
eleven years; 1713

(ii) If the offense is a felony of the second or third 1714  
degree, a definite prison term of not less than three years and 1715  
not greater than the maximum prison term allowed for the offense 1716  
by division (A) (2) (b) or (3) of this section, except that if the 1717  
offense is a felony of the second degree committed on or after 1718  
the effective date of this amendment, the court shall impose as 1719  
the minimum prison term a mandatory term of not less than three 1720  
years and not greater than eight years; 1721

(iii) If the offense is a felony of the fourth or fifth 1722  
degree, a definite prison term that is the maximum prison term 1723  
allowed for the offense by division (A) of section 2929.14 of 1724  
the Revised Code. 1725

(b) Subject to divisions (C) to (I) of section 2967.19 of 1726  
the Revised Code, the prison term imposed under division (B) (7) 1727  
(a) of this section shall not be reduced pursuant to section 1728  
2929.20, section 2967.19, section 2967.193, or any other 1729  
provision of Chapter 2967. of the Revised Code. A court shall 1730  
not impose more than one prison term on an offender under 1731  
division (B) (7) (a) of this section for felonies committed as 1732  
part of the same act, scheme, or plan. 1733

(8) If an offender is convicted of or pleads guilty to a 1734  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1735  
Revised Code and also is convicted of or pleads guilty to a 1736

specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range prescribed in division (A) of this section as the definite prison term or minimum prison term for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison terms prescribed in division (A) of this section for felonies of the same degree as the violation, except that if the violation is a felony of the first or second degree committed on or after the effective date of this amendment, the court shall impose as the minimum prison term under division (A) (1) (a) or (2) (a) of this section a mandatory term that is one of the terms prescribed in that division, whichever is applicable, for the offense.

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

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

(ii) The violation is a violation of division (A) (2) of

section 2903.11 of the Revised Code and the specification 1767  
charges that the offender used an accelerant in committing the 1768  
violation, that the violation caused physical harm to another or 1769  
to another's unborn, and that the physical harm resulted in a 1770  
permanent, serious disfigurement or permanent, substantial 1771  
incapacity. 1772

(b) If a court imposes a prison term on an offender under 1773  
division (B) (9) (a) of this section, the prison term shall not be 1774  
reduced pursuant to section 2929.20, section 2967.19, section 1775  
2967.193, or any other provision of Chapter 2967. or Chapter 1776  
5120. of the Revised Code. A court shall not impose more than 1777  
one prison term on an offender under division (B) (9) of this 1778  
section for felonies committed as part of the same act. 1779

(c) The provisions of divisions (B) (9) and (C) (6) of this 1780  
section and of division (D) (2) of section 2903.11, division (F) 1781  
(20) of section 2929.13, and section 2941.1425 of the Revised 1782  
Code shall be known as "Judy's Law." 1783

(10) If an offender is convicted of or pleads guilty to a 1784  
violation of division (A) of section 2903.11 of the Revised Code 1785  
and also is convicted of or pleads guilty to a specification of 1786  
the type described in section 2941.1426 of the Revised Code that 1787  
charges that the victim of the offense suffered permanent 1788  
disabling harm as a result of the offense and that the victim 1789  
was under ten years of age at the time of the offense, 1790  
regardless of whether the offender knew the age of the victim, 1791  
the court shall impose upon the offender an additional definite 1792  
prison term of six years. A prison term imposed on an offender 1793  
under division (B) (10) of this section shall not be reduced 1794  
pursuant to section 2929.20, section 2967.193, or any other 1795  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1796

If a court imposes an additional prison term on an offender 1797  
under this division relative to a violation of division (A) of 1798  
section 2903.11 of the Revised Code, the court shall not impose 1799  
any other additional prison term on the offender relative to the 1800  
same offense. 1801

(11) If an offender is convicted of or pleads guilty to a 1802  
felony violation of section 2925.03 or 2925.05 of the Revised 1803  
Code or a felony violation of section 2925.11 of the Revised 1804  
Code for which division (C) (11) of that section applies in 1805  
determining the sentence for the violation, if the drug involved 1806  
in the violation is a fentanyl-related compound or a compound, 1807  
mixture, preparation, or substance containing a fentanyl-related 1808  
compound, and if the offender also is convicted of or pleads 1809  
guilty to a specification of the type described in division (B) 1810  
of section 2941.1410 of the Revised Code that charges that the 1811  
offender is a major drug offender, in addition to any other 1812  
penalty imposed for the violation, the court shall impose on the 1813  
offender a mandatory prison term of three, four, five, six, 1814  
seven, or eight years. If a court imposes a prison term on an 1815  
offender under division (B) (11) of this section, the prison 1816  
term, subject to divisions (C) to (I) of section 2967.19 of the 1817  
Revised Code, shall not be reduced pursuant to section 2929.20, 1818  
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1819  
5120. of the Revised Code. A court shall not impose more than 1820  
one prison term on an offender under division (B) (11) of this 1821  
section for felonies committed as part of the same act. 1822

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1823  
if a mandatory prison term is imposed upon an offender pursuant 1824  
to division (B) (1) (a) of this section for having a firearm on or 1825  
about the offender's person or under the offender's control 1826  
while committing a felony, if a mandatory prison term is imposed 1827

upon an offender pursuant to division (B) (1) (c) of this section 1828  
for committing a felony specified in that division by 1829  
discharging a firearm from a motor vehicle, or if both types of 1830  
mandatory prison terms are imposed, the offender shall serve any 1831  
mandatory prison term imposed under either division 1832  
consecutively to any other mandatory prison term imposed under 1833  
either division or under division (B) (1) (d) of this section, 1834  
consecutively to and prior to any prison term imposed for the 1835  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1836  
this section or any other section of the Revised Code, and 1837  
consecutively to any other prison term or mandatory prison term 1838  
previously or subsequently imposed upon the offender. 1839

(b) If a mandatory prison term is imposed upon an offender 1840  
pursuant to division (B) (1) (d) of this section for wearing or 1841  
carrying body armor while committing an offense of violence that 1842  
is a felony, the offender shall serve the mandatory term so 1843  
imposed consecutively to any other mandatory prison term imposed 1844  
under that division or under division (B) (1) (a) or (c) of this 1845  
section, consecutively to and prior to any prison term imposed 1846  
for the underlying felony under division (A), (B) (2), or (B) (3) 1847  
of this section or any other section of the Revised Code, and 1848  
consecutively to any other prison term or mandatory prison term 1849  
previously or subsequently imposed upon the offender. 1850

(c) If a mandatory prison term is imposed upon an offender 1851  
pursuant to division (B) (1) (f) of this section, the offender 1852  
shall serve the mandatory prison term so imposed consecutively 1853  
to and prior to any prison term imposed for the underlying 1854  
felony under division (A), (B) (2), or (B) (3) of this section or 1855  
any other section of the Revised Code, and consecutively to any 1856  
other prison term or mandatory prison term previously or 1857  
subsequently imposed upon the offender. 1858

(d) If a mandatory prison term is imposed upon an offender 1859  
pursuant to division (B) (7) or (8) of this section, the offender 1860  
shall serve the mandatory prison term so imposed consecutively 1861  
to any other mandatory prison term imposed under that division 1862  
or under any other provision of law and consecutively to any 1863  
other prison term or mandatory prison term previously or 1864  
subsequently imposed upon the offender. 1865

(e) If a mandatory prison term is imposed upon an offender 1866  
pursuant to division (B) (11) of this section, the offender shall 1867  
serve the mandatory prison term consecutively to any other 1868  
mandatory prison term imposed under that division, consecutively 1869  
to and prior to any prison term imposed for the underlying 1870  
felony, and consecutively to any other prison term or mandatory 1871  
prison term previously or subsequently imposed upon the 1872  
offender. 1873

(2) If an offender who is an inmate in a jail, prison, or 1874  
other residential detention facility violates section 2917.02, 1875  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1876  
(2) of section 2921.34 of the Revised Code, if an offender who 1877  
is under detention at a detention facility commits a felony 1878  
violation of section 2923.131 of the Revised Code, or if an 1879  
offender who is an inmate in a jail, prison, or other 1880  
residential detention facility or is under detention at a 1881  
detention facility commits another felony while the offender is 1882  
an escapee in violation of division (A) (1) or (2) of section 1883  
2921.34 of the Revised Code, any prison term imposed upon the 1884  
offender for one of those violations shall be served by the 1885  
offender consecutively to the prison term or term of 1886  
imprisonment the offender was serving when the offender 1887  
committed that offense and to any other prison term previously 1888  
or subsequently imposed upon the offender. 1889

(3) If a prison term is imposed for a violation of 1890  
division (B) of section 2911.01 of the Revised Code, a violation 1891  
of division (A) of section 2913.02 of the Revised Code in which 1892  
the stolen property is a firearm or dangerous ordnance, or a 1893  
felony violation of division (B) of section 2921.331 of the 1894  
Revised Code, the offender shall serve that prison term 1895  
consecutively to any other prison term or mandatory prison term 1896  
previously or subsequently imposed upon the offender. 1897

(4) If multiple prison terms are imposed on an offender 1898  
for convictions of multiple offenses, the court may require the 1899  
offender to serve the prison terms consecutively if the court 1900  
finds that the consecutive service is necessary to protect the 1901  
public from future crime or to punish the offender and that 1902  
consecutive sentences are not disproportionate to the 1903  
seriousness of the offender's conduct and to the danger the 1904  
offender poses to the public, and if the court also finds any of 1905  
the following: 1906

(a) The offender committed one or more of the multiple 1907  
offenses while the offender was awaiting trial or sentencing, 1908  
was under a sanction imposed pursuant to section 2929.16, 1909  
2929.17, or 2929.18 of the Revised Code, or was under post- 1910  
release control for a prior offense. 1911

