

As Passed by the House

133rd General Assembly

Regular Session

Sub. S. B. No. 256

2019-2020

Senators Manning, Lehner

Cosponsors: Senators Eklund, Antonio, Blessing, Burke, Craig, Dolan, Fedor, Hackett, Hottinger, Huffman, S., Kunze, Maharath, Sykes, Thomas, Williams, Wilson Representatives Lang, Leland, Crossman, Galonski, West, Crawley, Cutrona, Ingram, Lightbody, Miller, J., Russo, Seitz, Sheehy, Smith, K., Smith, T., Sobecki, Sweeney, Sykes

A BILL

To amend sections 2151.35, 2907.02, 2909.24,
2929.02, 2929.03, 2929.06, 2929.14, 2929.19,
2967.13, 2971.03, and 5149.101 and to enact
sections 2929.07 and 2967.132 of the Revised
Code regarding a bar against a sentence of life
without parole, and special parole dates, for
offenders who committed the offense when under
age 18 and regarding dispositional hearings for
abused, neglected, and dependent children.

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

Section 1. That sections 2151.35, 2907.02, 2909.24,
2929.02, 2929.03, 2929.06, 2929.14, 2929.19, 2967.13, 2971.03,
and 5149.101 be amended and sections 2929.07 and 2967.132 of the
Revised Code be enacted to read as follows:

Sec. 2151.35. (A) (1) Except as otherwise provided by
division (A) (3) of this section or in section 2152.13 of the

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Revised Code, the juvenile court may conduct its hearings in an
informal manner and may adjourn its hearings from time to time.
The court may exclude the general public from its hearings in a
particular case if the court holds a separate hearing to
determine whether that exclusion is appropriate. If the court
decides that exclusion of the general public is appropriate, the
court still may admit to a particular hearing or all of the
hearings relating to a particular case those persons who have a
direct interest in the case and those who demonstrate that their
need for access outweighs the interest in keeping the hearing
closed.

Except cases involving children who are alleged to be
unruly children for being habitual truants or alleged to be
delinquent children for violating court orders regarding their
prior adjudication as unruly children for being habitual
truants, and except as otherwise provided in section 2152.13 of
the Revised Code, all cases involving children shall be heard
separately and apart from the trial of cases against adults. The
court may excuse the attendance of the child at the hearing in
cases involving abused, neglected, or dependent children. The
court shall hear and determine all cases of children without a
jury, except cases involving serious youthful offenders under
section 2152.13 of the Revised Code.

If a complaint alleges a child to be a delinquent child,
unruly child, or juvenile traffic offender, the court shall
require the parent, guardian, or custodian of the child to
attend all proceedings of the court regarding the child. If a
parent, guardian, or custodian fails to so attend, the court may
find the parent, guardian, or custodian in contempt.

If the court finds from clear and convincing evidence that

the child violated section 2151.87 of the Revised Code, the
court shall proceed in accordance with divisions (F) and (G) of
that section.

If the court at the adjudicatory hearing finds from clear
and convincing evidence that the child is an abused, neglected,
or dependent child, the court shall proceed, in accordance with
division (B) of this section, to hold a dispositional hearing
and hear the evidence as to the proper disposition to be made
under section 2151.353 of the Revised Code. If the court at the
adjudicatory hearing finds beyond a reasonable doubt that the
child is a delinquent or unruly child or a juvenile traffic
offender, the court shall proceed immediately, or at a postponed
hearing, to hear the evidence as to the proper disposition to be
made under section 2151.354 or Chapter 2152. of the Revised
Code. If the court at the adjudicatory hearing finds beyond a
reasonable doubt that the child is an unruly child for being an
habitual truant, or that the child is an unruly child for being
an habitual truant and that the parent, guardian, or other
person having care of the child has failed to cause the child's
attendance at school in violation of section 3321.38 of the
Revised Code, the court shall proceed to hold a hearing to hear
the evidence as to the proper disposition to be made in regard
to the child under division (C)(1) of section 2151.354 of the
Revised Code and the proper action to take in regard to the
parent, guardian, or other person having care of the child under
division (C)(2) of section 2151.354 of the Revised Code. If the
court at the adjudicatory hearing finds beyond a reasonable
doubt that the child is a delinquent child for violating a court
order regarding the child's prior adjudication as an unruly
child for being an habitual truant, and the parent, guardian, or
other person having care of the child has failed to cause the

child's attendance at school in violation of section 3321.38 of
the Revised Code, the court shall proceed to hold a hearing to
hear the evidence as to the proper disposition to be made in
regard to the child under division (A) (7) (a) of section 2152.19
of the Revised Code and the proper action to take in regard to
the parent, guardian, or other person having care of the child
under division (A) (7) (b) of section 2152.19 of the Revised Code.

If the court does not find the child to have violated
section 2151.87 of the Revised Code or to be an abused,
neglected, dependent, delinquent, or unruly child or a juvenile
traffic offender, it shall order that the case be dismissed and
that the child be discharged from any detention or restriction
theretofore ordered.

(2) A record of all testimony and other oral proceedings
in juvenile court shall be made in all proceedings that are held
pursuant to section 2151.414 of the Revised Code or in which an
order of disposition may be made pursuant to division (A) (4) of
section 2151.353 of the Revised Code, and shall be made upon
request in any other proceedings. The record shall be made as
provided in section 2301.20 of the Revised Code.

(3) The authority of a juvenile court to exclude the
general public from its hearings that is provided by division
(A) (1) of this section does not limit or affect any right of a
victim of a crime or delinquent act, or of a victim's
representative, under Chapter 2930. of the Revised Code.

(B) (1) If the court at an adjudicatory hearing determines
that a child is an abused, neglected, or dependent child, the
court shall not issue a dispositional order until after the
court holds a separate dispositional hearing. The court may hold
the dispositional hearing for an adjudicated abused, neglected,

or dependent child immediately after the adjudicatory hearing if
all parties were served prior to the adjudicatory hearing with
all documents required for the dispositional hearing. The
dispositional hearing may not be held more than thirty days
after the adjudicatory hearing is held. ~~The court, upon the~~
~~request of any party or the guardian ad litem of the child, may~~
~~continue a dispositional hearing for a reasonable time not to~~
~~exceed the time limits set forth in this division to enable a~~
~~party to obtain or consult counsel.~~—The dispositional hearing
shall not be held more than ninety days after the date on which
the complaint in the case was filed except that, for good cause
shown, the court, on its own motion or on the motion of any
party or the child's guardian ad litem, may continue the
dispositional hearing for a reasonable period of time beyond the
ninety-day deadline. This extension beyond the ninety-day
deadline shall not exceed forty-five days and shall not be
available for any case in which the complaint was dismissed and
subsequently refiled.

If the dispositional hearing is not held within the period
of time required by this division, the court, on its own motion
or the motion of any party or the guardian ad litem of the
child, shall dismiss the complaint without prejudice.

(2) The dispositional hearing shall be conducted in
accordance with all of the following:

(a) The judge or referee who presided at the adjudicatory
hearing shall preside, if possible, at the dispositional
hearing;

(b) The court may admit any evidence that is material and
relevant, including, but not limited to, hearsay, opinion, and
documentary evidence;

- (c) Medical examiners and each investigator who prepared a social history shall not be cross-examined, except upon consent of the parties, for good cause shown, or as the court in its discretion may direct. Any party may offer evidence supplementing, explaining, or disputing any information contained in the social history or other reports that may be used by the court in determining disposition. 137
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- (3) After the conclusion of the dispositional hearing, the court shall enter an appropriate judgment within seven days and shall schedule the date for the hearing to be held pursuant to section 2151.415 of the Revised Code. The court may make any order of disposition that is set forth in section 2151.353 of the Revised Code. A copy of the judgment shall be given to each party and to the child's guardian ad litem. If the judgment is conditional, the order shall state the conditions of the judgment. If the child is not returned to the child's own home, the court shall determine which school district shall bear the cost of the child's education and shall comply with section 2151.36 of the Revised Code. 144
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- (4) As part of its dispositional order, the court may issue any order described in division (B) of section 2151.33 of the Revised Code. 156
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- (C) The court shall give all parties to the action and the child's guardian ad litem notice of the adjudicatory and dispositional hearings in accordance with the Juvenile Rules. 159
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- (D) If the court issues an order pursuant to division (A) (4) of section 2151.353 of the Revised Code committing a child to the permanent custody of a public children services agency or a private child placing agency, the parents of the child whose parental rights were terminated cease to be parties to the 162
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action upon the issuance of the order. This division is not
intended to eliminate or restrict any right of the parents to
appeal the permanent custody order issued pursuant to division
(A) (4) of section 2151.353 of the Revised Code.

(E) Each juvenile court shall schedule its hearings in
accordance with the time requirements of this chapter.

(F) In cases regarding abused, neglected, or dependent
children, the court may admit any statement of a child that the
court determines to be excluded by the hearsay rule if the
proponent of the statement informs the adverse party of the
proponent's intention to offer the statement and of the
particulars of the statement, including the name of the
declarant, sufficiently in advance of the hearing to provide the
party with a fair opportunity to prepare to challenge, respond
to, or defend against the statement, and the court determines
all of the following:

(1) The statement has circumstantial guarantees of
trustworthiness;

(2) The statement is offered as evidence of a material
fact;

(3) The statement is more probative on the point for which
it is offered than any other evidence that the proponent can
procure through reasonable efforts;

(4) The general purposes of the evidence rules and the
interests of justice will best be served by the admission of the
statement into evidence.

(G) If a child is alleged to be an abused child, the court
may order that the testimony of the child be taken by
deposition. On motion of the prosecuting attorney, guardian ad

litem, or any party, or in its own discretion, the court may 196
order that the deposition be videotaped. Any deposition taken 197
under this division shall be taken with a judge or referee 198
present. 199

If a deposition taken under this division is intended to 200
be offered as evidence at the hearing, it shall be filed with 201
the court. Part or all of the deposition is admissible in 202
evidence if counsel for all parties had an opportunity and 203
similar motive at the time of the taking of the deposition to 204
develop the testimony by direct, cross, or redirect examination 205
and the judge determines that there is reasonable cause to 206
believe that if the child were to testify in person at the 207
hearing, the child would experience emotional trauma as a result 208
of participating at the hearing. 209

Sec. 2907.02. (A) (1) No person shall engage in sexual 210
conduct with another who is not the spouse of the offender or 211
who is the spouse of the offender but is living separate and 212
apart from the offender, when any of the following applies: 213

(a) For the purpose of preventing resistance, the offender 214
substantially impairs the other person's judgment or control by 215
administering any drug, intoxicant, or controlled substance to 216
the other person surreptitiously or by force, threat of force, 217
or deception. 218

(b) The other person is less than thirteen years of age, 219
whether or not the offender knows the age of the other person. 220

(c) The other person's ability to resist or consent is 221
substantially impaired because of a mental or physical condition 222
or because of advanced age, and the offender knows or has 223
reasonable cause to believe that the other person's ability to 224

resist or consent is substantially impaired because of a mental 225
or physical condition or because of advanced age. 226

(2) No person shall engage in sexual conduct with another 227
when the offender purposely compels the other person to submit 228
by force or threat of force. 229

(B) Whoever violates this section is guilty of rape, a 230
felony of the first degree. If the offender under division (A) 231
(1) (a) of this section substantially impairs the other person's 232
judgment or control by administering any controlled substance, 233
as defined in section 3719.01 of the Revised Code, to the other 234
person surreptitiously or by force, threat of force, or 235
deception, the prison term imposed upon the offender shall be 236
one of the definite prison terms prescribed for a felony of the 237
first degree in division (A) (1) (b) of section 2929.14 of the 238
Revised Code that is not less than five years, except that if 239
the violation is committed on or after ~~the effective date of~~ 240
~~this amendment March 22, 2019,~~ the court shall impose as the 241
minimum prison term for the offense a mandatory prison term that 242
is one of the minimum terms prescribed for a felony of the first 243
degree in division (A) (1) (a) of section 2929.14 of the Revised 244
Code that is not less than five years. Except as otherwise 245
provided in this division, notwithstanding sections 2929.11 to 246
2929.14 of the Revised Code, an offender under division (A) (1) 247
(b) of this section shall be sentenced to a prison term or term 248
of life imprisonment pursuant to section 2971.03 of the Revised 249
Code. If an offender is convicted of or pleads guilty to a 250
violation of division (A) (1) (b) of this section, if the offender 251
was less than sixteen years of age at the time the offender 252
committed the violation of that division, and if the offender 253
during or immediately after the commission of the offense did 254
not cause serious physical harm to the victim, the victim was 255

ten years of age or older at the time of the commission of the 256
violation, and the offender has not previously been convicted of 257
or pleaded guilty to a violation of this section or a 258
substantially similar existing or former law of this state, 259
another state, or the United States, the court shall not 260
sentence the offender to a prison term or term of life 261
imprisonment pursuant to section 2971.03 of the Revised Code, 262
and instead the court shall sentence the offender as otherwise 263
provided in this division. If an offender under division (A)(1) 264
(b) of this section previously has been convicted of or pleaded 265
guilty to violating division (A)(1)(b) of this section or to 266
violating an existing or former law of this state, another 267
state, or the United States that is substantially similar to 268
division (A)(1)(b) of this section, if the offender during or 269
immediately after the commission of the offense caused serious 270
physical harm to the victim, or if the victim under division (A) 271
(1)(b) of this section is less than ten years of age, in lieu of 272
sentencing the offender to a prison term or term of life 273
imprisonment pursuant to section 2971.03 of the Revised Code, 274
except as otherwise provided in this division, the court may 275
impose upon the offender a term of life without parole. If the 276
court imposes a term of life without parole pursuant to this 277
division, division (F) of section 2971.03 of the Revised Code 278
applies, and the offender automatically is classified a tier III 279
sex offender/child-victim offender, as described in that 280
division. A court shall not impose a term of life without parole 281
on an offender for rape if the offender was under eighteen years 282
of age at the time of the offense. 283

(C) A victim need not prove physical resistance to the 284
offender in prosecutions under this section. 285

(D) Evidence of specific instances of the victim's sexual 286

activity, opinion evidence of the victim's sexual activity, and 287
reputation evidence of the victim's sexual activity shall not be 288
admitted under this section unless it involves evidence of the 289
origin of semen, pregnancy, or disease, or the victim's past 290
sexual activity with the offender, and only to the extent that 291
the court finds that the evidence is material to a fact at issue 292
in the case and that its inflammatory or prejudicial nature does 293
not outweigh its probative value. 294

Evidence of specific instances of the defendant's sexual 295
activity, opinion evidence of the defendant's sexual activity, 296
and reputation evidence of the defendant's sexual activity shall 297
not be admitted under this section unless it involves evidence 298
of the origin of semen, pregnancy, or disease, the defendant's 299
past sexual activity with the victim, or is admissible against 300
the defendant under section 2945.59 of the Revised Code, and 301
only to the extent that the court finds that the evidence is 302
material to a fact at issue in the case and that its 303
inflammatory or prejudicial nature does not outweigh its 304
probative value. 305

(E) Prior to taking testimony or receiving evidence of any 306
sexual activity of the victim or the defendant in a proceeding 307
under this section, the court shall resolve the admissibility of 308
the proposed evidence in a hearing in chambers, which shall be 309
held at or before preliminary hearing and not less than three 310
days before trial, or for good cause shown during the trial. 311

(F) Upon approval by the court, the victim may be 312
represented by counsel in any hearing in chambers or other 313
proceeding to resolve the admissibility of evidence. If the 314
victim is indigent or otherwise is unable to obtain the services 315
of counsel, the court, upon request, may appoint counsel to 316

represent the victim without cost to the victim.	317
(G) It is not a defense to a charge under division (A) (2) of this section that the offender and the victim were married or were cohabiting at the time of the commission of the offense.	318 319 320
Sec. 2909.24. (A) No person shall commit a specified offense with purpose to do any of the following:	321 322
(1) Intimidate or coerce a civilian population;	323
(2) Influence the policy of any government by intimidation or coercion;	324 325
(3) Affect the conduct of any government by the specified offense.	326 327
(B) (1) Whoever violates this section is guilty of terrorism.	328 329
(2) Except as otherwise provided in divisions (B) (3) and (4) of this section, terrorism is an offense one degree higher than the most serious underlying specified offense the defendant committed.	330 331 332 333
(3) If Except as provided in division (B) (6) of this section, if the most serious underlying specified offense the defendant committed is a felony of the first degree or murder, the person shall be sentenced to life imprisonment without parole.	334 335 336 337 338
(4) If Except as provided in division (B) (6) of this section, if the most serious underlying specified offense the defendant committed is aggravated murder, the offender shall be sentenced to life imprisonment without parole or death pursuant to sections 2929.02 to 2929.06 of the Revised Code.	339 340 341 342 343

(5) Section 2909.25 of the Revised Code applies regarding
an offender who is convicted of or pleads guilty to a violation
of this section. 344
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(6) If a person commits a violation of this section, if 347
the most serious underlying specified offense the offender 348
committed is aggravated murder, murder, or a felony of the first 349
degree, and if the offender was under eighteen years of age at 350
the time of the violation, the offender shall not be sentenced 351
to life imprisonment without parole, but instead the offender 352
shall be sentenced to an indefinite prison term of thirty years 353
to life. 354

Sec. 2929.02. (A) Whoever is convicted of or pleads guilty
to aggravated murder in violation of section 2903.01 of the 355
Revised Code shall suffer death or be imprisoned for life, as 356
determined pursuant to sections 2929.022, 2929.03, and 2929.04 357
of the Revised Code, except that no person who is not found to 358
have been eighteen years of age or older at the time of the 359
commission of the offense shall be imprisoned for life without 360
parole, and that no person who raises the matter of age pursuant 361
to section 2929.023 of the Revised Code and who is not found to 362
have been eighteen years of age or older at the time of the 363
commission of the offense shall suffer death. In addition, the 364
offender may be fined an amount fixed by the court, but not more 365
than twenty-five thousand dollars. 366
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(B) (1) Except as otherwise provided in division (B) (2) or 368
(3) of this section, whoever is convicted of or pleads guilty to 369
murder in violation of section 2903.02 of the Revised Code shall 370
be imprisoned for an indefinite term of fifteen years to life. 371

(2) Except as otherwise provided in division (B) (3) of 372
this section, if a person is convicted of or pleads guilty to 373

murder in violation of section 2903.02 of the Revised Code, the
victim of the offense was less than thirteen years of age, and
the offender also is convicted of or pleads guilty to a sexual
motivation specification that was included in the indictment,
count in the indictment, or information charging the offense,
the court shall impose an indefinite prison term of thirty years
to life pursuant to division (B) (3) of section 2971.03 of the
Revised Code.

