

As Introduced

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H. B. No. 580

Representative Miller, K.

**Cosponsors: Representatives Plummer, Ghanbari, Swearingen, Fraizer,
Carruthers, Abrams, Holmes, Riedel, Richardson, Lanese, Creech, Hall, LaRe**

A BILL

To amend sections 2921.331 and 2929.14 of the 1
Revised Code to modify the penalty for the 2
offense of "failure to comply with an order or 3
signal of a police officer" involving the 4
offender's operation of a motor vehicle and 5
expressly provide that a motor vehicle used in 6
the offense is subject to possible seizure and 7
forfeiture. 8

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

Section 1. That sections 2921.331 and 2929.14 of the 9
Revised Code be amended to read as follows: 10

Sec. 2921.331. (A) No person shall fail to comply with any 11
lawful order or direction of any police officer invested with 12
authority to direct, control, or regulate traffic. 13

(B) No person shall operate a motor vehicle so as 14
willfully to elude or flee a police officer after receiving a 15
visible or audible signal from a police officer to bring the 16
person's motor vehicle to a stop. 17

(C) (1) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer. 18
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(2) A violation of division (A) of this section is a misdemeanor of the first degree. 20
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(3) Except as otherwise provided in divisions (C) (4) and (5) of this section, a violation of division (B) of this section is a ~~misdemeanor~~ felony of the ~~first~~ fourth degree. 22
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(4) Except as otherwise provided in division (C) (5) of this section, a violation of division (B) of this section is a felony of the ~~fourth~~ third degree if the jury or judge as trier of fact finds by proof beyond a reasonable doubt that, ~~in either~~ of the following applies: 25
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(a) In committing the offense, the offender was fleeing immediately after the commission of a felony. 30
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~~(5) (a) (b) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.~~ 32
33
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(5) A violation of division (B) of this section is a felony of the ~~third~~ second degree if the jury or judge as trier of fact finds ~~any of the following~~ by proof beyond a reasonable doubt: 35
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~~(i) The that the operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property.~~ 39
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~~(ii) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.~~ 42
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~~(b) (6) If a police officer pursues an offender who is~~ 45

violating division (B) of this section and division ~~(C) (5) (a)~~ (C)
(4) (b) or (C) (5) of this section applies, the sentencing court, 46
in determining the seriousness of an offender's conduct for 47
purposes of sentencing the offender for a violation of division 48
(B) of this section, shall consider, along with the factors set 49
forth in sections 2929.12 and 2929.13 of the Revised Code that 50
are required to be considered, all of the following: 51
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- (i) The duration of the pursuit; 53
- (ii) The distance of the pursuit; 54
- (iii) The rate of speed at which the offender operated the 55
motor vehicle during the pursuit; 56
- (iv) Whether the offender failed to stop for traffic 57
lights or stop signs during the pursuit; 58
- (v) The number of traffic lights or stop signs for which 59
the offender failed to stop during the pursuit; 60
- (vi) Whether the offender operated the motor vehicle 61
during the pursuit without lighted lights during a time when 62
lighted lights are required; 63
- (vii) Whether the offender committed a moving violation 64
during the pursuit; 65
- (viii) The number of moving violations the offender 66
committed during the pursuit; 67
- (ix) Any other relevant factors indicating that the 68
offender's conduct is more serious than conduct normally 69
constituting the offense. 70

(D) If an offender is sentenced pursuant to division (C) 71
(4) or (5) of this section for a violation of division (B) of 72

this section, and if the offender is sentenced to a prison term 73
for that violation, the offender shall serve the prison term 74
consecutively to any other prison term or mandatory prison term 75
imposed upon the offender. 76