(b) At least two of the multiple offenses were committed 1912  
as part of one or more courses of conduct, and the harm caused 1913  
by two or more of the multiple offenses so committed was so 1914  
great or unusual that no single prison term for any of the 1915  
offenses committed as part of any of the courses of conduct 1916  
adequately reflects the seriousness of the offender's conduct. 1917

(c) The offender's history of criminal conduct 1918  
demonstrates that consecutive sentences are necessary to protect 1919

the public from future crime by the offender. 1920

(5) If a mandatory prison term is imposed upon an offender 1921  
pursuant to division (B) (5) or (6) of this section, the offender 1922  
shall serve the mandatory prison term consecutively to and prior 1923  
to any prison term imposed for the underlying violation of 1924  
division (A) (1) or (2) of section 2903.06 of the Revised Code 1925  
pursuant to division (A) of this section or section 2929.142 of 1926  
the Revised Code. If a mandatory prison term is imposed upon an 1927  
offender pursuant to division (B) (5) of this section, and if a 1928  
mandatory prison term also is imposed upon the offender pursuant 1929  
to division (B) (6) of this section in relation to the same 1930  
violation, the offender shall serve the mandatory prison term 1931  
imposed pursuant to division (B) (5) of this section 1932  
consecutively to and prior to the mandatory prison term imposed 1933  
pursuant to division (B) (6) of this section and consecutively to 1934  
and prior to any prison term imposed for the underlying 1935  
violation of division (A) (1) or (2) of section 2903.06 of the 1936  
Revised Code pursuant to division (A) of this section or section 1937  
2929.142 of the Revised Code. 1938

(6) If a mandatory prison term is imposed on an offender 1939  
pursuant to division (B) (9) of this section, the offender shall 1940  
serve the mandatory prison term consecutively to and prior to 1941  
any prison term imposed for the underlying violation of division 1942  
(A) (1) or (2) of section 2903.11 of the Revised Code and 1943  
consecutively to and prior to any other prison term or mandatory 1944  
prison term previously or subsequently imposed on the offender. 1945

(7) If a mandatory prison term is imposed on an offender 1946  
pursuant to division (B) (10) of this section, the offender shall 1947  
serve that mandatory prison term consecutively to and prior to 1948  
any prison term imposed for the underlying felonious assault. 1949

Except as otherwise provided in division (C) of this section, 1950  
any other prison term or mandatory prison term previously or 1951  
subsequently imposed upon the offender may be served 1952  
concurrently with, or consecutively to, the prison term imposed 1953  
pursuant to division (B)(10) of this section. 1954

(8) Any prison term imposed for a violation of section 1955  
2903.04 of the Revised Code that is based on a violation of 1956  
section 2925.03 or 2925.11 of the Revised Code or on a violation 1957  
of section 2925.05 of the Revised Code that is not funding of 1958  
marihuana trafficking shall run consecutively to any prison term 1959  
imposed for the violation of section 2925.03 or 2925.11 of the 1960  
Revised Code or for the violation of section 2925.05 of the 1961  
Revised Code that is not funding of marihuana trafficking. 1962

(9) When consecutive prison terms are imposed pursuant to 1963  
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 1964  
division (H)(1) or (2) of this section, subject to division (C) 1965  
(10) of this section, the term to be served is the aggregate of 1966  
all of the terms so imposed. 1967

(10) When a court sentences an offender to a non-life 1968  
felony indefinite prison term, any definite prison term or 1969  
mandatory definite prison term previously or subsequently 1970  
imposed on the offender in addition to that indefinite sentence 1971  
that is required to be served consecutively to that indefinite 1972  
sentence shall be served prior to the indefinite sentence. 1973

(11) If a court is sentencing an offender for a felony of 1974  
the first or second degree, if division (A)(1)(a) or (2)(a) of 1975  
this section applies with respect to the sentencing for the 1976  
offense, and if the court is required under the Revised Code 1977  
section that sets forth the offense or any other Revised Code 1978  
provision to impose a mandatory prison term for the offense, the 1979

court shall impose the required mandatory prison term as the 1980  
minimum term imposed under division (A) (1) (a) or (2) (a) of this 1981  
section, whichever is applicable. 1982

(D) (1) If a court imposes a prison term, other than a term 1983  
of life imprisonment, for a felony of the first degree, for a 1984  
felony of the second degree, for a felony sex offense, or for a 1985  
felony of the third degree that is an offense of violence and 1986  
that is not a felony sex offense, it shall include in the 1987  
sentence a requirement that the offender be subject to a period 1988  
of post-release control after the offender's release from 1989  
imprisonment, in accordance with section 2967.28 of the Revised 1990  
Code. If a court imposes a sentence including a prison term of a 1991  
type described in this division on or after July 11, 2006, the 1992  
failure of a court to include a post-release control requirement 1993  
in the sentence pursuant to this division does not negate, 1994  
limit, or otherwise affect the mandatory period of post-release 1995  
control that is required for the offender under division (B) of 1996  
section 2967.28 of the Revised Code. Section 2929.191 of the 1997  
Revised Code applies if, prior to July 11, 2006, a court imposed 1998  
a sentence including a prison term of a type described in this 1999  
division and failed to include in the sentence pursuant to this 2000  
division a statement regarding post-release control. 2001

(2) If a court imposes a prison term for a felony of the 2002  
third, fourth, or fifth degree that is not subject to division 2003  
(D) (1) of this section, it shall include in the sentence a 2004  
requirement that the offender be subject to a period of post- 2005  
release control after the offender's release from imprisonment, 2006  
in accordance with that division, if the parole board determines 2007  
that a period of post-release control is necessary. Section 2008  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 2009  
a court imposed a sentence including a prison term of a type 2010

described in this division and failed to include in the sentence 2011  
pursuant to this division a statement regarding post-release 2012  
control. 2013

(E) The court shall impose sentence upon the offender in 2014  
accordance with section 2971.03 of the Revised Code, and Chapter 2015  
2971. of the Revised Code applies regarding the prison term or 2016  
term of life imprisonment without parole imposed upon the 2017  
offender and the service of that term of imprisonment if any of 2018  
the following apply: 2019

(1) A person is convicted of or pleads guilty to a violent 2020  
sex offense or a designated homicide, assault, or kidnapping 2021  
offense, and, in relation to that offense, the offender is 2022  
adjudicated a sexually violent predator. 2023

(2) A person is convicted of or pleads guilty to a 2024  
violation of division (A) (1) (b) of section 2907.02 of the 2025  
Revised Code committed on or after January 2, 2007, and either 2026  
the court does not impose a sentence of life without parole when 2027  
authorized pursuant to division (B) of section 2907.02 of the 2028  
Revised Code, or division (B) of section 2907.02 of the Revised 2029  
Code provides that the court shall not sentence the offender 2030  
pursuant to section 2971.03 of the Revised Code. 2031

(3) A person is convicted of or pleads guilty to attempted 2032  
rape committed on or after January 2, 2007, and a specification 2033  
of the type described in section 2941.1418, 2941.1419, or 2034  
2941.1420 of the Revised Code. 2035

(4) A person is convicted of or pleads guilty to a 2036  
violation of section 2905.01 of the Revised Code committed on or 2037  
after January 1, 2008, and that section requires the court to 2038  
sentence the offender pursuant to section 2971.03 of the Revised 2039

Code. 2040

(5) A person is convicted of or pleads guilty to 2041  
aggravated murder committed on or after January 1, 2008, and 2042  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 2043  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 2044  
(d) of section 2929.03, or division (A) or (B) of section 2045  
2929.06 of the Revised Code requires the court to sentence the 2046  
offender pursuant to division (B) (3) of section 2971.03 of the 2047  
Revised Code. 2048

(6) A person is convicted of or pleads guilty to murder 2049  
committed on or after January 1, 2008, and division (B) (2) of 2050  
section 2929.02 of the Revised Code requires the court to 2051  
sentence the offender pursuant to section 2971.03 of the Revised 2052  
Code. 2053

(F) If a person who has been convicted of or pleaded 2054  
guilty to a felony is sentenced to a prison term or term of 2055  
imprisonment under this section, sections 2929.02 to 2929.06 of 2056  
the Revised Code, section 2929.142 of the Revised Code, section 2057  
2971.03 of the Revised Code, or any other provision of law, 2058  
section 5120.163 of the Revised Code applies regarding the 2059  
person while the person is confined in a state correctional 2060  
institution. 2061

(G) If an offender who is convicted of or pleads guilty to 2062  
a felony that is an offense of violence also is convicted of or 2063  
pleads guilty to a specification of the type described in 2064  
section 2941.142 of the Revised Code that charges the offender 2065  
with having committed the felony while participating in a 2066  
criminal gang, the court shall impose upon the offender an 2067  
additional prison term of one, two, or three years. 2068

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

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

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

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

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

impose on the offender a sanction that requires the offender to 2099  
wear a real-time processing, continual tracking electronic 2100  
monitoring device during the period of time specified by the 2101  
court. The period of time specified by the court shall equal the 2102  
duration of an additional prison term that the court could have 2103  
imposed upon the offender under division (H) (2) (a) of this 2104  
section. A sanction imposed under this division shall commence 2105  
on the date specified by the court, provided that the sanction 2106  
shall not commence until after the offender has served the 2107  
prison term imposed for the felony violation of section 2907.22, 2108  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 2109  
residential sanction imposed for the violation under section 2110  
2929.16 of the Revised Code. A sanction imposed under this 2111  
division shall be considered to be a community control sanction 2112  
for purposes of section 2929.15 of the Revised Code, and all 2113  
provisions of the Revised Code that pertain to community control 2114  
sanctions shall apply to a sanction imposed under this division, 2115  
except to the extent that they would by their nature be clearly 2116  
inapplicable. The offender shall pay all costs associated with a 2117  
sanction imposed under this division, including the cost of the 2118  
use of the monitoring device. 2119

