

**As Reported by the Senate Transportation, Commerce and Workforce
Committee**

133rd General Assembly

**Regular Session
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Sub. S. B. No. 134

Senator Gavarone

Cosponsors: Senators Kunze, Hottinger, Hoagland, Maharath, Manning

A BILL

To amend sections 2743.51, 2903.06, 2903.08, 1
2929.14, 4510.17, 4511.181, 4511.75, 4511.751, 2
and 4511.76 and to enact sections 5.501 and 3
2903.082 of the Revised Code to make changes to 4
the law governing passing a school bus, 5
including creating the new offense of vehicular 6
harm, to create a new offense for vehicular 7
homicide and vehicular assault related to 8
improperly passing a stopped school bus, to 9
align the penalty enhancements for vehicular 10
homicide and vehicular assault, to make an 11
appropriation, and to designate this the School 12
Bus Safety Act. 13

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

Section 1. That sections 2743.51, 2903.06, 2903.08, 14
2929.14, 4510.17, 4511.181, 4511.75, 4511.751, and 4511.76 be 15
amended and sections 5.501 and 2903.082 of the Revised Code be 16
enacted to read as follows: 17

Sec. 5.501. The month of August is designated as "School 18

Bus Safety Awareness Month" to increase public awareness of the 19
need to properly stop when a stopped school bus is loading and 20
unloading passengers. 21

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of 22
the Revised Code: 23

(A) "Claimant" means both of the following categories of 24
persons: 25

(1) Any of the following persons who claim an award of 26
reparations under sections 2743.51 to 2743.72 of the Revised 27
Code: 28

(a) A victim who was one of the following at the time of 29
the criminally injurious conduct: 30

(i) A resident of the United States; 31

(ii) A resident of a foreign country the laws of which 32
permit residents of this state to recover compensation as 33
victims of offenses committed in that country. 34

(b) A dependent of a deceased victim who is described in 35
division (A) (1) (a) of this section; 36

(c) A third person, other than a collateral source, who 37
legally assumes or voluntarily pays the obligations of a victim, 38
or of a dependent of a victim, who is described in division (A) 39
(1) (a) of this section, which obligations are incurred as a 40
result of the criminally injurious conduct that is the subject 41
of the claim and may include, but are not limited to, medical or 42
burial expenses; 43

(d) A person who is authorized to act on behalf of any 44
person who is described in division (A) (1) (a), (b), or (c) of 45
this section; 46

(e) The estate of a deceased victim who is described in	47
division (A) (1) (a) of this section.	48
(2) Any of the following persons who claim an award of	49
reparations under sections 2743.51 to 2743.72 of the Revised	50
Code:	51
(a) A victim who had a permanent place of residence within	52
this state at the time of the criminally injurious conduct and	53
who, at the time of the criminally injurious conduct, complied	54
with any one of the following:	55
(i) Had a permanent place of employment in this state;	56
(ii) Was a member of the regular armed forces of the	57
United States or of the United States coast guard or was a full-	58
time member of the Ohio organized militia or of the United	59
States army reserve, naval reserve, or air force reserve;	60
(iii) Was retired and receiving social security or any	61
other retirement income;	62
(iv) Was sixty years of age or older;	63
(v) Was temporarily in another state for the purpose of	64
receiving medical treatment;	65
(vi) Was temporarily in another state for the purpose of	66
performing employment-related duties required by an employer	67
located within this state as an express condition of employment	68
or employee benefits;	69
(vii) Was temporarily in another state for the purpose of	70
receiving occupational, vocational, or other job-related	71
training or instruction required by an employer located within	72
this state as an express condition of employment or employee	73
benefits;	74

(viii) Was a full-time student at an academic institution,	75
college, or university located in another state;	76
(ix) Had not departed the geographical boundaries of this	77
state for a period exceeding thirty days or with the intention	78
of becoming a citizen of another state or establishing a	79
permanent place of residence in another state.	80
(b) A dependent of a deceased victim who is described in	81
division (A) (2) (a) of this section;	82
(c) A third person, other than a collateral source, who	83
legally assumes or voluntarily pays the obligations of a victim,	84
or of a dependent of a victim, who is described in division (A)	85
(2) (a) of this section, which obligations are incurred as a	86
result of the criminally injurious conduct that is the subject	87
of the claim and may include, but are not limited to, medical or	88
burial expenses;	89
(d) A person who is authorized to act on behalf of any	90
person who is described in division (A) (2) (a), (b), or (c) of	91
this section;	92
(e) The estate of a deceased victim who is described in	93
division (A) (2) (a) of this section.	94
(B) "Collateral source" means a source of benefits or	95
advantages for economic loss otherwise reparable that the victim	96
or claimant has received, or that is readily available to the	97
victim or claimant, from any of the following sources:	98
(1) The offender;	99
(2) The government of the United States or any of its	100
agencies, a state or any of its political subdivisions, or an	101
instrumentality of two or more states, unless the law providing	102

for the benefits or advantages makes them excess or secondary to	103
benefits under sections 2743.51 to 2743.72 of the Revised Code;	104
(3) Social security, medicare, and medicaid;	105
(4) State-required, temporary, nonoccupational disability insurance;	106 107
(5) Workers' compensation;	108
(6) Wage continuation programs of any employer;	109
(7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct;	110 111 112
(8) A contract providing prepaid hospital and other health care services, or benefits for disability;	113 114
(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim that exceeds fifty thousand dollars;	115 116 117
(10) Any compensation recovered or recoverable under the laws of another state, district, territory, or foreign country because the victim was the victim of an offense committed in that state, district, territory, or country.	118 119 120 121
"Collateral source" does not include any money, or the monetary value of any property, that is subject to sections 2969.01 to 2969.06 of the Revised Code or that is received as a benefit from the Ohio public safety officers death benefit fund created by section 742.62 of the Revised Code.	122 123 124 125 126
(C) "Criminally injurious conduct" means one of the following:	127 128
(1) For the purposes of any person described in division	129

(A) (1) of this section, any conduct that occurs or is attempted	130
in this state; poses a substantial threat of personal injury or	131
death; and is punishable by fine, imprisonment, or death, or	132
would be so punishable but for the fact that the person engaging	133
in the conduct lacked capacity to commit the crime under the	134
laws of this state. Criminally injurious conduct does not	135
include conduct arising out of the ownership, maintenance, or	136
use of a motor vehicle, except when any of the following	137
applies:	138
(a) The person engaging in the conduct intended to cause	139
personal injury or death;	140
(b) The person engaging in the conduct was using the	141
vehicle to flee immediately after committing a felony or an act	142
that would constitute a felony but for the fact that the person	143
engaging in the conduct lacked the capacity to commit the felony	144
under the laws of this state;	145
(c) The person engaging in the conduct was using the	146
vehicle in a manner that constitutes an OVI violation;	147
(d) The conduct occurred on or after July 25, 1990, and	148
the person engaging in the conduct was using the vehicle in a	149
manner that constitutes a violation of section 2903.08 of the	150
Revised Code;	151
(e) The person engaging in the conduct acted in a manner	152
that caused serious physical harm to a person and that	153
constituted a violation of section 4549.02 or 4549.021 of the	154
Revised Code.	155
(2) For the purposes of any person described in division	156
(A) (2) of this section, any conduct that occurs or is attempted	157
in another state, district, territory, or foreign country; poses	158

a substantial threat of personal injury or death; and is 159
punishable by fine, imprisonment, or death, or would be so 160
punishable but for the fact that the person engaging in the 161
conduct lacked capacity to commit the crime under the laws of 162
the state, district, territory, or foreign country in which the 163
conduct occurred or was attempted. Criminally injurious conduct 164
does not include conduct arising out of the ownership, 165
maintenance, or use of a motor vehicle, except when any of the 166
following applies: 167

(a) The person engaging in the conduct intended to cause 168
personal injury or death; 169

(b) The person engaging in the conduct was using the 170
vehicle to flee immediately after committing a felony or an act 171
that would constitute a felony but for the fact that the person 172
engaging in the conduct lacked the capacity to commit the felony 173
under the laws of the state, district, territory, or foreign 174
country in which the conduct occurred or was attempted; 175

(c) The person engaging in the conduct was using the 176
vehicle in a manner that constitutes an OVI violation; 177

(d) The conduct occurred on or after July 25, 1990, the 178
person engaging in the conduct was using the vehicle in a manner 179
that constitutes a violation of any law of the state, district, 180
territory, or foreign country in which the conduct occurred, and 181
that law is substantially similar to a violation of section 182
2903.08 of the Revised Code; 183

(e) The person engaging in the conduct acted in a manner 184
that caused serious physical harm to a person and that 185
constituted a violation of any law of the state, district, 186
territory, or foreign country in which the conduct occurred, and 187

that law is substantially similar to section 4549.02 or 4549.021	188
of the Revised Code.	189
(3) For the purposes of any person described in division	190
(A) (1) or (2) of this section, terrorism that occurs within or	191
outside the territorial jurisdiction of the United States.	192
(D) "Dependent" means an individual wholly or partially	193
dependent upon the victim for care and support, and includes a	194
child of the victim born after the victim's death.	195
(E) "Economic loss" means economic detriment consisting	196
only of allowable expense, work loss, funeral expense,	197
unemployment benefits loss, replacement services loss, cost of	198
crime scene cleanup, and cost of evidence replacement. If	199
criminally injurious conduct causes death, economic loss	200
includes a dependent's economic loss and a dependent's	201
replacement services loss. Noneconomic detriment is not economic	202
loss; however, economic loss may be caused by pain and suffering	203
or physical impairment.	204
(F) (1) "Allowable expense" means reasonable charges	205
incurred for reasonably needed products, services, and	206
accommodations, including those for medical care,	207
rehabilitation, rehabilitative occupational training, and other	208
remedial treatment and care and including replacement costs for	209
hearing aids; dentures, retainers, and other dental appliances;	210
canes, walkers, and other mobility tools; and eyeglasses and	211
other corrective lenses. It does not include that portion of a	212
charge for a room in a hospital, clinic, convalescent home,	213
nursing home, or any other institution engaged in providing	214
nursing care and related services in excess of a reasonable and	215
customary charge for semiprivate accommodations, unless	216
accommodations other than semiprivate accommodations are	217

medically required. 218

(2) An immediate family member of a victim of criminally 219
injurious conduct that consists of a homicide, a sexual assault, 220
domestic violence, or a severe and permanent incapacitating 221
injury resulting in paraplegia or a similar life-altering 222
condition, who requires psychiatric care or counseling as a 223
result of the criminally injurious conduct, may be reimbursed 224
for that care or counseling as an allowable expense through the 225
victim's application. The cumulative allowable expense for care 226
or counseling of that nature shall not exceed two thousand five 227
hundred dollars for each immediate family member of a victim of 228
that type and seven thousand five hundred dollars in the 229
aggregate for all immediate family members of a victim of that 230
type. 231

(3) A family member of a victim who died as a proximate 232
result of criminally injurious conduct may be reimbursed as an 233
allowable expense through the victim's application for wages 234
lost and travel expenses incurred in order to attend criminal 235
justice proceedings arising from the criminally injurious 236
conduct. The cumulative allowable expense for wages lost and 237
travel expenses incurred by a family member to attend criminal 238
justice proceedings shall not exceed five hundred dollars for 239
each family member of the victim and two thousand dollars in the 240
aggregate for all family members of the victim. 241

(4) (a) "Allowable expense" includes reasonable expenses 242
and fees necessary to obtain a guardian's bond pursuant to 243
section 2109.04 of the Revised Code when the bond is required to 244
pay an award to a fiduciary on behalf of a minor or other 245
incompetent. 246

(b) "Allowable expense" includes attorney's fees not 247

exceeding one thousand dollars, at a rate not exceeding one 248
hundred dollars per hour, incurred to successfully obtain a 249
restraining order, custody order, or other order to physically 250
separate a victim from an offender. Attorney's fees for the 251
services described in this division may include an amount for 252
reasonable travel time incurred to attend court hearings, not 253
exceeding three hours' round-trip for each court hearing, 254
assessed at a rate not exceeding thirty dollars per hour. 255

(G) "Work loss" means loss of income from work that the 256
injured person would have performed if the person had not been 257
injured and expenses reasonably incurred by the person to obtain 258
services in lieu of those the person would have performed for 259
income, reduced by any income from substitute work actually 260
performed by the person, or by income the person would have 261
earned in available appropriate substitute work that the person 262
was capable of performing but unreasonably failed to undertake. 263

(H) "Replacement services loss" means expenses reasonably 264
incurred in obtaining ordinary and necessary services in lieu of 265
those the injured person would have performed, not for income, 266
but for the benefit of the person's self or family, if the 267
person had not been injured. 268

(I) "Dependent's economic loss" means loss after a 269
victim's death of contributions of things of economic value to 270
the victim's dependents, not including services they would have 271
received from the victim if the victim had not suffered the 272
fatal injury, less expenses of the dependents avoided by reason 273
of the victim's death. If a minor child of a victim is adopted 274
after the victim's death, the minor child continues after the 275
adoption to incur a dependent's economic loss as a result of the 276
victim's death. If the surviving spouse of a victim remarries, 277

the surviving spouse continues after the remarriage to incur a	278
dependent's economic loss as a result of the victim's death.	279
(J) "Dependent's replacement services loss" means loss	280
reasonably incurred by dependents after a victim's death in	281
obtaining ordinary and necessary services in lieu of those the	282
victim would have performed for their benefit if the victim had	283
not suffered the fatal injury, less expenses of the dependents	284
avoided by reason of the victim's death and not subtracted in	285
calculating the dependent's economic loss. If a minor child of a	286
victim is adopted after the victim's death, the minor child	287
continues after the adoption to incur a dependent's replacement	288
services loss as a result of the victim's death. If the	289
surviving spouse of a victim remarries, the surviving spouse	290
continues after the remarriage to incur a dependent's	291
replacement services loss as a result of the victim's death.	292
(K) "Noneconomic detriment" means pain, suffering,	293
inconvenience, physical impairment, or other nonpecuniary	294
damage.	295
(L) "Victim" means a person who suffers personal injury or	296
death as a result of any of the following:	297
(1) Criminally injurious conduct;	298
(2) The good faith effort of any person to prevent	299
criminally injurious conduct;	300
(3) The good faith effort of any person to apprehend a	301
person suspected of engaging in criminally injurious conduct.	302
(M) "Contributory misconduct" means any conduct of the	303
claimant or of the victim through whom the claimant claims an	304
award of reparations that is unlawful or intentionally tortious	305
and that, without regard to the conduct's proximity in time or	306

space to the criminally injurious conduct, has a causal 307
relationship to the criminally injurious conduct that is the 308
basis of the claim. 309

(N) (1) "Funeral expense" means any reasonable charges that 310
are not in excess of seven thousand five hundred dollars per 311
funeral and that are incurred for expenses directly related to a 312
victim's funeral, cremation, or burial and any wages lost or 313
travel expenses incurred by a family member of a victim in order 314
to attend the victim's funeral, cremation, or burial. 315

(2) An award for funeral expenses shall be applied first 316
to expenses directly related to the victim's funeral, cremation, 317
or burial. An award for wages lost or travel expenses incurred 318
by a family member of the victim shall not exceed five hundred 319
dollars for each family member and shall not exceed in the 320
aggregate the difference between seven thousand five hundred 321
dollars and expenses that are reimbursed by the program and that 322
are directly related to the victim's funeral, cremation, or 323
burial. 324

(O) "Unemployment benefits loss" means a loss of 325
unemployment benefits pursuant to Chapter 4141. of the Revised 326
Code when the loss arises solely from the inability of a victim 327
to meet the able to work, available for suitable work, or the 328
actively seeking suitable work requirements of division (A) (4) 329
(a) of section 4141.29 of the Revised Code. 330

(P) "OVI violation" means any of the following: 331

(1) A violation of section 4511.19 of the Revised Code, of 332
any municipal ordinance prohibiting the operation of a vehicle 333
while under the influence of alcohol, a drug of abuse, or a 334
combination of them, or of any municipal ordinance prohibiting 335

the operation of a vehicle with a prohibited concentration of 336
alcohol, a controlled substance, or a metabolite of a controlled 337
substance in the whole blood, blood serum or plasma, breath, or 338
urine; 339

(2) A violation of division (A)(1) of section 2903.06 of 340
the Revised Code; 341

(3) A violation of division (A)(2), (3), ~~or (4)~~, or (5) of 342
section 2903.06 of the Revised Code or of a municipal ordinance 343
substantially similar to any of those divisions, if the offender 344
was under the influence of alcohol, a drug of abuse, or a 345
combination of them, at the time of the commission of the 346
offense; 347

(4) For purposes of any person described in division (A) 348
(2) of this section, a violation of any law of the state, 349
district, territory, or foreign country in which the criminally 350
injurious conduct occurred, if that law is substantially similar 351
to a violation described in division (P)(1) or (2) of this 352
section or if that law is substantially similar to a violation 353
described in division (P)(3) of this section and the offender 354
was under the influence of alcohol, a drug of abuse, or a 355
combination of them, at the time of the commission of the 356
offense. 357

(Q) "Pendency of the claim" for an original reparations 358
application or supplemental reparations application means the 359
period of time from the date the criminally injurious conduct 360
upon which the application is based occurred until the date a 361
final decision, order, or judgment concerning that original 362
reparations application or supplemental reparations application 363
is issued. 364

(R) "Terrorism" means any activity to which all of the 365
following apply: 366

(1) The activity involves a violent act or an act that is 367
dangerous to human life. 368