(3) If—Except as otherwise provided in this division, if a
person is convicted of or pleads guilty to murder in violation
of section 2903.02 of the Revised Code and also is convicted of
or pleads guilty to a sexual motivation specification and a
sexually violent predator specification that were included in
the indictment, count in the indictment, or information that
charged the murder, the court shall impose upon the offender a
term of life imprisonment without parole that shall be served
pursuant to section 2971.03 of the Revised Code. If the offender
was under eighteen years of age at the time of the offense, the
court shall impose an indefinite prison term of thirty years to
life.

(4) In addition, the offender may be fined an amount fixed
by the court, but not more than fifteen thousand dollars.

(C) If an offender receives or received a sentence of life
imprisonment without parole, a sentence of life imprisonment, a
definite sentence, or a sentence to an indefinite prison term
under this chapter for an aggravated murder or murder that was
committed when the offender was under eighteen years of age, the
offender's parole eligibility shall be determined under section
2967.132 of the Revised Code.

(D) The court shall not impose a fine or fines for

aggravated murder or murder which, in the aggregate and to the
extent not suspended by the court, exceeds the amount which the
offender is or will be able to pay by the method and within the
time allowed without undue hardship to the offender or to the
dependents of the offender, or will prevent the offender from
making reparation for the victim's wrongful death. 404
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~~(D)~~ (E) (1) In addition to any other sanctions imposed
for a violation of section 2903.01 or 2903.02 of the Revised
Code, if the offender used a motor vehicle as the means to
commit the violation, the court shall impose upon the offender a
class two suspension of the offender's driver's license,
commercial driver's license, temporary instruction permit,
probationary license, or nonresident operating privilege as
specified in division (A) (2) of section 4510.02 of the Revised
Code. 410
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(2) As used in division ~~(D)~~ (E) of this section, "motor
vehicle" has the same meaning as in section 4501.01 of the
Revised Code. 419
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Sec. 2929.03. (A) If the indictment or count in the
indictment charging aggravated murder does not contain one or
more specifications of aggravating circumstances listed in
division (A) of section 2929.04 of the Revised Code, then,
following a verdict of guilty of the charge of aggravated
murder, the trial court shall impose sentence on the offender as
follows: 422
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(1) Except as provided in division (A) (2) or (H) of this
section, the trial court shall impose one of the following
sentences on the offender: 429
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(a) Life imprisonment without parole; 432

(b) Subject to division (A)(1)(e) of this section, life imprisonment with parole eligibility after serving twenty years of imprisonment;	433 434 435
(c) Subject to division (A)(1)(e) of this section, life imprisonment with parole eligibility after serving twenty-five full years of imprisonment;	436 437 438
(d) Subject to division (A)(1)(e) of this section, life imprisonment with parole eligibility after serving thirty full years of imprisonment;	439 440 441
(e) If the victim of the aggravated murder was less than thirteen years of age, the offender also is convicted of or pleads guilty to a sexual motivation specification that was included in the indictment, count in the indictment, or information charging the offense, and the trial court does not impose a sentence of life imprisonment without parole on the offender pursuant to division (A)(1)(a) of this section, the trial court shall sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code to an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment that shall be served pursuant to that section.	442 443 444 445 446 447 448 449 450 451 452 453
(2) If the offender also is convicted of or pleads guilty to a sexual motivation specification and a sexually violent predator specification that are included in the indictment, count in the indictment, or information that charged the aggravated murder, <u>except as provided in division (H) of this section,</u> the trial court shall impose upon the offender a sentence of life imprisonment without parole that shall be served pursuant to section 2971.03 of the Revised Code.	454 455 456 457 458 459 460 461

(B) If the indictment or count in the indictment charging aggravated murder contains one or more specifications of aggravating circumstances listed in division (A) of section 2929.04 of the Revised Code, the verdict shall separately state whether the accused is found guilty or not guilty of the principal charge and, if guilty of the principal charge, whether the offender was eighteen years of age or older at the time of the commission of the offense, if the matter of age was raised by the offender pursuant to section 2929.023 of the Revised Code, and whether the offender is guilty or not guilty of each specification. The jury shall be instructed on its duties in this regard. The instruction to the jury shall include an instruction that a specification shall be proved beyond a reasonable doubt in order to support a guilty verdict on the specification, but the instruction shall not mention the penalty that may be the consequence of a guilty or not guilty verdict on any charge or specification.

(C) (1) If the indictment or count in the indictment charging aggravated murder contains one or more specifications of aggravating circumstances listed in division (A) of section 2929.04 of the Revised Code, then, following a verdict of guilty of the charge but not guilty of each of the specifications, and regardless of whether the offender raised the matter of age pursuant to section 2929.023 of the Revised Code, the trial court shall impose sentence on the offender as follows:

(a) Except as provided in division (C) (1) (b) or (H) of this section, the trial court shall impose one of the following sentences on the offender:

(i) Life imprisonment without parole;

(ii) Subject to division (C) (1) (a) (v) of this section,

life imprisonment with parole eligibility after serving twenty	492
years of imprisonment;	493
(iii) Subject to division (C)(1)(a)(v) of this section,	494
life imprisonment with parole eligibility after serving twenty-	495
five full years of imprisonment;	496
(iv) Subject to division (C)(1)(a)(v) of this section,	497
life imprisonment with parole eligibility after serving thirty	498
full years of imprisonment;	499
(v) If the victim of the aggravated murder was less than	500
thirteen years of age, the offender also is convicted of or	501
pleads guilty to a sexual motivation specification that was	502
included in the indictment, count in the indictment, or	503
information charging the offense, and the trial court does not	504
impose a sentence of life imprisonment without parole on the	505
offender pursuant to division (C)(1)(a)(i) of this section, the	506
trial court shall sentence the offender pursuant to division (B)	507
(3) of section 2971.03 of the Revised Code to an indefinite term	508
consisting of a minimum term of thirty years and a maximum term	509
of life imprisonment.	510
(b) If the offender also is convicted of or pleads guilty	511
to a sexual motivation specification and a sexually violent	512
predator specification that are included in the indictment,	513
count in the indictment, or information that charged the	514
aggravated murder, <u>except as provided in division (H) of this</u>	515
<u>section,</u> the trial court shall impose upon the offender a	516
sentence of life imprisonment without parole that shall be	517
served pursuant to section 2971.03 of the Revised Code.	518
(2) (a) If the indictment or count in the indictment	519
contains one or more specifications of aggravating circumstances	520

listed in division (A) of section 2929.04 of the Revised Code 521
and if the offender is found guilty of both the charge and one 522
or more of the specifications, the penalty to be imposed on the 523
offender shall be one of the following: 524

(i) Except as provided in division (C) (2) (a) (ii) — or, (C) 525
(2) (a) (iii), or (H) of this section, the penalty to be imposed 526
on the offender shall be death, life imprisonment without 527
parole, life imprisonment with parole eligibility after serving 528
twenty-five full years of imprisonment, or life imprisonment 529
with parole eligibility after serving thirty full years of 530
imprisonment. 531

(ii) Except as provided in division (C) (2) (a) (iii) or (H) 532
of this section, if the victim of the aggravated murder was less 533
than thirteen years of age, the offender also is convicted of or 534
pleads guilty to a sexual motivation specification that was 535
included in the indictment, count in the indictment, or 536
information charging the offense, and the trial court does not 537
impose a sentence of death or life imprisonment without parole 538
on the offender pursuant to division (C) (2) (a) (i) of this 539
section, the penalty to be imposed on the offender shall be an 540
indefinite term consisting of a minimum term of thirty years and 541
a maximum term of life imprisonment that shall be imposed 542
pursuant to division (B) (3) of section 2971.03 of the Revised 543
Code and served pursuant to that section. 544

(iii) If the offender also is convicted of or pleads 545
guilty to a sexual motivation specification and a sexually 546
violent predator specification that are included in the 547
indictment, count in the indictment, or information that charged 548
the aggravated murder, except as provided in division (H) of 549
this section, the penalty to be imposed on the offender shall be 550

death or life imprisonment without parole that shall be served	551
pursuant to section 2971.03 of the Revised Code.	552
(b) A penalty imposed pursuant to division (C)(2)(a)(i),	553
(ii), or (iii) of this section shall be determined pursuant to	554
divisions (D) and (E) of this section and shall be determined by	555
one of the following:	556
(i) By the panel of three judges that tried the offender	557
upon the offender's waiver of the right to trial by jury;	558
(ii) By the trial jury and the trial judge, if the	559
offender was tried by jury.	560
(D) (1) Death may not be imposed as a penalty for	561
aggravated murder if the offender raised the matter of age at	562
trial pursuant to section 2929.023 of the Revised Code and was	563
not found at trial to have been eighteen years of age or older	564
at the time of the commission of the offense. When death may be	565
imposed as a penalty for aggravated murder, the court shall	566
proceed under this division. When death may be imposed as a	567
penalty, the court, upon the request of the defendant, shall	568
require a pre-sentence investigation to be made and, upon the	569
request of the defendant, shall require a mental examination to	570
be made, and shall require reports of the investigation and of	571
any mental examination submitted to the court, pursuant to	572
section 2947.06 of the Revised Code. No statement made or	573
information provided by a defendant in a mental examination or	574
proceeding conducted pursuant to this division shall be	575
disclosed to any person, except as provided in this division, or	576
be used in evidence against the defendant on the issue of guilt	577
in any retrial. A pre-sentence investigation or mental	578
examination shall not be made except upon request of the	579
defendant. Copies of any reports prepared under this division	580

shall be furnished to the court, to the trial jury if the 581
offender was tried by a jury, to the prosecutor, and to the 582
offender or the offender's counsel for use under this division. 583
The court, and the trial jury if the offender was tried by a 584
jury, shall consider any report prepared pursuant to this 585
division and furnished to it and any evidence raised at trial 586
that is relevant to the aggravating circumstances the offender 587
was found guilty of committing or to any factors in mitigation 588
of the imposition of the sentence of death, shall hear testimony 589
and other evidence that is relevant to the nature and 590
circumstances of the aggravating circumstances the offender was 591
found guilty of committing, the mitigating factors set forth in 592
division (B) of section 2929.04 of the Revised Code, and any 593
other factors in mitigation of the imposition of the sentence of 594
death, and shall hear the statement, if any, of the offender, 595
and the arguments, if any, of counsel for the defense and 596
prosecution, that are relevant to the penalty that should be 597
imposed on the offender. The defendant shall be given great 598
latitude in the presentation of evidence of the mitigating 599
factors set forth in division (B) of section 2929.04 of the 600
Revised Code and of any other factors in mitigation of the 601
imposition of the sentence of death. If the offender chooses to 602
make a statement, the offender is subject to cross-examination 603
only if the offender consents to make the statement under oath 604
or affirmation. 605

The defendant shall have the burden of going forward with 606
the evidence of any factors in mitigation of the imposition of 607
the sentence of death. The prosecution shall have the burden of 608
proving, by proof beyond a reasonable doubt, that the 609
aggravating circumstances the defendant was found guilty of 610
committing are sufficient to outweigh the factors in mitigation 611

of the imposition of the sentence of death. 612

(2) Upon consideration of the relevant evidence raised at 613
trial, the testimony, other evidence, statement of the offender, 614
arguments of counsel, and, if applicable, the reports submitted 615
pursuant to division (D)(1) of this section, the trial jury, if 616
the offender was tried by a jury, shall determine whether the 617
aggravating circumstances the offender was found guilty of 618
committing are sufficient to outweigh the mitigating factors 619
present in the case. If the trial jury unanimously finds, by 620
proof beyond a reasonable doubt, that the aggravating 621
circumstances the offender was found guilty of committing 622
outweigh the mitigating factors, the trial jury shall recommend 623
to the court that the sentence of death be imposed on the 624
offender. Absent such a finding, the jury shall recommend that 625
the offender be sentenced to one of the following: 626

(a) Except as provided in division (D)(2)(b) ~~or, (D)(2)~~ 627
~~(c), or (H)~~ of this section, to life imprisonment without 628
parole, life imprisonment with parole eligibility after serving 629
twenty-five full years of imprisonment, or life imprisonment 630
with parole eligibility after serving thirty full years of 631
imprisonment; 632

(b) Except as provided in division (D)(2)(c) or (H) of 633
this section, if the victim of the aggravated murder was less 634
than thirteen years of age, the offender also is convicted of or 635
pleads guilty to a sexual motivation specification that was 636
included in the indictment, count in the indictment, or 637
information charging the offense, and the jury does not 638
recommend a sentence of life imprisonment without parole 639
pursuant to division (D)(2)(a) of this section, to an indefinite 640
term consisting of a minimum term of thirty years and a maximum 641

term of life imprisonment to be imposed pursuant to division (B) 642
(3) of section 2971.03 of the Revised Code and served pursuant 643
to that section. 644

(c) If the offender also is convicted of or pleads guilty 645
to a sexual motivation specification and a sexually violent 646
predator specification that are included in the indictment, 647
count in the indictment, or information that charged the 648
aggravated murder, except as provided in division (H) of this 649
section, to life imprisonment without parole. 650

If the trial jury recommends that the offender be 651
sentenced to life imprisonment without parole, life imprisonment 652
with parole eligibility after serving twenty-five full years of 653
imprisonment, life imprisonment with parole eligibility after 654
serving thirty full years of imprisonment, or an indefinite term 655
consisting of a minimum term of thirty years and a maximum term 656
of life imprisonment to be imposed pursuant to division (B) (3) 657
of section 2971.03 of the Revised Code, except as provided in 658
division (H) of this section, the court shall impose the 659
sentence recommended by the jury upon the offender. If the 660
sentence is an indefinite term consisting of a minimum term of 661
thirty years and a maximum term of life imprisonment imposed as 662
described in division (D) (2) (b) of this section or a sentence of 663
life imprisonment without parole imposed under division (D) (2) 664
(c) of this section, the sentence shall be served pursuant to 665
section 2971.03 of the Revised Code. If the trial jury 666
recommends that the sentence of death be imposed upon the 667
offender, the court shall proceed to impose sentence pursuant to 668
division (D) (3) of this section. 669

(3) Upon consideration of the relevant evidence raised at 670
trial, the testimony, other evidence, statement of the offender, 671

arguments of counsel, and, if applicable, the reports submitted
to the court pursuant to division (D)(1) of this section, if,
after receiving pursuant to division (D)(2) of this section the
trial jury's recommendation that the sentence of death be
imposed, the court finds, by proof beyond a reasonable doubt, or
if the panel of three judges unanimously finds, by proof beyond
a reasonable doubt, that the aggravating circumstances the
offender was found guilty of committing outweigh the mitigating
factors, it shall impose sentence of death on the offender.
Absent such a finding by the court or panel, the court or the
panel shall impose one of the following sentences on the
offender:

(a) Except as provided in division (D)(3)(b) or (H) of
this section, one of the following:

(i) Life imprisonment without parole;

(ii) Subject to division (D)(3)(a)(iv) of this section,
life imprisonment with parole eligibility after serving twenty-
five full years of imprisonment;

(iii) Subject to division (D)(3)(a)(iv) of this section,
life imprisonment with parole eligibility after serving thirty
full years of imprisonment;

(iv) If the victim of the aggravated murder was less than
thirteen years of age, the offender also is convicted of or
pleads guilty to a sexual motivation specification that was
included in the indictment, count in the indictment, or
information charging the offense, and the trial court does not
impose a sentence of life imprisonment without parole on the
offender pursuant to division (D)(3)(a)(i) of this section, the
court or panel shall sentence the offender pursuant to division

(B) (3) of section 2971.03 of the Revised Code to an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment.	701 702 703
(b) If the offender also is convicted of or pleads guilty to a sexual motivation specification and a sexually violent predator specification that are included in the indictment, count in the indictment, or information that charged the aggravated murder, <u>except as provided in division (H) of this section,</u> life imprisonment without parole that shall be served pursuant to section 2971.03 of the Revised Code.	704 705 706 707 708 709 710
(E) If the offender raised the matter of age at trial pursuant to section 2929.023 of the Revised Code, was convicted of aggravated murder and one or more specifications of an aggravating circumstance listed in division (A) of section 2929.04 of the Revised Code, and was not found at trial to have been eighteen years of age or older at the time of the commission of the offense, the court or the panel of three judges shall not impose a sentence of death on the offender. Instead, the court or panel shall impose one of the following sentences on the offender:	711 712 713 714 715 716 717 718 719 720
(1) Except as provided in division (E) (2) <u>or (H)</u> of this section, one of the following:	721 722
(a) Life imprisonment without parole;	723
(b) Subject to division (E) (2) (d) of this section, life imprisonment with parole eligibility after serving twenty-five full years of imprisonment;	724 725 726
(c) Subject to division (E) (2) (d) of this section, life imprisonment with parole eligibility after serving thirty full years of imprisonment;	727 728 729

(d) If the victim of the aggravated murder was less than 730
thirteen years of age, the offender also is convicted of or 731
pleads guilty to a sexual motivation specification that was 732
included in the indictment, count in the indictment, or 733
information charging the offense, and the trial court does not 734
impose a sentence of life imprisonment without parole on the 735
offender pursuant to division (E) (2) (a) of this section, the 736
court or panel shall sentence the offender pursuant to division 737
(B) (3) of section 2971.03 of the Revised Code to an indefinite 738
term consisting of a minimum term of thirty years and a maximum 739
term of life imprisonment. 740

(2) If the offender also is convicted of or pleads guilty 741
to a sexual motivation specification and a sexually violent 742
predator specification that are included in the indictment, 743
count in the indictment, or information that charged the 744
aggravated murder, except as provided in division (H) of this 745
section, life imprisonment without parole that shall be served 746
pursuant to section 2971.03 of the Revised Code. 747

(F) The court or the panel of three judges, when it 748
imposes sentence of death, shall state in a separate opinion its 749
specific findings as to the existence of any of the mitigating 750
factors set forth in division (B) of section 2929.04 of the 751
Revised Code, the existence of any other mitigating factors, the 752
aggravating circumstances the offender was found guilty of 753
committing, and the reasons why the aggravating circumstances 754
the offender was found guilty of committing were sufficient to 755
outweigh the mitigating factors. The court or panel, when it 756
imposes life imprisonment or an indefinite term consisting of a 757
minimum term of thirty years and a maximum term of life 758
imprisonment under division (D) of this section, shall state in 759
a separate opinion its specific findings of which of the 760

mitigating factors set forth in division (B) of section 2929.04
of the Revised Code it found to exist, what other mitigating
factors it found to exist, what aggravating circumstances the
offender was found guilty of committing, and why it could not
find that these aggravating circumstances were sufficient to
outweigh the mitigating factors. For cases in which a sentence
of death is imposed for an offense committed before January 1,
1995, the court or panel shall file the opinion required to be
prepared by this division with the clerk of the appropriate
court of appeals and with the clerk of the supreme court within
fifteen days after the court or panel imposes sentence. For
cases in which a sentence of death is imposed for an offense
committed on or after January 1, 1995, the court or panel shall
file the opinion required to be prepared by this division with
the clerk of the supreme court within fifteen days after the
court or panel imposes sentence. The judgment in a case in which
a sentencing hearing is held pursuant to this section is not
final until the opinion is filed.

(G) (1) Whenever the court or a panel of three judges
imposes a sentence of death for an offense committed before
January 1, 1995, the clerk of the court in which the judgment is
rendered shall make and retain a copy of the entire record in
the case, and shall deliver the original of the entire record in
the case to the appellate court.

(2) Whenever the court or a panel of three judges imposes
a sentence of death for an offense committed on or after January
1, 1995, the clerk of the court in which the judgment is
rendered shall make and retain a copy of the entire record in
the case, and shall deliver the original of the entire record in
the case to the supreme court.

(H) A court shall not impose a sentence of life imprisonment without parole on a person under division (A) (1) or (2), (C) (1) or (2), (D) (2) or (3), or (E) (1) or (2) of this section for an offense that was committed when the person was under eighteen years of age. 791
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Sec. 2929.06. (A) If a sentence of death imposed upon an offender is set aside, nullified, or vacated because the court of appeals, in a case in which a sentence of death was imposed for an offense committed before January 1, 1995, or the supreme court, in cases in which the supreme court reviews the sentence upon appeal, could not affirm the sentence of death under the standards imposed by section 2929.05 of the Revised Code, is set aside, nullified, or vacated for the sole reason that the statutory procedure for imposing the sentence of death that is set forth in sections 2929.03 and 2929.04 of the Revised Code is unconstitutional, is set aside, nullified, or vacated pursuant to division (C) of section 2929.05 of the Revised Code, or is set aside, nullified, or vacated because a court has determined that the offender is a person with an intellectual disability under standards set forth in decisions of the supreme court of this state or the United States supreme court, the trial court that sentenced the offender shall conduct a hearing to resentence the offender. At the resentencing hearing, the court shall impose upon the offender a sentence of life imprisonment or an indefinite term consisting of a minimum term of thirty years and a maximum term of life imprisonment that is determined as specified in this division. If division (D) of section 2929.03 of the Revised Code, at the time the offender committed the aggravated murder for which the sentence of death was imposed, required the imposition when a sentence of death was not imposed of a sentence of life imprisonment without parole or 796
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a sentence of an indefinite term consisting of a minimum term of 822
thirty years and a maximum term of life imprisonment to be 823
imposed pursuant to division (A) or (B)(3) of section 2971.03 of 824
the Revised Code and served pursuant to that section, except as 825
provided in division (F) of this section, the court shall impose 826
the sentence so required. In all other cases, except as provided 827
in division (F) of this section, the sentences of life 828
imprisonment that are available at the hearing, and from which 829
the court shall impose sentence, shall be the same sentences of 830
life imprisonment that were available under division (D) of 831
section 2929.03 or under section 2909.24 of the Revised Code at 832
the time the offender committed the offense for which the 833
sentence of death was imposed. Nothing in this division 834
regarding the resentencing of an offender shall affect the 835
operation of section 2971.03 of the Revised Code. 836

(B) Whenever any court of this state or any federal court 837
sets aside, nullifies, or vacates a sentence of death imposed 838
upon an offender because of error that occurred in the 839
sentencing phase of the trial and if division (A) of this 840
section does not apply, the trial court that sentenced the 841
offender shall conduct a new hearing to resentence the offender. 842
If the offender was tried by a jury, the trial court shall 843
impanel a new jury for the hearing. If the offender was tried by 844
a panel of three judges, that panel or, if necessary, a new 845
panel of three judges shall conduct the hearing. At the hearing, 846
the court or panel shall follow the procedure set forth in 847
division (D) of section 2929.03 of the Revised Code in 848
determining whether to impose upon the offender a sentence of 849
death, a sentence of life imprisonment, or an indefinite term 850
consisting of a minimum term of thirty years and a maximum term 851
of life imprisonment. If, pursuant to that procedure, the court 852

or panel determines that it will impose a sentence other than a
sentence of death, except as provided in division (F) of this
section, the court or panel shall impose upon the offender one
of the sentences of life imprisonment that could have been
imposed at the time the offender committed the offense for which
the sentence of death was imposed, determined as specified in
this division, or an indefinite term consisting of a minimum
term of thirty years and a maximum term of life imprisonment
that is determined as specified in this division. If division
(D) of section 2929.03 of the Revised Code, at the time the
offender committed the aggravated murder for which the sentence
of death was imposed, required the imposition when a sentence of
death was not imposed of a sentence of life imprisonment without
parole or a sentence of an indefinite term consisting of a
minimum term of thirty years and a maximum term of life
imprisonment to be imposed pursuant to division (A) or (B)(3) of
section 2971.03 of the Revised Code and served pursuant to that
section, except as provided in division (F) of this section, the
court or panel shall impose the sentence so required. In all
other cases, except as provided in division (F) of this section,
the sentences of life imprisonment that are available at the
hearing, and from which the court or panel shall impose
sentence, shall be the same sentences of life imprisonment that
were available under division (D) of section 2929.03 or under
section 2909.24 of the Revised Code at the time the offender
committed the offense for which the sentence of death was
imposed.

(C) If a sentence of life imprisonment without parole
imposed upon an offender pursuant to section 2929.021 or 2929.03
of the Revised Code is set aside, nullified, or vacated for the
sole reason that the statutory procedure for imposing the

sentence of life imprisonment without parole that is set forth 884
in sections 2929.03 and 2929.04 of the Revised Code is 885
unconstitutional, the trial court that sentenced the offender 886
shall conduct a hearing to resentence the offender to life 887
imprisonment with parole eligibility after serving twenty-five 888
full years of imprisonment or to life imprisonment with parole 889
eligibility after serving thirty full years of imprisonment. 890

(D) Nothing in this section limits or restricts the rights 891
of the state to appeal any order setting aside, nullifying, or 892
vacating a conviction or sentence of death, when an appeal of 893
that nature otherwise would be available. 894

(E) This section, as amended by H.B. 184 of the 125th 895
general assembly, shall apply to all offenders who have been 896
sentenced to death for an aggravated murder that was committed 897
on or after October 19, 1981, or for terrorism that was 898
committed on or after May 15, 2002. This section, as amended by 899
H.B. 184 of the 125th general assembly, shall apply equally to 900
all such offenders sentenced to death prior to, on, or after 901
March 23, 2005, including offenders who, on March 23, 2005, are 902
challenging their sentence of death and offenders whose sentence 903
of death has been set aside, nullified, or vacated by any court 904
of this state or any federal court but who, as of March 23, 905
2005, have not yet been resentenced. 906

(F) A court shall not impose a sentence of life 907
imprisonment without parole on a person under division (A) or 908
(B) of this section for an offense that was committed when the 909
person was under eighteen years of age. 910

Sec. 2929.07. (A) Notwithstanding any provision of the 911
Revised Code to the contrary, a court shall not impose a 912
sentence of life imprisonment without parole on any person for 913

an offense that was committed when the person was under eighteen years of age. 914
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(B) If an offender receives or received a sentence of life imprisonment without parole for an offense that was committed when the offender was under eighteen years of age, the offender's parole eligibility shall be determined under section 2967.132 of the Revised Code. 916
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Sec. 2929.14. (A) Except as provided in division (B) (1), (B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), (B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or in division (D) (6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a prison term that shall be one of the following: 921
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(1) (a) For a felony of the first degree committed on or after the effective date of this amendment, the prison term shall be an indefinite prison term with a stated minimum term selected by the court of three, four, five, six, seven, eight, nine, ten, or eleven years and a maximum term that is determined pursuant to section 2929.144 of the Revised Code, except that if the section that criminalizes the conduct constituting the felony specifies a different minimum term or penalty for the offense, the specific language of that section shall control in determining the minimum term or otherwise sentencing the offender but the minimum term or sentence imposed under that specific language shall be considered for purposes of the Revised Code as if it had been imposed under this division. 931
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- (b) For a felony of the first degree committed prior to
the effective date of this amendment, the prison term shall be a
definite prison term of three, four, five, six, seven, eight,
nine, ten, or eleven years. 944
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- (2) (a) For a felony of the second degree committed on or
after the effective date of this amendment, the prison term
shall be an indefinite prison term with a stated minimum term
selected by the court of two, three, four, five, six, seven, or
eight years and a maximum term that is determined pursuant to
section 2929.144 of the Revised Code, except that if the section
that criminalizes the conduct constituting the felony specifies
a different minimum term or penalty for the offense, the
specific language of that section shall control in determining
the minimum term or otherwise sentencing the offender but the
minimum term or sentence imposed under that specific language
shall be considered for purposes of the Revised Code as if it
had been imposed under this division. 948
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- (b) For a felony of the second degree committed prior to
the effective date of this amendment, the prison term shall be a
definite term of two, three, four, five, six, seven, or eight
years. 961
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- (3) (a) For a felony of the third degree that is a
violation of section 2903.06, 2903.08, 2907.03, 2907.04,
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised
Code or that is a violation of section 2911.02 or 2911.12 of the
Revised Code if the offender previously has been convicted of or
pleaded guilty in two or more separate proceedings to two or
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12
of the Revised Code, the prison term shall be a definite term of
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 965
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forty-eight, fifty-four, or sixty months.	974
(b) For a felony of the third degree that is not an offense for which division (A) (3) (a) of this section applies, the prison term shall be a definite term of nine, twelve, eighteen, twenty-four, thirty, or thirty-six months.	975 976 977 978
(4) For a felony of the fourth degree, the prison term shall be a definite term of six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, or eighteen months.	979 980 981 982
(5) For a felony of the fifth degree, the prison term shall be a definite term of six, seven, eight, nine, ten, eleven, or twelve months.	983 984 985
(B) (1) (a) Except as provided in division (B) (1) (e) of this section, if an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.141, 2941.144, or 2941.145 of the Revised Code, the court shall impose on the offender one of the following prison terms:	986 987 988 989 990 991
(i) A prison term of six years if the specification is of the type described in division (A) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense;	992 993 994 995 996 997
(ii) A prison term of three years if the specification is of the type described in division (A) of section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm,	998 999 1000 1001 1002

brandishing the firearm, indicating that the offender possessed the firearm, or using it to facilitate the offense;	1003 1004
(iii) A prison term of one year if the specification is of the type described in division (A) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense;	1005 1006 1007 1008 1009
(iv) A prison term of nine years if the specification is of the type described in division (D) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and specifies that the offender previously has been convicted of or 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;	1010 1011 1012 1013 1014 1015 1016 1017 1018 1019
(v) A prison term of fifty-four months if the specification is of the type described in division (D) of section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using the firearm to facilitate the offense 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;	1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030
(vi) A prison term of eighteen months if the specification is of the type described in division (D) of section 2941.141 of	1031 1032

the Revised Code that charges the offender with having a firearm 1033
on or about the offender's person or under the offender's 1034
control while committing the offense and that the offender 1035
previously has been convicted of or pleaded guilty to a 1036
specification of the type described in section 2941.141, 1037
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1038

(b) If a court imposes a prison term on an offender under 1039
division (B)(1)(a) of this section, the prison term shall not be 1040
reduced pursuant to section 2967.19, section 2929.20, section 1041
2967.193, or any other provision of Chapter 2967. or Chapter 1042
5120. of the Revised Code. Except as provided in division (B)(1) 1043
(g) of this section, a court shall not impose more than one 1044
prison term on an offender under division (B)(1)(a) of this 1045
section for felonies committed as part of the same act or 1046
transaction. 1047

(c) (i) Except as provided in division (B)(1)(e) of this 1048
section, if an offender who is convicted of or pleads guilty to 1049
a violation of section 2923.161 of the Revised Code or to a 1050
felony that includes, as an essential element, purposely or 1051
knowingly causing or attempting to cause the death of or 1052
physical harm to another, also is convicted of or pleads guilty 1053
to a specification of the type described in division (A) of 1054
section 2941.146 of the Revised Code that charges the offender 1055
with committing the offense by discharging a firearm from a 1056
motor vehicle other than a manufactured home, the court, after 1057
imposing a prison term on the offender for the violation of 1058
section 2923.161 of the Revised Code or for the other felony 1059
offense under division (A), (B)(2), or (B)(3) of this section, 1060
shall impose an additional prison term of five years upon the 1061
offender that shall not be reduced pursuant to section 2929.20, 1062
section 2967.19, section 2967.193, or any other provision of 1063