(I) At the time of sentencing, the court may recommend the 2120  
offender for placement in a program of shock incarceration under 2121  
section 5120.031 of the Revised Code or for placement in an 2122  
intensive program prison under section 5120.032 of the Revised 2123  
Code, disapprove placement of the offender in a program of shock 2124  
incarceration or an intensive program prison of that nature, or 2125  
make no recommendation on placement of the offender. In no case 2126  
shall the department of rehabilitation and correction place the 2127  
offender in a program or prison of that nature unless the 2128  
department determines as specified in section 5120.031 or 2129

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

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

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

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

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

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

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

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

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

**Sec. 2929.22.** (A) Unless a mandatory jail term is required 2190  
to be imposed by division (G) of section 1547.99, division (B) 2191  
of section 4510.14, division (G) of section 4511.19 of the 2192  
Revised Code, or any other provision of the Revised Code a court 2193  
that imposes a sentence under this chapter upon an offender for 2194  
a misdemeanor or minor misdemeanor has discretion to determine 2195  
the most effective way to achieve the purposes and principles of 2196  
sentencing set forth in section 2929.21 of the Revised Code. 2197

Unless a specific sanction is required to be imposed or is 2198  
precluded from being imposed by the section setting forth an 2199  
offense or the penalty for an offense or by any provision of 2200  
sections 2929.23 to 2929.28 of the Revised Code, a court that 2201  
imposes a sentence upon an offender for a misdemeanor may impose 2202  
on the offender any sanction or combination of sanctions under 2203  
sections 2929.24 to 2929.28 of the Revised Code. The court shall 2204  
not impose a sentence that imposes an unnecessary burden on 2205  
local government resources. 2206

(B) (1) In determining the appropriate sentence for a 2207  
misdemeanor, the court shall consider all of the following 2208  
factors: 2209

(a) The nature and circumstances of the offense or 2210  
offenses; 2211

(b) Whether the circumstances regarding the offender and 2212  
the offense or offenses indicate that the offender has a history 2213  
of persistent criminal activity and that the offender's 2214  
character and condition reveal a substantial risk that the 2215  
offender will commit another offense; 2216

(c) Whether the circumstances regarding the offender and 2217  
the offense or offenses indicate that the offender's history, 2218

character, and condition reveal a substantial risk that the 2219  
offender will be a danger to others and that the offender's 2220  
conduct has been characterized by a pattern of repetitive, 2221  
compulsive, or aggressive behavior with heedless indifference to 2222  
the consequences; 2223

(d) Whether the victim's youth, age, disability, or other 2224  
factor made the victim particularly vulnerable to the offense or 2225  
made the impact of the offense more serious; 2226

(e) Whether the offender is likely to commit future crimes 2227  
in general, in addition to the circumstances described in 2228  
divisions (B) (1) (b) and (c) of this section; 2229

(f) Whether the offender has an emotional, mental, or 2230  
physical condition that is traceable to the offender's service 2231  
in the armed forces of the United States and that was a 2232  
contributing factor in the offender's commission of the offense 2233  
or offenses; 2234

(g) The offender's military service record; 2235

(h) The results of any screening conducted in the case 2236  
under division (A) (2) (e) of section 2935.032 of the Revised 2237  
Code, if any such results are available. 2238

(2) In determining the appropriate sentence for a 2239  
misdemeanor, in addition to complying with division (B) (1) of 2240  
this section, the court may consider any other factors that are 2241  
relevant to achieving the purposes and principles of sentencing 2242  
set forth in section 2929.21 of the Revised Code. 2243

(C) Before imposing a jail term as a sentence for a 2244  
misdemeanor, a court shall consider the appropriateness of 2245  
imposing a community control sanction or a combination of 2246  
community control sanctions under sections 2929.25, 2929.26, 2247

2929.27, and 2929.28 of the Revised Code. A court may impose the 2248  
longest jail term authorized under section 2929.24 of the 2249  
Revised Code only upon offenders who commit the worst forms of 2250  
the offense or upon offenders whose conduct and response to 2251  
prior sanctions for prior offenses demonstrate that the 2252  
imposition of the longest jail term is necessary to deter the 2253  
offender from committing a future crime. 2254

(D) (1) A sentencing court shall consider any relevant oral 2255  
or written statement made by the victim, the defendant, the 2256  
defense attorney, or the prosecuting authority regarding 2257  
sentencing for a misdemeanor. This division does not create any 2258  
rights to notice other than those rights authorized by Chapter 2259  
2930. of the Revised Code. 2260

(2) At the time of sentencing for a misdemeanor or as soon 2261  
as possible after sentencing, the court shall notify the victim 2262  
of the offense of the victim's right to file an application for 2263  
an award of reparations pursuant to sections 2743.51 to 2743.72 2264  
of the Revised Code. 2265

**Sec. 2935.032.** (A) Not later than ninety days after ~~the~~ 2266  
~~effective date of this amendment~~ October 21, 1997, each agency, 2267  
instrumentality, or political subdivision that is served by any 2268  
peace officer described in division ~~(B) (1)~~ (A) of section 2269  
2935.03 of the Revised Code shall adopt, in accordance with 2270  
division (E) of this section, written policies, written 2271  
procedures implementing the policies, and other written 2272  
procedures for the peace officers who serve it to follow in 2273  
implementing division (B) (3) of section 2935.03 of the Revised 2274  
Code and for their appropriate response to each report of an 2275  
alleged incident of the offense of domestic violence or an 2276  
alleged incident of the offense of violating a protection order. 2277

The policies and procedures shall conform to and be consistent 2278  
with the provisions of divisions (B)(1) and (B)(3) of section 2279  
2935.03 of the Revised Code and divisions (B) to (D) of this 2280  
section. Each policy adopted under this division shall include, 2281  
but not be limited to, all of the following: 2282

(1) Provisions specifying that, if a peace officer who 2283  
serves the agency, instrumentality, or political subdivision 2284  
responds to an alleged incident of the offense of domestic 2285  
violence, an alleged incident of the offense of violating a 2286  
protection order, or an alleged incident of any other offense, 2287  
both of the following apply: 2288

(a) If the officer determines that there are reasonable 2289  
grounds to believe that a person knowingly caused serious 2290  
physical harm to another or to another's unborn or knowingly 2291  
caused or attempted to cause physical harm to another or to 2292  
another's unborn by means of a deadly weapon or dangerous 2293  
ordnance, then, regardless of whether the victim of the offense 2294  
was a family or household member of the offender, the officer 2295  
shall treat the incident as felonious assault, shall consider 2296  
the offender to have committed and the victim to have been the 2297  
victim of felonious assault, shall consider the offense that was 2298  
committed to have been felonious assault in determining the 2299  
manner in which the offender should be treated, and shall comply 2300  
with whichever of the following is applicable: 2301

(i) Unless the officer has reasonable cause to believe 2302  
that, during the incident, the offender who committed the 2303  
felonious assault and one or more other persons committed 2304  
offenses against each other, the officer shall arrest the 2305  
offender who committed the felonious assault pursuant to section 2306  
2935.03 of the Revised Code and shall detain that offender 2307

pursuant to that section until a warrant can be obtained, and 2308  
the arrest shall be for felonious assault. 2309

(ii) If the officer has reasonable cause to believe that, 2310  
during the incident, the offender who committed the felonious 2311  
assault and one or more other persons committed offenses against 2312  
each other, the officer shall determine in accordance with 2313  
division (B) (3) (d) of section 2935.03 of the Revised Code which 2314  
of those persons is the primary physical aggressor. If the 2315  
offender who committed the felonious assault is the primary 2316  
physical aggressor, the officer shall arrest that offender for 2317  
felonious assault pursuant to section 2935.03 of the Revised 2318  
Code and shall detain that offender pursuant to that section 2319  
until a warrant can be obtained, and the officer is not required 2320  
to arrest but may arrest pursuant to section 2935.03 of the 2321  
Revised Code any other person who committed an offense but who 2322  
is not the primary physical aggressor. If the offender who 2323  
committed the felonious assault is not the primary physical 2324  
aggressor, the officer is not required to arrest that offender 2325  
or any other person who committed an offense during the incident 2326  
but may arrest any of them pursuant to section 2935.03 of the 2327  
Revised Code and detain them pursuant to that section until a 2328  
warrant can be obtained. 2329

(b) If the officer determines that there are reasonable 2330  
grounds to believe that a person, while under the influence of 2331  
sudden passion or in a sudden fit of rage, either of which is 2332  
brought on by serious provocation occasioned by the victim that 2333  
is reasonably sufficient to incite the person into using deadly 2334  
force, knowingly caused serious physical harm to another or to 2335  
another's unborn or knowingly caused or attempted to cause 2336  
physical harm to another or to another's unborn by means of a 2337  
deadly weapon or dangerous ordnance, then, regardless of whether 2338

the victim of the offense was a family or household member of 2339  
the offender, the officer shall treat the incident as aggravated 2340  
assault, shall consider the offender to have committed and the 2341  
victim to have been the victim of aggravated assault, shall 2342  
consider the offense that was committed to have been aggravated 2343  
assault in determining the manner in which the offender should 2344  
be treated, and shall comply with whichever of the following is 2345  
applicable: 2346

(i) Unless the officer has reasonable cause to believe 2347  
that, during the incident, the offender who committed the 2348  
aggravated assault and one or more other persons committed 2349  
offenses against each other, the officer shall arrest the 2350  
offender who committed the aggravated assault pursuant to 2351  
section 2935.03 of the Revised Code and shall detain that 2352  
offender pursuant to that section until a warrant can be 2353  
obtained, and the arrest shall be for aggravated assault. 2354