(2) The act described in division (R)(1) of this section 369
is committed within the territorial jurisdiction of the United 370
States and is a violation of the criminal laws of the United 371
States, this state, or any other state or the act described in 372
division (R)(1) of this section is committed outside the 373
territorial jurisdiction of the United States and would be a 374
violation of the criminal laws of the United States, this state, 375
or any other state if committed within the territorial 376
jurisdiction of the United States. 377

(3) The activity appears to be intended to do any of the 378
following: 379

(a) Intimidate or coerce a civilian population; 380

(b) Influence the policy of any government by intimidation 381
or coercion; 382

(c) Affect the conduct of any government by assassination 383
or kidnapping. 384

(4) The activity occurs primarily outside the territorial 385
jurisdiction of the United States or transcends the national 386
boundaries of the United States in terms of the means by which 387
the activity is accomplished, the person or persons that the 388
activity appears intended to intimidate or coerce, or the area 389
or locale in which the perpetrator or perpetrators of the 390
activity operate or seek asylum. 391

(S) "Transcends the national boundaries of the United 392

States" means occurring outside the territorial jurisdiction of 393
the United States in addition to occurring within the 394
territorial jurisdiction of the United States. 395

(T) "Cost of crime scene cleanup" means any of the 396
following: 397

(1) The replacement cost for items of clothing removed 398
from a victim in order to make an assessment of possible 399
physical harm or to treat physical harm; 400

(2) Reasonable and necessary costs of cleaning the scene 401
and repairing, for the purpose of personal security, property 402
damaged at the scene where the criminally injurious conduct 403
occurred, not to exceed seven hundred fifty dollars in the 404
aggregate per claim. 405

(U) "Cost of evidence replacement" means costs for 406
replacement of property confiscated for evidentiary purposes 407
related to the criminally injurious conduct, not to exceed seven 408
hundred fifty dollars in the aggregate per claim. 409

(V) "Provider" means any person who provides a victim or 410
claimant with a product, service, or accommodations that are an 411
allowable expense or a funeral expense. 412

(W) "Immediate family member" means an individual who 413
resided in the same permanent household as a victim at the time 414
of the criminally injurious conduct and who is related to the 415
victim by affinity or consanguinity. 416

(X) "Family member" means an individual who is related to 417
a victim by affinity or consanguinity. 418

Sec. 2903.06. (A) No person, while operating or 419
participating in the operation of a motor vehicle, motorcycle, 420

snowmobile, locomotive, watercraft, or aircraft, shall cause the 421
death of another or the unlawful termination of another's 422
pregnancy in any of the following ways: 423

(1) (a) As the proximate result of committing a violation 424
of division (A) of section 4511.19 of the Revised Code or of a 425
substantially equivalent municipal ordinance; 426

(b) As the proximate result of committing a violation of 427
division (A) of section 1547.11 of the Revised Code or of a 428
substantially equivalent municipal ordinance; 429

(c) As the proximate result of committing a violation of 430
division (A) (3) of section 4561.15 of the Revised Code or of a 431
substantially equivalent municipal ordinance. 432

(2) In one of the following ways: 433

(a) Recklessly; 434

(b) As the proximate result of committing, while operating 435
or participating in the operation of a motor vehicle or 436
motorcycle in a construction zone, a reckless operation offense, 437
provided that this division applies only if the person whose 438
death is caused or whose pregnancy is unlawfully terminated is 439
in the construction zone at the time of the offender's 440
commission of the reckless operation offense in the construction 441
zone and does not apply as described in division (F) of this 442
section. 443

(3) In one of the following ways: 444

(a) Negligently; 445

(b) As the proximate result of committing, while operating 446
or participating in the operation of a motor vehicle or 447
motorcycle in a construction zone, a speeding offense, provided 448

that this division applies only if the person whose death is 449
caused or whose pregnancy is unlawfully terminated is in the 450
construction zone at the time of the offender's commission of 451
the speeding offense in the construction zone and does not apply 452
as described in division (F) of this section. 453

(4) As the proximate result of committing a violation of 454
any provision of any section contained in Title XLV of the 455
Revised Code that is a minor misdemeanor or of a municipal 456
ordinance that, regardless of the penalty set by ordinance for 457
the violation, is substantially equivalent to any provision of 458
any section contained in Title XLV of the Revised Code that is a 459
minor misdemeanor; 460

(5) As the proximate result of recklessly committing a 461
violation of division (A) of section 4511.75 of the Revised 462
Code. 463

(B) (1) Whoever violates division (A) (1) ~~or, (2), or (5)~~ of 464
this section is guilty of aggravated vehicular homicide and 465
shall be punished as provided in divisions (B) (2) ~~and, (3), and~~ 466
(4) of this section. 467

(2) (a) Except as otherwise provided in division (B) (2) (b) 468
or (c) of this section, aggravated vehicular homicide committed 469
in violation of division (A) (1) of this section is a felony of 470
the second degree and the court shall impose a mandatory prison 471
term on the offender as described in division (E) of this 472
section. 473

(b) Except as otherwise provided in division (B) (2) (c) of 474
this section, aggravated vehicular homicide committed in 475
violation of division (A) (1) of this section is a felony of the 476
first degree, and the court shall impose a mandatory prison term 477

on the offender as described in division (E) of this section, if 478
any of the following apply: 479

(i) At the time of the offense, the offender was driving 480
under a suspension or cancellation imposed under Chapter 4510. 481
or any other provision of the Revised Code or was operating a 482
motor vehicle or motorcycle, did not have a valid driver's 483
license, commercial driver's license, temporary instruction 484
permit, probationary license, or nonresident operating 485
privilege, and was not eligible for renewal of the offender's 486
driver's license or commercial driver's license without 487
examination under section 4507.10 of the Revised Code. 488

(ii) The offender previously has been convicted of or 489
pleaded guilty to a violation of this section. 490

(iii) The offender previously has been convicted of or 491
pleaded guilty to any traffic-related homicide, manslaughter, or 492
assault offense. 493

(c) Aggravated vehicular homicide committed in violation 494
of division (A) (1) of this section is a felony of the first 495
degree, and the court shall sentence the offender to a mandatory 496
prison term as provided in section 2929.142 of the Revised Code 497
and described in division (E) of this section if any of the 498
following apply: 499

(i) The offender previously has been convicted of or 500
pleaded guilty to three or more prior violations of section 501
4511.19 of the Revised Code or of a substantially equivalent 502
municipal ordinance within the previous ten years. 503

(ii) The offender previously has been convicted of or 504
pleaded guilty to three or more prior violations of division (A) 505
of section 1547.11 of the Revised Code or of a substantially 506

equivalent municipal ordinance within the previous ten years. 507

(iii) The offender previously has been convicted of or 508
pleaded guilty to three or more prior violations of division (A) 509
(3) of section 4561.15 of the Revised Code or of a substantially 510
equivalent municipal ordinance within the previous ten years. 511

(iv) The offender previously has been convicted of or 512
pleaded guilty to three or more prior violations of division (A) 513
(1) of this section within the previous ten years. 514

(v) The offender previously has been convicted of or 515
pleaded guilty to three or more prior violations of division (A) 516
(1) of section 2903.08 of the Revised Code within the previous 517
ten years. 518

(vi) The offender previously has been convicted of or 519
pleaded guilty to three or more prior violations of section 520
2903.04 of the Revised Code within the previous ten years in 521
circumstances in which division (D) of that section applied 522
regarding the violations. 523

(vii) The offender previously has been convicted of or 524
pleaded guilty to three or more violations of any combination of 525
the offenses listed in division (B)(2)(c)(i), (ii), (iii), (iv), 526
(v), or (vi) of this section within the previous ten years. 527

(viii) The offender previously has been convicted of or 528
pleaded guilty to a second or subsequent felony violation of 529
division (A) of section 4511.19 of the Revised Code. 530

(d) In addition to any other sanctions imposed pursuant to 531
division (B)(2)(a), (b), or (c) of this section for aggravated 532
vehicular homicide committed in violation of division (A)(1) of 533
this section, the court shall impose upon the offender a class 534
one suspension of the offender's driver's license, commercial 535

driver's license, temporary instruction permit, probationary 536
license, or nonresident operating privilege as specified in 537
division (A) (1) of section 4510.02 of the Revised Code. 538

Divisions (A) (1) to (3) of section 4510.54 of the Revised 539
Code apply to a suspension imposed under division (B) (2) (d) of 540
this section. 541

(3) Except as otherwise provided in this division, 542
aggravated vehicular homicide committed in violation of division 543
(A) (2) of this section is a felony of the third degree. 544
Aggravated vehicular homicide committed in violation of division 545
(A) (2) of this section is a felony of the second degree if, at 546
the time of the offense, ~~the offender was driving under a~~ 547
~~suspension or cancellation imposed under Chapter 4510. or any~~ 548
~~other provision of the Revised Code or was operating a motor~~ 549
~~vehicle or motorcycle, did not have a valid driver's license,~~ 550
~~commercial driver's license, temporary instruction permit,~~ 551
~~probationary license, or nonresident operating privilege, and~~ 552
~~was not eligible for renewal of the offender's driver's license~~ 553
~~or commercial driver's license without examination under section~~ 554
~~4507.10 of the Revised Code or if the offender previously has~~ 555
~~been convicted of or pleaded guilty to a violation of this~~ 556
~~section or any traffic-related homicide, manslaughter, or~~ 557
~~assault offense~~any of the conditions described in division (G) 558
of this section apply. The court shall impose a mandatory prison 559
term on the offender when required by division (E) of this 560
section. 561

In addition to any other sanctions imposed pursuant to 562
this division for a violation of division (A) (2) of this 563
section, the court shall impose upon the offender a class two 564
suspension of the offender's driver's license, commercial 565

driver's license, temporary instruction permit, probationary 566
license, or nonresident operating privilege from the range 567
specified in division (A) (2) of section 4510.02 of the Revised 568
Code or, if the offender previously has been convicted of or 569
pleaded guilty to a traffic-related murder, felonious assault, 570
or attempted murder offense, a class one suspension of the 571
offender's driver's license, commercial driver's license, 572
temporary instruction permit, probationary license, or 573
nonresident operating privilege as specified in division (A) (1) 574
of that section. 575

(4) Except as otherwise provided in this division, 576
aggravated vehicular homicide committed in violation of division 577
(A) (5) of this section is a felony of the second degree. 578
Aggravated vehicular homicide committed in violation of division 579
(A) (5) of this section is a felony of the first degree if, at 580
the time of the offense, any of the conditions in division (G) 581
of this section apply. 582

The court shall impose a mandatory prison term on the 583
offender for a violation of division (A) (5) of this section when 584
required by division (E) of this section. 585

In addition to any other sanctions imposed pursuant to 586
this division for a violation of division (A) (5) of this 587
section, the court shall impose upon the offender a class one 588
suspension of the offender's driver's license, commercial 589
driver's license, temporary instruction permit, probationary 590
license, or nonresident operating privilege from the range 591
specified in division (A) (1) of section 4510.02 of the Revised 592
Code. 593

(C) Whoever violates division (A) (3) of this section is 594
guilty of vehicular homicide. Except as otherwise provided in 595

this division, vehicular homicide is a misdemeanor of the first 596
degree. Vehicular homicide committed in violation of division 597
(A) (3) of this section is a felony of the fourth degree if, at 598
the time of the offense, ~~the offender was driving under a~~ 599
~~suspension or cancellation imposed under Chapter 4510. or any~~ 600
~~other provision of the Revised Code or was operating a motor~~ 601
~~vehicle or motorcycle, did not have a valid driver's license,~~ 602
~~commercial driver's license, temporary instruction permit,~~ 603
~~probationary license, or nonresident operating privilege, and~~ 604
~~was not eligible for renewal of the offender's driver's license~~ 605
~~or commercial driver's license without examination under section~~ 606
~~4507.10 of the Revised Code or if the offender previously has~~ 607
~~been convicted of or pleaded guilty to a violation of this~~ 608
~~section or any traffic related homicide, manslaughter, or~~ 609
~~assault offense~~any of the conditions described in division (G) 610
of this section apply. The court shall impose a mandatory jail 611
term or a mandatory prison term on the offender when required by 612
division (E) of this section. 613

In addition to any other sanctions imposed pursuant to 614
this division, the court shall impose upon the offender a class 615
four suspension of the offender's driver's license, commercial 616
driver's license, temporary instruction permit, probationary 617
license, or nonresident operating privilege from the range 618
specified in division (A) (4) of section 4510.02 of the Revised 619
Code, or, if the offender previously has been convicted of or 620
pleaded guilty to a violation of this section or any traffic- 621
related homicide, manslaughter, or assault offense, a class 622
three suspension of the offender's driver's license, commercial 623
driver's license, temporary instruction permit, probationary 624
license, or nonresident operating privilege from the range 625
specified in division (A) (3) of that section, or, if the 626

offender previously has been convicted of or pleaded guilty to a 627
traffic-related murder, felonious assault, or attempted murder 628
offense, a class two suspension of the offender's driver's 629
license, commercial driver's license, temporary instruction 630
permit, probationary license, or nonresident operating privilege 631
as specified in division (A) (2) of that section. 632

(D) Whoever violates division (A) (4) of this section is 633
guilty of vehicular manslaughter. Except as otherwise provided 634
in this division, vehicular manslaughter is a misdemeanor of the 635
second degree. Vehicular manslaughter is a misdemeanor of the 636
first degree if, at the time of the offense, ~~the offender was~~ 637
~~driving under a suspension or cancellation imposed under Chapter~~ 638
~~4510. or any other provision of the Revised Code or was~~ 639
~~operating a motor vehicle or motorcycle, did not have a valid~~ 640
~~driver's license, commercial driver's license, temporary~~ 641
~~instruction permit, probationary license, or nonresident~~ 642
~~operating privilege, and was not eligible for renewal of the~~ 643
~~offender's driver's license or commercial driver's license~~ 644
~~without examination under section 4507.10 of the Revised Code or~~ 645
~~if the offender previously has been convicted of or pleaded~~ 646
~~guilty to a violation of this section or any traffic related~~ 647
~~homicide, manslaughter, or assault offense~~any of the conditions 648
described in division (G) of this section apply. 649

In addition to any other sanctions imposed pursuant to 650
this division, the court shall impose upon the offender a class 651
six suspension of the offender's driver's license, commercial 652
driver's license, temporary instruction permit, probationary 653
license, or nonresident operating privilege from the range 654
specified in division (A) (6) of section 4510.02 of the Revised 655
Code or, if the offender previously has been convicted of or 656
pleaded guilty to a violation of this section, any traffic- 657

related homicide, manslaughter, or assault offense, or a 658
traffic-related murder, felonious assault, or attempted murder 659
offense, a class four suspension of the offender's driver's 660
license, commercial driver's license, temporary instruction 661
permit, probationary license, or nonresident operating privilege 662
from the range specified in division (A)(4) of that section. 663

(E)(1) The court shall impose a mandatory prison term on 664
an offender who is convicted of or pleads guilty to a violation 665
of division (A)(1) of this section. Except as otherwise provided 666
in this division, the mandatory prison term shall be a definite 667
term from the range of prison terms provided in division (A)(1) 668
(b) of section 2929.14 of the Revised Code for a felony of the 669
first degree or from division (A)(2)(b) of that section for a 670
felony of the second degree, whichever is applicable, except 671
that if the violation is committed on or after ~~the effective~~ 672
~~date of this amendment~~ March 22, 2019, the court shall impose as 673
the minimum prison term for the offense a mandatory prison term 674
that is one of the minimum terms prescribed for a felony of the 675
first degree in division (A)(1)(a) of section 2929.14 of the 676
Revised Code or one of the terms prescribed for a felony of the 677
second degree in division (A)(2)(a) of that section, whichever 678
is applicable. If division (B)(2)(c)(i), (ii), (iii), (iv), (v), 679
(vi), (vii), or (viii) of this section applies to an offender 680
who is convicted of or pleads guilty to the violation of 681
division (A)(1) of this section, the court shall impose the 682
mandatory prison term pursuant to division (B) of section 683
2929.142 of the Revised Code. The court shall impose a mandatory 684
jail term of at least fifteen days on an offender who is 685
convicted of or pleads guilty to a misdemeanor violation of 686
division (A)(3)(b) of this section and may impose upon the 687
offender a longer jail term as authorized pursuant to section 688

2929.24 of the Revised Code. 689

(2) The court shall impose a mandatory prison term on an 690
offender who is convicted of or pleads guilty to a violation of 691
division (A) (2) or (3) (a) of this section or a felony violation 692
of division (A) (3) (b) of this section if either division (E) (2) 693
(a) or (b) of this section applies. The mandatory prison term 694
shall be a definite term from the range of prison terms provided 695
in division ~~(A) (3) (a)~~ (A) (2) (b) of section 2929.14 of the 696
Revised Code for a felony of the ~~third~~ second degree or from 697
division (A) (4) of that section for a felony of the fourth 698
degree, whichever is applicable. However, if the violation is a 699
felony of the second degree committed on or after March 22, 700
2019, the court shall impose as the minimum prison term for the 701
offense a mandatory prison term that is one of the minimum terms 702
prescribed for a felony of the second degree in division (A) (2) 703
(a) of section 2929.14 of the Revised Code. The court shall 704
impose a mandatory prison term on an offender in a category 705
described in this division if either of the following applies: 706

(a) The offender previously has been convicted of or 707
pleaded guilty to a violation of this section or section 2903.08 708
of the Revised Code. 709