(E) In addition to any other sanction imposed for a 77
violation of division (A) or (B) of this section, the court 78
shall suspend the offender's driver's license, commercial 79
driver's license, temporary instruction permit, probationary 80
license, or nonresident operating privilege as specified in this 81
division. For a felony violation of division (B) of this 82
section, the court shall impose a class two suspension from the 83
range specified in division (A) (2) of section 4510.02 of the 84
Revised Code. ~~In addition to any other sanction imposed for~~ For 85
a violation of division (A) of this section or for a misdemeanor 86
violation of division (B) of this section committed prior to the 87
effective date of this amendment that was a misdemeanor prior to 88
that date, the court shall impose a class five suspension from 89
the range specified in division (A) (5) of section 4510.02 of the 90
Revised Code. If the offender previously has been found guilty 91
of an offense under this section, ~~in addition to any other~~ 92
~~sanction imposed for the offense,~~ the court shall impose a class 93
one suspension as described in division (A) (1) of ~~that~~ section 94
4510.02 of the Revised Code. The court shall not grant limited 95
driving privileges to the offender on a suspension imposed for a 96
felony violation of this section. The court may grant limited 97
driving privileges to the offender on a suspension imposed for a 98
~~misdemeanor~~ violation of this section as set forth in section 99
4510.021 of the Revised Code. No judge shall suspend the first 100
three years of suspension under a class two suspension of an 101
offender's license, permit, or privilege required by this 102
division ~~on~~ or any portion of the suspension under a class one 103

suspension of an offender's license, permit, or privilege 104
required by this division. 105

(F) A motor vehicle used in a violation of division (B) of 106
this section is contraband, and is an instrumentality, that is 107
subject to seizure and forfeiture under Chapter 2981. of the 108
Revised Code. 109

(G) As used in this section: 110

(1) "Moving violation" has the same meaning as in section 111
2743.70 of the Revised Code. 112

(2) "Police officer" has the same meaning as in section 113
4511.01 of the Revised Code. 114

(3) "Instrumentality" has the same meaning as in section 115
2981.01 of the Revised Code. 116

Sec. 2929.14. (A) Except as provided in division (B) (1), 117
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 118
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 119
in division (D) (6) of section 2919.25 of the Revised Code and 120
except in relation to an offense for which a sentence of death 121
or life imprisonment is to be imposed, if the court imposing a 122
sentence upon an offender for a felony elects or is required to 123
impose a prison term on the offender pursuant to this chapter, 124
the court shall impose a prison term that shall be one of the 125
following: 126

(1) (a) For a felony of the first degree committed on or 127
~~after the effective date of this amendment~~ March 22, 2019, the 128
prison term shall be an indefinite prison term with a stated 129
minimum term selected by the court of three, four, five, six, 130
seven, eight, nine, ten, or eleven years and a maximum term that 131
is determined pursuant to section 2929.144 of the Revised Code, 132

except that if the section that criminalizes the conduct 133
constituting the felony specifies a different minimum term or 134
penalty for the offense, the specific language of that section 135
shall control in determining the minimum term or otherwise 136
sentencing the offender but the minimum term or sentence imposed 137
under that specific language shall be considered for purposes of 138
the Revised Code as if it had been imposed under this division. 139

(b) For a felony of the first degree committed prior to 140
~~the effective date of this amendment~~ March 22, 2019, the prison 141
term shall be a definite prison term of three, four, five, six, 142
seven, eight, nine, ten, or eleven years. 143

(2) (a) For a felony of the second degree committed on or 144
~~after the effective date of this amendment~~ March 22, 2019, the 145
prison term shall be an indefinite prison term with a stated 146
minimum term selected by the court of two, three, four, five, 147
six, seven, or eight years and a maximum term that is determined 148
pursuant to section 2929.144 of the Revised Code, except that if 149
the section that criminalizes the conduct constituting the 150
felony specifies a different minimum term or penalty for the 151
offense, the specific language of that section shall control in 152
determining the minimum term or otherwise sentencing the 153
offender but the minimum term or sentence imposed under that 154
specific language shall be considered for purposes of the 155
Revised Code as if it had been imposed under this division. 156

(b) For a felony of the second degree committed prior to 157
~~the effective date of this amendment~~ March 22, 2019, the prison 158
term shall be a definite term of two, three, four, five, six, 159
seven, or eight years. 160

(3) (a) For a felony of the third degree that is a 161
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 162