(ii) If the officer has reasonable cause to believe that, 2355  
during the incident, the offender who committed the aggravated 2356  
assault and one or more other persons committed offenses against 2357  
each other, the officer shall determine in accordance with 2358  
division (B) (3) (d) of section 2935.03 of the Revised Code which 2359  
of those persons is the primary physical aggressor. If the 2360  
offender who committed the aggravated assault is the primary 2361  
physical aggressor, the officer shall arrest that offender for 2362  
aggravated assault pursuant to section 2935.03 of the Revised 2363  
Code and shall detain that offender pursuant to that section 2364  
until a warrant can be obtained, and the officer is not required 2365  
to arrest but may arrest pursuant to section 2935.03 of the 2366  
Revised Code any other person who committed an offense but who 2367  
is not the primary physical aggressor. If the offender who 2368  
committed the aggravated assault is not the primary physical 2369

aggressor, the officer is not required to arrest that offender 2370  
or any other person who committed an offense during the incident 2371  
but may arrest any of them pursuant to section 2935.03 of the 2372  
Revised Code and detain them pursuant to that section until a 2373  
warrant can be obtained. 2374

(2) Provisions requiring the peace officers who serve the 2375  
agency, instrumentality, or political subdivision to do all of 2376  
the following: 2377

(a) Respond without undue delay to a report of an alleged 2378  
incident of the offense of domestic violence or the offense of 2379  
violating a protection order; 2380

(b) If the alleged offender has been granted pretrial 2381  
release from custody on a prior charge of the offense of 2382  
domestic violence or the offense of violating a protection order 2383  
and has violated one or more conditions of that pretrial 2384  
release, document the facts and circumstances of the violation 2385  
in the report to the law enforcement agency that the peace 2386  
officer makes pursuant to division (D) of this section; 2387

(c) Separate the victim of the offense of domestic 2388  
violence or the offense of violating a protection order and the 2389  
alleged offender, conduct separate interviews with the victim 2390  
and the alleged offender in separate locations, and take a 2391  
written statement from the victim that indicates the frequency 2392  
and severity of any prior incidents of physical abuse of the 2393  
victim by the alleged offender, the number of times the victim 2394  
has called peace officers for assistance, and the disposition of 2395  
those calls, if known; 2396

(d) Comply with divisions (B) (1) and (B) (3) of section 2397  
2935.03 of the Revised Code and with divisions (B), (C), and (D) 2398

of this section;	2399
<u>(e) Screen the victim of the offense of domestic violence</u>	2400
<u>or the offense of violating a protection order using an</u>	2401
<u>evidence-based lethality assessment screening tool adopted under</u>	2402
<u>section 2935.033 of the Revised Code to determine if the case</u>	2403
<u>should be referred to local or regional domestic violence</u>	2404
<u>advocacy services, as required under section 2935.033 of the</u>	2405
<u>Revised Code;</u>	2406
<u>(f) Submit the results of a screening conducted under</u>	2407
<u>division (A) (2) (e) of this section to the court and prosecuting</u>	2408
<u>attorney having jurisdiction over any criminal complaint filed</u>	2409
<u>in connection with the offense when the investigative file,</u>	2410
<u>police report, and other information in that case is sent to the</u>	2411
<u>court and the prosecutor.</u>	2412
(3) Sanctions to be imposed upon a peace officer who	2413
serves the agency, instrumentality, or political subdivision and	2414
who fails to comply with any provision in the policy or with	2415
division (B) (1) or (B) (3) of section 2935.03 of the Revised Code	2416
or division (B), (C), or (D) of this section.	2417
(4) Examples of reasons that a peace officer may consider	2418
for not arresting and detaining until a warrant can be obtained	2419
a person who allegedly committed the offense of domestic	2420
violence or the offense of violating a protection order when it	2421
is the preferred course of action in this state that the officer	2422
arrest the alleged offender, as described in division (B) (3) (b)	2423
of section 2935.03 of the Revised Code.	2424
(B) (1) Nothing in this section or in division (B) (1) or	2425
(B) (3) of section 2935.03 of the Revised Code precludes an	2426
agency, instrumentality, or political subdivision that is served	2427

by any peace officer described in division ~~(B) (1)~~ (A) of section 2428  
2935.03 of the Revised Code from including in the policy it 2429  
adopts under division (A) of this section either of the 2430  
following types of provisions: 2431

(a) A provision that requires the peace officers who serve 2432  
it, if they have reasonable grounds to believe that the offense 2433  
of domestic violence or the offense of violating a protection 2434  
order has been committed within the limits of the jurisdiction 2435  
of the agency, instrumentality, or political subdivision and 2436  
reasonable cause to believe that a particular person committed 2437  
the offense, to arrest the alleged offender; 2438

(b) A provision that does not require the peace officers 2439  
who serve it, if they have reasonable grounds to believe that 2440  
the offense of domestic violence or the offense of violating a 2441  
protection order has been committed within the limits of the 2442  
jurisdiction of the agency, instrumentality, or political 2443  
subdivision and reasonable cause to believe that a particular 2444  
person committed the offense, to arrest the alleged offender, 2445  
but that grants the officers less discretion in those 2446  
circumstances in deciding whether to arrest the alleged offender 2447  
than peace officers are granted by divisions (B) (1) and (B) (3) 2448  
of section 2935.03 of the Revised Code. 2449

(2) If an agency, instrumentality, or political 2450  
subdivision that is served by any peace officer described in 2451  
division ~~(B) (1)~~ (A) of section 2935.03 of the Revised Code 2452  
includes in the policy it adopts under division (A) of this 2453  
section a provision of the type described in division (B) (1) (a) 2454  
or (b) of this section, the peace officers who serve the agency, 2455  
instrumentality, or political subdivision shall comply with the 2456  
provision in making arrests authorized under division (B) (1) of 2457

section 2935.03 of the Revised Code. 2458

(C) When a peace officer described in division ~~(B)(1)~~ (A) 2459  
of section 2935.03 of the Revised Code investigates a report of 2460  
an alleged incident of the offense of domestic violence or an 2461  
alleged incident of the offense of violating a protection order, 2462  
the officer shall do all of the following: 2463

(1) Complete a domestic violence report in accordance with 2464  
division (D) of this section; 2465

(2) Advise the victim of the availability of a temporary 2466  
protection order pursuant to section 2919.26 of the Revised 2467  
Code, an emergency protection order pursuant to section 2919.261 2468  
of the Revised Code, or a protection order or consent agreement 2469  
pursuant to section 3113.31 of the Revised Code; 2470

(3) Give the victim the officer's name, the officer's 2471  
badge number if the officer has a badge and the badge has a 2472  
number, the report number for the incident if a report number is 2473  
available at the time of the officer's investigation, a 2474  
telephone number that the victim can call for information about 2475  
the case, the telephone number of a domestic violence shelter in 2476  
the area, and information on any local victim advocate program. 2477

(D) A peace officer who investigates a report of an 2478  
alleged incident of the offense of domestic violence or an 2479  
alleged incident of the offense of violating a protection order 2480  
shall make a written report of the incident whether or not an 2481  
arrest is made. The report shall document the officer's 2482  
observations of the victim and the alleged offender, any visible 2483  
injuries of the victim or alleged offender, any weapons at the 2484  
scene, the actions of the alleged offender, any statements made 2485  
by the victim or witnesses, and any other significant facts or 2486

circumstances. If the officer does not arrest and detain until a warrant can be obtained a person who allegedly committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B) (3) (b) of section 2935.03 of the Revised Code that the alleged offender be arrested, the officer must articulate in the report a clear statement of the officer's reasons for not arresting and detaining that alleged offender until a warrant can be obtained. The officer shall submit the written report to the law enforcement agency to which the officer has been appointed, employed, or elected.

(E) Each agency, instrumentality, or political subdivision that is required to adopt policies and procedures under division (A) of this section shall adopt those policies and procedures in conjunction and consultation with shelters in the community for victims of domestic violence and private organizations, law enforcement agencies, and other public agencies in the community that have expertise in the recognition and handling of domestic violence cases.

(F) To the extent described in and in accordance with section 9.86 or 2744.03 of the Revised Code, a peace officer who arrests an offender for the offense of violating a protection order with respect to a protection order or consent agreement of this state or another state that on its face is valid is immune from liability in a civil action for damages for injury, death, or loss to person or property that allegedly was caused by or related to the arrest.

(G) Each agency, instrumentality, or political subdivision described in division (A) of this section that arrests an offender for an alleged incident of the offense of domestic

violence or an alleged incident of the offense of violating a protection order shall consider referring the case to federal authorities for prosecution under 18 U.S.C. 2261 if the incident constitutes a violation of federal law.

(H) As used in this section:

(1) "Another's unborn" has the same meaning as in section 2903.09 of the Revised Code.

(2) "Dangerous ordnance" and "deadly weapon" have the same meanings as in section 2923.11 of the Revised Code.

(3) "The offense of violating a protection order" includes the former offense of violating a protection order or consent agreement or anti-stalking protection order as set forth in section 2919.27 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ October 21, 1997.

Sec. 2935.033. (A) As used in this section, "lethality assessment screening tool" means a lethality assessment screening tool included in the list of validated and evidence-based lethality assessment screening tools by the attorney general pursuant to division (C) of section 109.744 of the Revised Code.

(B) Not later than ninety days after the effective date of this section, the chief law enforcement officer of each agency, instrumentality, or political subdivision that is served by any peace officer described in division (A) of section 2935.03 of the Revised Code shall identify local and regional domestic violence advocacy services to which individuals experiencing domestic violence or violation of a protection order and determined to be high risk may be referred.