Chapter 2967. or Chapter 5120. of the Revised Code.	1064
(ii) Except as provided in division (B)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another, also is convicted of or pleads guilty to a specification of the type described in division (C) of section 2941.146 of the Revised Code that charges the offender with committing the offense by discharging a firearm from a motor vehicle other than a manufactured home 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 violation of section 2923.161 of the Revised Code or for the other felony offense under division (A), (B)(2), or (3) of this section, shall impose an additional prison term of ninety 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 Chapter 5120. of the Revised Code.	1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1076 1077 1078 1079 1080 1081 1082 1083 1084
(iii) A court shall not impose more than one additional prison term on an offender under division (B)(1)(c) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term on an offender under division (B)(1)(c) of this section relative to an offense, the court also shall impose a prison term under division (B)(1)(a) of this section relative to the same offense, provided the criteria specified in that division for imposing an additional prison term are satisfied relative to the offender and the offense.	1085 1086 1087 1088 1089 1090 1091 1092 1093 1094

(d) If an offender who is convicted of or pleads guilty to
an offense of violence that is a felony also is convicted of or
pleads guilty to a specification of the type described in
section 2941.1411 of the Revised Code that charges the offender
with wearing or carrying body armor while committing the felony
offense of violence, the court shall impose on the offender an
additional prison term of two years. The prison term so imposed,
subject to divisions (C) to (I) of section 2967.19 of the
Revised Code, shall not be reduced pursuant to section 2929.20,
section 2967.19, section 2967.193, or any other provision of
Chapter 2967. or Chapter 5120. of the Revised Code. A court
shall not impose more than one prison term on an offender under
division (B)(1)(d) of this section for felonies committed as
part of the same act or transaction. If a court imposes an
additional prison term under division (B)(1)(a) or (c) of this
section, the court is not precluded from imposing an additional
prison term under division (B)(1)(d) of this section. 1111

(e) The court shall not impose any of the prison terms
described in division (B)(1)(a) of this section or any of the
additional prison terms described in division (B)(1)(c) of this
section upon an offender for a violation of section 2923.12 or
2923.123 of the Revised Code. The court shall not impose any of
the prison terms described in division (B)(1)(a) or (b) of this
section upon an offender for a violation of section 2923.122
that involves a deadly weapon that is a firearm other than a
dangerous ordnance, section 2923.16, or section 2923.121 of the
Revised Code. The court shall not impose any of the prison terms
described in division (B)(1)(a) of this section or any of the
additional prison terms described in division (B)(1)(c) of this
section upon an offender for a violation of section 2923.13 of
the Revised Code unless all of the following apply: 1125

(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree.	1126 1127 1128
(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense.	1129 1130 1131
(f) (i) 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 (A) 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, the court, after imposing a prison term on the offender for the felony offense under division (A), (B)(2), or (B)(3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code.	1132 1133 1134 1135 1136 1137 1138 1139 1140 1141 1142 1143 1144 1145 1146
(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,	1147 1148 1149 1150 1151 1152 1153 1154 1155

and that the offender previously has been convicted of or 1156
pledged guilty to a specification of the type described in 1157
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1158
the Revised Code, the court, after imposing a prison term on the 1159
offender for the felony offense under division (A), (B)(2), or 1160
(3) of this section, shall impose an additional prison term of 1161
one hundred twenty-six months upon the offender that shall not 1162
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1163
any other provision of Chapter 2967. or 5120. of the Revised 1164
Code. 1165

(iii) If an offender is convicted of or pleads guilty to 1166
two or more felonies that include, as an essential element, 1167
causing or attempting to cause the death or physical harm to 1168
another and also is convicted of or pleads guilty to a 1169
specification of the type described under division (B)(1)(f) of 1170
this section in connection with two or more of the felonies of 1171
which the offender is convicted or to which the offender pleads 1172
guilty, the sentencing court shall impose on the offender the 1173
prison term specified under division (B)(1)(f) of this section 1174
for each of two of the specifications of which the offender is 1175
convicted or to which the offender pleads guilty and, in its 1176
discretion, also may impose on the offender the prison term 1177
specified under that division for any or all of the remaining 1178
specifications. If a court imposes an additional prison term on 1179
an offender under division (B)(1)(f) of this section relative to 1180
an offense, the court shall not impose a prison term under 1181
division (B)(1)(a) or (c) of this section relative to the same 1182
offense. 1183

(g) If an offender is convicted of or pleads guilty to two 1184
or more felonies, if one or more of those felonies are 1185
aggravated murder, murder, attempted aggravated murder, 1186

attempted murder, aggravated robbery, felonious assault, or 1187
rape, and if the offender is convicted of or pleads guilty to a 1188
specification of the type described under division (B) (1) (a) of 1189
this section in connection with two or more of the felonies, the 1190
sentencing court shall impose on the offender the prison term 1191
specified under division (B) (1) (a) of this section for each of 1192
the two most serious specifications of which the offender is 1193
convicted or to which the offender pleads guilty and, in its 1194
discretion, also may impose on the offender the prison term 1195
specified under that division for any or all of the remaining 1196
specifications. 1197

(2) (a) If division (B) (2) (b) of this section does not 1198
apply, the court may impose on an offender, in addition to the 1199
longest prison term authorized or required for the offense or, 1200
for offenses for which division (A) (1) (a) or (2) (a) of this 1201
section applies, in addition to the longest minimum prison term 1202
authorized or required for the offense, an additional definite 1203
prison term of one, two, three, four, five, six, seven, eight, 1204
nine, or ten years if all of the following criteria are met: 1205

(i) The offender is convicted of or pleads guilty to a 1206
specification of the type described in section 2941.149 of the 1207
Revised Code that the offender is a repeat violent offender. 1208

(ii) The offense of which the offender currently is 1209
convicted or to which the offender currently pleads guilty is 1210
aggravated murder and the court does not impose a sentence of 1211
death or life imprisonment without parole, murder, terrorism and 1212
the court does not impose a sentence of life imprisonment 1213
without parole, any felony of the first degree that is an 1214
offense of violence and the court does not impose a sentence of 1215
life imprisonment without parole, or any felony of the second 1216

degree that is an offense of violence and the trier of fact 1217
finds that the offense involved an attempt to cause or a threat 1218
to cause serious physical harm to a person or resulted in 1219
serious physical harm to a person. 1220

(iii) The court imposes the longest prison term for the 1221
offense or the longest minimum prison term for the offense, 1222
whichever is applicable, that is not life imprisonment without 1223
parole. 1224

(iv) The court finds that the prison terms imposed 1225
pursuant to division (B)(2)(a)(iii) of this section and, if 1226
applicable, division (B)(1) or (3) of this section are 1227
inadequate to punish the offender and protect the public from 1228
future crime, because the applicable factors under section 1229
2929.12 of the Revised Code indicating a greater likelihood of 1230
recidivism outweigh the applicable factors under that section 1231
indicating a lesser likelihood of recidivism. 1232

(v) The court finds that the prison terms imposed pursuant 1233
to division (B)(2)(a)(iii) of this section and, if applicable, 1234
division (B)(1) or (3) of this section are demeaning to the 1235
seriousness of the offense, because one or more of the factors 1236
under section 2929.12 of the Revised Code indicating that the 1237
offender's conduct is more serious than conduct normally 1238
constituting the offense are present, and they outweigh the 1239
applicable factors under that section indicating that the 1240
offender's conduct is less serious than conduct normally 1241
constituting the offense. 1242

(b) The court shall impose on an offender the longest 1243
prison term authorized or required for the offense or, for 1244
offenses for which division (A)(1)(a) or (2)(a) of this section 1245
applies, the longest minimum prison term authorized or required 1246

for the offense, and shall impose on the offender an additional
definite prison term of one, two, three, four, five, six, seven,
eight, nine, or ten years if all of the following criteria are
met: 1247
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(i) The offender is convicted of or pleads guilty to a
specification of the type described in section 2941.149 of the
Revised Code that the offender is a repeat violent offender. 1251
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(ii) The offender within the preceding twenty years has
been convicted of or pleaded guilty to three or more offenses
described in division (CC)(1) of section 2929.01 of the Revised
Code, including all offenses described in that division of which
the offender is convicted or to which the offender pleads guilty
in the current prosecution and all offenses described in that
division of which the offender previously has been convicted or
to which the offender previously pleaded guilty, whether
prosecuted together or separately. 1254
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(iii) The offense or offenses of which the offender
currently is convicted or to which the offender currently pleads
guilty is aggravated murder and the court does not impose a
sentence of death or life imprisonment without parole, murder,
terrorism and the court does not impose a sentence of life
imprisonment without parole, any felony of the first degree that
is an offense of violence and the court does not impose a
sentence of life imprisonment without parole, or any felony of
the second degree that is an offense of violence and the trier
of fact finds that the offense involved an attempt to cause or a
threat to cause serious physical harm to a person or resulted in
serious physical harm to a person. 1263
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(c) For purposes of division (B)(2)(b) of this section,
two or more offenses committed at the same time or as part of 1275
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the same act or event shall be considered one offense, and that 1277
one offense shall be the offense with the greatest penalty. 1278

(d) A sentence imposed under division (B) (2) (a) or (b) of 1279
this section shall not be reduced pursuant to section 2929.20, 1280
section 2967.19, or section 2967.193, or any other provision of 1281
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1282
shall serve an additional prison term imposed under division (B) 1283
(2) (a) or (b) of this section consecutively to and prior to the 1284
prison term imposed for the underlying offense. 1285

(e) When imposing a sentence pursuant to division (B) (2) 1286
(a) or (b) of this section, the court shall state its findings 1287
explaining the imposed sentence. 1288

(3) Except when an offender commits a violation of section 1289
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1290
for the violation is life imprisonment or commits a violation of 1291
section 2903.02 of the Revised Code, if the offender commits a 1292
violation of section 2925.03 or 2925.11 of the Revised Code and 1293
that section classifies the offender as a major drug offender, 1294
if the offender commits a violation of section 2925.05 of the 1295
Revised Code and division (E) (1) of that section classifies the 1296
offender as a major drug offender, if the offender commits a 1297
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1298
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1299
division (C) or (D) of section 3719.172, division (E) of section 1300
4729.51, or division (J) of section 4729.54 of the Revised Code 1301
that includes the sale, offer to sell, or possession of a 1302
schedule I or II controlled substance, with the exception of 1303
marijuana, and the court imposing sentence upon the offender 1304
finds that the offender is guilty of a specification of the type 1305
described in division (A) of section 2941.1410 of the Revised 1306

Code charging that the offender is a major drug offender, if the 1307
court imposing sentence upon an offender for a felony finds that 1308
the offender is guilty of corrupt activity with the most serious 1309
offense in the pattern of corrupt activity being a felony of the 1310
first degree, or if the offender is guilty of an attempted 1311
violation of section 2907.02 of the Revised Code and, had the 1312
offender completed the violation of section 2907.02 of the 1313
Revised Code that was attempted, the offender would have been 1314
subject to a sentence of life imprisonment or life imprisonment 1315
without parole for the violation of section 2907.02 of the 1316
Revised Code, the court shall impose upon the offender for the 1317
felony violation a mandatory prison term determined as described 1318
in this division that, subject to divisions (C) to (I) of 1319
section 2967.19 of the Revised Code, cannot be reduced pursuant 1320
to section 2929.20, section 2967.19, or any other provision of 1321
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 1322
term shall be the maximum definite prison term prescribed in 1323
division (A)(1)(b) of this section for a felony of the first 1324
degree, except that for offenses for which division (A)(1)(a) of 1325
this section applies, the mandatory prison term shall be the 1326
longest minimum prison term prescribed in that division for the 1327
offense. 1328

(4) If the offender is being sentenced for a third or 1329
fourth degree felony OVI offense under division (G)(2) of 1330
section 2929.13 of the Revised Code, the sentencing court shall 1331
impose upon the offender a mandatory prison term in accordance 1332
with that division. In addition to the mandatory prison term, if 1333
the offender is being sentenced for a fourth degree felony OVI 1334
offense, the court, notwithstanding division (A)(4) of this 1335
section, may sentence the offender to a definite prison term of 1336
not less than six months and not more than thirty months, and if 1337

the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A) (3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (B) (4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term in the range of six months to thirty months for a fourth degree felony OVI offense and shall equal one of the authorized prison terms specified in division (A) (3) of this section for a third degree felony OVI offense. If the court imposes an additional prison term under division (B) (4) of this section, the offender shall serve the additional prison term after the offender has served the mandatory prison term required for the offense. In addition to the mandatory prison term or mandatory and additional prison term imposed as described in division (B) (4) of this section, the court also may sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

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

(5) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a

specification of the type described in section 2941.1414 of the 1369
Revised Code that charges that the victim of the offense is a 1370
peace officer, as defined in section 2935.01 of the Revised 1371
Code, or an investigator of the bureau of criminal 1372
identification and investigation, as defined in section 2903.11 1373
of the Revised Code, the court shall impose on the offender a 1374
prison term of five years. If a court imposes a prison term on 1375
an offender under division (B) (5) of this section, the prison 1376
term, subject to divisions (C) to (I) of section 2967.19 of the 1377
Revised Code, shall not be reduced pursuant to section 2929.20, 1378
section 2967.19, section 2967.193, or any other provision of 1379
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1380
shall not impose more than one prison term on an offender under 1381
division (B) (5) of this section for felonies committed as part 1382
of the same act. 1383

(6) If an offender is convicted of or pleads guilty to a 1384
violation of division (A) (1) or (2) of section 2903.06 of the 1385
Revised Code and also is convicted of or pleads guilty to a 1386
specification of the type described in section 2941.1415 of the 1387
Revised Code that charges that the offender previously has been 1388
convicted of or pleaded guilty to three or more violations of 1389
division (A) or (B) of section 4511.19 of the Revised Code or an 1390
equivalent offense, as defined in section 2941.1415 of the 1391
Revised Code, or three or more violations of any combination of 1392
those divisions and offenses, the court shall impose on the 1393
offender a prison term of three years. If a court imposes a 1394
prison term on an offender under division (B) (6) of this 1395
section, the prison term, subject to divisions (C) to (I) of 1396
section 2967.19 of the Revised Code, shall not be reduced 1397
pursuant to section 2929.20, section 2967.19, section 2967.193, 1398
or any other provision of Chapter 2967. or Chapter 5120. of the 1399

Revised Code. A court shall not impose more than one prison term
on an offender under division (B) (6) of this section for
felonies committed as part of the same act. 1400
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(7) (a) If an offender is convicted of or pleads guilty to
a felony violation of section 2905.01, 2905.02, 2907.21,
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323
involving a minor, or division (B) (1), (2), (3), (4), or (5) of
section 2919.22 of the Revised Code and also is convicted of or
pleads guilty to a specification of the type described in
section 2941.1422 of the Revised Code that charges that the
offender knowingly committed the offense in furtherance of human
trafficking, the court shall impose on the offender a mandatory
prison term that is one of the following: 1403
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(i) If the offense is a felony of the first degree, a
definite prison term of not less than five years and not greater
than eleven years, except that if the offense is a felony of the
first degree committed on or after the effective date of this
amendment, the court shall impose as the minimum prison term a
mandatory term of not less than five years and not greater than
eleven years; 1413
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(ii) If the offense is a felony of the second or third
degree, a definite prison term of not less than three years and
not greater than the maximum prison term allowed for the offense
by division (A) (2) (b) or (3) of this section, except that if the
offense is a felony of the second degree committed on or after
the effective date of this amendment, the court shall impose as
the minimum prison term a mandatory term of not less than three
years and not greater than eight years; 1420
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(iii) If the offense is a felony of the fourth or fifth
degree, a definite prison term that is the maximum prison term 1428
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allowed for the offense by division (A) of section 2929.14 of the Revised Code.	1430 1431
(b) Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the prison term imposed under division (B)(7) (a) of this section shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B)(7)(a) of this section for felonies committed as part of the same act, scheme, or plan.	1432 1433 1434 1435 1436 1437 1438 1439
(8) If an offender is convicted of or pleads guilty to a felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range prescribed in division (A) of this section as the definite prison term or minimum prison term for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison terms prescribed in division (A) of this section for felonies of the same degree as the violation, except that if the violation is a felony of the first or second degree committed on or after the effective date of this amendment, the court shall impose as the minimum prison term under division (A)(1)(a) or (2)(a) of this section a mandatory term that is one of the terms prescribed in that division, whichever is applicable, for the offense.	1440 1441 1442 1443 1444 1445 1446 1447 1448 1449 1450 1451 1452 1453 1454 1455 1456 1457 1458
(9) (a) If an offender is convicted of or pleads guilty to	1459