(b) At the time of the offense, the offender was driving 710
under suspension or cancellation under Chapter 4510. or any 711
other provision of the Revised Code or was operating a motor 712
vehicle or motorcycle, did not have a valid driver's license, 713
commercial driver's license, temporary instruction permit, 714
probationary license, or nonresident operating privilege, and 715
was not eligible for renewal of the offender's driver's license 716
or commercial driver's license without examination under section 717
4507.10 of the Revised Code. 718

(3) The court shall impose a mandatory prison term on an 719
offender who is convicted of or pleads guilty to a violation of 720
division (A) (5) of this section if either division (E) (2) (a) or 721
(b) of this section applies. The court shall impose as the 722
minimum prison term for the offense a mandatory prison term that 723
is one of the minimum terms prescribed for a felony of the first 724
degree in division (A) (1) (a) of section 2929.14 of the Revised 725
Code. 726

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 727
apply in a particular construction zone unless signs of the type 728
described in section 2903.081 of the Revised Code are erected in 729
that construction zone in accordance with the guidelines and 730
design specifications established by the director of 731
transportation under section 5501.27 of the Revised Code. The 732
failure to erect signs of the type described in section 2903.081 733
of the Revised Code in a particular construction zone in 734
accordance with those guidelines and design specifications does 735
not limit or affect the application of division (A) (1), (A) (2) 736
(a), (A) (3) (a), or (A) (4) of this section in that construction 737
zone or the prosecution of any person who violates any of those 738
divisions in that construction zone. 739

~~(G) (1)~~ (G) The applicable enhanced penalties in divisions 740
(B) (3) and (4), (C), and (D) of this section shall be imposed if 741
any of the following apply: 742

(1) The offender was driving under a suspension or 743
cancellation imposed under Chapter 4510. or any other provision 744
of the Revised Code. 745

(2) The offender was operating a motor vehicle or 746
motorcycle, did not have a valid driver's license, commercial 747
driver's license, temporary instruction permit, probationary 748

license, or nonresident operating privilege, and was not 749
eligible for renewal of the offender's driver's license or 750
commercial driver's license without examination under section 751
4507.10 of the Revised Code. 752

(3) The offender previously has been convicted of or 753
pleaded guilty to a violation of this section, any traffic- 754
related homicide, manslaughter, or assault offense, or any 755
traffic-related murder, felonious assault, or attempted murder 756
offense. 757

(4) The offender, in the same course of conduct that 758
resulted in the violation, also violated section 4549.02, 759
4549.021, or 4549.03 of the Revised Code. 760

(H) (1) As used in this section: 761

(a) "Mandatory prison term" and "mandatory jail term" have 762
the same meanings as in section 2929.01 of the Revised Code. 763

(b) "Traffic-related homicide, manslaughter, or assault 764
offense" means a violation of section 2903.04 of the Revised 765
Code in circumstances in which division (D) of that section 766
applies, a violation of section 2903.06~~or~~, 2903.08, or 767
2903.082 of the Revised Code, or a violation of section 2903.06, 768
2903.07, or 2903.08 of the Revised Code as they existed prior to 769
March 23, 2000. 770

(c) "Construction zone" has the same meaning as in section 771
5501.27 of the Revised Code. 772

(d) "Reckless operation offense" means a violation of 773
section 4511.20 of the Revised Code or a municipal ordinance 774
substantially equivalent to section 4511.20 of the Revised Code. 775

(e) "Speeding offense" means a violation of section 776

4511.21 of the Revised Code or a municipal ordinance pertaining 777
to speed. 778

(f) "Traffic-related murder, felonious assault, or 779
attempted murder offense" means a violation of section 2903.01 780
or 2903.02 of the Revised Code in circumstances in which the 781
offender used a motor vehicle as the means to commit the 782
violation, a violation of division (A) (2) of section 2903.11 of 783
the Revised Code in circumstances in which the deadly weapon 784
used in the commission of the violation is a motor vehicle, or 785
an attempt to commit aggravated murder or murder in violation of 786
section 2923.02 of the Revised Code in circumstances in which 787
the offender used a motor vehicle as the means to attempt to 788
commit the aggravated murder or murder. 789

(g) "Motor vehicle" has the same meaning as in section 790
4501.01 of the Revised Code. 791

(2) For the purposes of this section, when a penalty or 792
suspension is enhanced because of a prior or current violation 793
of a specified law or a prior or current specified offense, the 794
reference to the violation of the specified law or the specified 795
offense includes any violation of any substantially equivalent 796
municipal ordinance, former law of this state, or current or 797
former law of another state or the United States. 798

Sec. 2903.08. (A) No person, while operating or 799
participating in the operation of a motor vehicle, motorcycle, 800
snowmobile, locomotive, watercraft, or aircraft, shall cause 801
serious physical harm to another person or another's unborn in 802
any of the following ways: 803

(1) (a) As the proximate result of committing a violation 804
of division (A) of section 4511.19 of the Revised Code or of a 805

substantially equivalent municipal ordinance;	806
(b) As the proximate result of committing a violation of	807
division (A) of section 1547.11 of the Revised Code or of a	808
substantially equivalent municipal ordinance;	809
(c) As the proximate result of committing a violation of	810
division (A) (3) of section 4561.15 of the Revised Code or of a	811
substantially equivalent municipal ordinance.	812
(2) In one of the following ways:	813
(a) As the proximate result of committing, while operating	814
or participating in the operation of a motor vehicle or	815
motorcycle in a construction zone, a reckless operation offense,	816
provided that this division applies only if the person to whom	817
the serious physical harm is caused or to whose unborn the	818
serious physical harm is caused is in the construction zone at	819
the time of the offender's commission of the reckless operation	820
offense in the construction zone and does not apply as described	821
in division (E) of this section;	822
(b) Recklessly.	823
(3) As the proximate result of committing, while operating	824
or participating in the operation of a motor vehicle or	825
motorcycle in a construction zone, a speeding offense, provided	826
that this division applies only if the person to whom the	827
serious physical harm is caused or to whose unborn the serious	828
physical harm is caused is in the construction zone at the time	829
of the offender's commission of the speeding offense in the	830
construction zone and does not apply as described in division	831
(E) of this section;	832
<u>(4) As the proximate result of recklessly committing a</u>	833
<u>violation of division (A) of section 4511.75 of the Revised</u>	834

<u>Code.</u>	835
(B) (1) Whoever violates division (A) (1) of this section is guilty of aggravated vehicular assault. Except as otherwise provided in this division, aggravated vehicular assault is a felony of the third degree. Aggravated vehicular assault is a felony of the second degree if any of the following apply:	836 837 838 839 840
(a) At the time of the offense, the offender was driving under a suspension imposed under Chapter 4510. or any other provision of the Revised Code.	841 842 843
(b) The offender previously has been convicted of or pleaded guilty to a violation of this section.	844 845
(c) The offender previously has been convicted of or pleaded guilty to any traffic-related homicide, manslaughter, or assault offense.	846 847 848
(d) The offender previously has been convicted of or pleaded guilty to three or more prior violations of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance within the previous ten years.	849 850 851 852
(e) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) of section 1547.11 of the Revised Code or of a substantially equivalent municipal ordinance within the previous ten years.	853 854 855 856
(f) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) (3) of section 4561.15 of the Revised Code or of a substantially equivalent municipal ordinance within the previous ten years.	857 858 859 860
(g) The offender previously has been convicted of or pleaded guilty to three or more prior violations of any	861 862

combination of the offenses listed in division (B) (1) (d), (e), 863
or (f) of this section. 864

(h) The offender previously has been convicted of or 865
pleaded guilty to a second or subsequent felony violation of 866
division (A) of section 4511.19 of the Revised Code. 867

(2) In addition to any other sanctions imposed pursuant to 868
division (B) (1) of this section, except as otherwise provided in 869
this division, the court shall impose upon the offender a class 870
three suspension of the offender's driver's license, commercial 871
driver's license, temporary instruction permit, probationary 872
license, or nonresident operating privilege from the range 873
specified in division (A) (3) of section 4510.02 of the Revised 874
Code. If the offender previously has been convicted of or 875
pleaded guilty to a violation of this section, any traffic- 876
related homicide, manslaughter, or assault offense, or any 877
traffic-related murder, felonious assault, or attempted murder 878
offense, the court shall impose either a class two suspension of 879
the offender's driver's license, commercial driver's license, 880
temporary instruction permit, probationary license, or 881
nonresident operating privilege from the range specified in 882
division (A) (2) of that section or a class one suspension as 883
specified in division (A) (1) of that section. 884

(C) (1) Whoever violates division (A) (2) ~~or, (3), or (4)~~ of 885
this section is guilty of vehicular assault and shall be 886
punished as provided in divisions (C) (2) ~~and, (3), and (4)~~ of 887
this section. 888

(2) Except as otherwise provided in this division, 889
vehicular assault committed in violation of division (A) (2) of 890
this section is a felony of the fourth degree. Vehicular assault 891
committed in violation of division (A) (2) of this section is a 892

felony of the third degree if, at the time of the offense, ~~the~~ 893
~~offender was driving under a suspension imposed under Chapter~~ 894
~~4510. or any other provision of the Revised Code, if the~~ 895
~~offender previously has been convicted of or pleaded guilty to a~~ 896
~~violation of this section or any traffic related homicide,~~ 897
~~manslaughter, or assault offense, or if, in the same course of~~ 898
~~conduct that resulted in the violation of division (A) (2) of~~ 899
~~this section, the offender also violated section 4549.02,~~ 900
~~4549.021, or 4549.03 of the Revised Code~~any of the conditions 901
described in division (F) of this section apply. 902

In addition to any other sanctions imposed, the court 903
shall impose upon the offender a class four suspension of the 904
offender's driver's license, commercial driver's license, 905
temporary instruction permit, probationary license, or 906
nonresident operating privilege from the range specified in 907
division (A) (4) of section 4510.02 of the Revised Code or, if 908
the offender previously has been convicted of or pleaded guilty 909
to a violation of this section, any traffic-related homicide, 910
manslaughter, or assault offense, or any traffic-related murder, 911
felonious assault, or attempted murder offense, a class three 912
suspension of the offender's driver's license, commercial 913
driver's license, temporary instruction permit, probationary 914
license, or nonresident operating privilege from the range 915
specified in division (A) (3) of that section. 916

(3) Except as otherwise provided in this division, 917
vehicular assault committed in violation of division (A) (3) of 918
this section is a misdemeanor of the first degree. Vehicular 919
assault committed in violation of division (A) (3) of this 920
section is a felony of the fourth degree if, at the time of the 921
offense, ~~the offender was driving under a suspension imposed~~ 922
~~under Chapter 4510. or any other provision of the Revised Code~~ 923

~~or if the offender previously has been convicted of or pleaded~~ 924
~~guilty to a violation of this section or any traffic-related~~ 925
~~homicide, manslaughter, or assault offense~~any of the conditions 926
described in division (F) of this section apply. 927

In addition to any other sanctions imposed, the court 928
shall impose upon the offender a class four suspension of the 929
offender's driver's license, commercial driver's license, 930
temporary instruction permit, probationary license, or 931
nonresident operating privilege from the range specified in 932
division (A) (4) of section 4510.02 of the Revised Code or, if 933
the offender previously has been convicted of or pleaded guilty 934
to a violation of this section, any traffic-related homicide, 935
manslaughter, or assault offense, or any traffic-related murder, 936
felonious assault, or attempted murder offense, a class three 937
suspension of the offender's driver's license, commercial 938
driver's license, temporary instruction permit, probationary 939
license, or nonresident operating privilege from the range 940
specified in division (A) (3) of section 4510.02 of the Revised 941
Code. 942

(4) Except as otherwise provided in this division, 943
vehicular assault committed in violation of division (A) (4) of 944
this section is a felony of the third degree. Vehicular assault 945
committed in violation of division (A) (4) of this section is a 946
felony of the second degree if, at the time of the offense, any 947
of the conditions described in division (F) of this section 948
apply. 949

In addition to any other sanctions imposed, the court 950
shall impose upon the offender a class three suspension of the 951
offender's driver's license, commercial driver's license, 952
temporary instruction permit, probationary license, or 953

nonresident operating privilege from the range specified in 954
division (A) (3) of section 4510.02 of the Revised Code or, if 955
the offender previously has been convicted of or pleaded guilty 956
to a violation of this section, any traffic-related homicide, 957
manslaughter, or assault offense, or any traffic-related murder, 958
felonious assault, or attempted murder offense, a class two 959
suspension of the offender's driver's license, commercial 960
driver's license, temporary instruction permit, probationary 961
license, or nonresident operating privilege from the range 962
specified in division (A) (2) of that section. 963

(D) (1) The court shall impose a mandatory prison term, as 964
described in division (D) (4) of this section, on an offender who 965
is convicted of or pleads guilty to a violation of division (A) 966
(1) of this section. 967

(2) The court shall impose a mandatory prison term, as 968
described in division (D) (4) of this section, on an offender who 969
is convicted of or pleads guilty to a violation of division (A) 970
(2) or (4) of this section or a felony violation of division (A) 971
(3) of this section if either of the following applies: 972

(a) The offender previously has been convicted of or 973
pleaded guilty to a violation of this section or section 2903.06 974
of the Revised Code. 975

(b) At the time of the offense, the offender was driving 976
under suspension under Chapter 4510. or any other provision of 977
the Revised Code. 978

(3) The court shall impose a mandatory jail term of at 979
least seven days on an offender who is convicted of or pleads 980
guilty to a misdemeanor violation of division (A) (3) of this 981
section and may impose upon the offender a longer jail term as 982

authorized pursuant to section 2929.24 of the Revised Code. 983

(4) A mandatory prison term required under division (D) (1) 984
or (2) of this section shall be a definite term from the range 985
of prison terms provided in division (A) (2) (b) of section 986
2929.14 of the Revised Code for a felony of the second degree, 987
from division (A) (3) (a) of that section for a felony of the 988
third degree, or from division (A) (4) of that section for a 989
felony of the fourth degree, whichever is applicable, except 990
that if the violation is a felony of the second degree committed 991
on or after ~~the effective date of this amendment~~ March 22, 2019, 992
the court shall impose as the minimum prison term for the 993
offense a mandatory prison term that is one of the minimum terms 994
prescribed for a felony of the second degree in division (A) (2) 995
(a) of section 2929.14 of the Revised Code. 996

(E) Divisions (A) (2) (a) and (3) of this section do not 997
apply in a particular construction zone unless signs of the type 998
described in section 2903.081 of the Revised Code are erected in 999
that construction zone in accordance with the guidelines and 1000
design specifications established by the director of 1001
transportation under section 5501.27 of the Revised Code. The 1002
failure to erect signs of the type described in section 2903.081 1003
of the Revised Code in a particular construction zone in 1004
accordance with those guidelines and design specifications does 1005
not limit or affect the application of division (A) (1) or (2) (b) 1006
of this section in that construction zone or the prosecution of 1007
any person who violates either of those divisions in that 1008
construction zone. 1009

(F) The applicable enhanced penalties in divisions (C) (2), 1010
(3), and (4) of this section shall be imposed if any of the 1011
following apply: 1012

(1) The offender was driving under a suspension or 1013
cancellation imposed under Chapter 4510. or any other provision 1014
of the Revised Code. 1015

(2) The offender was operating a motor vehicle or 1016
motorcycle, did not have a valid driver's license, commercial 1017
driver's license, temporary instruction permit, probationary 1018
license, or nonresident operating privilege, and was not 1019
eligible for renewal of the offender's driver's license or 1020
commercial driver's license without examination under section 1021
4507.10 of the Revised Code. 1022

(3) The offender previously has been convicted of or 1023
pleaded guilty to a violation of this section, any traffic- 1024
related homicide, manslaughter, or assault offense, or any 1025
traffic-related murder, felonious assault, or attempted murder 1026
offense. 1027

(4) The offender, in the same course of conduct that 1028
resulted in the violation, also violated section 4549.02, 1029
4549.021, or 4549.03 of the Revised Code. 1030

(G) As used in this section: 1031

(1) "Mandatory prison term" and "mandatory jail term" have 1032
the same meanings as in section 2929.01 of the Revised Code. 1033

(2) "Traffic-related homicide, manslaughter, or assault 1034
offense" and "traffic-related murder, felonious assault, or 1035
attempted murder offense" have the same meanings as in section 1036
2903.06 of the Revised Code. 1037

(3) "Construction zone" has the same meaning as in section 1038
5501.27 of the Revised Code. 1039

(4) "Reckless operation offense" and "speeding offense" 1040

have the same meanings as in section 2903.06 of the Revised Code. 1041
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~~(G)~~(H) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States. 1043
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Sec. 2903.082. (A) As used in this section, "traffic-related homicide, manslaughter, or assault offense" and "traffic-related murder, felonious assault, or attempted murder offense" have the same meanings as in section 2903.06 of the Revised Code. 1051
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(B) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause physical harm, excluding serious physical harm, to another person or another's unborn as the proximate result of recklessly committing a violation of division (A) of section 4511.75 of the Revised Code. 1056
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(C) (1) Whoever violates division (B) of this section is guilty of vehicular harm. 1063
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(2) Except as otherwise provided in division (C) (3) of this section, vehicular harm is a felony of the fifth degree. 1065
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(3) Vehicular harm is a felony of the fourth degree if, at the time of the offense, any of the following conditions apply: 1067
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(a) The offender was driving under a suspension or 1069

cancellation imposed under Chapter 4510. or any other provision 1070
of the Revised Code. 1071

(b) The offender was operating a motor vehicle or 1072
motorcycle, did not have a valid driver's license, commercial 1073
driver's license, temporary instruction permit, probationary 1074
license, or nonresident operating privilege, and was not 1075
eligible for renewal of the offender's driver's license or 1076
commercial driver's license without examination under section 1077
4507.10 of the Revised Code. 1078