2907.05, 2907.321, 2907.322, 2907.323, 2921.331, or 3795.04 of 163
the Revised Code or that is a violation of section 2911.02 or 164
2911.12 of the Revised Code if the offender previously has been 165
convicted of or pleaded guilty in two or more separate 166
proceedings to two or more violations of section 2911.01, 167
2911.02, 2911.11, or 2911.12 of the Revised Code, the prison 168
term shall be a definite term of twelve, eighteen, twenty-four, 169
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 170
months. 171

(b) For a felony of the third degree that is not an 172
offense for which division (A) (3) (a) of this section applies, 173
the prison term shall be a definite term of nine, twelve, 174
eighteen, twenty-four, thirty, or thirty-six months. 175

(4) For a felony of the fourth degree, the prison term 176
shall be a definite term of six, seven, eight, nine, ten, 177
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 178
or eighteen months. 179

(5) For a felony of the fifth degree, the prison term 180
shall be a definite term of six, seven, eight, nine, ten, 181
eleven, or twelve months. 182

(B) (1) (a) Except as provided in division (B) (1) (e) of this 183
section, if an offender who is convicted of or pleads guilty to 184
a felony also is convicted of or pleads guilty to a 185
specification of the type described in section 2941.141, 186
2941.144, or 2941.145 of the Revised Code, the court shall 187
impose on the offender one of the following prison terms: 188

(i) A prison term of six years if the specification is of 189
the type described in division (A) of section 2941.144 of the 190
Revised Code that charges the offender with having a firearm 191

that is an automatic firearm or that was equipped with a firearm 192
muffler or suppressor on or about the offender's person or under 193
the offender's control while committing the offense; 194

(ii) A prison term of three years if the specification is 195
of the type described in division (A) of section 2941.145 of the 196
Revised Code that charges the offender with having a firearm on 197
or about the offender's person or under the offender's control 198
while committing the offense and displaying the firearm, 199
brandishing the firearm, indicating that the offender possessed 200
the firearm, or using it to facilitate the offense; 201

(iii) A prison term of one year if the specification is of 202
the type described in division (A) of section 2941.141 of the 203
Revised Code that charges the offender with having a firearm on 204
or about the offender's person or under the offender's control 205
while committing the offense; 206

(iv) A prison term of nine years if the specification is 207
of the type described in division (D) of section 2941.144 of the 208
Revised Code that charges the offender with having a firearm 209
that is an automatic firearm or that was equipped with a firearm 210
muffler or suppressor on or about the offender's person or under 211
the offender's control while committing the offense and 212
specifies that the offender previously has been convicted of or 213
pleaded guilty to a specification of the type described in 214
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 215
the Revised Code; 216

(v) A prison term of fifty-four months if the 217
specification is of the type described in division (D) of 218
section 2941.145 of the Revised Code that charges the offender 219
with having a firearm on or about the offender's person or under 220
the offender's control while committing the offense and 221

displaying the firearm, brandishing the firearm, indicating that 222
the offender possessed the firearm, or using the firearm to 223
facilitate the offense and that the offender previously has been 224
convicted of or pleaded guilty to a specification of the type 225
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 226
2941.1412 of the Revised Code; 227

(vi) A prison term of eighteen months if the specification 228
is of the type described in division (D) of section 2941.141 of 229
the Revised Code that charges the offender with having a firearm 230
on or about the offender's person or under the offender's 231
control while committing the offense and that the offender 232
previously has been convicted of or pleaded guilty to a 233
specification of the type described in section 2941.141, 234
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 235

(b) If a court imposes a prison term on an offender under 236
division (B) (1) (a) of this section, the prison term shall not be 237
reduced pursuant to section 2967.19, section 2929.20, section 238
2967.193, or any other provision of Chapter 2967. or Chapter 239
5120. of the Revised Code. Except as provided in division (B) (1) 240
(g) of this section, a court shall not impose more than one 241
prison term on an offender under division (B) (1) (a) of this 242
section for felonies committed as part of the same act or 243
transaction. 244