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

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

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

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

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

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

(11) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division (C)(11) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that charges that the offender is a major drug offender, in addition to any other penalty imposed for the violation, the court shall impose on the offender a mandatory prison term of three, four, five, six,

seven, or eight years. If a court imposes a prison term on an 1521
offender under division (B)(11) of this section, the prison 1522
term, subject to divisions (C) to (I) of section 2967.19 of the 1523
Revised Code, shall not be reduced pursuant to section 2929.20, 1524
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1525
5120. of the Revised Code. A court shall not impose more than 1526
one prison term on an offender under division (B)(11) of this 1527
section for felonies committed as part of the same act. 1528

(C) (1) (a) Subject to division (C)(1)(b) of this section, 1529
if a mandatory prison term is imposed upon an offender pursuant 1530
to division (B)(1)(a) of this section for having a firearm on or 1531
about the offender's person or under the offender's control 1532
while committing a felony, if a mandatory prison term is imposed 1533
upon an offender pursuant to division (B)(1)(c) of this section 1534
for committing a felony specified in that division by 1535
discharging a firearm from a motor vehicle, or if both types of 1536
mandatory prison terms are imposed, the offender shall serve any 1537
mandatory prison term imposed under either division 1538
consecutively to any other mandatory prison term imposed under 1539
either division or under division (B)(1)(d) of this section, 1540
consecutively to and prior to any prison term imposed for the 1541
underlying felony pursuant to division (A), (B)(2), or (B)(3) of 1542
this section or any other section of the Revised Code, and 1543
consecutively to any other prison term or mandatory prison term 1544
previously or subsequently imposed upon the offender. 1545

(b) If a mandatory prison term is imposed upon an offender 1546
pursuant to division (B)(1)(d) of this section for wearing or 1547
carrying body armor while committing an offense of violence that 1548
is a felony, the offender shall serve the mandatory term so 1549
imposed consecutively to any other mandatory prison term imposed 1550
under that division or under division (B)(1)(a) or (c) of this 1551

section, consecutively to and prior to any prison term imposed
for the underlying felony under division (A), (B) (2), or (B) (3)
of this section or any other section of the Revised Code, and
consecutively to any other prison term or mandatory prison term
previously or subsequently imposed upon the offender. 1552
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(c) If a mandatory prison term is imposed upon an offender
pursuant to division (B) (1) (f) of this section, the offender
shall serve the mandatory prison term so imposed consecutively
to and prior to any prison term imposed for the underlying
felony under division (A), (B) (2), or (B) (3) of this section or
any other section of the Revised Code, and consecutively to any
other prison term or mandatory prison term previously or
subsequently imposed upon the offender. 1557
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(d) If a mandatory prison term is imposed upon an offender
pursuant to division (B) (7) or (8) of this section, the offender
shall serve the mandatory prison term so imposed consecutively
to any other mandatory prison term imposed under that division
or under any other provision of law and consecutively to any
other prison term or mandatory prison term previously or
subsequently imposed upon the offender. 1565
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(e) If a mandatory prison term is imposed upon an offender
pursuant to division (B) (11) of this section, the offender shall
serve the mandatory prison term consecutively to any other
mandatory prison term imposed under that division, consecutively
to and prior to any prison term imposed for the underlying
felony, and consecutively to any other prison term or mandatory
prison term previously or subsequently imposed upon the
offender. 1572
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(2) If an offender who is an inmate in a jail, prison, or
other residential detention facility violates section 2917.02, 1580
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2917.03, or 2921.35 of the Revised Code or division (A)(1) or 1582
(2) of section 2921.34 of the Revised Code, if an offender who 1583
is under detention at a detention facility commits a felony 1584
violation of section 2923.131 of the Revised Code, or if an 1585
offender who is an inmate in a jail, prison, or other 1586
residential detention facility or is under detention at a 1587
detention facility commits another felony while the offender is 1588
an escapee in violation of division (A)(1) or (2) of section 1589
2921.34 of the Revised Code, any prison term imposed upon the 1590
offender for one of those violations shall be served by the 1591
offender consecutively to the prison term or term of 1592
imprisonment the offender was serving when the offender 1593
committed that offense and to any other prison term previously 1594
or subsequently imposed upon the offender. 1595

(3) If a prison term is imposed for a violation of 1596
division (B) of section 2911.01 of the Revised Code, a violation 1597
of division (A) of section 2913.02 of the Revised Code in which 1598
the stolen property is a firearm or dangerous ordnance, or a 1599
felony violation of division (B) of section 2921.331 of the 1600
Revised Code, the offender shall serve that prison term 1601
consecutively to any other prison term or mandatory prison term 1602
previously or subsequently imposed upon the offender. 1603

(4) If multiple prison terms are imposed on an offender 1604
for convictions of multiple offenses, the court may require the 1605
offender to serve the prison terms consecutively if the court 1606
finds that the consecutive service is necessary to protect the 1607
public from future crime or to punish the offender and that 1608
consecutive sentences are not disproportionate to the 1609
seriousness of the offender's conduct and to the danger the 1610
offender poses to the public, and if the court also finds any of 1611
the following: 1612

(a) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense.	1613 1614 1615 1616 1617
(b) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the offender's conduct.	1618 1619 1620 1621 1622 1623
(c) The offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.	1624 1625 1626
(5) If a mandatory prison term is imposed upon an offender pursuant to division (B)(5) or (6) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code. If a mandatory prison term is imposed upon an offender pursuant to division (B)(5) of this section, and if a mandatory prison term also is imposed upon the offender pursuant to division (B)(6) of this section in relation to the same violation, the offender shall serve the mandatory prison term imposed pursuant to division (B)(5) of this section consecutively to and prior to the mandatory prison term imposed pursuant to division (B)(6) of this section and consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.06 of the	1627 1628 1629 1630 1631 1632 1633 1634 1635 1636 1637 1638 1639 1640 1641 1642

Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code.	1643 1644
(6) If a mandatory prison term is imposed on an offender pursuant to division (B)(9) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A)(1) or (2) of section 2903.11 of the Revised Code and consecutively to and prior to any other prison term or mandatory prison term previously or subsequently imposed on the offender.	1645 1646 1647 1648 1649 1650 1651
(7) If a mandatory prison term is imposed on an offender pursuant to division (B)(10) of this section, the offender shall serve that mandatory prison term consecutively to and prior to any prison term imposed for the underlying felonious assault. Except as otherwise provided in division (C) of this section, any other prison term or mandatory prison term previously or subsequently imposed upon the offender may be served concurrently with, or consecutively to, the prison term imposed pursuant to division (B)(10) of this section.	1652 1653 1654 1655 1656 1657 1658 1659 1660
(8) Any prison term imposed for a violation of section 2903.04 of the Revised Code that is based on a violation of section 2925.03 or 2925.11 of the Revised Code or on a violation of section 2925.05 of the Revised Code that is not funding of marihuana trafficking shall run consecutively to any prison term imposed for the violation of section 2925.03 or 2925.11 of the Revised Code or for the violation of section 2925.05 of the Revised Code that is not funding of marihuana trafficking.	1661 1662 1663 1664 1665 1666 1667 1668
(9) When consecutive prison terms are imposed pursuant to division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or division (H)(1) or (2) of this section, subject to division (C) (10) of this section, the term to be served is the aggregate of	1669 1670 1671 1672

all of the terms so imposed. 1673

(10) When a court sentences an offender to a non-life 1674
felony indefinite prison term, any definite prison term or 1675
mandatory definite prison term previously or subsequently 1676
imposed on the offender in addition to that indefinite sentence 1677
that is required to be served consecutively to that indefinite 1678
sentence shall be served prior to the indefinite sentence. 1679

(11) If a court is sentencing an offender for a felony of 1680
the first or second degree, if division (A)(1)(a) or (2)(a) of 1681
this section applies with respect to the sentencing for the 1682
offense, and if the court is required under the Revised Code 1683
section that sets forth the offense or any other Revised Code 1684
provision to impose a mandatory prison term for the offense, the 1685
court shall impose the required mandatory prison term as the 1686
minimum term imposed under division (A)(1)(a) or (2)(a) of this 1687
section, whichever is applicable. 1688

(D) (1) If a court imposes a prison term, other than a term 1689
of life imprisonment, for a felony of the first degree, for a 1690
felony of the second degree, for a felony sex offense, or for a 1691
felony of the third degree that is an offense of violence and 1692
that is not a felony sex offense, it shall include in the 1693
sentence a requirement that the offender be subject to a period 1694
of post-release control after the offender's release from 1695
imprisonment, in accordance with section 2967.28 of the Revised 1696
Code. If a court imposes a sentence including a prison term of a 1697
type described in this division on or after July 11, 2006, the 1698
failure of a court to include a post-release control requirement 1699
in the sentence pursuant to this division does not negate, 1700
limit, or otherwise affect the mandatory period of post-release 1701
control that is required for the offender under division (B) of 1702

section 2967.28 of the Revised Code. Section 2929.191 of the 1703
Revised Code applies if, prior to July 11, 2006, a court imposed 1704
a sentence including a prison term of a type described in this 1705
division and failed to include in the sentence pursuant to this 1706
division a statement regarding post-release control. 1707

(2) If a court imposes a prison term for a felony of the 1708
third, fourth, or fifth degree that is not subject to division 1709
(D)(1) of this section, it shall include in the sentence a 1710
requirement that the offender be subject to a period of post- 1711
release control after the offender's release from imprisonment, 1712
in accordance with that division, if the parole board determines 1713
that a period of post-release control is necessary. Section 1714
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1715
a court imposed a sentence including a prison term of a type 1716
described in this division and failed to include in the sentence 1717
pursuant to this division a statement regarding post-release 1718
control. 1719

(E) The court shall impose sentence upon the offender in 1720
accordance with section 2971.03 of the Revised Code, and Chapter 1721
2971. of the Revised Code applies regarding the prison term or 1722
term of life imprisonment without parole imposed upon the 1723
offender and the service of that term of imprisonment if any of 1724
the following apply: 1725

(1) A person is convicted of or pleads guilty to a violent 1726
sex offense or a designated homicide, assault, or kidnapping 1727
offense, and, in relation to that offense, the offender is 1728
adjudicated a sexually violent predator. 1729

(2) A person is convicted of or pleads guilty to a 1730
violation of division (A)(1)(b) of section 2907.02 of the 1731
Revised Code committed on or after January 2, 2007, and either 1732

the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.	1733 1734 1735 1736 1737
(3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.	1738 1739 1740 1741
(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.	1742 1743 1744 1745 1746
(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.	1747 1748 1749 1750 1751 1752 1753 1754
(6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B) (2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.	1755 1756 1757 1758 1759
(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of	1760 1761

imprisonment under this section, sections 2929.02 to 2929.06 of
the Revised Code, section 2929.142 of the Revised Code, section
2971.03 of the Revised Code, or any other provision of law,
section 5120.163 of the Revised Code applies regarding the
person while the person is confined in a state correctional
institution.

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

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

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

(i) Subject to division (H)(2)(a)(ii) of this section, an additional prison term of one, two, three, four, five, or six months;	1792 1793 1794
(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised Code and also was convicted of or pleaded guilty to a specification of the type described in section 2941.1421 of the Revised Code regarding one or more of those violations, an additional prison term of one, two, three, four, five, six, seven, eight, nine, ten, eleven, or twelve months.	1795 1796 1797 1798 1799 1800 1801 1802
(b) In lieu of imposing an additional prison term under division (H)(2)(a) of this section, the court may directly impose on the offender a sanction that requires the offender to wear a real-time processing, continual tracking electronic monitoring device during the period of time specified by the court. The period of time specified by the court shall equal the duration of an additional prison term that the court could have imposed upon the offender under division (H)(2)(a) of this section. A sanction imposed under this division shall commence on the date specified by the court, provided that the sanction shall not commence until after the offender has served the prison term imposed for the felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and any residential sanction imposed for the violation under section 2929.16 of the Revised Code. A sanction imposed under this division shall be considered to be a community control sanction for purposes of section 2929.15 of the Revised Code, and all provisions of the Revised Code that pertain to community control sanctions shall apply to a sanction imposed under this division, except to the extent that they would by their nature be clearly	1803 1804 1805 1806 1807 1808 1809 1810 1811 1812 1813 1814 1815 1816 1817 1818 1819 1820 1821 1822

inapplicable. The offender shall pay all costs associated with a
sanction imposed under this division, including the cost of the
use of the monitoring device.

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

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

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

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

in the recommended program or prison. 1853

If the court does not make a recommendation under this 1854
division with respect to an offender and if the department 1855
determines as specified in section 5120.031 or 5120.032 of the 1856
Revised Code, whichever is applicable, that the offender is 1857
eligible for placement in a program or prison of that nature, 1858
the department shall screen the offender and determine if there 1859
is an available program of shock incarceration or an intensive 1860
program prison for which the offender is suited. If there is an 1861
available program of shock incarceration or an intensive program 1862
prison for which the offender is suited, the department shall 1863
notify the court of the proposed placement of the offender as 1864
specified in section 5120.031 or 5120.032 of the Revised Code 1865
and shall include with the notice a brief description of the 1866
placement. The court shall have ten days from receipt of the 1867
notice to disapprove the placement. 1868

(J) If a person is convicted of or pleads guilty to 1869
aggravated vehicular homicide in violation of division (A)(1) of 1870
section 2903.06 of the Revised Code and division (B)(2)(c) of 1871
that section applies, the person shall be sentenced pursuant to 1872
section 2929.142 of the Revised Code. 1873

(K) (1) The court shall impose an additional mandatory 1874
prison term of two, three, four, five, six, seven, eight, nine, 1875
ten, or eleven years on an offender who is convicted of or 1876
pleads guilty to a violent felony offense if the offender also 1877
is convicted of or pleads guilty to a specification of the type 1878
described in section 2941.1424 of the Revised Code that charges 1879
that the offender is a violent career criminal and had a firearm 1880
on or about the offender's person or under the offender's 1881
control while committing the presently charged violent felony 1882

offense and displayed or brandished the firearm, indicated that 1883
the offender possessed a firearm, or used the firearm to 1884
facilitate the offense. The offender shall serve the prison term 1885
imposed under this division consecutively to and prior to the 1886
prison term imposed for the underlying offense. The prison term 1887
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1888
any other provision of Chapter 2967. or 5120. of the Revised 1889
Code. A court may not impose more than one sentence under 1890
division (B) (2) (a) of this section and this division for acts 1891
committed as part of the same act or transaction. 1892

(2) As used in division (K)(1) of this section, "violent 1893
career criminal" and "violent felony offense" have the same 1894
meanings as in section 2923.132 of the Revised Code. 1895

(L) If an offender receives or received a sentence of life 1896
imprisonment without parole, a sentence of life imprisonment, a 1897
definite sentence, or a sentence to an indefinite prison term 1898
under this chapter for a felony offense that was committed when 1899
the offender was under eighteen years of age, the offender's 1900
parole eligibility shall be determined under section 2967.132 of 1901
the Revised Code. 1902

Sec. 2929.19. (A) The court shall hold a sentencing 1903
hearing before imposing a sentence under this chapter upon an 1904
offender who was convicted of or pleaded guilty to a felony and 1905
before resentencing an offender who was convicted of or pleaded 1906
guilty to a felony and whose case was remanded pursuant to 1907
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 1908
the offender, the prosecuting attorney, the victim or the 1909
victim's representative in accordance with section 2930.14 of 1910
the Revised Code, and, with the approval of the court, any other 1911
person may present information relevant to the imposition of 1912

sentence in the case. The court shall inform the offender of the verdict of the jury or finding of the court and ask the offender whether the offender has anything to say as to why sentence should not be imposed upon the offender.