(c) The offender previously has been convicted of or 1079
pleaded guilty to a violation of this section, any traffic- 1080
related homicide, manslaughter, or assault offense, or any 1081
traffic-related murder, felonious assault, or attempted murder 1082
offense. 1083

(d) The offender, in the same course of conduct that 1084
resulted in the violation, also violated section 4549.02, 1085
4549.021, or 4549.03 of the Revised Code. 1086

(D) (1) Except as otherwise provided in division (D) (2) of 1087
this section, in addition to any other sanctions imposed, the 1088
court shall impose upon the offender a class five suspension of 1089
the offender's driver's license, commercial driver's license, 1090
temporary instruction permit, probationary license, or 1091
nonresident operating privilege from the range specified in 1092
division (A) (5) of section 4510.02 of the Revised Code. 1093

(2) The court shall impose a class four suspension of the 1094
offender's driver's license, commercial driver's license, 1095
temporary instruction permit, probationary license, or 1096
nonresident operating privilege from the range specified in 1097
division (A) (4) of section 4510.02 of the Revised Code if the 1098

offender previously has been convicted of or pleaded guilty to 1099
any of the following: 1100

(a) A violation of this section; 1101

(b) Any traffic-related homicide, manslaughter, or assault 1102
offense; 1103

(c) Any traffic-related murder, felonious assault, or 1104
attempted murder offense. 1105

(E) For the purposes of this section, when a penalty or 1106
suspension is enhanced because of a prior or current violation 1107
of a specified law or a prior or current specified offense, the 1108
reference to the violation of the specified law or the specified 1109
offense includes any violation of any substantially equivalent 1110
municipal ordinance, former law of this state, or current or 1111
former law of another state or the United States. 1112

Sec. 2929.14. (A) Except as provided in division (B) (1), 1113
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1114
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 1115
in division (D) (6) of section 2919.25 of the Revised Code and 1116
except in relation to an offense for which a sentence of death 1117
or life imprisonment is to be imposed, if the court imposing a 1118
sentence upon an offender for a felony elects or is required to 1119
impose a prison term on the offender pursuant to this chapter, 1120
the court shall impose a prison term that shall be one of the 1121
following: 1122

(1) (a) For a felony of the first degree committed on or 1123
after the effective date of this amendment, the prison term 1124
shall be an indefinite prison term with a stated minimum term 1125
selected by the court of three, four, five, six, seven, eight, 1126
nine, ten, or eleven years and a maximum term that is determined 1127

pursuant to section 2929.144 of the Revised Code, except that if 1128
the section that criminalizes the conduct constituting the 1129
felony specifies a different minimum term or penalty for the 1130
offense, the specific language of that section shall control in 1131
determining the minimum term or otherwise sentencing the 1132
offender but the minimum term or sentence imposed under that 1133
specific language shall be considered for purposes of the 1134
Revised Code as if it had been imposed under this division. 1135

(b) For a felony of the first degree committed prior to 1136
the effective date of this amendment, the prison term shall be a 1137
definite prison term of three, four, five, six, seven, eight, 1138
nine, ten, or eleven years. 1139

(2) (a) For a felony of the second degree committed on or 1140
after the effective date of this amendment, the prison term 1141
shall be an indefinite prison term with a stated minimum term 1142
selected by the court of two, three, four, five, six, seven, or 1143
eight years and a maximum term that is determined pursuant to 1144
section 2929.144 of the Revised Code, except that if the section 1145
that criminalizes the conduct constituting the felony specifies 1146
a different minimum term or penalty for the offense, the 1147
specific language of that section shall control in determining 1148
the minimum term or otherwise sentencing the offender but the 1149
minimum term or sentence imposed under that specific language 1150
shall be considered for purposes of the Revised Code as if it 1151
had been imposed under this division. 1152

(b) For a felony of the second degree committed prior to 1153
the effective date of this amendment, the prison term shall be a 1154
definite term of two, three, four, five, six, seven, or eight 1155
years. 1156

(3) (a) For a felony of the third degree that is a 1157

violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1158
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 1159
Code or that is a violation of section 2911.02 or 2911.12 of the 1160
Revised Code if the offender previously has been convicted of or 1161
pleaded guilty in two or more separate proceedings to two or 1162
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 1163
of the Revised Code, the prison term shall be a definite term of 1164
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 1165
forty-eight, fifty-four, or sixty months. 1166

(b) For a felony of the third degree that is not an 1167
offense for which division (A) (3) (a) of this section applies, 1168
the prison term shall be a definite term of nine, twelve, 1169
eighteen, twenty-four, thirty, or thirty-six months. 1170

(4) For a felony of the fourth degree, the prison term 1171
shall be a definite term of six, seven, eight, nine, ten, 1172
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1173
or eighteen months. 1174

(5) For a felony of the fifth degree, the prison term 1175
shall be a definite term of six, seven, eight, nine, ten, 1176
eleven, or twelve months. 1177

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1178
section, if an offender who is convicted of or pleads guilty to 1179
a felony also is convicted of or pleads guilty to a 1180
specification of the type described in section 2941.141, 1181
2941.144, or 2941.145 of the Revised Code, the court shall 1182
impose on the offender one of the following prison terms: 1183

(i) A prison term of six years if the specification is of 1184
the type described in division (A) of section 2941.144 of the 1185
Revised Code that charges the offender with having a firearm 1186

that is an automatic firearm or that was equipped with a firearm 1187
muffler or suppressor on or about the offender's person or under 1188
the offender's control while committing the offense; 1189

(ii) A prison term of three years if the specification is 1190
of the type described in division (A) of section 2941.145 of the 1191
Revised Code that charges the offender with having a firearm on 1192
or about the offender's person or under the offender's control 1193
while committing the offense and displaying the firearm, 1194
brandishing the firearm, indicating that the offender possessed 1195
the firearm, or using it to facilitate the offense; 1196

(iii) A prison term of one year if the specification is of 1197
the type described in division (A) of section 2941.141 of the 1198
Revised Code that charges the offender with having a firearm on 1199
or about the offender's person or under the offender's control 1200
while committing the offense; 1201

(iv) A prison term of nine years if the specification is 1202
of the type described in division (D) of section 2941.144 of the 1203
Revised Code that charges the offender with having a firearm 1204
that is an automatic firearm or that was equipped with a firearm 1205
muffler or suppressor on or about the offender's person or under 1206
the offender's control while committing the offense and 1207
specifies that the offender previously has been convicted of or 1208
pleaded guilty to a specification of the type described in 1209
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1210
the Revised Code; 1211

(v) A prison term of fifty-four months if the 1212
specification is of the type described in division (D) of 1213
section 2941.145 of the Revised Code that charges the offender 1214
with having a firearm on or about the offender's person or under 1215
the offender's control while committing the offense and 1216

displaying the firearm, brandishing the firearm, indicating that 1217
the offender possessed the firearm, or using the firearm to 1218
facilitate the offense and that the offender previously has been 1219
convicted of or pleaded guilty to a specification of the type 1220
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1221
2941.1412 of the Revised Code; 1222

(vi) A prison term of eighteen months if the specification 1223
is of the type described in division (D) of section 2941.141 of 1224
the Revised Code that charges the offender with having a firearm 1225
on or about the offender's person or under the offender's 1226
control while committing the offense and that the offender 1227
previously has been convicted of or pleaded guilty to a 1228
specification of the type described in section 2941.141, 1229
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1230

(b) If a court imposes a prison term on an offender under 1231
division (B) (1) (a) of this section, the prison term shall not be 1232
reduced pursuant to section 2967.19, section 2929.20, section 1233
2967.193, or any other provision of Chapter 2967. or Chapter 1234
5120. of the Revised Code. Except as provided in division (B) (1) 1235
(g) of this section, a court shall not impose more than one 1236
prison term on an offender under division (B) (1) (a) of this 1237
section for felonies committed as part of the same act or 1238
transaction. 1239

(c) (i) Except as provided in division (B) (1) (e) of this 1240
section, if an offender who is convicted of or pleads guilty to 1241
a violation of section 2923.161 of the Revised Code or to a 1242
felony that includes, as an essential element, purposely or 1243
knowingly causing or attempting to cause the death of or 1244
physical harm to another, also is convicted of or pleads guilty 1245
to a specification of the type described in division (A) of 1246

section 2941.146 of the Revised Code that charges the offender 1247
with committing the offense by discharging a firearm from a 1248
motor vehicle other than a manufactured home, the court, after 1249
imposing a prison term on the offender for the violation of 1250
section 2923.161 of the Revised Code or for the other felony 1251
offense under division (A), (B) (2), or (B) (3) of this section, 1252
shall impose an additional prison term of five years upon the 1253
offender that shall not be reduced pursuant to section 2929.20, 1254
section 2967.19, section 2967.193, or any other provision of 1255
Chapter 2967. or Chapter 5120. of the Revised Code. 1256

(ii) Except as provided in division (B) (1) (e) of this 1257
section, if an offender who is convicted of or pleads guilty to 1258
a violation of section 2923.161 of the Revised Code or to a 1259
felony that includes, as an essential element, purposely or 1260
knowingly causing or attempting to cause the death of or 1261
physical harm to another, also is convicted of or pleads guilty 1262
to a specification of the type described in division (C) of 1263
section 2941.146 of the Revised Code that charges the offender 1264
with committing the offense by discharging a firearm from a 1265
motor vehicle other than a manufactured home and that the 1266
offender previously has been convicted of or pleaded guilty to a 1267
specification of the type described in section 2941.141, 1268
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1269
the court, after imposing a prison term on the offender for the 1270
violation of section 2923.161 of the Revised Code or for the 1271
other felony offense under division (A), (B) (2), or (3) of this 1272
section, shall impose an additional prison term of ninety months 1273
upon the offender that shall not be reduced pursuant to section 1274
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1275
2967. or Chapter 5120. of the Revised Code. 1276

(iii) A court shall not impose more than one additional 1277

prison term on an offender under division (B) (1) (c) of this 1278
section for felonies committed as part of the same act or 1279
transaction. If a court imposes an additional prison term on an 1280
offender under division (B) (1) (c) of this section relative to an 1281
offense, the court also shall impose a prison term under 1282
division (B) (1) (a) of this section relative to the same offense, 1283
provided the criteria specified in that division for imposing an 1284
additional prison term are satisfied relative to the offender 1285
and the offense. 1286

(d) If an offender who is convicted of or pleads guilty to 1287
an offense of violence that is a felony also is convicted of or 1288
pleads guilty to a specification of the type described in 1289
section 2941.1411 of the Revised Code that charges the offender 1290
with wearing or carrying body armor while committing the felony 1291
offense of violence, the court shall impose on the offender an 1292
additional prison term of two years. The prison term so imposed, 1293
subject to divisions (C) to (I) of section 2967.19 of the 1294
Revised Code, shall not be reduced pursuant to section 2929.20, 1295
section 2967.19, section 2967.193, or any other provision of 1296
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1297
shall not impose more than one prison term on an offender under 1298
division (B) (1) (d) of this section for felonies committed as 1299
part of the same act or transaction. If a court imposes an 1300
additional prison term under division (B) (1) (a) or (c) of this 1301
section, the court is not precluded from imposing an additional 1302
prison term under division (B) (1) (d) of this section. 1303

(e) The court shall not impose any of the prison terms 1304
described in division (B) (1) (a) of this section or any of the 1305
additional prison terms described in division (B) (1) (c) of this 1306
section upon an offender for a violation of section 2923.12 or 1307
2923.123 of the Revised Code. The court shall not impose any of 1308

the prison terms described in division (B) (1) (a) or (b) of this 1309
section upon an offender for a violation of section 2923.122 1310
that involves a deadly weapon that is a firearm other than a 1311
dangerous ordnance, section 2923.16, or section 2923.121 of the 1312
Revised Code. The court shall not impose any of the prison terms 1313
described in division (B) (1) (a) of this section or any of the 1314
additional prison terms described in division (B) (1) (c) of this 1315
section upon an offender for a violation of section 2923.13 of 1316
the Revised Code unless all of the following apply: 1317

(i) The offender previously has been convicted of 1318
aggravated murder, murder, or any felony of the first or second 1319
degree. 1320

(ii) Less than five years have passed since the offender 1321
was released from prison or post-release control, whichever is 1322
later, for the prior offense. 1323

(f) (i) If an offender is convicted of or pleads guilty to 1324
a felony that includes, as an essential element, causing or 1325
attempting to cause the death of or physical harm to another and 1326
also is convicted of or pleads guilty to a specification of the 1327
type described in division (A) of section 2941.1412 of the 1328
Revised Code that charges the offender with committing the 1329
offense by discharging a firearm at a peace officer as defined 1330
in section 2935.01 of the Revised Code or a corrections officer, 1331
as defined in section 2941.1412 of the Revised Code, the court, 1332
after imposing a prison term on the offender for the felony 1333
offense under division (A), (B) (2), or (B) (3) of this section, 1334
shall impose an additional prison term of seven years upon the 1335
offender that shall not be reduced pursuant to section 2929.20, 1336
section 2967.19, section 2967.193, or any other provision of 1337
Chapter 2967. or Chapter 5120. of the Revised Code. 1338

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

(iii) If an offender is convicted of or pleads guilty to two or more felonies that include, as an essential element, causing or attempting to cause the death or physical harm to another and also is convicted of or pleads guilty to a specification of the type described under division (B) (1) (f) of this section in connection with two or more of the felonies of which the offender is convicted or to which the offender pleads guilty, the sentencing court shall impose on the offender the prison term specified under division (B) (1) (f) of this section for each of two of the specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term

specified under that division for any or all of the remaining 1370
specifications. If a court imposes an additional prison term on 1371
an offender under division (B) (1) (f) of this section relative to 1372
an offense, the court shall not impose a prison term under 1373
division (B) (1) (a) or (c) of this section relative to the same 1374
offense. 1375

(g) If an offender is convicted of or pleads guilty to two 1376
or more felonies, if one or more of those felonies are 1377
aggravated murder, murder, attempted aggravated murder, 1378
attempted murder, aggravated robbery, felonious assault, or 1379
rape, and if the offender is convicted of or pleads guilty to a 1380
specification of the type described under division (B) (1) (a) of 1381
this section in connection with two or more of the felonies, the 1382
sentencing court shall impose on the offender the prison term 1383
specified under division (B) (1) (a) of this section for each of 1384
the two most serious specifications of which the offender is 1385
convicted or to which the offender pleads guilty and, in its 1386
discretion, also may impose on the offender the prison term 1387
specified under that division for any or all of the remaining 1388
specifications. 1389

(2) (a) If division (B) (2) (b) of this section does not 1390
apply, the court may impose on an offender, in addition to the 1391
longest prison term authorized or required for the offense or, 1392
for offenses for which division (A) (1) (a) or (2) (a) of this 1393
section applies, in addition to the longest minimum prison term 1394
authorized or required for the offense, an additional definite 1395
prison term of one, two, three, four, five, six, seven, eight, 1396
nine, or ten years if all of the following criteria are met: 1397

(i) The offender is convicted of or pleads guilty to a 1398
specification of the type described in section 2941.149 of the 1399

Revised Code that the offender is a repeat violent offender. 1400

(ii) The offense of which the offender currently is 1401
convicted or to which the offender currently pleads guilty is 1402
aggravated murder and the court does not impose a sentence of 1403
death or life imprisonment without parole, murder, terrorism and 1404
the court does not impose a sentence of life imprisonment 1405
without parole, any felony of the first degree that is an 1406
offense of violence and the court does not impose a sentence of 1407
life imprisonment without parole, or any felony of the second 1408
degree that is an offense of violence and the trier of fact 1409
finds that the offense involved an attempt to cause or a threat 1410
to cause serious physical harm to a person or resulted in 1411
serious physical harm to a person. 1412

(iii) The court imposes the longest prison term for the 1413
offense or the longest minimum prison term for the offense, 1414
whichever is applicable, that is not life imprisonment without 1415
parole. 1416

(iv) The court finds that the prison terms imposed 1417
pursuant to division (B) (2) (a) (iii) of this section and, if 1418
applicable, division (B) (1) or (3) of this section are 1419
inadequate to punish the offender and protect the public from 1420
future crime, because the applicable factors under section 1421
2929.12 of the Revised Code indicating a greater likelihood of 1422
recidivism outweigh the applicable factors under that section 1423
indicating a lesser likelihood of recidivism. 1424

(v) The court finds that the prison terms imposed pursuant 1425
to division (B) (2) (a) (iii) of this section and, if applicable, 1426
division (B) (1) or (3) of this section are demeaning to the 1427
seriousness of the offense, because one or more of the factors 1428
under section 2929.12 of the Revised Code indicating that the 1429

offender's conduct is more serious than conduct normally 1430
constituting the offense are present, and they outweigh the 1431
applicable factors under that section indicating that the 1432
offender's conduct is less serious than conduct normally 1433
constituting the offense. 1434

(b) The court shall impose on an offender the longest 1435
prison term authorized or required for the offense or, for 1436
offenses for which division (A) (1) (a) or (2) (a) of this section 1437
applies, the longest minimum prison term authorized or required 1438
for the offense, and shall impose on the offender an additional 1439
definite prison term of one, two, three, four, five, six, seven, 1440
eight, nine, or ten years if all of the following criteria are 1441
met: 1442

(i) The offender is convicted of or pleads guilty to a 1443
specification of the type described in section 2941.149 of the 1444
Revised Code that the offender is a repeat violent offender. 1445