(C) Each law enforcement agency, instrumentality, or

political subdivision that is served by any peace officer 2546  
described in division (A) of section 2935.03 of the Revised Code 2547  
shall adopt written policies, written procedures implementing 2548  
the policies, and any other necessary written procedures for the 2549  
peace officers who serve the agency, instrumentality, or 2550  
political subdivision to follow in screening alleged incidents 2551  
of the offense of domestic violence and alleged incidents of the 2552  
offense of violating a protection order for referral to local or 2553  
regional domestic violence advocacy services. The policies and 2554  
procedures shall include all of the following: 2555

(1) A requirement that peace officers who serve the 2556  
agency, instrumentality, or political subdivision automatically 2557  
refer any case of domestic violence that involves an allegation 2558  
of strangulation to local or regional domestic violence advocacy 2559  
services and provide the victim of an alleged strangulation with 2560  
the following warning: 2561

"I have a duty to warn you that strangulation is serious 2562  
and can cause internal injuries, brain damage, and delayed 2563  
health consequences such as strokes, thyroid issues, 2564  
miscarriage, and death. Research shows that if you are strangled 2565  
one time, you are more likely to be killed by your partner. I 2566  
strongly encourage you to seek immediate medical attention at an 2567  
emergency department and to ask for support from an advocate." 2568

(2) A lethality assessment screening tool, selected by the 2569  
law enforcement agency, instrumentality, or political 2570  
subdivision from those qualified by the attorney general under 2571  
division (C) of section 109.774 of the Revised Code, to be used 2572  
by peace officers to screen victims of alleged incidents of 2573  
domestic violence and alleged incidents of violating a 2574  
protection order for referral to local or regional domestic 2575

<u>violence advocacy services;</u>	2576
<u>(3) Procedures for connecting high risk victims to</u>	2577
<u>domestic violence advocacy programs, community and faith-based</u>	2578
<u>programs, nonprofit mental health programs, and other programs</u>	2579
<u>that may be able to assist high risk victims;</u>	2580
<u>(4) Procedures for local or regional domestic violence</u>	2581
<u>advocacy services to consult with prosecutors on charges and</u>	2582
<u>negotiated plea agreements in cases referred to the services.</u>	2583
<b>Sec. <del>2935.033</del>2935.034.</b> (A) Any peace officer may render	2584
assistance to any federal law enforcement officer who has arrest	2585
authority under the "Uniting and Strengthening America by	2586
Providing Appropriate Tools Required to Intercept and Obstruct	2587
Terrorism (USA Patriot Act) Act of 2001," Pub. L. No. 107-056,	2588
115 Stat. 272, as amended, if both of the following apply:	2589
(1) There is a threat of imminent physical danger to the	2590
federal law enforcement officer, a threat of physical harm to	2591
another person, or any other serious emergency situation	2592
present.	2593
(2) Either the federal law enforcement officer requests	2594
emergency assistance or it appears that the federal law	2595
enforcement officer is unable to request assistance, and the	2596
circumstances reasonably indicate that assistance is	2597
appropriate.	2598
(B) "Federal law enforcement officer" has the same meaning	2599
as in section 9.88 of the Revised Code.	2600
<b>Sec. 2937.23.</b> (A) (1) In a case involving a felony or a	2601
violation of section 2903.11, 2903.12, or 2903.13 of the Revised	2602
Code when the victim of the offense is a peace officer, the	2603
judge or magistrate shall fix the amount of bail.	2604

(2) In a case involving a misdemeanor or a violation of a municipal ordinance and not involving a felony or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code when the victim of the offense is a peace officer, the judge, magistrate, or clerk of the court may fix the amount of bail and may do so in accordance with a schedule previously fixed by the judge or magistrate. If the judge, magistrate, or clerk of the court is not readily available, the sheriff, deputy sheriff, marshal, deputy marshal, police officer, or jailer having custody of the person charged may fix the amount of bail in accordance with a schedule previously fixed by the judge or magistrate and shall take the bail only in the county courthouse, the municipal or township building, or the county or municipal jail.

(3) In all cases, the bail shall be fixed with consideration of the seriousness of the offense charged, the previous criminal record of the defendant, the results of any screening conducted in the case under division (A) (2) (e) of section 2935.032 of the Revised Code, if any such results are available, and the probability of the defendant appearing at the trial of the case.

(B) In any case involving an alleged violation of section 2903.211 of the Revised Code or of a municipal ordinance that is substantially similar to that section, the court shall determine whether it will order an evaluation of the mental condition of the defendant pursuant to section 2919.271 of the Revised Code and, if it decides to so order, shall issue the order requiring the evaluation before it sets bail for the person charged with the violation. In any case involving an alleged violation of section 2919.27 of the Revised Code or of a municipal ordinance that is substantially similar to that section and in which the

court finds that either of the following criteria applies, the 2636  
court shall determine whether it will order an evaluation of the 2637  
mental condition of the defendant pursuant to section 2919.271 2638  
of the Revised Code and, if it decides to so order, shall issue 2639  
the order requiring that evaluation before it sets bail for the 2640  
person charged with the violation: 2641

(1) Regarding an alleged violation of a protection order 2642  
issued or consent agreement approved pursuant to section 2919.26 2643  
or 3113.31 of the Revised Code, that the violation allegedly 2644  
involves conduct by the defendant that caused physical harm to 2645  
the person or property of a family or household member covered 2646  
by the order or agreement or conduct by that defendant that 2647  
caused a family or household member to believe that the 2648  
defendant would cause physical harm to that member or that 2649  
member's property; 2650

(2) Regarding an alleged violation of a protection order 2651  
issued pursuant to section 2903.213 or 2903.214 of the Revised 2652  
Code, or a protection order issued by a court of another state, 2653  
as defined in section 2919.27 of the Revised Code, that the 2654  
violation allegedly involves conduct by the defendant that 2655  
caused physical harm to the person or property of the person 2656  
covered by the order or conduct by that defendant that caused 2657  
the person covered by the order to believe that the defendant 2658  
would cause physical harm to that person or that person's 2659  
property. 2660

(C) As used in this section, "peace officer" has the same 2661  
meaning as in section 2935.01 of the Revised Code. 2662

**Sec. 3113.31.** (A) As used in this section: 2663

(1) "Domestic violence" means any of the following: 2664

(a) The occurrence of one or more of the following acts against a family or household member:	2665 2666
(i) Attempting to cause or recklessly causing bodily injury;	2667 2668
(ii) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;	2669 2670 2671
(iii) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;	2672 2673 2674
(iv) Committing a sexually oriented offense.	2675
(b) The occurrence of one or more of the acts identified in divisions (A)(1)(a)(i) to (iv) of this section against a person with whom the respondent is or was in a dating relationship.	2676 2677 2678 2679
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than eighteen years of age.	2680 2681 2682 2683 2684 2685 2686 2687
(3) "Family or household member" means any of the following:	2688 2689
(a) Any of the following who is residing with or has resided with the respondent:	2690 2691
(i) A spouse, a person living as a spouse, or a former	2692

spouse of the respondent;	2693
(ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	2694 2695 2696
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent;	2697 2698 2699 2700
<u>(iv) A child whose guardian or custodian is a spouse, person living as a spouse, or former spouse of the respondent.</u>	2701 2702
(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.	2703 2704 2705
(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.	2706 2707 2708 2709 2710 2711
(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	2712 2713 2714
(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	2715 2716
(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	2717 2718
(8) "Dating relationship" means a relationship between individuals who have, or have had, a relationship of a romantic	2719 2720

or intimate nature. "Dating relationship" does not include a 2721  
casual acquaintanceship or ordinary fraternization in a business 2722  
or social context. 2723

(9) "Person with whom the respondent is or was in a dating 2724  
relationship" means an adult who, at the time of the conduct in 2725  
question, is in a dating relationship with the respondent who 2726  
also is an adult or who, within the twelve months preceding the 2727  
conduct in question, has had a dating relationship with the 2728  
respondent who also is an adult. 2729

(10) "Child," "custodian," and "guardian" have the same 2730  
meanings as in section 3109.51 of the Revised Code. 2731

(B) The court has jurisdiction over all proceedings under 2732  
this section. The petitioner's right to relief under this 2733  
section is not affected by the petitioner's leaving the 2734  
residence or household to avoid further domestic violence. 2735

(C) (1) A person may seek relief under this section on the 2736  
person's own behalf, or any parent or adult household member may 2737  
seek relief under this section on behalf of any other family or 2738  
household member, by filing a petition with the court. The 2739  
petition shall contain or state: 2740

~~(1)~~ (a) An allegation that the respondent engaged in 2741  
domestic violence against a family or household member of the 2742  
respondent or against a person with whom the respondent is or 2743  
was in a dating relationship, including a description of the 2744  
nature and extent of the domestic violence; 2745

~~(2)~~ (b) The relationship of the respondent to the 2746  
petitioner, and to the victim if other than the petitioner; 2747

~~(3)~~ (c) If the petition is for protection of a person with 2748  
whom the respondent is or was in a dating relationship, the 2749

facts upon which the court may conclude that a dating 2750  
relationship existed between the person to be protected and the 2751  
respondent; 2752

~~(4)~~ (d) A request for relief under this section. 2753

(2) The petition may contain and the court shall consider 2754  
any of the following: 2755

(a) An allegation that the respondent has previously 2756  
engaged in domestic violence against a person to be protected; 2757

(b) Any previous conviction of or plea of guilty to the 2758  
offense of domestic violence by the respondent where the victim 2759  
was a person to be protected by the order. 2760

(D) (1) If a person who files a petition pursuant to this 2761  
section requests an ex parte order, the court shall hold an ex 2762  
parte hearing on the same day that the petition is filed. The 2763  
court, for good cause shown at the ex parte hearing, may enter 2764  
any temporary orders, with or without bond, including, but not 2765  
limited to, an order described in division (E) (1) (a), (b), or 2766  
(c) of this section, that the court finds necessary to protect 2767  
the family or household member or the person with whom the 2768  
respondent is or was in a dating relationship from domestic 2769  
violence. Immediate and present danger of domestic violence to 2770  
the family or household member or to the person with whom the 2771  
respondent is or was in a dating relationship constitutes good 2772  
cause for purposes of this section. Immediate and present danger 2773  
includes, but is not limited to, situations in which the 2774  
respondent has threatened the family or household member or 2775  
person with whom the respondent is or was in a dating 2776  
relationship with bodily harm, in which the respondent has 2777  
threatened the family or household member or person with whom 2778

the respondent is or was in a dating relationship with a 2779  
sexually oriented offense, or in which the respondent previously 2780  
has been convicted of, pleaded guilty to, or been adjudicated a 2781  
delinquent child for an offense that constitutes domestic 2782  
violence against the family or household member or person with 2783  
whom the respondent is or was in a dating relationship. 2784