(B) (1) At the sentencing hearing, the court, before imposing sentence, shall ~~consider~~ do all of the following:

(a) Consider the record, any information presented at the hearing by any person pursuant to division (A) of this section, and, if one was prepared, the presentence investigation report made pursuant to section 2951.03 of the Revised Code or Criminal Rule 32.2, and any victim impact statement made pursuant to section 2947.051 of the Revised Code;

(b) If the offense was committed when the offender was under eighteen years of age, in addition to other factors considered, consider youth and its characteristics as mitigating factors, including:

(i) The chronological age of the offender at the time of the offense and that age's hallmark features, including intellectual capacity, immaturity, impetuosity, and a failure to appreciate risks and consequences;

(ii) The family and home environment of the offender at the time of the offense, the offender's inability to control the offender's surroundings, a history of trauma regarding the offender, and the offender's school and special education history;

(iii) The circumstances of the offense, including the extent of the offender's participation in the conduct and the way familial and peer pressures may have impacted the offender's conduct;

<p>(iv) <u>Whether the offender might have been charged and convicted of a lesser offense if not for the incompetencies associated with youth, such as the offender's inability to deal with police officers and prosecutors during the offender's interrogation or possible plea agreement or the offender's inability to assist the offender's own attorney;</u></p> <p>(v) <u>Examples of the offender's rehabilitation, including any subsequent growth or increase in maturity during confinement.</u></p> <p>(2) Subject to division (B)(3) of this section, if the sentencing court determines at the sentencing hearing that a prison term is necessary or required, the court shall do all of the following:</p> <p>(a) Impose a stated prison term and, if the court imposes a mandatory prison term, notify the offender that the prison term is a mandatory prison term;</p> <p>(b) In addition to any other information, include in the sentencing entry the name and section reference to the offense or offenses, the sentence or sentences imposed and whether the sentence or sentences contain mandatory prison terms, if sentences are imposed for multiple counts whether the sentences are to be served concurrently or consecutively, and the name and section reference of any specification or specifications for which sentence is imposed and the sentence or sentences imposed for the specification or specifications;</p> <p>(c) If the prison term is a non-life felony indefinite prison term, notify the offender of all of the following:</p> <p>(i) That it is rebuttably presumed that the offender will be released from service of the sentence on the expiration of</p>	<p>1942 1943 1944 1945 1946 1947 1948 1949 1950 1951 1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970</p>
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the minimum prison term imposed as part of the sentence or on the offender's presumptive earned early release date, as defined in section 2967.271 of the Revised Code, whichever is earlier;	1971 1972 1973
(ii) That the department of rehabilitation and correction may rebut the presumption described in division (B)(2)(c)(i) of this section if, at a hearing held under section 2967.271 of the Revised Code, the department makes specified determinations regarding the offender's conduct while confined, the offender's rehabilitation, the offender's threat to society, the offender's restrictive housing, if any, while confined, and the offender's security classification;	1974 1975 1976 1977 1978 1979 1980 1981
(iii) That if, as described in division (B)(2)(c)(ii) of this section, the department at the hearing makes the specified determinations and rebuts the presumption, the department may maintain the offender's incarceration after the expiration of that minimum term or after that presumptive earned early release date for the length of time the department determines to be reasonable, subject to the limitation specified in section 2967.271 of the Revised Code;	1982 1983 1984 1985 1986 1987 1988 1989
(iv) That the department may make the specified determinations and maintain the offender's incarceration under the provisions described in divisions (B)(2)(c)(i) and (ii) of this section more than one time, subject to the limitation specified in section 2967.271 of the Revised Code;	1990 1991 1992 1993 1994
(v) That if the offender has not been released prior to the expiration of the offender's maximum prison term imposed as part of the sentence, the offender must be released upon the expiration of that term.	1995 1996 1997 1998
(d) Notify the offender that the offender will be	1999

supervised under section 2967.28 of the Revised Code after the
offender leaves prison if the offender is being sentenced, other
than to a sentence of life imprisonment, for a felony of the
first degree or second degree, for a felony sex offense, or for
a felony of the third degree that is an offense of violence and
is not a felony sex offense. This division applies with respect
to all prison terms imposed for an offense of a type described
in this division, including a non-life felony indefinite prison
term and including a term imposed for any offense of a type
described in this division that is a risk reduction sentence, as
defined in section 2967.28 of the Revised Code. If a court
imposes a sentence including a prison term of a type described
in division (B)(2)(d) of this section on or after July 11, 2006,
the failure of a court to notify the offender pursuant to
division (B)(2)(d) of this section that the offender will be
supervised under section 2967.28 of the Revised Code after the
offender leaves prison or to include in the judgment of
conviction entered on the journal a statement to that effect
does not negate, limit, or otherwise affect the mandatory period
of supervision that is required for the offender under division
(B) of section 2967.28 of the Revised Code. Section 2929.191 of
the Revised Code applies if, prior to July 11, 2006, a court
imposed a sentence including a prison term of a type described
in division (B)(2)(d) of this section and failed to notify the
offender pursuant to division (B)(2)(d) of this section
regarding post-release control or to include in the judgment of
conviction entered on the journal or in the sentence a statement
regarding post-release control.

(e) Notify the offender that the offender may be
supervised under section 2967.28 of the Revised Code after the
offender leaves prison if the offender is being sentenced for a

felony of the third, fourth, or fifth degree that is not subject 2031
to division (B)(2)(d) of this section. This division applies 2032
with respect to all prison terms imposed for an offense of a 2033
type described in this division, including a term imposed for 2034
any such offense that is a risk reduction sentence, as defined 2035
in section 2967.28 of the Revised Code. Section 2929.191 of the 2036
Revised Code applies if, prior to July 11, 2006, a court imposed 2037
a sentence including a prison term of a type described in 2038
division (B)(2)(e) of this section and failed to notify the 2039
offender pursuant to division (B)(2)(e) of this section 2040
regarding post-release control or to include in the judgment of 2041
conviction entered on the journal or in the sentence a statement 2042
regarding post-release control. 2043

(f) Notify the offender that, if a period of supervision 2044
is imposed following the offender's release from prison, as 2045
described in division (B)(2)(d) or (e) of this section, and if 2046
the offender violates that supervision or a condition of post- 2047
release control imposed under division (B) of section 2967.131 2048
of the Revised Code, the parole board may impose a prison term, 2049
as part of the sentence, of up to one-half of the definite 2050
prison term originally imposed upon the offender as the 2051
offender's stated prison term or up to one-half of the minimum 2052
prison term originally imposed upon the offender as part of the 2053
offender's stated non-life felony indefinite prison term. If a 2054
court imposes a sentence including a prison term on or after 2055
July 11, 2006, the failure of a court to notify the offender 2056
pursuant to division (B)(2)(f) of this section that the parole 2057
board may impose a prison term as described in division (B)(2) 2058
(f) of this section for a violation of that supervision or a 2059
condition of post-release control imposed under division (B) of 2060
section 2967.131 of the Revised Code or to include in the 2061

judgment of conviction entered on the journal a statement to
that effect does not negate, limit, or otherwise affect the
authority of the parole board to so impose a prison term for a
violation of that nature if, pursuant to division (D)(1) of
section 2967.28 of the Revised Code, the parole board notifies
the offender prior to the offender's release of the board's
authority to so impose a prison term. Section 2929.191 of the
Revised Code applies if, prior to July 11, 2006, a court imposed
a sentence including a prison term and failed to notify the
offender pursuant to division (B)(2)(f) of this section
regarding the possibility of the parole board imposing a prison
term for a violation of supervision or a condition of post-
release control.

(g) (i) Determine, notify the offender of, and include in
the sentencing entry the total number of days, including the
sentencing date but excluding conveyance time, that the offender
has been confined for any reason arising out of the offense for
which the offender is being sentenced and by which the
department of rehabilitation and correction must reduce the
definite prison term imposed on the offender as the offender's
stated prison term or, if the offense is an offense for which a
non-life felony indefinite prison term is imposed under division
(A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code, the
minimum and maximum prison terms imposed on the offender as part
of that non-life felony indefinite prison term, under section
2967.191 of the Revised Code. The court's calculation shall not
include the number of days, if any, that the offender served in
the custody of the department of rehabilitation and correction
arising out of any prior offense for which the prisoner was
convicted and sentenced.

(ii) In making a determination under division (B)(2)(g)(i)

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of this section, the court shall consider the arguments of the
parties and conduct a hearing if one is requested. 2093
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(iii) The sentencing court retains continuing jurisdiction
to correct any error not previously raised at sentencing in
making a determination under division (B)(2)(g)(i) of this
section. The offender may, at any time after sentencing, file a
motion in the sentencing court to correct any error made in
making a determination under division (B)(2)(g)(i) of this
section, and the court may in its discretion grant or deny that
motion. If the court changes the number of days in its
determination or redetermination, the court shall cause the
entry granting that change to be delivered to the department of
rehabilitation and correction without delay. Sections 2931.15
and 2953.21 of the Revised Code do not apply to a motion made
under this section. 2101
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(iv) An inaccurate determination under division (B)(2)(g)
(i) of this section is not grounds for setting aside the
offender's conviction or sentence and does not otherwise render
the sentence void or voidable. 2108
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(v) The department of rehabilitation and correction shall
rely upon the latest journal entry of the court in determining
the total days of local confinement for purposes of division (B)
(2)(f)(i) to (iii) of this section and section 2967.191 of the
Revised Code. 2112
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(3) (a) The court shall include in the offender's sentence
a statement that the offender is a tier III sex offender/child-
victim offender, and the court shall comply with the
requirements of section 2950.03 of the Revised Code if any of
the following apply: 2117
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(i) The offender is being sentenced for a violent sex offense or designated homicide, assault, or kidnapping offense that the offender committed on or after January 1, 1997, and the offender is adjudicated a sexually violent predator in relation to that offense.	2122 2123 2124 2125 2126
(ii) The offender is being sentenced for a sexually oriented offense that the offender committed on or after January 1, 1997, and the offender is a tier III sex offender/child-victim offender relative to that offense.	2127 2128 2129 2130
(iii) The offender is being sentenced on or after July 31, 2003, for a child-victim oriented offense, and the offender is a tier III sex offender/child-victim offender relative to that offense.	2131 2132 2133 2134
(iv) The offender is being sentenced under section 2971.03 of the Revised Code for a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007.	2135 2136 2137 2138
(v) The offender is sentenced to a term of life without parole under division (B) of section 2907.02 of the Revised Code.	2139 2140 2141
(vi) The offender is being sentenced for attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.	2142 2143 2144 2145
(vii) The offender is being sentenced under division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code for an offense described in those divisions committed on or after January 1, 2008.	2146 2147 2148 2149
(b) Additionally, if any criterion set forth in divisions	2150

(B) (3) (a) (i) to (vii) of this section is satisfied, in the 2151
circumstances described in division (E) of section 2929.14 of 2152
the Revised Code, the court shall impose sentence on the 2153
offender as described in that division. 2154

(4) If the sentencing court determines at the sentencing 2155
hearing that a community control sanction should be imposed and 2156
the court is not prohibited from imposing a community control 2157
sanction, the court shall impose a community control sanction. 2158
The court shall notify the offender that, if the conditions of 2159
the sanction are violated, if the offender commits a violation 2160
of any law, or if the offender leaves this state without the 2161
permission of the court or the offender's probation officer, the 2162
court may impose a longer time under the same sanction, may 2163
impose a more restrictive sanction, or may impose a prison term 2164
on the offender and shall indicate the specific prison term that 2165
may be imposed as a sanction for the violation, as selected by 2166
the court from the range of prison terms for the offense 2167
pursuant to section 2929.14 of the Revised Code and as described 2168
in section 2929.15 of the Revised Code. 2169

(5) Before imposing a financial sanction under section 2170
2929.18 of the Revised Code or a fine under section 2929.32 of 2171
the Revised Code, the court shall consider the offender's 2172
present and future ability to pay the amount of the sanction or 2173
fine. 2174

(6) If the sentencing court sentences the offender to a 2175
sanction of confinement pursuant to section 2929.14 or 2929.16 2176
of the Revised Code that is to be served in a local detention 2177
facility, as defined in section 2929.36 of the Revised Code, and 2178
if the local detention facility is covered by a policy adopted 2179
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 2180

753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code	2181
and section 2929.37 of the Revised Code, both of the following	2182
apply:	2183
(a) The court shall specify both of the following as part	2184
of the sentence:	2185
(i) If the offender is presented with an itemized bill	2186
pursuant to section 2929.37 of the Revised Code for payment of	2187
the costs of confinement, the offender is required to pay the	2188
bill in accordance with that section.	2189
(ii) If the offender does not dispute the bill described	2190
in division (B)(6)(a)(i) of this section and does not pay the	2191
bill by the times specified in section 2929.37 of the Revised	2192
Code, the clerk of the court may issue a certificate of judgment	2193
against the offender as described in that section.	2194
(b) The sentence automatically includes any certificate of	2195
judgment issued as described in division (B)(6)(a)(ii) of this	2196
section.	2197
(7) The failure of the court to notify the offender that a	2198
prison term is a mandatory prison term pursuant to division (B)	2199
(2)(a) of this section or to include in the sentencing entry any	2200
information required by division (B)(2)(b) of this section does	2201
not affect the validity of the imposed sentence or sentences. If	2202
the sentencing court notifies the offender at the sentencing	2203
hearing that a prison term is mandatory but the sentencing entry	2204
does not specify that the prison term is mandatory, the court	2205
may complete a corrected journal entry and send copies of the	2206
corrected entry to the offender and the department of	2207
rehabilitation and correction, or, at the request of the state,	2208
the court shall complete a corrected journal entry and send	2209

copies of the corrected entry to the offender and department of
rehabilitation and correction. 2210
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(C) (1) If the offender is being sentenced for a fourth
degree felony OVI offense under division (G)(1) of section
2929.13 of the Revised Code, the court shall impose the
mandatory term of local incarceration in accordance with that
division, shall impose a mandatory fine in accordance with
division (B)(3) of section 2929.18 of the Revised Code, and, in
addition, may impose additional sanctions as specified in
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised
Code. The court shall not impose a prison term on the offender
except that the court may impose a prison term upon the offender
as provided in division (A)(1) of section 2929.13 of the Revised
Code. 2212
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(2) If the offender is being sentenced for a third or
fourth degree felony OVI offense under division (G)(2) of
section 2929.13 of the Revised Code, the court shall impose the
mandatory prison term in accordance with that division, shall
impose a mandatory fine in accordance with division (B)(3) of
section 2929.18 of the Revised Code, and, in addition, may
impose an additional prison term as specified in section 2929.14
of the Revised Code. In addition to the mandatory prison term or
mandatory prison term and additional prison term the court
imposes, the court also may impose a community control sanction
on the offender, but the offender shall serve all of the prison
terms so imposed prior to serving the community control
sanction. 2224
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(D) The sentencing court, pursuant to division (I)(1) of
section 2929.14 of the Revised Code, may recommend placement of
the offender in a program of shock incarceration under section
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5120.031 of the Revised Code or an intensive program prison 2240
under section 5120.032 of the Revised Code, disapprove placement 2241
of the offender in a program or prison of that nature, or make 2242
no recommendation. If the court recommends or disapproves 2243
placement, it shall make a finding that gives its reasons for 2244
its recommendation or disapproval. 2245

Sec. 2967.13. (A) Except as provided in division (G) of 2246
this section or section 2967.132 of the Revised Code, a prisoner 2247
serving a sentence of imprisonment for life for an offense 2248
committed on or after July 1, 1996, is not entitled to any 2249
earned credit under section 2967.193 of the Revised Code and 2250
becomes eligible for parole as follows: 2251

(1) If a sentence of imprisonment for life was imposed for 2252
the offense of murder, at the expiration of the prisoner's 2253
minimum term; 2254

(2) If a sentence of imprisonment for life with parole 2255
eligibility after serving twenty years of imprisonment was 2256
imposed pursuant to section 2929.022 or 2929.03 of the Revised 2257
Code, after serving a term of twenty years; 2258

(3) If a sentence of imprisonment for life with parole 2259
eligibility after serving twenty-five full years of imprisonment 2260
was imposed pursuant to section 2929.022 or 2929.03 of the 2261
Revised Code, after serving a term of twenty-five full years; 2262

(4) If a sentence of imprisonment for life with parole 2263
eligibility after serving thirty full years of imprisonment was 2264
imposed pursuant to section 2929.022 or 2929.03 of the Revised 2265
Code, after serving a term of thirty full years; 2266

(5) If a sentence of imprisonment for life was imposed for 2267
rape, after serving a term of ten full years' imprisonment; 2268