(ii) The offender within the preceding twenty years has 1446
been convicted of or pleaded guilty to three or more offenses 1447
described in division (CC) (1) of section 2929.01 of the Revised 1448
Code, including all offenses described in that division of which 1449
the offender is convicted or to which the offender pleads guilty 1450
in the current prosecution and all offenses described in that 1451
division of which the offender previously has been convicted or 1452
to which the offender previously pleaded guilty, whether 1453
prosecuted together or separately. 1454

(iii) The offense or offenses of which the offender 1455
currently is convicted or to which the offender currently pleads 1456
guilty is aggravated murder and the court does not impose a 1457
sentence of death or life imprisonment without parole, murder, 1458
terrorism and the court does not impose a sentence of life 1459

imprisonment without parole, any felony of the first degree that 1460
is an offense of violence and the court does not impose a 1461
sentence of life imprisonment without parole, or any felony of 1462
the second degree that is an offense of violence and the trier 1463
of fact finds that the offense involved an attempt to cause or a 1464
threat to cause serious physical harm to a person or resulted in 1465
serious physical harm to a person. 1466

(c) For purposes of division (B) (2) (b) of this section, 1467
two or more offenses committed at the same time or as part of 1468
the same act or event shall be considered one offense, and that 1469
one offense shall be the offense with the greatest penalty. 1470

(d) A sentence imposed under division (B) (2) (a) or (b) of 1471
this section shall not be reduced pursuant to section 2929.20, 1472
section 2967.19, or section 2967.193, or any other provision of 1473
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1474
shall serve an additional prison term imposed under division (B) 1475
(2) (a) or (b) of this section consecutively to and prior to the 1476
prison term imposed for the underlying offense. 1477

(e) When imposing a sentence pursuant to division (B) (2) 1478
(a) or (b) of this section, the court shall state its findings 1479
explaining the imposed sentence. 1480

(3) Except when an offender commits a violation of section 1481
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1482
for the violation is life imprisonment or commits a violation of 1483
section 2903.02 of the Revised Code, if the offender commits a 1484
violation of section 2925.03 or 2925.11 of the Revised Code and 1485
that section classifies the offender as a major drug offender, 1486
if the offender commits a violation of section 2925.05 of the 1487
Revised Code and division (E) (1) of that section classifies the 1488
offender as a major drug offender, if the offender commits a 1489

felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1490
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1491
division (C) or (D) of section 3719.172, division (E) of section 1492
4729.51, or division (J) of section 4729.54 of the Revised Code 1493
that includes the sale, offer to sell, or possession of a 1494
schedule I or II controlled substance, with the exception of 1495
marihuana, and the court imposing sentence upon the offender 1496
finds that the offender is guilty of a specification of the type 1497
described in division (A) of section 2941.1410 of the Revised 1498
Code charging that the offender is a major drug offender, if the 1499
court imposing sentence upon an offender for a felony finds that 1500
the offender is guilty of corrupt activity with the most serious 1501
offense in the pattern of corrupt activity being a felony of the 1502
first degree, or if the offender is guilty of an attempted 1503
violation of section 2907.02 of the Revised Code and, had the 1504
offender completed the violation of section 2907.02 of the 1505
Revised Code that was attempted, the offender would have been 1506
subject to a sentence of life imprisonment or life imprisonment 1507
without parole for the violation of section 2907.02 of the 1508
Revised Code, the court shall impose upon the offender for the 1509
felony violation a mandatory prison term determined as described 1510
in this division that, subject to divisions (C) to (I) of 1511
section 2967.19 of the Revised Code, cannot be reduced pursuant 1512
to section 2929.20, section 2967.19, or any other provision of 1513
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 1514
term shall be the maximum definite prison term prescribed in 1515
division (A)(1)(b) of this section for a felony of the first 1516
degree, except that for offenses for which division (A)(1)(a) of 1517
this section applies, the mandatory prison term shall be the 1518
longest minimum prison term prescribed in that division for the 1519
offense. 1520

(4) If the offender is being sentenced for a third or 1521
fourth degree felony OVI offense under division (G) (2) of 1522
section 2929.13 of the Revised Code, the sentencing court shall 1523
impose upon the offender a mandatory prison term in accordance 1524
with that division. In addition to the mandatory prison term, if 1525
the offender is being sentenced for a fourth degree felony OVI 1526
offense, the court, notwithstanding division (A) (4) of this 1527
section, may sentence the offender to a definite prison term of 1528
not less than six months and not more than thirty months, and if 1529
the offender is being sentenced for a third degree felony OVI 1530
offense, the sentencing court may sentence the offender to an 1531
additional prison term of any duration specified in division (A) 1532
(3) of this section. In either case, the additional prison term 1533
imposed shall be reduced by the sixty or one hundred twenty days 1534
imposed upon the offender as the mandatory prison term. The 1535
total of the additional prison term imposed under division (B) 1536
(4) of this section plus the sixty or one hundred twenty days 1537
imposed as the mandatory prison term shall equal a definite term 1538
in the range of six months to thirty months for a fourth degree 1539
felony OVI offense and shall equal one of the authorized prison 1540
terms specified in division (A) (3) of this section for a third 1541
degree felony OVI offense. If the court imposes an additional 1542
prison term under division (B) (4) of this section, the offender 1543
shall serve the additional prison term after the offender has 1544
served the mandatory prison term required for the offense. In 1545
addition to the mandatory prison term or mandatory and 1546
additional prison term imposed as described in division (B) (4) 1547
of this section, the court also may sentence the offender to a 1548
community control sanction under section 2929.16 or 2929.17 of 1549
the Revised Code, but the offender shall serve all of the prison 1550
terms so imposed prior to serving the community control 1551
sanction. 1552

If the offender is being sentenced for a fourth degree 1553
felony OVI offense under division (G) (1) of section 2929.13 of 1554
the Revised Code and the court imposes a mandatory term of local 1555
incarceration, the court may impose a prison term as described 1556
in division (A) (1) of that section. 1557

(5) If an offender is convicted of or pleads guilty to a 1558
violation of division (A) (1) or (2) of section 2903.06 of the 1559
Revised Code and also is convicted of or pleads guilty to a 1560
specification of the type described in section 2941.1414 of the 1561
Revised Code that charges that the victim of the offense is a 1562
peace officer, as defined in section 2935.01 of the Revised 1563
Code, or an investigator of the bureau of criminal 1564
identification and investigation, as defined in section 2903.11 1565
of the Revised Code, the court shall impose on the offender a 1566
prison term of five years. If a court imposes a prison term on 1567
an offender under division (B) (5) of this section, the prison 1568
term, subject to divisions (C) to (I) of section 2967.19 of the 1569
Revised Code, shall not be reduced pursuant to section 2929.20, 1570
section 2967.19, section 2967.193, or any other provision of 1571
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1572
shall not impose more than one prison term on an offender under 1573
division (B) (5) of this section for felonies committed as part 1574
of the same act. 1575

(6) If an offender is convicted of or pleads guilty to a 1576
violation of division (A) (1) ~~or~~, (2), or (5) of section 2903.06 1577
of the Revised Code and also is convicted of or pleads guilty to 1578
a specification of the type described in section 2941.1415 of 1579
the Revised Code that charges that the offender previously has 1580
been convicted of or pleaded guilty to three or more violations 1581
of division (A) or (B) of section 4511.19 of the Revised Code or 1582
an equivalent offense, as defined in section 2941.1415 of the 1583

Revised Code, or three or more violations of any combination of 1584
those divisions and offenses, the court shall impose on the 1585
offender a prison term of three years. If a court imposes a 1586
prison term on an offender under division (B) (6) of this 1587
section, the prison term, subject to divisions (C) to (I) of 1588
section 2967.19 of the Revised Code, shall not be reduced 1589
pursuant to section 2929.20, section 2967.19, section 2967.193, 1590
or any other provision of Chapter 2967. or Chapter 5120. of the 1591
Revised Code. A court shall not impose more than one prison term 1592
on an offender under division (B) (6) of this section for 1593
felonies committed as part of the same act. 1594

(7) (a) If an offender is convicted of or pleads guilty to 1595
a felony violation of section 2905.01, 2905.02, 2907.21, 1596
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1597
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1598
section 2919.22 of the Revised Code and also is convicted of or 1599
pleads guilty to a specification of the type described in 1600
section 2941.1422 of the Revised Code that charges that the 1601
offender knowingly committed the offense in furtherance of human 1602
trafficking, the court shall impose on the offender a mandatory 1603
prison term that is one of the following: 1604

(i) If the offense is a felony of the first degree, a 1605
definite prison term of not less than five years and not greater 1606
than eleven years, except that if the offense is a felony of the 1607
first degree committed on or after the effective date of this 1608
amendment, the court shall impose as the minimum prison term a 1609
mandatory term of not less than five years and not greater than 1610
eleven years; 1611

(ii) If the offense is a felony of the second or third 1612
degree, a definite prison term of not less than three years and 1613

not greater than the maximum prison term allowed for the offense 1614
by division (A) (2) (b) or (3) of this section, except that if the 1615
offense is a felony of the second degree committed on or after 1616
the effective date of this amendment, the court shall impose as 1617
the minimum prison term a mandatory term of not less than three 1618
years and not greater than eight years; 1619

(iii) If the offense is a felony of the fourth or fifth 1620
degree, a definite prison term that is the maximum prison term 1621
allowed for the offense by division (A) of section 2929.14 of 1622
the Revised Code. 1623

(b) Subject to divisions (C) to (I) of section 2967.19 of 1624
the Revised Code, the prison term imposed under division (B) (7) 1625
(a) of this section shall not be reduced pursuant to section 1626
2929.20, section 2967.19, section 2967.193, or any other 1627
provision of Chapter 2967. of the Revised Code. A court shall 1628
not impose more than one prison term on an offender under 1629
division (B) (7) (a) of this section for felonies committed as 1630
part of the same act, scheme, or plan. 1631

(8) If an offender is convicted of or pleads guilty to a 1632
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1633
Revised Code and also is convicted of or pleads guilty to a 1634
specification of the type described in section 2941.1423 of the 1635
Revised Code that charges that the victim of the violation was a 1636
woman whom the offender knew was pregnant at the time of the 1637
violation, notwithstanding the range prescribed in division (A) 1638
of this section as the definite prison term or minimum prison 1639
term for felonies of the same degree as the violation, the court 1640
shall impose on the offender a mandatory prison term that is 1641
either a definite prison term of six months or one of the prison 1642
terms prescribed in division (A) of this section for felonies of 1643

the same degree as the violation, except that if the violation 1644
is a felony of the first or second degree committed on or after 1645
the effective date of this amendment, the court shall impose as 1646
the minimum prison term under division (A) (1) (a) or (2) (a) of 1647
this section a mandatory term that is one of the terms 1648
prescribed in that division, whichever is applicable, for the 1649
offense. 1650

(9) (a) If an offender is convicted of or pleads guilty to 1651
a violation of division (A) (1) or (2) of section 2903.11 of the 1652
Revised Code and also is convicted of or pleads guilty to a 1653
specification of the type described in section 2941.1425 of the 1654
Revised Code, the court shall impose on the offender a mandatory 1655
prison term of six years if either of the following applies: 1656

(i) The violation is a violation of division (A) (1) of 1657
section 2903.11 of the Revised Code and the specification 1658
charges that the offender used an accelerant in committing the 1659
violation and the serious physical harm to another or to 1660
another's unborn caused by the violation resulted in a 1661
permanent, serious disfigurement or permanent, substantial 1662
incapacity; 1663

(ii) The violation is a violation of division (A) (2) of 1664
section 2903.11 of the Revised Code and the specification 1665
charges that the offender used an accelerant in committing the 1666
violation, that the violation caused physical harm to another or 1667
to another's unborn, and that the physical harm resulted in a 1668
permanent, serious disfigurement or permanent, substantial 1669
incapacity. 1670

(b) If a court imposes a prison term on an offender under 1671
division (B) (9) (a) of this section, the prison term shall not be 1672
reduced pursuant to section 2929.20, section 2967.19, section 1673

2967.193, or any other provision of Chapter 2967. or Chapter 1674
5120. of the Revised Code. A court shall not impose more than 1675
one prison term on an offender under division (B)(9) of this 1676
section for felonies committed as part of the same act. 1677

(c) The provisions of divisions (B)(9) and (C)(6) of this 1678
section and of division (D)(2) of section 2903.11, division (F) 1679
(20) of section 2929.13, and section 2941.1425 of the Revised 1680
Code shall be known as "Judy's Law." 1681

(10) If an offender is convicted of or pleads guilty to a 1682
violation of division (A) of section 2903.11 of the Revised Code 1683
and also is convicted of or pleads guilty to a specification of 1684
the type described in section 2941.1426 of the Revised Code that 1685
charges that the victim of the offense suffered permanent 1686
disabling harm as a result of the offense and that the victim 1687
was under ten years of age at the time of the offense, 1688
regardless of whether the offender knew the age of the victim, 1689
the court shall impose upon the offender an additional definite 1690
prison term of six years. A prison term imposed on an offender 1691
under division (B)(10) of this section shall not be reduced 1692
pursuant to section 2929.20, section 2967.193, or any other 1693
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1694
If a court imposes an additional prison term on an offender 1695
under this division relative to a violation of division (A) of 1696
section 2903.11 of the Revised Code, the court shall not impose 1697
any other additional prison term on the offender relative to the 1698
same offense. 1699

(11) If an offender is convicted of or pleads guilty to a 1700
felony violation of section 2925.03 or 2925.05 of the Revised 1701
Code or a felony violation of section 2925.11 of the Revised 1702
Code for which division (C)(11) of that section applies in 1703

determining the sentence for the violation, if the drug involved 1704
in the violation is a fentanyl-related compound or a compound, 1705
mixture, preparation, or substance containing a fentanyl-related 1706
compound, and if the offender also is convicted of or pleads 1707
guilty to a specification of the type described in division (B) 1708
of section 2941.1410 of the Revised Code that charges that the 1709
offender is a major drug offender, in addition to any other 1710
penalty imposed for the violation, the court shall impose on the 1711
offender a mandatory prison term of three, four, five, six, 1712
seven, or eight years. If a court imposes a prison term on an 1713
offender under division (B) (11) of this section, the prison 1714
term, subject to divisions (C) to (I) of section 2967.19 of the 1715
Revised Code, shall not be reduced pursuant to section 2929.20, 1716
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1717
5120. of the Revised Code. A court shall not impose more than 1718
one prison term on an offender under division (B) (11) of this 1719
section for felonies committed as part of the same act. 1720

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1721
if a mandatory prison term is imposed upon an offender pursuant 1722
to division (B) (1) (a) of this section for having a firearm on or 1723
about the offender's person or under the offender's control 1724
while committing a felony, if a mandatory prison term is imposed 1725
upon an offender pursuant to division (B) (1) (c) of this section 1726
for committing a felony specified in that division by 1727
discharging a firearm from a motor vehicle, or if both types of 1728
mandatory prison terms are imposed, the offender shall serve any 1729
mandatory prison term imposed under either division 1730
consecutively to any other mandatory prison term imposed under 1731
either division or under division (B) (1) (d) of this section, 1732
consecutively to and prior to any prison term imposed for the 1733
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1734

this section or any other section of the Revised Code, and 1735
consecutively to any other prison term or mandatory prison term 1736
previously or subsequently imposed upon the offender. 1737

(b) If a mandatory prison term is imposed upon an offender 1738
pursuant to division (B)(1)(d) of this section for wearing or 1739
carrying body armor while committing an offense of violence that 1740
is a felony, the offender shall serve the mandatory term so 1741
imposed consecutively to any other mandatory prison term imposed 1742
under that division or under division (B)(1)(a) or (c) of this 1743
section, consecutively to and prior to any prison term imposed 1744
for the underlying felony under division (A), (B)(2), or (B)(3) 1745
of this section or any other section of the Revised Code, and 1746
consecutively to any other prison term or mandatory prison term 1747
previously or subsequently imposed upon the offender. 1748

(c) If a mandatory prison term is imposed upon an offender 1749
pursuant to division (B)(1)(f) of this section, the offender 1750
shall serve the mandatory prison term so imposed consecutively 1751
to and prior to any prison term imposed for the underlying 1752
felony under division (A), (B)(2), or (B)(3) of this section or 1753
any other section of the Revised Code, and consecutively to any 1754
other prison term or mandatory prison term previously or 1755
subsequently imposed upon the offender. 1756

(d) If a mandatory prison term is imposed upon an offender 1757
pursuant to division (B)(7) or (8) of this section, the offender 1758
shall serve the mandatory prison term so imposed consecutively 1759
to any other mandatory prison term imposed under that division 1760
or under any other provision of law and consecutively to any 1761
other prison term or mandatory prison term previously or 1762
subsequently imposed upon the offender. 1763

(e) If a mandatory prison term is imposed upon an offender 1764

pursuant to division (B)(11) of this section, the offender shall 1765
serve the mandatory prison term consecutively to any other 1766
mandatory prison term imposed under that division, consecutively 1767
to and prior to any prison term imposed for the underlying 1768
felony, and consecutively to any other prison term or mandatory 1769
prison term previously or subsequently imposed upon the 1770
offender. 1771