(c) (i) Except as provided in division (B) (1) (e) of this 245
section, if an offender who is convicted of or pleads guilty to 246
a violation of section 2923.161 of the Revised Code or to a 247
felony that includes, as an essential element, purposely or 248
knowingly causing or attempting to cause the death of or 249
physical harm to another, also is convicted of or pleads guilty 250
to a specification of the type described in division (A) of 251

section 2941.146 of the Revised Code that charges the offender 252
with committing the offense by discharging a firearm from a 253
motor vehicle other than a manufactured home, the court, after 254
imposing a prison term on the offender for the violation of 255
section 2923.161 of the Revised Code or for the other felony 256
offense under division (A), (B) (2), or (B) (3) of this section, 257
shall impose an additional prison term of five years upon the 258
offender that shall not be reduced pursuant to section 2929.20, 259
section 2967.19, section 2967.193, or any other provision of 260
Chapter 2967. or Chapter 5120. of the Revised Code. 261

(ii) Except as provided in division (B) (1) (e) of this 262
section, if an offender who is convicted of or pleads guilty to 263
a violation of section 2923.161 of the Revised Code or to a 264
felony that includes, as an essential element, purposely or 265
knowingly causing or attempting to cause the death of or 266
physical harm to another, also is convicted of or pleads guilty 267
to a specification of the type described in division (C) of 268
section 2941.146 of the Revised Code that charges the offender 269
with committing the offense by discharging a firearm from a 270
motor vehicle other than a manufactured home and that the 271
offender previously has been convicted of or pleaded guilty to a 272
specification of the type described in section 2941.141, 273
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 274
the court, after imposing a prison term on the offender for the 275
violation of section 2923.161 of the Revised Code or for the 276
other felony offense under division (A), (B) (2), or (3) of this 277
section, shall impose an additional prison term of ninety months 278
upon the offender that shall not be reduced pursuant to section 279
2929.20, 2967.19, 2967.193, or any other provision of Chapter 280
2967. or Chapter 5120. of the Revised Code. 281

(iii) A court shall not impose more than one additional 282

prison term on an offender under division (B) (1) (c) of this 283
section for felonies committed as part of the same act or 284
transaction. If a court imposes an additional prison term on an 285
offender under division (B) (1) (c) of this section relative to an 286
offense, the court also shall impose a prison term under 287
division (B) (1) (a) of this section relative to the same offense, 288
provided the criteria specified in that division for imposing an 289
additional prison term are satisfied relative to the offender 290
and the offense. 291

(d) If an offender who is convicted of or pleads guilty to 292
an offense of violence that is a felony also is convicted of or 293
pleads guilty to a specification of the type described in 294
section 2941.1411 of the Revised Code that charges the offender 295
with wearing or carrying body armor while committing the felony 296
offense of violence, the court shall impose on the offender an 297
additional prison term of two years. The prison term so imposed, 298
subject to divisions (C) to (I) of section 2967.19 of the 299
Revised Code, shall not be reduced pursuant to section 2929.20, 300
section 2967.19, section 2967.193, or any other provision of 301
Chapter 2967. or Chapter 5120. of the Revised Code. A court 302
shall not impose more than one prison term on an offender under 303
division (B) (1) (d) of this section for felonies committed as 304
part of the same act or transaction. If a court imposes an 305
additional prison term under division (B) (1) (a) or (c) of this 306
section, the court is not precluded from imposing an additional 307
prison term under division (B) (1) (d) of this section. 308

(e) The court shall not impose any of the prison terms 309
described in division (B) (1) (a) of this section or any of the 310
additional prison terms described in division (B) (1) (c) of this 311
section upon an offender for a violation of section 2923.12 or 312
2923.123 of the Revised Code. The court shall not impose any of 313

the prison terms described in division (B) (1) (a) or (b) of this 314
section upon an offender for a violation of section 2923.122 315
that involves a deadly weapon that is a firearm other than a 316
dangerous ordnance, section 2923.16, or section 2923.121 of the 317
Revised Code. The court shall not impose any of the prison terms 318
described in division (B) (1) (a) of this section or any of the 319
additional prison terms described in division (B) (1) (c) of this 320
section upon an offender for a violation of section 2923.13 of 321
the Revised Code unless all of the following apply: 322