(6) If a sentence of imprisonment for life with parole eligibility after serving fifteen years of imprisonment was imposed for a violation of section 2927.24 of the Revised Code, after serving a term of fifteen years.	2269 2270 2271 2272
(B) Except as provided in division (G) of this section <u>or</u> <u>section 2967.132 of the Revised Code</u> , a prisoner serving a sentence of imprisonment for life with parole eligibility after serving twenty years of imprisonment or a sentence of imprisonment for life with parole eligibility after serving twenty-five full years or thirty full years of imprisonment imposed pursuant to section 2929.022 or 2929.03 of the Revised Code for an offense committed on or after July 1, 1996, consecutively to any other term of imprisonment, becomes eligible for parole after serving twenty years, twenty full years, or thirty full years, as applicable, as to each such sentence of life imprisonment, which shall not be reduced for earned credits under section 2967.193 of the Revised Code, plus the term or terms of the other sentences consecutively imposed or, if one of the other sentences is another type of life sentence with parole eligibility, the number of years before parole eligibility for that sentence.	2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289
(C) Except as provided in division (G) of this section <u>or</u> <u>section 2967.132 of the Revised Code</u> , a prisoner serving consecutively two or more sentences in which an indefinite term of imprisonment is imposed becomes eligible for parole upon the expiration of the aggregate of the minimum terms of the sentences.	2290 2291 2292 2293 2294 2295
(D) Except as provided in division (G) of this section <u>or</u> <u>section 2967.132 of the Revised Code</u> , a prisoner serving a term of imprisonment who is described in division (A) of section	2296 2297 2298

2967.021 of the Revised Code becomes eligible for parole as 2299
described in that division or, if the prisoner is serving a 2300
definite term of imprisonment, shall be released as described in 2301
that division. 2302

(E) A Except as provided in section 2967.132 of the 2303
Revised Code, a prisoner serving a sentence of life imprisonment 2304
without parole imposed pursuant to section 2907.02 or section 2305
2929.03 or 2929.06 of the Revised Code is not eligible for 2306
parole and shall be imprisoned until death. 2307

(F) A prisoner serving a stated prison term that is a non- 2308
life felony indefinite prison term shall be released in 2309
accordance with sections 2967.271 and 2967.28 of the Revised 2310
Code. A prisoner serving a stated prison term of any other 2311
nature shall be released in accordance with section 2967.28 of 2312
the Revised Code. 2313

(G) A Except as provided in section 2967.132 of the 2314
Revised Code, a prisoner serving a prison term or term of life 2315
imprisonment without parole imposed pursuant to section 2971.03 2316
of the Revised Code never becomes eligible for parole during 2317
that term of imprisonment. 2318

Sec. 2967.132. (A) As used in this section: 2319

(1) "Aggravated homicide offense" means any of the 2320
following that involved the purposeful killing of three or more 2321
persons, when the offender is the principal offender in each 2322
offense: 2323

(a) Aggravated murder; 2324

(b) Any other offense or combination of offenses that 2325
involved the purposeful killing of three or more persons. 2326

<u>(2) "Homicide offense"</u> means a violation of section 2903.02, 2903.03, 2903.04, or 2903.041 of the Revised Code or a violation of section 2903.01 of the Revised Code that is not an aggravated homicide offense.	2327 2328 2329 2330
<u>(B) This section applies to any prisoner serving a prison</u> <u>sentence for one or more offenses committed when the prisoner</u> <u>was under eighteen years of age. Regardless of whether the</u> <u>prisoner's stated prison term includes mandatory time, this</u> <u>section shall apply automatically and cannot be limited by the</u> <u>sentencing court.</u>	2331 2332 2333 2334 2335 2336
<u>(C) Notwithstanding any provision of the Revised Code to</u> <u>the contrary, and regardless of when the offense or offenses</u> <u>were committed and when the sentence was imposed, a prisoner who</u> <u>is serving a prison sentence for an offense other than an</u> <u>aggravated homicide offense and who was under eighteen years of</u> <u>age at the time of the offense, or who is serving consecutive</u> <u>prison sentences for multiple offenses none of which is an</u> <u>aggravated homicide offense and who was under eighteen years of</u> <u>age at the time of the offenses, is eligible for parole as</u> <u>follows:</u>	2337 2338 2339 2340 2341 2342 2343 2344 2345 2346
<u>(1) Except as provided in division (C) (2) or (3) of this</u> <u>section, the prisoner is eligible for parole after serving</u> <u>eighteen years in prison.</u>	2347 2348 2349
<u>(2) Except as provided in division (C) (3) or (4) of this</u> <u>section, if the prisoner is serving a sentence for one or more</u> <u>homicide offenses, none of which are an aggravated homicide</u> <u>offense, the prisoner is eligible for parole after serving</u> <u>twenty-five years in prison.</u>	2350 2351 2352 2353 2354
<u>(3) Except as provided in division (C) (4) of this section,</u>	2355

if the prisoner is serving a sentence for two or more homicide offenses, none of which are an aggravated homicide offense, and the offender was the principal offender in two or more of those offenses, the prisoner is eligible for parole after serving thirty years in prison. 2356
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(4) If the prisoner is serving a sentence for one or more offenses and the sentence permits parole earlier than the parole eligibility date specified in division (C)(1), (2), or (3) of this section, the prisoner is eligible for parole after serving the period of time in prison that is specified in the sentence. 2361
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(D) If the prisoner is serving a sentence for an aggravated homicide offense, or for a violation of section 2909.24 of the Revised Code when the most serious underlying specified offense the defendant committed in the violation was aggravated murder or murder, the prisoner is not eligible for parole review other than in accordance with the sentence imposed for the offense. 2366
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(E) (1) Once a prisoner is eligible for parole pursuant to division (C) or (D) of this section, the parole board, within a reasonable time after the prisoner becomes eligible, shall conduct a hearing to consider the prisoner's release on parole under parole supervision. The board shall conduct the hearing in accordance with Chapters 2930., 2967., and 5149. of the Revised Code and in accordance with the board's policies and procedures. Those policies and procedures must permit the prisoner's privately retained counsel or the state public defender to appear at the prisoner's hearing to make a statement in support of the prisoner's release. 2373
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(2) The parole board shall ensure that the review process provides the prisoner a meaningful opportunity to obtain 2384
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release. In addition to any other factors the board is required 2386
or authorized to consider by rule or statute, the board shall 2387
consider the following factors as mitigating factors: 2388

(a) The chronological age of the prisoner at the time of 2389
the offense and that age's hallmark features, including 2390
intellectual capacity, immaturity, impetuosity, and a failure to 2391
appreciate risks and consequences; 2392

(b) The family and home environment of the prisoner at the 2393
time of the offense, the prisoner's inability to control the 2394
prisoner's surroundings, a history of trauma regarding the 2395
prisoner, and the prisoner's school and special education 2396
history; 2397

(c) The circumstances of the offense, including the extent 2398
of the prisoner's participation in the conduct and the way 2399
familial and peer pressures may have impacted the prisoner's 2400
conduct; 2401

(d) Whether the prisoner might have been charged and 2402
convicted of a lesser offense if not for the incompetencies 2403
associated with youth such as the prisoner's inability to deal 2404
with police officers and prosecutors during the prisoner's 2405
interrogation or possible plea agreement, or the prisoner's 2406
inability to assist the prisoner's own attorney; 2407

(e) Examples of the prisoner's rehabilitation, including 2408
any subsequent growth or increase in maturity during 2409
imprisonment. 2410

(F) In accordance with section 2967.131 of the Revised 2411
Code, the parole board shall impose appropriate terms and 2412
conditions of release upon each prisoner granted a parole under 2413
this section. 2414

<u>(G) If the parole board denies release on parole pursuant to this section, the board shall conduct a subsequent release review not later than five years after release was denied.</u>	2415 2416 2417
<u>(H) In addition to any notice required by rule or statute, the parole board shall notify the state public defender, the victim, and the appropriate prosecuting attorney of a prisoner's eligibility for review under this section at least sixty days before the board begins any review or proceedings involving that prisoner under this section.</u>	2418 2419 2420 2421 2422 2423
<u>(I) This section shall apply to determine the parole eligibility of all prisoners described in this section who committed an offense prior to, on, or after the effective date of this section, regardless of when the prisoner committed or was sentenced for the offense and, for purposes of this section, a prisoner is "serving" a prison sentence for an offense if on or after the effective date of this section, the prisoner is serving a prison sentence for that offense, regardless of when the sentence was imposed or the offense was committed.</u>	2424 2425 2426 2427 2428 2429 2430 2431 2432
Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or another section of the Revised Code, other than divisions (B) and (C) of section 2929.14 of the Revised Code, that authorizes or requires a specified prison term or a mandatory prison term for a person who is convicted of or pleads guilty to a felony or that specifies the manner and place of service of a prison term or term of imprisonment, the court shall impose a sentence upon a person who is convicted of or pleads guilty to a violent sex offense and who also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging	2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444

that offense, and upon a person who is convicted of or pleads
guilty to a designated homicide, assault, or kidnapping offense
and also is convicted of or pleads guilty to both a sexual
motivation specification and a sexually violent predator
specification that were included in the indictment, count in the
indictment, or information charging that offense, as follows: 2445
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(1) If Except as provided in division (A) (5) of this 2451
section, if the offense for which the sentence is being imposed 2452
is aggravated murder and if the court does not impose upon the 2453
offender a sentence of death, it shall impose upon the offender 2454
a term of life imprisonment without parole. If the court 2455
sentences the offender to death and the sentence of death is 2456
vacated, overturned, or otherwise set aside, the court shall 2457
impose upon the offender a term of life imprisonment without 2458
parole. 2459

(2) If Except as provided in division (A) (5) of this 2460
section, if the offense for which the sentence is being imposed 2461
is murder; or if the offense is rape committed in violation of 2462
division (A) (1) (b) of section 2907.02 of the Revised Code when 2463
the offender purposely compelled the victim to submit by force 2464
or threat of force, when the victim was less than ten years of 2465
age, when the offender previously has been convicted of or 2466
pleaded guilty to either rape committed in violation of that 2467
division or a violation of an existing or former law of this 2468
state, another state, or the United States that is substantially 2469
similar to division (A) (1) (b) of section 2907.02 of the Revised 2470
Code, or when the offender during or immediately after the 2471
commission of the rape caused serious physical harm to the 2472
victim; or if the offense is an offense other than aggravated 2473
murder or murder for which a term of life imprisonment may be 2474
imposed, it shall impose upon the offender a term of life 2475

imprisonment without parole. 2476

(3) (a) Except as otherwise provided in division (A) (3) (b),
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(c), (d), or (e) or (A) (4) of this section, if the offense for
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which the sentence is being imposed is an offense other than
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aggravated murder, murder, or rape and other than an offense for
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which a term of life imprisonment may be imposed, it shall
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impose an indefinite prison term consisting of a minimum term
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fixed by the court as described in this division, but not less
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than two years, and a maximum term of life imprisonment. Except
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as otherwise specified in this division, the minimum term shall
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be fixed by the court from among the range of terms available as
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a definite term for the offense. If the offense is a felony of
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the first or second degree committed on or after ~~the effective~~
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~~date of this amendment~~ March 22, 2019, the minimum term shall be
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fixed by the court from among the range of terms available as a
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minimum term for the offense under division (A) (1) (a) or (2) (a)
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of that section. 2492

(b) Except as otherwise provided in division (A) (4) of
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this section, if the offense for which the sentence is being
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imposed is kidnapping that is a felony of the first degree, it
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shall impose an indefinite prison term as follows:
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(i) If the kidnapping is committed on or after January 1,
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2008, and the victim of the offense is less than thirteen years
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of age, except as otherwise provided in this division, it shall
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impose an indefinite prison term consisting of a minimum term of
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fifteen years and a maximum term of life imprisonment. If the
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kidnapping is committed on or after January 1, 2008, the victim
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of the offense is less than thirteen years of age, and the
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offender released the victim in a safe place unharmed, it shall
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impose an indefinite prison term consisting of a minimum term of
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ten years and a maximum term of life imprisonment. 2506

(ii) If the kidnapping is committed prior to January 1, 2507
2008, or division (A)(3)(b)(i) of this section does not apply, 2508
it shall impose an indefinite term consisting of a minimum term 2509
fixed by the court that is not less than ten years and a maximum 2510
term of life imprisonment. 2511

(c) Except as otherwise provided in division (A)(4) of 2512
this section, if the offense for which the sentence is being 2513
imposed is kidnapping that is a felony of the second degree, it 2514
shall impose an indefinite prison term consisting of a minimum 2515
term fixed by the court that is not less than eight years, and a 2516
maximum term of life imprisonment. 2517

(d) Except as otherwise provided in division (A)(4) of 2518
this section, if the offense for which the sentence is being 2519
imposed is rape for which a term of life imprisonment is not 2520
imposed under division (A)(2) of this section or division (B) of 2521
section 2907.02 of the Revised Code, it shall impose an 2522
indefinite prison term as follows: 2523

(i) If the rape is committed on or after January 2, 2007, 2524
in violation of division (A)(1)(b) of section 2907.02 of the 2525
Revised Code, it shall impose an indefinite prison term 2526
consisting of a minimum term of twenty-five years and a maximum 2527
term of life imprisonment. 2528

(ii) If the rape is committed prior to January 2, 2007, or 2529
the rape is committed on or after January 2, 2007, other than in 2530
violation of division (A)(1)(b) of section 2907.02 of the 2531
Revised Code, it shall impose an indefinite prison term 2532
consisting of a minimum term fixed by the court that is not less 2533
than ten years, and a maximum term of life imprisonment. 2534

- (e) Except as otherwise provided in division (A) (4) of
this section, if the offense for which sentence is being imposed
is attempted rape, it shall impose an indefinite prison term as
follows:
- (i) Except as otherwise provided in division (A) (3) (e)
(ii), (iii), or (iv) of this section, it shall impose an
indefinite prison term pursuant to division (A) (3) (a) of this
section.
- (ii) If the attempted rape for which sentence is being
imposed was committed on or after January 2, 2007, and if the
offender also is convicted of or pleads guilty to a
specification of the type described in section 2941.1418 of the
Revised Code, it shall impose an indefinite prison term
consisting of a minimum term of five years and a maximum term of
twenty-five years.
- (iii) If the attempted rape for which sentence is being
imposed was committed on or after January 2, 2007, and if the
offender also is convicted of or pleads guilty to a
specification of the type described in section 2941.1419 of the
Revised Code, it shall impose an indefinite prison term
consisting of a minimum term of ten years and a maximum of life
imprisonment.
- (iv) If the attempted rape for which sentence is being
imposed was committed on or after January 2, 2007, and if the
offender also is convicted of or pleads guilty to a
specification of the type described in section 2941.1420 of the
Revised Code, it shall impose an indefinite prison term
consisting of a minimum term of fifteen years and a maximum of
life imprisonment.

(4) ~~For Except as provided in division (A) (5) of this section, for~~ any offense for which the sentence is being imposed, if the offender previously has been convicted of or pleaded guilty to a violent sex offense and also to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, or previously has been convicted of or pleaded guilty to a designated homicide, assault, or kidnapping offense and also to both a sexual motivation specification and a sexually violent predator specification that were included in the indictment, count in the indictment, or information charging that offense, it shall impose upon the offender a term of life imprisonment without parole. 2564
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(5) Notwithstanding divisions (A) (1), (2), and (4) of this section, the court shall not impose a sentence of life imprisonment without parole upon any person for an offense that was committed when the person was under eighteen years of age. 2577
In any case described in division (A) (1), (2), or (4) of this section, if the offense was committed when the person was under eighteen years of age, the court shall impose an indefinite prison term consisting of a minimum term of thirty years and a maximum term of life imprisonment. 2578
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(B) (1) Notwithstanding section 2929.13, division (A) or (D) of section 2929.14, or another section of the Revised Code other than division (B) of section 2907.02 or divisions (B) and (C) of section 2929.14 of the Revised Code that authorizes or requires a specified prison term or a mandatory prison term for a person who is convicted of or pleads guilty to a felony or that specifies the manner and place of service of a prison term or term of imprisonment, if a person is convicted of or pleads guilty to a violation of division (A) (1) (b) of section 2907.02 2586
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of the Revised Code committed on or after January 2, 2007, if 2595
division (A) of this section does not apply regarding the 2596
person, and if the court does not impose a sentence of life 2597
without parole when authorized pursuant to division (B) of 2598
section 2907.02 of the Revised Code, the court shall impose upon 2599
the person an indefinite prison term consisting of one of the 2600
following: 2601

(a) Except as otherwise required in division (B) (1) (b) or 2602
(c) of this section, a minimum term of ten years and a maximum 2603
term of life imprisonment. 2604

(b) If the victim was less than ten years of age, a 2605
minimum term of fifteen years and a maximum of life 2606
imprisonment. 2607

(c) If the offender purposely compels the victim to submit 2608
by force or threat of force, or if the offender previously has 2609
been convicted of or pleaded guilty to violating division (A) (1) 2610
(b) of section 2907.02 of the Revised Code or to violating an 2611
existing or former law of this state, another state, or the 2612
United States that is substantially similar to division (A) (1) 2613
(b) of that section, or if the offender during or immediately 2614
after the commission of the offense caused serious physical harm 2615
to the victim, a minimum term of twenty-five years and a maximum 2616
of life imprisonment. 2617

(2) Notwithstanding section 2929.13, division (A) or (D) 2618
of section 2929.14, or another section of the Revised Code other 2619
than divisions (B) and (C) of section 2929.14 of the Revised 2620
Code that authorizes or requires a specified prison term or a 2621
mandatory prison term for a person who is convicted of or pleads 2622
guilty to a felony or that specifies the manner and place of 2623
service of a prison term or term of imprisonment and except as 2624

otherwise provided in division (B) of section 2907.02 of the
Revised Code, if a person is convicted of or pleads guilty to
attempted rape committed on or after January 2, 2007, and if
division (A) of this section does not apply regarding the
person, the court shall impose upon the person an indefinite
prison term consisting of one of the following:

(a) If the person also is convicted of or pleads guilty to
a specification of the type described in section 2941.1418 of
the Revised Code, the court shall impose upon the person an
indefinite prison term consisting of a minimum term of five
years and a maximum term of twenty-five years.