(2) (a) If the court, after an ex parte hearing, issues an 2785  
order described in division (E) (1) (b) or (c) of this section, 2786  
the court shall schedule a full hearing for a date that is 2787  
within seven court days after the ex parte hearing. If any other 2788  
type of protection order that is authorized under division (E) 2789  
of this section is issued by the court after an ex parte 2790  
hearing, the court shall schedule a full hearing for a date that 2791  
is within ten court days after the ex parte hearing. The court 2792  
shall give the respondent notice of, and an opportunity to be 2793  
heard at, the full hearing. The court shall hold the full 2794  
hearing on the date scheduled under this division unless the 2795  
court grants a continuance of the hearing in accordance with 2796  
this division. Under any of the following circumstances or for 2797  
any of the following reasons, the court may grant a continuance 2798  
of the full hearing to a reasonable time determined by the 2799  
court: 2800

(i) Prior to the date scheduled for the full hearing under 2801  
this division, the respondent has not been served with the 2802  
petition filed pursuant to this section and notice of the full 2803  
hearing. 2804

(ii) The parties consent to the continuance. 2805

(iii) The continuance is needed to allow a party to obtain 2806  
counsel. 2807

(iv) The continuance is needed for other good cause.	2808
(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.	2809 2810 2811 2812 2813
(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.	2814 2815 2816 2817 2818 2819
(E)(1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of domestic violence against the family or household members or persons with whom the respondent is or was in a dating relationship. The order or agreement may:	2820 2821 2822 2823 2824 2825
(a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the family or household members or persons with whom the respondent is or was in a dating relationship;	2826 2827 2828 2829
(b) With respect to a petition involving family or household members, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by evicting the respondent, when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or	2830 2831 2832 2833 2834 2835 2836

household is jointly owned or leased by the respondent, and the 2837  
petitioner or other family or household member; 2838

(c) With respect to a petition involving family or 2839  
household members, when the respondent has a duty to support the 2840  
petitioner or other family or household member living in the 2841  
residence or household and the respondent is the sole owner or 2842  
lessee of the residence or household, grant possession of the 2843  
residence or household to the petitioner or other family or 2844  
household member, to the exclusion of the respondent, by 2845  
ordering the respondent to vacate the premises, or, in the case 2846  
of a consent agreement, allow the respondent to provide 2847  
suitable, alternative housing; 2848

(d) With respect to a petition involving family or 2849  
household members, temporarily allocate parental rights and 2850  
responsibilities for the care of, or establish temporary 2851  
parenting time rights with regard to, minor children, if no 2852  
other court has determined, or is determining, the allocation of 2853  
parental rights and responsibilities for the minor children or 2854  
parenting time rights; 2855

(e) With respect to a petition involving family or 2856  
household members, require the respondent to maintain support, 2857  
if the respondent customarily provides for or contributes to the 2858  
support of the family or household member, or if the respondent 2859  
has a duty to support the petitioner or family or household 2860  
member; 2861

(f) Require the respondent, petitioner, victim of domestic 2862  
violence, or any combination of those persons, to seek 2863  
counseling; 2864

(g) Require the respondent to refrain from entering the 2865

residence, school, business, or place of employment of the 2866  
petitioner or, with respect to a petition involving family or 2867  
household members, a family or household member; 2868

(h) Grant other relief that the court considers equitable 2869  
and fair, including, but not limited to, ordering the respondent 2870  
to permit the use of a motor vehicle by the petitioner or, with 2871  
respect to a petition involving family or household members, 2872  
other family or household members and the apportionment of 2873  
household and family personal property; 2874

(i) Require that the respondent not remove, damage, hide, 2875  
harm, or dispose of any companion animal owned or possessed by 2876  
the petitioner; 2877

(j) Authorize the petitioner to remove a companion animal 2878  
owned by the petitioner from the possession of the respondent; 2879

(k) Require a wireless service transfer in accordance with 2880  
sections 3113.45 to 3113.459 of the Revised Code. 2881

(2) If a protection order has been issued pursuant to this 2882  
section in a prior action involving the respondent and the 2883  
petitioner or, with respect to a petition involving family or 2884  
household members, one or more of the family or household 2885  
members or victims, the court may include in a protection order 2886  
that it issues a prohibition against the respondent returning to 2887  
the residence or household. If it includes a prohibition against 2888  
the respondent returning to the residence or household in the 2889  
order, it also shall include in the order provisions of the type 2890  
described in division (E) (7) of this section. This division does 2891  
not preclude the court from including in a protection order or 2892  
consent agreement, in circumstances other than those described 2893  
in this division, a requirement that the respondent be evicted 2894

from or vacate the residence or household or refrain from 2895  
entering the residence, school, business, or place of employment 2896  
of the petitioner or, with respect to a petition involving 2897  
family or household members, a family or household member, and, 2898  
if the court includes any requirement of that type in an order 2899  
or agreement, the court also shall include in the order 2900  
provisions of the type described in division (E) (7) of this 2901  
section. 2902

(3) (a) Any protection order issued or consent agreement 2903  
approved under this section shall be valid until a date certain, 2904  
but not later than five years from the date of its issuance or 2905  
approval, or not later than the date a respondent who is less 2906  
than eighteen years of age attains nineteen years of age, unless 2907  
modified or terminated as provided in division (E) (8) of this 2908  
section. 2909

(b) With respect to an order involving family or household 2910  
members, subject to the limitation on the duration of an order 2911  
or agreement set forth in division (E) (3) (a) of this section, 2912  
any order under division (E) (1) (d) of this section shall 2913  
terminate on the date that a court in an action for divorce, 2914  
dissolution of marriage, or legal separation brought by the 2915  
petitioner or respondent issues an order allocating parental 2916  
rights and responsibilities for the care of children or on the 2917  
date that a juvenile court in an action brought by the 2918  
petitioner or respondent issues an order awarding legal custody 2919  
of minor children. Subject to the limitation on the duration of 2920  
an order or agreement set forth in division (E) (3) (a) of this 2921  
section, any order under division (E) (1) (e) of this section 2922  
shall terminate on the date that a court in an action for 2923  
divorce, dissolution of marriage, or legal separation brought by 2924  
the petitioner or respondent issues a support order or on the 2925

date that a juvenile court in an action brought by the 2926  
petitioner or respondent issues a support order. 2927

(c) Any protection order issued or consent agreement 2928  
approved pursuant to this section may be renewed in the same 2929  
manner as the original order or agreement was issued or 2930  
approved. 2931

(4) A court may not issue a protection order that requires 2932  
a petitioner to do or to refrain from doing an act that the 2933  
court may require a respondent to do or to refrain from doing 2934  
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 2935  
this section unless all of the following apply: 2936

(a) The respondent files a separate petition for a 2937  
protection order in accordance with this section. 2938

(b) The petitioner is served notice of the respondent's 2939  
petition at least forty-eight hours before the court holds a 2940  
hearing with respect to the respondent's petition, or the 2941  
petitioner waives the right to receive this notice. 2942

(c) If the petitioner has requested an ex parte order 2943  
pursuant to division (D) of this section, the court does not 2944  
delay any hearing required by that division beyond the time 2945  
specified in that division in order to consolidate the hearing 2946  
with a hearing on the petition filed by the respondent. 2947

(d) After a full hearing at which the respondent presents 2948  
evidence in support of the request for a protection order and 2949  
the petitioner is afforded an opportunity to defend against that 2950  
evidence, the court determines that the petitioner has committed 2951  
an act of domestic violence or has violated a temporary 2952  
protection order issued pursuant to section 2919.26 of the 2953  
Revised Code, that both the petitioner and the respondent acted 2954

primarily as aggressors, and that neither the petitioner nor the  
respondent acted primarily in self-defense.

(5) No protection order issued or consent agreement  
approved under this section shall in any manner affect title to  
any real property.

(6) (a) With respect to an order involving family or  
household members, if a petitioner, or the child of a  
petitioner, who obtains a protection order or consent agreement  
pursuant to division (E) (1) of this section or a temporary  
protection order pursuant to section 2919.26 of the Revised Code  
and is the subject of a parenting time order issued pursuant to  
section 3109.051 or 3109.12 of the Revised Code or a visitation  
or companionship order issued pursuant to section 3109.051,  
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of  
this section granting parenting time rights to the respondent,  
the court may require the public children services agency of the  
county in which the court is located to provide supervision of  
the respondent's exercise of parenting time or visitation or  
companionship rights with respect to the child for a period not  
to exceed nine months, if the court makes the following findings  
of fact:

(i) The child is in danger from the respondent;

(ii) No other person or agency is available to provide the  
supervision.

(b) A court that requires an agency to provide supervision  
pursuant to division (E) (6) (a) of this section shall order the  
respondent to reimburse the agency for the cost of providing the  
supervision, if it determines that the respondent has sufficient  
income or resources to pay that cost.