(2) If an offender who is an inmate in a jail, prison, or 1772
other residential detention facility violates section 2917.02, 1773
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 1774
(2) of section 2921.34 of the Revised Code, if an offender who 1775
is under detention at a detention facility commits a felony 1776
violation of section 2923.131 of the Revised Code, or if an 1777
offender who is an inmate in a jail, prison, or other 1778
residential detention facility or is under detention at a 1779
detention facility commits another felony while the offender is 1780
an escapee in violation of division (A)(1) or (2) of section 1781
2921.34 of the Revised Code, any prison term imposed upon the 1782
offender for one of those violations shall be served by the 1783
offender consecutively to the prison term or term of 1784
imprisonment the offender was serving when the offender 1785
committed that offense and to any other prison term previously 1786
or subsequently imposed upon the offender. 1787

(3) If a prison term is imposed for a violation of 1788
division (B) of section 2911.01 of the Revised Code, a violation 1789
of division (A) of section 2913.02 of the Revised Code in which 1790
the stolen property is a firearm or dangerous ordnance, or a 1791
felony violation of division (B) of section 2921.331 of the 1792
Revised Code, the offender shall serve that prison term 1793
consecutively to any other prison term or mandatory prison term 1794
previously or subsequently imposed upon the offender. 1795

(4) If multiple prison terms are imposed on an offender 1796
for convictions of multiple offenses, the court may require the 1797
offender to serve the prison terms consecutively if the court 1798
finds that the consecutive service is necessary to protect the 1799
public from future crime or to punish the offender and that 1800
consecutive sentences are not disproportionate to the 1801
seriousness of the offender's conduct and to the danger the 1802
offender poses to the public, and if the court also finds any of 1803
the following: 1804

(a) The offender committed one or more of the multiple 1805
offenses while the offender was awaiting trial or sentencing, 1806
was under a sanction imposed pursuant to section 2929.16, 1807
2929.17, or 2929.18 of the Revised Code, or was under post- 1808
release control for a prior offense. 1809

(b) At least two of the multiple offenses were committed 1810
as part of one or more courses of conduct, and the harm caused 1811
by two or more of the multiple offenses so committed was so 1812
great or unusual that no single prison term for any of the 1813
offenses committed as part of any of the courses of conduct 1814
adequately reflects the seriousness of the offender's conduct. 1815

(c) The offender's history of criminal conduct 1816
demonstrates that consecutive sentences are necessary to protect 1817
the public from future crime by the offender. 1818

(5) If a mandatory prison term is imposed upon an offender 1819
pursuant to division (B) (5) or (6) of this section, the offender 1820
shall serve the mandatory prison term consecutively to and prior 1821
to any prison term imposed for the underlying violation of 1822
division (A) (1) ~~or~~ (2), or (5) of section 2903.06 of the 1823
Revised Code pursuant to division (A) of this section or section 1824
2929.142 of the Revised Code. If a mandatory prison term is 1825

imposed upon an offender pursuant to division (B) (5) of this 1826
section, and if a mandatory prison term also is imposed upon the 1827
offender pursuant to division (B) (6) of this section in relation 1828
to the same violation, the offender shall serve the mandatory 1829
prison term imposed pursuant to division (B) (5) of this section 1830
consecutively to and prior to the mandatory prison term imposed 1831
pursuant to division (B) (6) of this section and consecutively to 1832
and prior to any prison term imposed for the underlying 1833
violation of division (A) (1) ~~or~~, (2), or (5) of section 2903.06 1834
of the Revised Code pursuant to division (A) of this section or 1835
section 2929.142 of the Revised Code. 1836

(6) If a mandatory prison term is imposed on an offender 1837
pursuant to division (B) (9) of this section, the offender shall 1838
serve the mandatory prison term consecutively to and prior to 1839
any prison term imposed for the underlying violation of division 1840
(A) (1) or (2) of section 2903.11 of the Revised Code and 1841
consecutively to and prior to any other prison term or mandatory 1842
prison term previously or subsequently imposed on the offender. 1843

(7) If a mandatory prison term is imposed on an offender 1844
pursuant to division (B) (10) of this section, the offender shall 1845
serve that mandatory prison term consecutively to and prior to 1846
any prison term imposed for the underlying felonious assault. 1847
Except as otherwise provided in division (C) of this section, 1848
any other prison term or mandatory prison term previously or 1849
subsequently imposed upon the offender may be served 1850
concurrently with, or consecutively to, the prison term imposed 1851
pursuant to division (B) (10) of this section. 1852

(8) Any prison term imposed for a violation of section 1853
2903.04 of the Revised Code that is based on a violation of 1854
section 2925.03 or 2925.11 of the Revised Code or on a violation 1855

of section 2925.05 of the Revised Code that is not funding of 1856
marihuana trafficking shall run consecutively to any prison term 1857
imposed for the violation of section 2925.03 or 2925.11 of the 1858
Revised Code or for the violation of section 2925.05 of the 1859
Revised Code that is not funding of marihuana trafficking. 1860

(9) When consecutive prison terms are imposed pursuant to 1861
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 1862
division (H) (1) or (2) of this section, subject to division (C) 1863
(10) of this section, the term to be served is the aggregate of 1864
all of the terms so imposed. 1865

(10) When a court sentences an offender to a non-life 1866
felony indefinite prison term, any definite prison term or 1867
mandatory definite prison term previously or subsequently 1868
imposed on the offender in addition to that indefinite sentence 1869
that is required to be served consecutively to that indefinite 1870
sentence shall be served prior to the indefinite sentence. 1871

(11) If a court is sentencing an offender for a felony of 1872
the first or second degree, if division (A) (1) (a) or (2) (a) of 1873
this section applies with respect to the sentencing for the 1874
offense, and if the court is required under the Revised Code 1875
section that sets forth the offense or any other Revised Code 1876
provision to impose a mandatory prison term for the offense, the 1877
court shall impose the required mandatory prison term as the 1878
minimum term imposed under division (A) (1) (a) or (2) (a) of this 1879
section, whichever is applicable. 1880

(D) (1) If a court imposes a prison term, other than a term 1881
of life imprisonment, for a felony of the first degree, for a 1882
felony of the second degree, for a felony sex offense, or for a 1883
felony of the third degree that is an offense of violence and 1884
that is not a felony sex offense, it shall include in the 1885

sentence a requirement that the offender be subject to a period 1886
of post-release control after the offender's release from 1887
imprisonment, in accordance with section 2967.28 of the Revised 1888
Code. If a court imposes a sentence including a prison term of a 1889
type described in this division on or after July 11, 2006, the 1890
failure of a court to include a post-release control requirement 1891
in the sentence pursuant to this division does not negate, 1892
limit, or otherwise affect the mandatory period of post-release 1893
control that is required for the offender under division (B) of 1894
section 2967.28 of the Revised Code. Section 2929.191 of the 1895
Revised Code applies if, prior to July 11, 2006, a court imposed 1896
a sentence including a prison term of a type described in this 1897
division and failed to include in the sentence pursuant to this 1898
division a statement regarding post-release control. 1899

(2) If a court imposes a prison term for a felony of the 1900
third, fourth, or fifth degree that is not subject to division 1901
(D) (1) of this section, it shall include in the sentence a 1902
requirement that the offender be subject to a period of post- 1903
release control after the offender's release from imprisonment, 1904
in accordance with that division, if the parole board determines 1905
that a period of post-release control is necessary. Section 1906
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1907
a court imposed a sentence including a prison term of a type 1908
described in this division and failed to include in the sentence 1909
pursuant to this division a statement regarding post-release 1910
control. 1911

(E) The court shall impose sentence upon the offender in 1912
accordance with section 2971.03 of the Revised Code, and Chapter 1913
2971. of the Revised Code applies regarding the prison term or 1914
term of life imprisonment without parole imposed upon the 1915
offender and the service of that term of imprisonment if any of 1916

the following apply: 1917

(1) A person is convicted of or pleads guilty to a violent 1918
sex offense or a designated homicide, assault, or kidnapping 1919
offense, and, in relation to that offense, the offender is 1920
adjudicated a sexually violent predator. 1921

(2) A person is convicted of or pleads guilty to a 1922
violation of division (A) (1) (b) of section 2907.02 of the 1923
Revised Code committed on or after January 2, 2007, and either 1924
the court does not impose a sentence of life without parole when 1925
authorized pursuant to division (B) of section 2907.02 of the 1926
Revised Code, or division (B) of section 2907.02 of the Revised 1927
Code provides that the court shall not sentence the offender 1928
pursuant to section 2971.03 of the Revised Code. 1929

(3) A person is convicted of or pleads guilty to attempted 1930
rape committed on or after January 2, 2007, and a specification 1931
of the type described in section 2941.1418, 2941.1419, or 1932
2941.1420 of the Revised Code. 1933

(4) A person is convicted of or pleads guilty to a 1934
violation of section 2905.01 of the Revised Code committed on or 1935
after January 1, 2008, and that section requires the court to 1936
sentence the offender pursuant to section 2971.03 of the Revised 1937
Code. 1938

(5) A person is convicted of or pleads guilty to 1939
aggravated murder committed on or after January 1, 2008, and 1940
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1941
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1942
(d) of section 2929.03, or division (A) or (B) of section 1943
2929.06 of the Revised Code requires the court to sentence the 1944
offender pursuant to division (B) (3) of section 2971.03 of the 1945

Revised Code. 1946

(6) A person is convicted of or pleads guilty to murder 1947
committed on or after January 1, 2008, and division (B) (2) of 1948
section 2929.02 of the Revised Code requires the court to 1949
sentence the offender pursuant to section 2971.03 of the Revised 1950
Code. 1951

(F) If a person who has been convicted of or pleaded 1952
guilty to a felony is sentenced to a prison term or term of 1953
imprisonment under this section, sections 2929.02 to 2929.06 of 1954
the Revised Code, section 2929.142 of the Revised Code, section 1955
2971.03 of the Revised Code, or any other provision of law, 1956
section 5120.163 of the Revised Code applies regarding the 1957
person while the person is confined in a state correctional 1958
institution. 1959

(G) If an offender who is convicted of or pleads guilty to 1960
a felony that is an offense of violence also is convicted of or 1961
pleads guilty to a specification of the type described in 1962
section 2941.142 of the Revised Code that charges the offender 1963
with having committed the felony while participating in a 1964
criminal gang, the court shall impose upon the offender an 1965
additional prison term of one, two, or three years. 1966

(H) (1) If an offender who is convicted of or pleads guilty 1967
to aggravated murder, murder, or a felony of the first, second, 1968
or third degree that is an offense of violence also is convicted 1969
of or pleads guilty to a specification of the type described in 1970
section 2941.143 of the Revised Code that charges the offender 1971
with having committed the offense in a school safety zone or 1972
towards a person in a school safety zone, the court shall impose 1973
upon the offender an additional prison term of two years. The 1974
offender shall serve the additional two years consecutively to 1975

and prior to the prison term imposed for the underlying offense. 1976

(2) (a) If an offender is convicted of or pleads guilty to 1977
a felony violation of section 2907.22, 2907.24, 2907.241, or 1978
2907.25 of the Revised Code and to a specification of the type 1979
described in section 2941.1421 of the Revised Code and if the 1980
court imposes a prison term on the offender for the felony 1981
violation, the court may impose upon the offender an additional 1982
prison term as follows: 1983

(i) Subject to division (H) (2) (a) (ii) of this section, an 1984
additional prison term of one, two, three, four, five, or six 1985
months; 1986

(ii) If the offender previously has been convicted of or 1987
pleaded guilty to one or more felony or misdemeanor violations 1988
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1989
the Revised Code and also was convicted of or pleaded guilty to 1990
a specification of the type described in section 2941.1421 of 1991
the Revised Code regarding one or more of those violations, an 1992
additional prison term of one, two, three, four, five, six, 1993
seven, eight, nine, ten, eleven, or twelve months. 1994

(b) In lieu of imposing an additional prison term under 1995
division (H) (2) (a) of this section, the court may directly 1996
impose on the offender a sanction that requires the offender to 1997
wear a real-time processing, continual tracking electronic 1998
monitoring device during the period of time specified by the 1999
court. The period of time specified by the court shall equal the 2000
duration of an additional prison term that the court could have 2001
imposed upon the offender under division (H) (2) (a) of this 2002
section. A sanction imposed under this division shall commence 2003
on the date specified by the court, provided that the sanction 2004
shall not commence until after the offender has served the 2005

prison term imposed for the felony violation of section 2907.22, 2006
2907.24, 2907.241, or 2907.25 of the Revised Code and any 2007
residential sanction imposed for the violation under section 2008
2929.16 of the Revised Code. A sanction imposed under this 2009
division shall be considered to be a community control sanction 2010
for purposes of section 2929.15 of the Revised Code, and all 2011
provisions of the Revised Code that pertain to community control 2012
sanctions shall apply to a sanction imposed under this division, 2013
except to the extent that they would by their nature be clearly 2014
inapplicable. The offender shall pay all costs associated with a 2015
sanction imposed under this division, including the cost of the 2016
use of the monitoring device. 2017

(I) At the time of sentencing, the court may recommend the 2018
offender for placement in a program of shock incarceration under 2019
section 5120.031 of the Revised Code or for placement in an 2020
intensive program prison under section 5120.032 of the Revised 2021
Code, disapprove placement of the offender in a program of shock 2022
incarceration or an intensive program prison of that nature, or 2023
make no recommendation on placement of the offender. In no case 2024
shall the department of rehabilitation and correction place the 2025
offender in a program or prison of that nature unless the 2026
department determines as specified in section 5120.031 or 2027
5120.032 of the Revised Code, whichever is applicable, that the 2028
offender is eligible for the placement. 2029

If the court disapproves placement of the offender in a 2030
program or prison of that nature, the department of 2031
rehabilitation and correction shall not place the offender in 2032
any program of shock incarceration or intensive program prison. 2033

If the court recommends placement of the offender in a 2034
program of shock incarceration or in an intensive program 2035

prison, and if the offender is subsequently placed in the 2036
recommended program or prison, the department shall notify the 2037
court of the placement and shall include with the notice a brief 2038
description of the placement. 2039

If the court recommends placement of the offender in a 2040
program of shock incarceration or in an intensive program prison 2041
and the department does not subsequently place the offender in 2042
the recommended program or prison, the department shall send a 2043
notice to the court indicating why the offender was not placed 2044
in the recommended program or prison. 2045

If the court does not make a recommendation under this 2046
division with respect to an offender and if the department 2047
determines as specified in section 5120.031 or 5120.032 of the 2048
Revised Code, whichever is applicable, that the offender is 2049
eligible for placement in a program or prison of that nature, 2050
the department shall screen the offender and determine if there 2051
is an available program of shock incarceration or an intensive 2052
program prison for which the offender is suited. If there is an 2053
available program of shock incarceration or an intensive program 2054
prison for which the offender is suited, the department shall 2055
notify the court of the proposed placement of the offender as 2056
specified in section 5120.031 or 5120.032 of the Revised Code 2057
and shall include with the notice a brief description of the 2058
placement. The court shall have ten days from receipt of the 2059
notice to disapprove the placement. 2060

(J) If a person is convicted of or pleads guilty to 2061
aggravated vehicular homicide in violation of division (A) (1) of 2062
section 2903.06 of the Revised Code and division (B) (2) (c) of 2063
that section applies, the person shall be sentenced pursuant to 2064
section 2929.142 of the Revised Code. 2065

(K) (1) The court shall impose an additional mandatory 2066
prison term of two, three, four, five, six, seven, eight, nine, 2067
ten, or eleven years on an offender who is convicted of or 2068
pleads guilty to a violent felony offense if the offender also 2069
is convicted of or pleads guilty to a specification of the type 2070
described in section 2941.1424 of the Revised Code that charges 2071
that the offender is a violent career criminal and had a firearm 2072
on or about the offender's person or under the offender's 2073
control while committing the presently charged violent felony 2074
offense and displayed or brandished the firearm, indicated that 2075
the offender possessed a firearm, or used the firearm to 2076
facilitate the offense. The offender shall serve the prison term 2077
imposed under this division consecutively to and prior to the 2078
prison term imposed for the underlying offense. The prison term 2079
shall not be reduced pursuant to section 2929.20 or 2967.19 or 2080
any other provision of Chapter 2967. or 5120. of the Revised 2081
Code. A court may not impose more than one sentence under 2082
division (B) (2) (a) of this section and this division for acts 2083
committed as part of the same act or transaction. 2084

(2) As used in division (K) (1) of this section, "violent 2085
career criminal" and "violent felony offense" have the same 2086
meanings as in section 2923.132 of the Revised Code. 2087

Sec. 4510.17. (A) The registrar of motor vehicles shall 2088
impose a class D suspension of the person's driver's license, 2089
commercial driver's license, temporary instruction permit, 2090
probationary license, or nonresident operating privilege for the 2091
period of time specified in division (B) (4) of section 4510.02 2092
of the Revised Code on any person who is a resident of this 2093
state and is convicted of or pleads guilty to a violation of a 2094
statute of any other state or any federal statute that is 2095
substantially similar to section 2925.02, 2925.03, 2925.04, 2096

2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2097
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2098
2925.37 of the Revised Code. Upon receipt of a report from a 2099
court, court clerk, or other official of any other state or from 2100
any federal authority that a resident of this state was 2101
convicted of or pleaded guilty to an offense described in this 2102
division, the registrar shall send a notice by regular first 2103
class mail to the person, at the person's last known address as 2104
shown in the records of the bureau of motor vehicles, informing 2105
the person of the suspension, that the suspension will take 2106
effect twenty-one days from the date of the notice, and that, if 2107
the person wishes to appeal the suspension or denial, the person 2108
must file a notice of appeal within twenty-one days of the date 2109
of the notice requesting a hearing on the matter. If the person 2110
requests a hearing, the registrar shall hold the hearing not 2111
more than forty days after receipt by the registrar of the 2112
notice of appeal. The filing of a notice of appeal does not stay 2113
the operation of the suspension that must be imposed pursuant to 2114
this division. The scope of the hearing shall be limited to 2115
whether the person actually was convicted of or pleaded guilty 2116
to the offense for which the suspension is to be imposed. 2117