(b) If the person also is convicted of or pleads guilty to
a specification of the type described in section 2941.1419 of
the Revised Code, the court shall impose upon the person an
indefinite prison term consisting of a minimum term of ten years
and a maximum term of life imprisonment.

(c) If the person also is convicted of or pleads guilty to
a specification of the type described in section 2941.1420 of
the Revised Code, the court shall impose upon the person an
indefinite prison term consisting of a minimum term of fifteen
years and a maximum term of life imprisonment.

(3) Notwithstanding section 2929.13, division (A) or (D)
of section 2929.14, or another section of the Revised Code other
than divisions (B) and (C) of section 2929.14 of the Revised
Code that authorizes or requires a specified prison term or a
mandatory prison term for a person who is convicted of or pleads
guilty to a felony or that specifies the manner and place of
service of a prison term or term of imprisonment, if a person is
convicted of or pleads guilty to an offense described in
division (B)(3)(a), (b), (c), or (d) of this section committed

on or after January 1, 2008, if the person also is convicted of 2655
or pleads guilty to a sexual motivation specification that was 2656
included in the indictment, count in the indictment, or 2657
information charging that offense, and if division (A) of this 2658
section does not apply regarding the person, the court shall 2659
impose upon the person an indefinite prison term consisting of 2660
one of the following: 2661

(a) An indefinite prison term consisting of a minimum of 2662
ten years and a maximum term of life imprisonment if the offense 2663
for which the sentence is being imposed is kidnapping, the 2664
victim of the offense is less than thirteen years of age, and 2665
the offender released the victim in a safe place unharmed; 2666

(b) An indefinite prison term consisting of a minimum of 2667
fifteen years and a maximum term of life imprisonment if the 2668
offense for which the sentence is being imposed is kidnapping 2669
when the victim of the offense is less than thirteen years of 2670
age and division (B) (3) (a) of this section does not apply; 2671

(c) An indefinite term consisting of a minimum of thirty 2672
years and a maximum term of life imprisonment if the offense for 2673
which the sentence is being imposed is aggravated murder, when 2674
the victim of the offense is less than thirteen years of age, a 2675
sentence of death or life imprisonment without parole is not 2676
imposed for the offense, and division (A) (2) (b) (ii) of section 2677
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 2678
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 2679
division (A) or (B) of section 2929.06 of the Revised Code 2680
requires that the sentence for the offense be imposed pursuant 2681
to this division; 2682

(d) An indefinite prison term consisting of a minimum of 2683
thirty years and a maximum term of life imprisonment if the 2684

offense for which the sentence is being imposed is murder when	2685
the victim of the offense is less than thirteen years of age.	2686
(C) (1) If the offender is sentenced to a prison term	2687
pursuant to division (A) (3), (B) (1)(a), (b), or (c), (B) (2)(a),	2688
(b), or (c), or (B) (3)(a), (b), (c), or (d) of this section, the	2689
parole board shall have control over the offender's service of	2690
the term during the entire term unless the parole board	2691
terminates its control in accordance with section 2971.04 of the	2692
Revised Code.	2693
(2) Except as provided in division (C) (3) <u>or (G)</u> of this	2694
section, an offender sentenced to a prison term or term of life	2695
imprisonment without parole pursuant to division (A) of this	2696
section shall serve the entire prison term or term of life	2697
imprisonment in a state correctional institution. The offender	2698
is not eligible for judicial release under section 2929.20 of	2699
the Revised Code.	2700
(3) For a prison term imposed pursuant to division (A) (3),	2701
(B) (1)(a), (b), or (c), (B) (2)(a), (b), or (c), or (B) (3)(a),	2702
(b), (c), or (d) of this section, <u>subject to the application of</u>	2703
<u>division (G) of this section,</u> the court, in accordance with	2704
section 2971.05 of the Revised Code, may terminate the prison	2705
term or modify the requirement that the offender serve the	2706
entire term in a state correctional institution if all of the	2707
following apply:	2708
(a) The offender has served at least the minimum term	2709
imposed as part of that prison term.	2710
(b) The parole board, pursuant to section 2971.04 of the	2711
Revised Code, has terminated its control over the offender's	2712
service of that prison term.	2713

- (c) The court has held a hearing and found, by clear and convincing evidence, one of the following: 2714
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- (i) In the case of termination of the prison term, that the offender is unlikely to commit a sexually violent offense in the future; 2716
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- (ii) In the case of modification of the requirement, that the offender does not represent a substantial risk of physical harm to others. 2719
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- (4) An Except as provided in division (G) of this section, 2722
an offender who has been sentenced to a term of life 2723
imprisonment without parole pursuant to division (A)(1), (2), or 2724
(4) of this section shall not be released from the term of life 2725
imprisonment or be permitted to serve a portion of it in a place 2726
other than a state correctional institution. 2727
- (D) If a court sentences an offender to a prison term or 2728
term of life imprisonment without parole pursuant to division 2729
(A) of this section and the court also imposes on the offender 2730
one or more additional prison terms pursuant to division (B) of 2731
section 2929.14 of the Revised Code, all of the additional 2732
prison terms shall be served consecutively with, and prior to, 2733
the prison term or term of life imprisonment without parole 2734
imposed upon the offender pursuant to division (A) of this 2735
section. 2736
- (E) If the offender is convicted of or pleads guilty to 2737
two or more offenses for which a prison term or term of life 2738
imprisonment without parole is required to be imposed pursuant 2739
to division (A) of this section, divisions (A) to (D) of this 2740
section shall be applied for each offense. All minimum terms 2741
imposed upon the offender pursuant to division (A) (3) or (B) of 2742

this section for those offenses shall be aggregated and served consecutively, as if they were a single minimum term imposed under that division. 2743
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(F) (1) If an offender is convicted of or pleads guilty to a violent sex offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, or is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation specification and a sexually violent predator specification that were included in the indictment, count in the indictment, or information charging that offense, the conviction of or plea of guilty to the offense and the sexually violent predator specification automatically classifies the offender as a tier III sex offender/child-victim offender for purposes of Chapter 2950. of the Revised Code. 2746
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(2) If an offender is convicted of or pleads guilty to committing on or after January 2, 2007, a violation of division (A) (1) (b) of section 2907.02 of the Revised Code and either the offender is sentenced under section 2971.03 of the Revised Code or a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code, the conviction of or plea of guilty to the offense automatically classifies the offender as a tier III sex offender/child-victim offender for purposes of Chapter 2950. of the Revised Code. 2760
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(3) If a person is convicted of or pleads guilty to committing on or after January 2, 2007, attempted rape and also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the 2769
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Revised Code, the conviction of or plea of guilty to the offense 2773
and the specification automatically classify the offender as a 2774
tier III sex offender/child-victim offender for purposes of 2775
Chapter 2950. of the Revised Code. 2776

(4) If a person is convicted of or pleads guilty to one of 2777
the offenses described in division (B) (3) (a), (b), (c), or (d) 2778
of this section and a sexual motivation specification related to 2779
the offense and the victim of the offense is less than thirteen 2780
years of age, the conviction of or plea of guilty to the offense 2781
automatically classifies the offender as a tier III sex 2782
offender/child-victim offender for purposes of Chapter 2950. of 2783
the Revised Code. 2784

(G) Notwithstanding divisions (A) to (E) of this section, 2785
if an offender receives or received a sentence of life 2786
imprisonment without parole, a definite sentence, or a sentence 2787
to an indefinite prison term under this chapter for an offense 2788
committed when the offender was under eighteen years of age, the 2789
offender is eligible for parole and the offender's parole 2790
eligibility shall be determined under section 2967.132 of the 2791
Revised Code. 2792

Sec. 5149.101. (A) (1) A board hearing officer, a board 2793
member, or the office of victims' services may petition the 2794
board for a full board hearing that relates to the proposed 2795
parole or re-parole of a prisoner, including any prisoner 2796
described in section 2967.132 of the Revised Code. At a meeting 2797
of the board at which a majority of board members are present, 2798
the majority of those present shall determine whether a full 2799
board hearing shall be held. 2800

(2) A victim of a violation of section 2903.01 or 2903.02 2801
of the Revised Code, an offense of violence that is a felony of 2802

the first, second, or third degree, or an offense punished by a
sentence of life imprisonment, the victim's representative, or
any person described in division (B)(5) of this section may
request the board to hold a full board hearing that relates to
the proposed parole or re-parole of the person that committed
the violation. If a victim, victim's representative, or other
person requests a full board hearing pursuant to this division,
the board shall hold a full board hearing.

At least thirty days before the full hearing, except as
otherwise provided in this division, the board shall give notice
of the date, time, and place of the hearing to the victim
regardless of whether the victim has requested the notification.
The notice of the date, time, and place of the hearing shall not
be given under this division to a victim if the victim has
requested pursuant to division (B)(2) of section 2930.03 of the
Revised Code that the notice not be provided to the victim. At
least thirty days before the full board hearing and regardless
of whether the victim has requested that the notice be provided
or not be provided under this division to the victim, the board
shall give similar notice to the prosecuting attorney in the
case, the law enforcement agency that arrested the prisoner if
any officer of that agency was a victim of the offense, and, if
different than the victim, the person who requested the full
hearing. If the prosecuting attorney has not previously been
sent an institutional summary report with respect to the
prisoner, upon the request of the prosecuting attorney, the
board shall include with the notice sent to the prosecuting
attorney an institutional summary report that covers the
offender's participation while confined in a state correctional
institution in training, work, and other rehabilitative
activities and any disciplinary action taken against the

offender while so confined. Upon the request of a law 2834
enforcement agency that has not previously been sent an 2835
institutional summary report with respect to the prisoner, the 2836
board also shall send a copy of the institutional summary report 2837
to the law enforcement agency. If notice is to be provided as 2838
described in this division, the board may give the notice by any 2839
reasonable means, including regular mail, telephone, and 2840
electronic mail, in accordance with division (D) (1) of section 2841
2930.16 of the Revised Code. If the notice is based on an 2842
offense committed prior to ~~the effective date of this amendment~~ 2843
March 22, 2013, the notice also shall include the opt-out 2844
information described in division (D) (1) of section 2930.16 of 2845
the Revised Code. The board, in accordance with division (D) (2) 2846
of section 2930.16 of the Revised Code, shall keep a record of 2847
all attempts to provide the notice, and of all notices provided, 2848
under this division. 2849

The preceding paragraph, and the notice-related provisions 2850
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 2851
of section 2930.16, division (H) of section 2967.12, division 2852
(E) (1) (b) of section 2967.19, division (A) (3) (b) of section 2853
2967.26, and division (D) (1) of section 2967.28 of the Revised 2854
Code enacted in the act in which this paragraph was enacted, 2855
shall be known as "Roberta's Law." 2856

(B) At a full board hearing that relates to the proposed 2857
parole or re-parole of a prisoner and that has been petitioned 2858
for or requested in accordance with division (A) of this 2859
section, the parole board shall permit the following persons to 2860
appear and to give testimony or to submit written statements: 2861

(1) The prosecuting attorney of the county in which the 2862
original indictment against the prisoner was found and members 2863

of any law enforcement agency that assisted in the prosecution of the original offense;	2864 2865
(2) The judge of the court of common pleas who imposed the original sentence of incarceration upon the prisoner, or the judge's successor;	2866 2867 2868
(3) The victim of the original offense for which the prisoner is serving the sentence or the victim's representative designated pursuant to section 2930.02 of the Revised Code;	2869 2870 2871
(4) The victim of any behavior that resulted in parole being revoked;	2872 2873
(5) With respect to a full board hearing held pursuant to division (A) (2) of this section, all of the following:	2874 2875
(a) The spouse of the victim of the original offense;	2876
(b) The parent or parents of the victim of the original offense;	2877 2878
(c) The sibling of the victim of the original offense;	2879
(d) The child or children of the victim of the original offense.	2880 2881
(6) Counsel or some other person designated by the prisoner as a representative, as described in division (C) of this section.	2882 2883 2884
(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B) (1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members	2885 2886 2887 2888 2889 2890

of a generally recognized professional media organization. 2891

At the request of a person described in division (B) (3) of 2892
this section, representatives of the news media described in 2893
this division shall be excluded from the hearing while that 2894
person is giving testimony at the hearing. The prisoner being 2895
considered for parole has no right to be present at the hearing, 2896
but may be represented by counsel or some other person 2897
designated by the prisoner. 2898

If there is an objection at a full board hearing to a 2899
recommendation for the parole of a prisoner, the board may 2900
approve or disapprove the recommendation or defer its decision 2901
until a subsequent full board hearing. The board may permit 2902
interested persons other than those listed in this division and 2903
division (B) of this section to attend full board hearings 2904
pursuant to rules adopted by the adult parole authority. 2905

(D) If the victim of the original offense died as a result 2906
of the offense and the offense was aggravated murder, murder, an 2907
offense of violence that is a felony of the first, second, or 2908
third degree, or an offense punished by a sentence of life 2909
imprisonment, the family of the victim may show at a full board 2910
hearing a video recording not exceeding five minutes in length 2911
memorializing the victim. 2912

(E) The adult parole authority shall adopt rules for the 2913
implementation of this section. The rules shall specify 2914
reasonable restrictions on the number of media representatives 2915
that may attend a hearing, based on considerations of space, and 2916
other procedures designed to accomplish an effective, orderly 2917
process for full board hearings. 2918

Section 2. That existing sections 2151.35, 2907.02, 2919

2909.24, 2929.02, 2929.03, 2929.06, 2929.14, 2929.19, 2967.13, 2920
2971.03, and 5149.101 of the Revised Code are hereby repealed. 2921

Section 3. (A) The amendments to sections 2907.02, 2922
2909.24, 2929.03, 2929.06, 2929.19, divisions (A) and (B) of 2923
section 2929.02, and division (A) of section 2971.03 of the 2924
Revised Code made in Sections 1 and 2 of this act and the 2925
enactment of division (A) of section 2929.07 of the Revised Code 2926
made in Sections 1 and 2 of this act apply to both of the 2927
following: 2928

(1) All offenses described in those provisions that are 2929
committed on or after the effective date of this section; 2930

(2) All offenses described in those provisions that were 2931
committed prior to the effective date of this section if, as of 2932
the effective date of this section, the offender has not been 2933
sentenced for the particular offense. 2934

(B) The amendments to sections 2967.13, 5149.101, division 2935
(C) of section 2929.02, division (L) of section 2929.14, and 2936
divisions (C) and (G) of section 2971.03 of the Revised Code and 2937
the enactment of section 2967.132 and division (B) of section 2938
2929.07 of the Revised Code made in Sections 1 and 2 of this act 2939
apply to all offenses, offenders, and prisoners described in 2940
those provisions, regardless of when the offender or prisoner 2941
committed, or was sentenced for, the offense. 2942

Section 4. The General Assembly, applying the principle 2943
stated in division (B) of section 1.52 of the Revised Code that 2944
amendments are to be harmonized if reasonably capable of 2945
simultaneous operation, finds that the following sections, 2946
presented in this act as composites of the sections as amended 2947
by the acts indicated, are the resulting versions of the 2948

sections in effect prior to the effective date of the sections as presented in this act:	2949
	2950
Section 2907.02 of the Revised Code as amended by both S.B. 201 and S.B. 229 of the 132nd General Assembly.	2951
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Section 2929.14 of the Revised Code as amended by H.B. 63, S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General Assembly.	2953
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Section 2929.19 of the Revised Code as amended by both S.B. 66 and S.B. 201 of the 132nd General Assembly.	2956
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