(7) (a) If a protection order issued or consent agreement 2984  
approved under this section includes a requirement that the 2985  
respondent be evicted from or vacate the residence or household 2986  
or refrain from entering the residence, school, business, or 2987  
place of employment of the petitioner or, with respect to a 2988  
petition involving family or household members, a family or 2989  
household member, the order or agreement shall state clearly 2990  
that the order or agreement cannot be waived or nullified by an 2991  
invitation to the respondent from the petitioner or other family 2992  
or household member to enter the residence, school, business, or 2993  
place of employment or by the respondent's entry into one of 2994  
those places otherwise upon the consent of the petitioner or 2995  
other family or household member. 2996

(b) Division (E) (7) (a) of this section does not limit any 2997  
discretion of a court to determine that a respondent charged 2998  
with a violation of section 2919.27 of the Revised Code, with a 2999  
violation of a municipal ordinance substantially equivalent to 3000  
that section, or with contempt of court, which charge is based 3001  
on an alleged violation of a protection order issued or consent 3002  
agreement approved under this section, did not commit the 3003  
violation or was not in contempt of court. 3004

(8) (a) The court may modify or terminate as provided in 3005  
division (E) (8) of this section a protection order or consent 3006  
agreement that was issued after a full hearing under this 3007  
section. The court that issued the protection order or approved 3008  
the consent agreement shall hear a motion for modification or 3009  
termination of the protection order or consent agreement 3010  
pursuant to division (E) (8) of this section. 3011

(b) Either the petitioner or the respondent of the 3012  
original protection order or consent agreement may bring a 3013

motion for modification or termination of a protection order or 3014  
consent agreement that was issued or approved after a full 3015  
hearing. The court shall require notice of the motion to be made 3016  
as provided by the Rules of Civil Procedure. If the petitioner 3017  
for the original protection order or consent agreement has 3018  
requested that the petitioner's address be kept confidential, 3019  
the court shall not disclose the address to the respondent of 3020  
the original protection order or consent agreement or any other 3021  
person, except as otherwise required by law. The moving party 3022  
has the burden of proof to show, by a preponderance of the 3023  
evidence, that modification or termination of the protection 3024  
order or consent agreement is appropriate because either the 3025  
protection order or consent agreement is no longer needed or 3026  
because the terms of the original protection order or consent 3027  
agreement are no longer appropriate. 3028

(c) In considering whether to modify or terminate a 3029  
protection order or consent agreement issued or approved under 3030  
this section, the court shall consider all relevant factors, 3031  
including, but not limited to, the following: 3032

(i) Whether the petitioner consents to modification or 3033  
termination of the protection order or consent agreement; 3034

(ii) Whether the petitioner fears the respondent; 3035

(iii) The current nature of the relationship between the 3036  
petitioner and the respondent; 3037

(iv) The circumstances of the petitioner and respondent, 3038  
including the relative proximity of the petitioner's and 3039  
respondent's workplaces and residences and whether the 3040  
petitioner and respondent have minor children together; 3041

(v) Whether the respondent has complied with the terms and 3042

conditions of the original protection order or consent agreement;	3043 3044
(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;	3045 3046
(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement;	3047 3048 3049 3050
(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state;	3051 3052 3053 3054 3055
(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling;	3056 3057 3058 3059
(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	3060 3061
(xi) The age and health of the respondent;	3062
(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties.	3063 3064 3065 3066
(d) If a protection order or consent agreement is modified or terminated as provided in division (E) (8) of this section, the court shall issue copies of the modified or terminated order or agreement as provided in division (F) of this section. A	3067 3068 3069 3070

petitioner may also provide notice of the modification or 3071  
termination to the judicial and law enforcement officials in any 3072  
county other than the county in which the order or agreement is 3073  
modified or terminated as provided in division (N) of this 3074  
section. 3075

(e) If the respondent moves for modification or 3076  
termination of a protection order or consent agreement pursuant 3077  
to this section and the court denies the motion, the court may 3078  
assess costs against the respondent for the filing of the 3079  
motion. 3080

(9) Any protection order issued or any consent agreement 3081  
approved pursuant to this section shall include a provision that 3082  
the court will automatically seal all of the records of the 3083  
proceeding in which the order is issued or agreement approved on 3084  
the date the respondent attains the age of nineteen years unless 3085  
the petitioner provides the court with evidence that the 3086  
respondent has not complied with all of the terms of the 3087  
protection order or consent agreement. The protection order or 3088  
consent agreement shall specify the date when the respondent 3089  
attains the age of nineteen years. 3090

(F) (1) A copy of any protection order, or consent 3091  
agreement, that is issued, approved, modified, or terminated 3092  
under this section shall be issued by the court to the 3093  
petitioner, to the respondent, and to all law enforcement 3094  
agencies that have jurisdiction to enforce the order or 3095  
agreement. The court shall direct that a copy of an order be 3096  
delivered to the respondent on the same day that the order is 3097  
entered. 3098

(2) Upon the issuance of a protection order or the 3099  
approval of a consent agreement under this section, the court 3100

shall provide the parties to the order or agreement with the 3101  
following notice orally or by form: 3102

"NOTICE 3103

As a result of this order or consent agreement, it may be 3104  
unlawful for you to possess or purchase a firearm, including a 3105  
rifle, pistol, or revolver, or ammunition pursuant to federal 3106  
law under 18 U.S.C. 922(g)(8) for the duration of this order or 3107  
consent agreement. If you have any questions whether this law 3108  
makes it illegal for you to possess or purchase a firearm or 3109  
ammunition, you should consult an attorney." 3110

(3) All law enforcement agencies shall establish and 3111  
maintain an index for the protection orders and the approved 3112  
consent agreements delivered to the agencies pursuant to 3113  
division (F)(1) of this section. With respect to each order and 3114  
consent agreement delivered, each agency shall note on the index 3115  
the date and time that it received the order or consent 3116  
agreement. 3117

(4) Regardless of whether the petitioner has registered 3118  
the order or agreement in the county in which the officer's 3119  
agency has jurisdiction pursuant to division (N) of this 3120  
section, any officer of a law enforcement agency shall enforce a 3121  
protection order issued or consent agreement approved by any 3122  
court in this state in accordance with the provisions of the 3123  
order or agreement, including removing the respondent from the 3124  
premises, if appropriate. 3125

(G)(1) Any proceeding under this section shall be 3126  
conducted in accordance with the Rules of Civil Procedure, 3127  
except that an order under this section may be obtained with or 3128  
without bond. An order issued under this section, other than an 3129

ex parte order, that grants a protection order or approves a 3130  
consent agreement, that refuses to grant a protection order or 3131  
approve a consent agreement that modifies or terminates a 3132  
protection order or consent agreement, or that refuses to modify 3133  
or terminate a protection order or consent agreement, is a 3134  
final, appealable order. The remedies and procedures provided in 3135  
this section are in addition to, and not in lieu of, any other 3136  
available civil or criminal remedies. 3137

(2) If as provided in division (G) (1) of this section an 3138  
order issued under this section, other than an ex parte order, 3139  
refuses to grant a protection order, the court, on its own 3140  
motion, shall order that the ex parte order issued under this 3141  
section and all of the records pertaining to that ex parte order 3142  
be sealed after either of the following occurs: 3143

(a) No party has exercised the right to appeal pursuant to 3144  
Rule 4 of the Rules of Appellate Procedure. 3145

(b) All appellate rights have been exhausted. 3146

(H) The filing of proceedings under this section does not 3147  
excuse a person from filing any report or giving any notice 3148  
required by section 2151.421 of the Revised Code or by any other 3149  
law. When a petition under this section alleges domestic 3150  
violence against minor children, the court shall report the 3151  
fact, or cause reports to be made, to a county, township, or 3152  
municipal peace officer under section 2151.421 of the Revised 3153  
Code. 3154

(I) Any law enforcement agency that investigates a 3155  
domestic dispute shall provide information to the family or 3156  
household members involved, or the persons in the dating 3157  
relationship who are involved, whichever is applicable regarding 3158

the relief available under this section and, for family or 3159  
household members, section 2919.26 of the Revised Code. 3160

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 3161  
section and regardless of whether a protection order is issued 3162  
or a consent agreement is approved by a court of another county 3163  
or a court of another state, no court or unit of state or local 3164  
government shall charge the petitioner any fee, cost, deposit, 3165  
or money in connection with the filing of a petition pursuant to 3166  
this section or in connection with the filing, issuance, 3167  
registration, modification, enforcement, dismissal, withdrawal, 3168  
or service of a protection order, consent agreement, or witness 3169  
subpoena or for obtaining a certified copy of a protection order 3170  
or consent agreement. 3171

(2) Regardless of whether a protection order is issued or 3172  
a consent agreement is approved pursuant to this section, the 3173  
court may assess costs against the respondent in connection with 3174  
the filing, issuance, registration, modification, enforcement, 3175  
dismissal, withdrawal, or service of a protection order, consent 3176  
agreement, or witness subpoena or for obtaining a certified copy 3177  
of a protection order or consent agreement. 3178

(K) (1) The court shall comply with Chapters 3119., 3121., 3179  
3123., and 3125. of the Revised Code when it makes or modifies 3180  
an order for child support under this section. 3181

(2) If any person required to pay child support under an 3182  
order made under this section on or after April 15, 1985, or 3183  
modified under this section on or after December 31, 1986, is 3184  
found in contempt of court for failure to make support payments 3185  
under the order, the court that makes the finding, in addition 3186  
to any other penalty or remedy imposed, shall assess all court 3187  
costs arising out of the contempt proceeding against the person 3188

and require the person to pay any reasonable attorney's fees of 3189  
any adverse party, as determined by the court, that arose in 3190  
relation to the act of contempt. 3191

(L) (1) A person who violates a protection order issued or 3192  
a consent agreement approved under this section is subject to 3193  
the following sanctions: 3194

(a) Criminal prosecution or a delinquent child proceeding 3195  
for a violation of section 2919.27 of the Revised Code, if the 3196  
violation of the protection order or consent agreement 3197  
constitutes a violation of that section; 3198

(b) Punishment for contempt of court. 3199

(2) The punishment of a person for contempt of court for 3200  
violation of a protection order issued or a consent agreement 3201  
approved under this section does not bar criminal prosecution of 3202  
the person or a delinquent child proceeding concerning the 3203  
person for a violation of section 2919.27 of the Revised Code. 3204  
However, a person punished for contempt of court is entitled to 3205  
credit for the punishment imposed upon conviction of or 3206  
adjudication as a delinquent child for a violation of that 3207  
section, and a person convicted of or adjudicated a delinquent 3208  
child for a violation of that section shall not subsequently be 3209  
punished for contempt of court arising out of the same activity. 3210