The suspension the registrar is required to impose under 2118
this division shall end either on the last day of the class D 2119
suspension period or of the suspension of the person's 2120
nonresident operating privilege imposed by the state or federal 2121
court, whichever is earlier. 2122

The registrar shall subscribe to or otherwise participate 2123
in any information system or register, or enter into reciprocal 2124
and mutual agreements with other states and federal authorities, 2125
in order to facilitate the exchange of information with other 2126
states and the United States government regarding persons who 2127

plead guilty to or are convicted of offenses described in this 2128
division and therefore are subject to the suspension or denial 2129
described in this division. 2130

(B) The registrar shall impose a class D suspension of the 2131
person's driver's license, commercial driver's license, 2132
temporary instruction permit, probationary license, or 2133
nonresident operating privilege for the period of time specified 2134
in division (B) (4) of section 4510.02 of the Revised Code on any 2135
person who is a resident of this state and is convicted of or 2136
pleads guilty to a violation of a statute of any other state or 2137
a municipal ordinance of a municipal corporation located in any 2138
other state that is substantially similar to section 4511.19 of 2139
the Revised Code. Upon receipt of a report from another state 2140
made pursuant to section 4510.61 of the Revised Code indicating 2141
that a resident of this state was convicted of or pleaded guilty 2142
to an offense described in this division, the registrar shall 2143
send a notice by regular first class mail to the person, at the 2144
person's last known address as shown in the records of the 2145
bureau of motor vehicles, informing the person of the 2146
suspension, that the suspension or denial will take effect 2147
twenty-one days from the date of the notice, and that, if the 2148
person wishes to appeal the suspension, the person must file a 2149
notice of appeal within twenty-one days of the date of the 2150
notice requesting a hearing on the matter. If the person 2151
requests a hearing, the registrar shall hold the hearing not 2152
more than forty days after receipt by the registrar of the 2153
notice of appeal. The filing of a notice of appeal does not stay 2154
the operation of the suspension that must be imposed pursuant to 2155
this division. The scope of the hearing shall be limited to 2156
whether the person actually was convicted of or pleaded guilty 2157
to the offense for which the suspension is to be imposed. 2158

The suspension the registrar is required to impose under 2159
this division shall end either on the last day of the class D 2160
suspension period or of the suspension of the person's 2161
nonresident operating privilege imposed by the state or federal 2162
court, whichever is earlier. 2163

(C) The registrar shall impose a class D suspension of the 2164
child's driver's license, commercial driver's license, temporary 2165
instruction permit, or nonresident operating privilege for the 2166
period of time specified in division (B) (4) of section 4510.02 2167
of the Revised Code on any child who is a resident of this state 2168
and is convicted of or pleads guilty to a violation of a statute 2169
of any other state or any federal statute that is substantially 2170
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2171
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2172
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 2173
Code. Upon receipt of a report from a court, court clerk, or 2174
other official of any other state or from any federal authority 2175
that a child who is a resident of this state was convicted of or 2176
pleaded guilty to an offense described in this division, the 2177
registrar shall send a notice by regular first class mail to the 2178
child, at the child's last known address as shown in the records 2179
of the bureau of motor vehicles, informing the child of the 2180
suspension, that the suspension or denial will take effect 2181
twenty-one days from the date of the notice, and that, if the 2182
child wishes to appeal the suspension, the child must file a 2183
notice of appeal within twenty-one days of the date of the 2184
notice requesting a hearing on the matter. If the child requests 2185
a hearing, the registrar shall hold the hearing not more than 2186
forty days after receipt by the registrar of the notice of 2187
appeal. The filing of a notice of appeal does not stay the 2188
operation of the suspension that must be imposed pursuant to 2189

this division. The scope of the hearing shall be limited to 2190
whether the child actually was convicted of or pleaded guilty to 2191
the offense for which the suspension is to be imposed. 2192

The suspension the registrar is required to impose under 2193
this division shall end either on the last day of the class D 2194
suspension period or of the suspension of the child's 2195
nonresident operating privilege imposed by the state or federal 2196
court, whichever is earlier. If the child is a resident of this 2197
state who is sixteen years of age or older and does not have a 2198
current, valid Ohio driver's or commercial driver's license or 2199
permit, the notice shall inform the child that the child will be 2200
denied issuance of a driver's or commercial driver's license or 2201
permit for six months beginning on the date of the notice. If 2202
the child has not attained the age of sixteen years on the date 2203
of the notice, the notice shall inform the child that the period 2204
of denial of six months shall commence on the date the child 2205
attains the age of sixteen years. 2206

The registrar shall subscribe to or otherwise participate 2207
in any information system or register, or enter into reciprocal 2208
and mutual agreements with other states and federal authorities, 2209
in order to facilitate the exchange of information with other 2210
states and the United States government regarding children who 2211
are residents of this state and plead guilty to or are convicted 2212
of offenses described in this division and therefore are subject 2213
to the suspension or denial described in this division. 2214

(D) The registrar shall impose a class D suspension of the 2215
child's driver's license, commercial driver's license, temporary 2216
instruction permit, probationary license, or nonresident 2217
operating privilege for the period of time specified in division 2218
(B) (4) of section 4510.02 of the Revised Code on any child who 2219

is a resident of this state and is convicted of or pleads guilty 2220
to a violation of a statute of any other state or a municipal 2221
ordinance of a municipal corporation located in any other state 2222
that is substantially similar to section 4511.19 of the Revised 2223
Code. Upon receipt of a report from another state made pursuant 2224
to section 4510.61 of the Revised Code indicating that a child 2225
who is a resident of this state was convicted of or pleaded 2226
guilty to an offense described in this division, the registrar 2227
shall send a notice by regular first class mail to the child, at 2228
the child's last known address as shown in the records of the 2229
bureau of motor vehicles, informing the child of the suspension, 2230
that the suspension will take effect twenty-one days from the 2231
date of the notice, and that, if the child wishes to appeal the 2232
suspension, the child must file a notice of appeal within 2233
twenty-one days of the date of the notice requesting a hearing 2234
on the matter. If the child requests a hearing, the registrar 2235
shall hold the hearing not more than forty days after receipt by 2236
the registrar of the notice of appeal. The filing of a notice of 2237
appeal does not stay the operation of the suspension that must 2238
be imposed pursuant to this division. The scope of the hearing 2239
shall be limited to whether the child actually was convicted of 2240
or pleaded guilty to the offense for which the suspension is to 2241
be imposed. 2242

The suspension the registrar is required to impose under 2243
this division shall end either on the last day of the class D 2244
suspension period or of the suspension of the child's 2245
nonresident operating privilege imposed by the state or federal 2246
court, whichever is earlier. If the child is a resident of this 2247
state who is sixteen years of age or older and does not have a 2248
current, valid Ohio driver's or commercial driver's license or 2249
permit, the notice shall inform the child that the child will be 2250

denied issuance of a driver's or commercial driver's license or 2251
permit for six months beginning on the date of the notice. If 2252
the child has not attained the age of sixteen years on the date 2253
of the notice, the notice shall inform the child that the period 2254
of denial of six months shall commence on the date the child 2255
attains the age of sixteen years. 2256

(E) (1) Any person whose license or permit has been 2257
suspended pursuant to this section may file a petition in the 2258
municipal or county court, or in case the person is under 2259
eighteen years of age, the juvenile court, in whose jurisdiction 2260
the person resides, requesting limited driving privileges and 2261
agreeing to pay the cost of the proceedings. Except as provided 2262
in division (E) (2) or (3) of this section, the judge may grant 2263
the person limited driving privileges during the period during 2264
which the suspension otherwise would be imposed for any of the 2265
purposes set forth in division (A) of section 4510.021 of the 2266
Revised Code. 2267

(2) No judge shall grant limited driving privileges for 2268
employment as a driver of a commercial motor vehicle to any 2269
person who would be disqualified from operating a commercial 2270
motor vehicle under section 4506.16 of the Revised Code if the 2271
violation had occurred in this state. Further, no judge shall 2272
grant limited driving privileges during any of the following 2273
periods of time: 2274

(a) The first fifteen days of a suspension under division 2275
(B) or (D) of this section, if the person has not been convicted 2276
within ten years of the date of the offense giving rise to the 2277
suspension under this section of a violation of any of the 2278
following: 2279

(i) Section 4511.19 of the Revised Code, or a municipal 2280

ordinance relating to operating a vehicle while under the 2281
influence of alcohol, a drug of abuse, or alcohol and a drug of 2282
abuse; 2283

(ii) A municipal ordinance relating to operating a motor 2284
vehicle with a prohibited concentration of alcohol, a controlled 2285
substance, or a metabolite of a controlled substance in the 2286
whole blood, blood serum or plasma, breath, or urine; 2287

(iii) Section 2903.04 of the Revised Code in a case in 2288
which the person was subject to the sanctions described in 2289
division (D) of that section; 2290

(iv) Division (A) (1) of section 2903.06 or division (A) (1) 2291
of section 2903.08 of the Revised Code or a municipal ordinance 2292
that is substantially similar to either of those divisions; 2293

(v) Division (A) (2), (3), ~~or~~, (4), or (5) of section 2294
2903.06, division (A) (2) or (4) of section 2903.08, or as it 2295
existed prior to March 23, 2000, section 2903.07 of the Revised 2296
Code, or a municipal ordinance that is substantially similar to 2297
any of those divisions or that former section, in a case in 2298
which the jury or judge found that the person was under the 2299
influence of alcohol, a drug of abuse, or alcohol and a drug of 2300
abuse. 2301

(b) The first thirty days of a suspension under division 2302
(B) or (D) of this section, if the person has been convicted one 2303
time within ten years of the date of the offense giving rise to 2304
the suspension under this section of any violation identified in 2305
division (E) (1) (a) of this section. 2306

(c) The first one hundred eighty days of a suspension 2307
under division (B) or (D) of this section, if the person has 2308
been convicted two times within ten years of the date of the 2309

offense giving rise to the suspension under this section of any 2310
violation identified in division (E) (1) (a) of this section. 2311

(3) No limited driving privileges may be granted if the 2312
person has been convicted three or more times within five years 2313
of the date of the offense giving rise to a suspension under 2314
division (B) or (D) of this section of any violation identified 2315
in division (E) (1) (a) of this section. 2316

(4) In accordance with section 4510.022 of the Revised 2317
Code, a person may petition for, and a judge may grant, 2318
unlimited driving privileges with a certified ignition interlock 2319
device during the period of suspension imposed under division 2320
(B) or (D) of this section to a person described in division (E) 2321
(2) (a) of this section. 2322

(5) If a person petitions for limited driving privileges 2323
under division (E) (1) of this section or unlimited driving 2324
privileges with a certified ignition interlock device as 2325
provided in division (E) (4) of this section, the registrar shall 2326
be represented by the county prosecutor of the county in which 2327
the person resides if the petition is filed in a juvenile court 2328
or county court, except that if the person resides within a city 2329
or village that is located within the jurisdiction of the county 2330
in which the petition is filed, the city director of law or 2331
village solicitor of that city or village shall represent the 2332
registrar. If the petition is filed in a municipal court, the 2333
registrar shall be represented as provided in section 1901.34 of 2334
the Revised Code. 2335

(6) (a) In issuing an order granting limited driving 2336
privileges under division (E) (1) of this section, the court may 2337
impose any condition it considers reasonable and necessary to 2338
limit the use of a vehicle by the person. The court shall 2339

deliver to the person a copy of the order setting forth the 2340
time, place, and other conditions limiting the person's use of a 2341
motor vehicle. Unless division (E) (6) (b) of this section 2342
applies, the grant of limited driving privileges shall be 2343
conditioned upon the person's having the order in the person's 2344
possession at all times during which the person is operating a 2345
vehicle. 2346

(b) If, under the order, the court requires the use of an 2347
immobilizing or disabling device as a condition of the grant of 2348
limited or unlimited driving privileges, the person shall 2349
present to the registrar or to a deputy registrar the copy of 2350
the order granting limited driving privileges and a certificate 2351
affirming the installation of an immobilizing or disabling 2352
device that is in a form established by the director of public 2353
safety and is signed by the person who installed the device. 2354
Upon presentation of the order and the certificate to the 2355
registrar or a deputy registrar, the registrar or deputy 2356
registrar shall issue to the offender a restricted license, 2357
unless the offender's driver's or commercial driver's license or 2358
permit is suspended under any other provision of law and limited 2359
driving privileges have not been granted with regard to that 2360
suspension. A restricted license issued under this division 2361
shall be identical to an Ohio driver's license, except that it 2362
shall have printed on its face a statement that the offender is 2363
prohibited from operating any motor vehicle that is not equipped 2364
with an immobilizing or disabling device in violation of the 2365
order. 2366

(7) (a) Unless division (E) (7) (b) applies, a person granted 2367
limited driving privileges who operates a vehicle for other than 2368
limited purposes, in violation of any condition imposed by the 2369
court or without having the order in the person's possession, is 2370

guilty of a violation of section 4510.11 of the Revised Code. 2371

(b) No person who has been granted limited or unlimited 2372
driving privileges under division (E) of this section subject to 2373
an immobilizing or disabling device order shall operate a motor 2374
vehicle prior to obtaining a restricted license. Any person who 2375
violates this prohibition is subject to the penalties prescribed 2376
in section 4510.14 of the Revised Code. 2377

(c) The offenses established under division (E) (7) of this 2378
section are strict liability offenses and section 2901.20 of the 2379
Revised Code does not apply. 2380

(F) The provisions of division (A) (8) of section 4510.13 2381
of the Revised Code apply to a person who has been granted 2382
limited or unlimited driving privileges with a certified 2383
ignition interlock device under this section and who either 2384
commits an ignition interlock device violation as defined under 2385
section 4510.46 of the Revised Code or operates a motor vehicle 2386
that is not equipped with a certified ignition interlock device. 2387

(G) Any person whose license or permit has been suspended 2388
under division (A) or (C) of this section may file a petition in 2389
the municipal or county court, or in case the person is under 2390
eighteen years of age, the juvenile court, in whose jurisdiction 2391
the person resides, requesting the termination of the suspension 2392
and agreeing to pay the cost of the proceedings. If the court, 2393
in its discretion, determines that a termination of the 2394
suspension is appropriate, the court shall issue an order to the 2395
registrar to terminate the suspension. Upon receiving such an 2396
order, the registrar shall reinstate the license. 2397

(H) As used in divisions (C) and (D) of this section: 2398

(1) "Child" means a person who is under the age of 2399

eighteen years, except that any person who violates a statute or ordinance described in division (C) or (D) of this section prior to attaining eighteen years of age shall be deemed a "child" irrespective of the person's age at the time the complaint or other equivalent document is filed in the other state or a hearing, trial, or other proceeding is held in the other state on the complaint or other equivalent document, and irrespective of the person's age when the period of license suspension or denial prescribed in division (C) or (D) of this section is imposed.

(2) "Is convicted of or pleads guilty to" means, as it relates to a child who is a resident of this state, that in a proceeding conducted in a state or federal court located in another state for a violation of a statute or ordinance described in division (C) or (D) of this section, the result of the proceeding is any of the following:

(a) Under the laws that govern the proceedings of the court, the child is adjudicated to be or admits to being a delinquent child or a juvenile traffic offender for a violation described in division (C) or (D) of this section that would be a crime if committed by an adult;

(b) Under the laws that govern the proceedings of the court, the child is convicted of or pleads guilty to a violation described in division (C) or (D) of this section;

(c) Under the laws that govern the proceedings of the court, irrespective of the terminology utilized in those laws, the result of the court's proceedings is the functional equivalent of division (H) (2) (a) or (b) of this section.