(M) In all stages of a proceeding under this section, a 3211  
petitioner may be accompanied by a victim advocate. 3212

(N) (1) A petitioner who obtains a protection order or 3213  
consent agreement under this section or a temporary protection 3214  
order under section 2919.26 of the Revised Code may provide 3215  
notice of the issuance or approval of the order or agreement to 3216  
the judicial and law enforcement officials in any county other 3217

than the county in which the order is issued or the agreement is 3218  
approved by registering that order or agreement in the other 3219  
county pursuant to division (N) (2) of this section and filing a 3220  
copy of the registered order or registered agreement with a law 3221  
enforcement agency in the other county in accordance with that 3222  
division. A person who obtains a protection order issued by a 3223  
court of another state may provide notice of the issuance of the 3224  
order to the judicial and law enforcement officials in any 3225  
county of this state by registering the order in that county 3226  
pursuant to section 2919.272 of the Revised Code and filing a 3227  
copy of the registered order with a law enforcement agency in 3228  
that county. 3229

(2) A petitioner may register a temporary protection 3230  
order, protection order, or consent agreement in a county other 3231  
than the county in which the court that issued the order or 3232  
approved the agreement is located in the following manner: 3233

(a) The petitioner shall obtain a certified copy of the 3234  
order or agreement from the clerk of the court that issued the 3235  
order or approved the agreement and present that certified copy 3236  
to the clerk of the court of common pleas or the clerk of a 3237  
municipal court or county court in the county in which the order 3238  
or agreement is to be registered. 3239

(b) Upon accepting the certified copy of the order or 3240  
agreement for registration, the clerk of the court of common 3241  
pleas, municipal court, or county court shall place an 3242  
endorsement of registration on the order or agreement and give 3243  
the petitioner a copy of the order or agreement that bears that 3244  
proof of registration. 3245

(3) The clerk of each court of common pleas, the clerk of 3246  
each municipal court, and the clerk of each county court shall 3247

maintain a registry of certified copies of temporary protection orders, protection orders, or consent agreements that have been issued or approved by courts in other counties and that have been registered with the clerk.

(O) Nothing in this section prohibits the domestic relations division of a court of common pleas in counties that have a domestic relations division or a court of common pleas in counties that do not have a domestic relations division from designating a minor child as a protected party on a protection order or consent agreement.

**Section 2.** That existing sections 109.744, 109.803, 2903.01, 2919.25, 2919.27, 2929.12, 2929.13, 2929.14, 2929.22, 2935.032, 2937.23, 3113.31, and 2935.033 of the Revised Code are hereby repealed.

**Section 3.** The General Assembly, in enacting this act, encourages prosecuting attorneys, in cases related to an incident of domestic violence, to consider the totality of the circumstances, to review all of the evidence in the case, and to resist seeking voluntary dismissal or an entry of nolle prosequi based solely on the victim's wishes, unless justice demands otherwise.

**Section 4.** The General Assembly respectfully requests the Ohio Supreme Court to review the Ohio Rules of Evidence to consider how the Rules may better aid victims of domestic violence without diminishing the fundamental fairness to alleged perpetrators of domestic violence.

**Section 5.** This act shall be known as Aisha's Law.

**Section 6.** (A) There is hereby created the Domestic Violence Prosecution Study Committee consisting of the following

ten members:	3277
(1) The following five members appointed by the Speaker of the House of Representatives:	3278
(a) One member who is a domestic violence survivor;	3279
(b) One member who is a domestic violence advocate;	3280
(c) One member who is a prosecutor who handles domestic violence cases;	3281
(d) One member who is a member of the judiciary with experience handling domestic violence cases;	3282
(e) One member who is a member of the House of Representatives.	3283
(2) The following five members appointed by the Minority Leader of the House of Representatives:	3284
(a) One member who is a domestic violence survivor;	3285
(b) One member who is a domestic violence advocate;	3286
(c) One member who is a prosecutor who handles domestic violence cases;	3287
(d) One member who is a member of the judiciary with experience handling domestic violence cases;	3288
(e) One member who is a member of the House of Representatives.	3289
(B) The Study Committee shall examine policies to protect victims of domestic violence throughout the judicial process, including an investigation into the prevalence of dropped or amended domestic violence charges, and the cases in which a charge of domestic violence was dropped and the victim of	3290
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domestic violence later became the victim of a homicide. 3303

(C) The Speaker and Minority Leader shall make 3304  
appointments to the Study Committee as soon as practicable after 3305  
the effective date of this section and the Study Committee shall 3306  
produce a report of its findings not later than one year after 3307  
the effective date of this section. The Study Committee shall 3308  
submit that report to the Governor, the President of the Senate, 3309  
the Speaker of the House of Representatives, the Minority Leader 3310  
of the Senate, and the Minority Leader of the House of 3311  
Representatives. Upon submission of the report, the Study 3312  
Committee shall cease to exist. 3313

**Section 7.** That Section 221.10 of H.B. 166 of the 133rd 3314  
General Assembly be amended to read as follows: 3315

**Sec. 221.10.** 3316

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A AGO ATTORNEY GENERAL

B General Revenue Fund

C GRF 055321 Operating Expenses \$ 60,646,591 \$ 62,958,461

D GRF 055405 Law-Related Education \$ 68,950 \$ 68,950

E GRF 055406 BCIRS Lease Rental \$ 2,515,100 \$ 2,513,400  
Payments

F GRF 055411 County Sheriffs' Pay \$ 983,341 \$ 1,000,554  
Supplement

G	GRF	055415	County Prosecutors' Pay Supplement	\$	1,247,225	\$	1,278,630
H	GRF	055431	Drug Abuse Response Team Grants	\$	1,500,000	\$	1,500,000
I	GRF	055432	Drug Testing Equipment	\$	968,602	\$	0
J	GRF	055434	ICAC Task Force	\$	500,000	\$	500,000
K	GRF	055501	Rape Crisis Centers	\$	4,800,000	\$	4,800,000
L	GRF	055502	School Safety Training Grants	\$	12,000,000	\$	12,000,000
M	GRF	055504	Domestic Violence Programs	\$	1,000,000	\$	1,000,000
N	GRF	055505	Pike County Capital Case	\$	1,000,000	\$	0
O	TOTAL GRF		General Revenue Fund	\$	87,229,809	\$	87,619,995
P	Dedicated Purpose Fund Group						
Q	1060	055612	Attorney General Operating	\$	58,426,184	\$	60,018,182
R	4020	055616	Victims of Crime	\$	20,624,291	\$	20,624,291
S	4170	055621	Domestic Violence Shelter	\$	25,000	\$	25,000
T	4180	055615	Charitable Foundations	\$	8,286,000	\$	8,286,000
U	4190	055623	Claims Section	\$	41,500,000	\$	42,600,000

V 4200	055603	Attorney General Antitrust	\$	2,432,925	\$	2,432,925
W 4210	055617	Police Officers' Training Academy Fee	\$	<del>2,182,062</del> <u>2,332,062</u>	\$	2,250,000
X 4L60	055606	DARE Programs	\$	3,814,289	\$	3,814,289
Y 4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751
Z 4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	2,500,000	\$	2,500,000
AA 5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325
AB 5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000
AC 5LR0	055655	Peace Officer Training - Casino	\$	5,355,079	\$	5,529,409
AD 5MP0	055657	Peace Officer Training Commission	\$	325,000	\$	325,000
AE 5TL0	055659	Organized Crime Law Enforcement Trust	\$	100,000	\$	100,000
AF 6310	055637	Consumer Protection Enforcement	\$	9,276,000	\$	9,276,000
AG 6590	055641	Solid and Hazardous Waste Background Investigations	\$	328,728	\$	328,728

AH U087	055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$	2,650,000	\$	2,650,000
AI TOTAL DPF Dedicated Purpose Fund Group			\$	<del>158,944,634</del> <u>159,094,634</u>	\$	161,878,900
AJ Internal Service Activity Fund Group						
AK 1950	055660	Workers' Compensation Section	\$	7,416,045	\$	6,898,040
AL TOTAL ISA Internal Service Activity Fund Group			\$	7,416,045	\$	6,898,040
AM Holding Account Fund Group						
AN R004	055631	General Holding Account	\$	1,000,000	\$	1,000,000
AO R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000
AP R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000
AQ R042	055601	Organized Crime Commission Distributions	\$	750,000	\$	750,000
AR R054	055650	Collection Payment Redistribution	\$	4,500,000	\$	4,500,000
AS TOTAL HLD Holding Account Fund Group			\$	8,250,000	\$	8,250,000
AT Federal Fund Group						

AU 3060	055620	Medicaid Fraud Control	\$	8,961,419	\$	8,961,419
AV 3830	055634	Crime Victims Assistance	\$	109,971,344	\$	110,000,000
AW 3E50	055638	Attorney General Pass- Through Funds	\$	4,017,209	\$	4,020,999
AX 3FV0	055656	Crime Victim Compensation	\$	4,600,000	\$	4,600,000
AY 3R60	055613	Attorney General Federal Funds	\$	2,799,999	\$	2,799,999
AZ TOTAL FED		Federal Funds Group	\$	130,349,971	\$	130,382,417
BA TOTAL ALL BUDGET FUND GROUPS			\$	<del>392,190,459</del>	\$	395,029,352
				<u>392,340,459</u>		

**Section 8.** That existing Section 221.10 of H.B. 166 of the 133rd General Assembly is hereby repealed. 3318  
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**Section 9.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act: 3320  
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Section 2929.14 of the Revised Code as amended by H.B. 63, S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General Assembly. 3328  
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Section 2937.23 of the Revised Code as amended by both	3331
H.B. 202 and S.B. 142 of the 123rd General Assembly.	3332