Sec. 4511.181. As used in sections 4511.181 to 4511.198 of

the Revised Code:	2429
(A) "Equivalent offense" means any of the following:	2430
(1) A violation of division (A) or (B) of section 4511.19 of the Revised Code;	2431 2432
(2) A violation of a municipal OVI ordinance;	2433
(3) A violation of section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section;	2434 2435 2436
(4) A violation of division (A) (1) of section 2903.06 or 2903.08 of the Revised Code or a municipal ordinance that is substantially equivalent to either of those divisions;	2437 2438 2439
(5) A violation of division (A) (2), (3), or (4) , <u>or (5)</u> of section 2903.06, division (A) (2) <u>or (4)</u> of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;	2440 2441 2442 2443 2444 2445 2446
(6) A violation of division (A) or (B) of section 1547.11 of the Revised Code;	2447 2448
(7) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state	2449 2450 2451 2452 2453 2454 2455 2456

with a prohibited concentration of alcohol, a controlled 2457
substance, or a metabolite of a controlled substance in the 2458
whole blood, blood serum or plasma, breath, or urine; 2459

(8) A violation of an existing or former municipal 2460
ordinance, law of another state, or law of the United States 2461
that is substantially equivalent to division (A) or (B) of 2462
section 4511.19 or division (A) or (B) of section 1547.11 of the 2463
Revised Code; 2464

(9) A violation of a former law of this state that was 2465
substantially equivalent to division (A) or (B) of section 2466
4511.19 or division (A) or (B) of section 1547.11 of the Revised 2467
Code. 2468

(B) "Mandatory jail term" means the mandatory term in jail 2469
of three, six, ten, twenty, thirty, or sixty days that must be 2470
imposed under division (G)(1)(a), (b), or (c) of section 4511.19 2471
of the Revised Code upon an offender convicted of a violation of 2472
division (A) of that section and in relation to which all of the 2473
following apply: 2474

(1) Except as specifically authorized under section 2475
4511.19 of the Revised Code, the term must be served in a jail. 2476

(2) Except as specifically authorized under section 2477
4511.19 of the Revised Code, the term cannot be suspended, 2478
reduced, or otherwise modified pursuant to sections 2929.21 to 2479
2929.28 or any other provision of the Revised Code. 2480

(C) "Municipal OVI ordinance" and "municipal OVI offense" 2481
mean any municipal ordinance prohibiting a person from operating 2482
a vehicle while under the influence of alcohol, a drug of abuse, 2483
or a combination of them or prohibiting a person from operating 2484
a vehicle with a prohibited concentration of alcohol, a 2485

controlled substance, or a metabolite of a controlled substance	2486
in the whole blood, blood serum or plasma, breath, or urine.	2487
(D) "Community residential sanction," "continuous alcohol	2488
monitoring," "jail," "mandatory prison term," "mandatory term of	2489
local incarceration," "sanction," and "prison term" have the	2490
same meanings as in section 2929.01 of the Revised Code.	2491
(E) "Drug of abuse" has the same meaning as in section	2492
4506.01 of the Revised Code.	2493
(F) "Equivalent offense that is vehicle-related" means an	2494
equivalent offense that is any of the following:	2495
(1) A violation described in division (A)(1), (2), (3),	2496
(4), or (5) of this section;	2497
(2) A violation of an existing or former municipal	2498
ordinance, law of another state, or law of the United States	2499
that is substantially equivalent to division (A) or (B) of	2500
section 4511.19 of the Revised Code;	2501
(3) A violation of a former law of this state that was	2502
substantially equivalent to division (A) or (B) of section	2503
4511.19 of the Revised Code.	2504
Sec. 4511.75. (A) The driver of a vehicle, streetcar, or	2505
trackless trolley upon meeting or overtaking from either	2506
direction any school bus stopped for the purpose of receiving or	2507
discharging any school child, person attending programs offered	2508
by community boards of mental health and county boards of	2509
developmental disabilities, or child attending a program offered	2510
by a head start agency, shall stop at least ten feet from the	2511
front or rear of the school bus and shall not proceed until such	2512
school bus resumes motion, or until signaled by the school bus	2513
driver to proceed.	2514

It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (B) of this section.

(B) Every school bus shall be equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Revised Code, and an automatically extended stop warning sign of a type approved by the state board of education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the board.

(C) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle, streetcar, or trackless trolley need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending

programs offered by head start agencies. The driver of any 2546
vehicle, streetcar, or trackless trolley overtaking the school 2547
bus shall comply with division (A) of this section. 2548

(D) School buses operating on divided highways or on 2549
highways with four or more traffic lanes shall receive and 2550
discharge all school children, persons attending programs 2551
offered by community boards of mental health and county boards 2552
of developmental disabilities, and children attending programs 2553
offered by head start agencies on their residence side of the 2554
highway. 2555

(E) No school bus driver shall start the driver's bus 2556
until after any child, person attending programs offered by 2557
community boards of mental health and county boards of 2558
developmental disabilities, or child attending a program offered 2559
by a head start agency who may have alighted therefrom has 2560
reached a place of safety on the child's or person's residence 2561
side of the road. 2562

(F) (1) ~~Whoever~~ Except as provided in division (F) (2), (3), 2563
(4), (5), (6), or (7) of this section, the court, including a 2564
mayor's court, may impose the following on a person who violates 2565
division (A) of this section ~~may be fined an amount not to~~ 2566
~~exceed five hundred dollars. A:~~ 2567

(a) A fine of up to one thousand dollars; 2568

(b) A class seven suspension of the offender's driver's 2569
license, commercial driver's license, temporary instruction 2570
permit, probationary license, or nonresident operating privilege 2571
from the range specified in division (A) (7) of section 4510.02 2572
of the Revised Code. 2573

(2) If, within ten years of the offense, the offender has 2574

been convicted of or pleaded guilty to one violation of division 2575
(A) of this section, the court, including a mayor's court, shall 2576
impose either or both of the following on a person who violates 2577
division (A) of this section: 2578

(a) A fine of up to one thousand two hundred fifty 2579
dollars; 2580

(b) A class six suspension of the offender's driver's 2581
license, commercial driver's license, temporary instruction 2582
permit, probationary license, or nonresident operating privilege 2583
from the range specified in division (A) (6) of section 4510.02 2584
of the Revised Code. 2585

(3) If, within ten years of the offense, the offender has 2586
been convicted of or pleaded guilty to two violations of 2587
division (A) of this section, the court, including a mayor's 2588
court, shall impose either or both of the following on a person 2589
who violates division (A) of this section: 2590

(a) A fine of up to one thousand five hundred dollars; 2591

(b) A class five suspension of the offender's driver's 2592
license, commercial driver's license, temporary instruction 2593
permit, probationary license, or nonresident operating privilege 2594
from the range specified in division (A) (5) of section 4510.02 2595
of the Revised Code. 2596

(4) If, within ten years of the offense, the offender has 2597
been convicted of or pleaded guilty to three violations of 2598
division (A) of this section, the court, including a mayor's 2599
court, shall impose either or both of the following on a person 2600
who violates division (A) of this section: 2601

(a) A fine of up to one thousand seven hundred fifty 2602
dollars; 2603

(b) A class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A) (4) of section 4510.02 of the Revised Code. 2604
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(5) If, within ten years of the offense, the offender has been convicted of or pleaded guilty to four violations of division (A) of this section, the court, including a mayor's court, shall impose either or both of the following on a person who violates division (A) of this section: 2609
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(a) A fine of up to two thousand dollars; 2614

(b) A class three suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A) (3) of section 4510.02 of the Revised Code. 2615
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(6) If, within ten years of the offense, the offender has been convicted of or pleaded guilty to five violations of division (A) of this section, the court, including a mayor's court, shall impose either or both of the following on a person who violates division (A) of this section: 2620
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(a) A fine of up to two thousand two hundred fifty dollars; 2625
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(b) A class two suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A) (2) of section 4510.02 of the Revised Code. 2627
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(7) If, within ten years of the offense, the offender has 2632

been convicted of or pleaded guilty to six or more violations of 2633
division (A) of this section, the court, including a mayor's 2634
court, shall impose either or both of the following on a person 2635
who violates division (A) of this section: 2636

(a) A fine of up to two thousand five hundred dollars; 2637

(b) A class one suspension of the offender's driver's 2638
license, commercial driver's license, temporary instruction 2639
permit, probationary license, or nonresident operating privilege 2640
from the range specified in division (A)(1) of section 4510.02 2641
of the Revised Code. 2642

(G) A person who is issued a citation for a violation of 2643
division (A) of this section is not permitted to enter a written 2644
plea of guilty and waive the person's right to contest the 2645
citation in a trial but instead must appear in person in the 2646
proper court to answer the charge. 2647

~~(2) In addition to and independent of any other penalty~~ 2648
~~provided by law, the court or mayor may impose upon an offender~~ 2649
~~who violates this section a class seven suspension of the~~ 2650
~~offender's driver's license, commercial driver's license,~~ 2651
~~temporary instruction permit, probationary license, or~~ 2652
~~nonresident operating privilege from the range specified in~~ 2653
~~division (A)(7) of section 4510.02 of the Revised Code. When a~~ 2654
license is suspended under this section, the court or mayor 2655
shall cause the offender to deliver the license to the court, 2656
and the court or clerk of the court immediately shall forward 2657
the license to the registrar of motor vehicles, together with 2658
notice of the court's action. 2659

~~(G)~~ (H) As used in this section: 2660

(1) "Head start agency" has the same meaning as in section 2661

3301.32 of the Revised Code. 2662

(2) "School bus," as used in relation to children who 2663
attend a program offered by a head start agency, means a bus 2664
that is owned and operated by a head start agency, is equipped 2665
with an automatically extended stop warning sign of a type 2666
approved by the state board of education, is painted the color 2667
and displays the markings described in section 4511.77 of the 2668
Revised Code, and is equipped with amber and red visual signals 2669
meeting the requirements of section 4511.771 of the Revised 2670
Code, irrespective of whether or not the bus has fifteen or more 2671
children aboard at any time. "School bus" does not include a van 2672
owned and operated by a head start agency, irrespective of its 2673
color, lights, or markings. 2674

Sec. 4511.751. As used in this section, "license plate" 2675
includes, but is not limited to, any temporary license placard 2676
issued under section 4503.182 of the Revised Code or similar law 2677
of another jurisdiction. 2678

When the operator of a school bus believes that a motorist 2679
has violated division (A) of section 4511.75 of the Revised 2680
Code, the operator shall report the license plate number and a 2681
general description of the vehicle and of the operator of the 2682
vehicle to the law enforcement agency exercising jurisdiction 2683
over the area where the alleged violation occurred. The 2684
information contained in the report relating to the license 2685
plate number and to the general description of the vehicle and 2686
the operator of the vehicle at the time of the alleged violation 2687
may be supplied by any person with first-hand knowledge of the 2688
information. Information of which the operator of the school bus 2689
has first-hand knowledge also may be corroborated by any other 2690
person, or an image, images, or video provided by a camera 2691

installed pursuant to section 4511.76 of the Revised Code. 2692

Upon receipt of the report of the alleged violation of 2693
division (A) of section 4511.75 of the Revised Code, the law 2694
enforcement agency shall conduct an investigation to attempt to 2695
determine or confirm the identity of the operator of the vehicle 2696
at the time of the alleged violation. The law enforcement agency 2697
may use a sufficiently clear image, images, or video provided by 2698
a camera installed pursuant to section 4511.76 of the Revised 2699
Code to determine the identity of the operator of the vehicle at 2700
the time of the alleged violation of division (A) of section 2701
4511.75 of the Revised Code. Such images or video also may be 2702
used as evidence in the prosecution of any other criminal 2703
offense, including a violation of sections 2903.06, 2903.08, and 2704
2903.082 of the Revised Code. If- 2705

If the identity of the operator at the time of the alleged 2706
violation of division (A) of section 4511.75 of the Revised Code 2707
is established, the reporting of the license plate number of the 2708
vehicle shall establish probable cause for the law enforcement 2709
agency to issue a citation for the violation of division (A) of 2710
section 4511.75 of the Revised Code. However, if the identity of 2711
the operator of the vehicle at the time of the alleged violation 2712
cannot be established, the law enforcement agency shall issue a 2713
warning to the owner of the vehicle at the time of the alleged 2714
violation, except in the case of a leased or rented vehicle when 2715
the warning shall be issued to the lessee at the time of the 2716
alleged violation. 2717

The registrar of motor vehicles and deputy registrars 2718
shall, at the time of issuing license plates to any person, 2719
include with the license plate a summary of the requirements of 2720
division (A) of section 4511.75 of the Revised Code and the 2721

procedures of, and penalty in, division (F) of section 4511.75 2722
of the Revised Code. 2723

Sec. 4511.76. (A) The department of public safety, by and 2724
with the advice of the superintendent of public instruction, 2725
shall adopt and enforce rules relating to the construction, 2726
design, and equipment of all school buses both publicly and 2727
privately owned and operated in this state, including ~~lighting~~ 2728
rules governing the following: 2729

(1) Lighting equipment required by section 4511.771 of the 2730
Revised Code, ~~of all school buses both publicly and privately~~ 2731
~~owned and operated in this state;~~ 2732

(2) Camera equipment that provides an image, images, or 2733
video solely for purposes of capturing a violation of section 2734
4511.75 of the Revised Code. 2735

(B) The department of education, by and with the advice of 2736
the director of public safety, shall adopt and enforce rules 2737
relating to the operation of all vehicles used for pupil 2738
transportation. 2739

(C) No person shall operate a vehicle used for pupil 2740
transportation within this state in violation of the rules of 2741
the department of education or the department of public safety. 2742
No person, being the owner thereof or having the supervisory 2743
responsibility therefor, shall permit the operation of a vehicle 2744
used for pupil transportation within this state in violation of 2745
the rules of the department of education or the department of 2746
public safety. 2747

(D) The department of public safety shall adopt and 2748
enforce rules relating to the issuance of a license under 2749
section 4511.763 of the Revised Code. The rules may relate to 2750

the moral character of the applicant; the condition of the 2751
equipment to be operated; the liability and property damage 2752
insurance carried by the applicant; the posting of satisfactory 2753
and sufficient bond; and such other rules as the director of 2754
public safety determines reasonably necessary for the safety of 2755
the pupils to be transported. 2756

(E) A chartered nonpublic school may own and operate, or 2757
contract with a vendor that supplies, a vehicle originally 2758
designed for not more than nine passengers, not including the 2759
driver, to transport students to and from regularly scheduled 2760
school sessions when one of the following applies: 2761

(1) A student's school district of residence has declared 2762
the transportation of the student impractical pursuant to 2763
section 3327.02 of the Revised Code; or 2764

(2) A student does not live within thirty minutes of the 2765
chartered nonpublic school and the student's school district is 2766
not required to transport the student under section 3327.01 of 2767
the Revised Code. 2768

(F) As used in this section, "vehicle used for pupil 2769
transportation" means any vehicle that is identified as such by 2770
the department of education by rule and that is subject to 2771
Chapter 3301-83 of the Administrative Code. 2772

(G) Except as otherwise provided in this division, whoever 2773
violates this section is guilty of a minor misdemeanor. If the 2774
offender previously has been convicted of or pleaded guilty to 2775
one or more violations of this section or section 4511.63, 2776
4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised 2777
Code or a municipal ordinance that is substantially similar to 2778
any of those sections, whoever violates this section is guilty 2779

of a misdemeanor of the fourth degree. 2780

Section 2. That existing sections 2743.51, 2903.06, 2781
 2903.08, 2929.14, 4510.17, 4511.181, 4511.75, 4511.751, and 2782
 4511.76 of the Revised Code are hereby repealed. 2783

Section 3. All appropriation items in this section are 2784
 hereby appropriated as designated out of any moneys in the state 2785
 treasury to the credit of the designated fund. For all 2786
 appropriations made in this act, the amounts in the first column 2787
 are for fiscal year 2020 and the amounts in the second column 2788
 are for fiscal year 2021. The appropriations made in this act 2789
 are in addition to any other appropriations made for the FY 2790
 2020-FY 2021 biennium. 2791

2792

	1	2	3	4	5
A	DPS DEPARTMENT OF PUBLIC SAFETY				
B	General Revenue Fund				
C	GRF	768433	School Bus Camera Grants	\$ 250,000	\$ 250,000
D	TOTAL GRF General Revenue Fund			\$ 250,000	\$ 250,000
E	TOTAL ALL BUDGET FUND GROUPS			\$ 250,000	\$ 250,000

SCHOOL BUS CAMERA GRANTS 2793

(A) The foregoing appropriation item 768433, School Bus 2794
 Camera Grants, shall be used to award grants to community 2795
 schools established under Chapter 3314. of the Revised Code that 2796
 are responsible for providing transportation to students 2797

enrolled in a school pursuant to section 3314.091 of the Revised Code and city, local, and exempted village school districts to purchase and install cameras on buses to record images of the license plates on, and drivers of, motor vehicles that violate division (A) of section 4511.75 of the Revised Code by driving by a bus while it is stopped and receiving or discharging any person.

(B) The Director of Public Safety shall establish procedures to implement and distribute the grants, including procedures governing an application process.

(C) Not later than ninety days after the end of each of fiscal years 2020 and 2021, the Director shall submit a report to the Governor and the General Assembly in accordance with division (B) of section 101.68 of the Revised Code. The report shall include the following:

(1) The number of violations of division (A) of section 4511.75 of the Revised Code that were captured by cameras purchased and installed with monetary aid from a grant in that fiscal year.

(2) A comparison of the number of violations identified in division (C)(1) of this section and the number of those violations that were detected by other means in fiscal years 2018 and 2019.

(3) An estimate of the amount of money needed to purchase and install such cameras on all eligible school buses in the state.

Section 4. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation

made in this act and shall determine the form and manner in 2827
which appropriation accounts shall be maintained. Expenditures 2828
from appropriations contained in this act shall be accounted for 2829
as though made in Am. Sub. H.B. 166 of the 133rd General 2830
Assembly. 2831

The appropriations made in this act are subject to all 2832
provisions of Am. Sub. H.B. 166 of the 133rd General Assembly 2833
that are generally applicable to such appropriations. 2834

Section 5. This act shall be known as the "School Bus 2835
Safety Act." 2836

Section 6. Section 2929.14 of the Revised Code is 2837
presented in this act as a composite of the section as amended 2838
by Sub. H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, and Am. Sub. 2839
S.B. 201, all of the 132nd General Assembly. The General 2840
Assembly, applying the principle stated in division (B) of 2841
section 1.52 of the Revised Code that amendments are to be 2842
harmonized if reasonably capable of simultaneous operation, 2843
finds that the composite is the resulting version of the section 2844
in effect prior to the effective date of the section as 2845
presented in this act. 2846

Section 4510.17 of the Revised Code is presented in this 2847
act as a composite of the section as amended by both Sub. H.B. 2848
388 and Sub. S.B. 204 of the 131st General Assembly. The General 2849
Assembly, applying the principle stated in division (B) of 2850
section 1.52 of the Revised Code that amendments are to be 2851
harmonized if reasonably capable of simultaneous operation, 2852
finds that the composite is the resulting version of the section 2853
in effect prior to the effective date of the section as 2854
presented in this act. 2855