(i) The offender previously has been convicted of 323
aggravated murder, murder, or any felony of the first or second 324
degree. 325

(ii) Less than five years have passed since the offender 326
was released from prison or post-release control, whichever is 327
later, for the prior offense. 328

(f) (i) If an offender is convicted of or pleads guilty to 329
a felony that includes, as an essential element, causing or 330
attempting to cause the death of or physical harm to another and 331
also is convicted of or pleads guilty to a specification of the 332
type described in division (A) of section 2941.1412 of the 333
Revised Code that charges the offender with committing the 334
offense by discharging a firearm at a peace officer as defined 335
in section 2935.01 of the Revised Code or a corrections officer, 336
as defined in section 2941.1412 of the Revised Code, the court, 337
after imposing a prison term on the offender for the felony 338
offense under division (A), (B) (2), or (B) (3) of this section, 339
shall impose an additional prison term of seven years upon the 340
offender that shall not be reduced pursuant to section 2929.20, 341
section 2967.19, section 2967.193, or any other provision of 342
Chapter 2967. or Chapter 5120. of the Revised Code. 343

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

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

specified under that division for any or all of the remaining 375
specifications. If a court imposes an additional prison term on 376
an offender under division (B) (1) (f) of this section relative to 377
an offense, the court shall not impose a prison term under 378
division (B) (1) (a) or (c) of this section relative to the same 379
offense. 380

(g) If an offender is convicted of or pleads guilty to two 381
or more felonies, if one or more of those felonies are 382
aggravated murder, murder, attempted aggravated murder, 383
attempted murder, aggravated robbery, felonious assault, or 384
rape, and if the offender is convicted of or pleads guilty to a 385
specification of the type described under division (B) (1) (a) of 386
this section in connection with two or more of the felonies, the 387
sentencing court shall impose on the offender the prison term 388
specified under division (B) (1) (a) of this section for each of 389
the two most serious specifications of which the offender is 390
convicted or to which the offender pleads guilty and, in its 391
discretion, also may impose on the offender the prison term 392
specified under that division for any or all of the remaining 393
specifications. 394

(2) (a) If division (B) (2) (b) of this section does not 395
apply, the court may impose on an offender, in addition to the 396
longest prison term authorized or required for the offense or, 397
for offenses for which division (A) (1) (a) or (2) (a) of this 398
section applies, in addition to the longest minimum prison term 399
authorized or required for the offense, an additional definite 400
prison term of one, two, three, four, five, six, seven, eight, 401
nine, or ten years if all of the following criteria are met: 402

(i) The offender is convicted of or pleads guilty to a 403
specification of the type described in section 2941.149 of the 404

Revised Code that the offender is a repeat violent offender. 405

(ii) The offense of which the offender currently is 406
convicted or to which the offender currently pleads guilty is 407
aggravated murder and the court does not impose a sentence of 408
death or life imprisonment without parole, murder, terrorism and 409
the court does not impose a sentence of life imprisonment 410
without parole, any felony of the first degree that is an 411
offense of violence and the court does not impose a sentence of 412
life imprisonment without parole, or any felony of the second 413
degree that is an offense of violence and the trier of fact 414
finds that the offense involved an attempt to cause or a threat 415
to cause serious physical harm to a person or resulted in 416
serious physical harm to a person. 417

(iii) The court imposes the longest prison term for the 418
offense or the longest minimum prison term for the offense, 419
whichever is applicable, that is not life imprisonment without 420
parole. 421

(iv) The court finds that the prison terms imposed 422
pursuant to division (B) (2) (a) (iii) of this section and, if 423
applicable, division (B) (1) or (3) of this section are 424
inadequate to punish the offender and protect the public from 425
future crime, because the applicable factors under section 426
2929.12 of the Revised Code indicating a greater likelihood of 427
recidivism outweigh the applicable factors under that section 428
indicating a lesser likelihood of recidivism. 429

(v) The court finds that the prison terms imposed pursuant 430
to division (B) (2) (a) (iii) of this section and, if applicable, 431
division (B) (1) or (3) of this section are demeaning to the 432
seriousness of the offense, because one or more of the factors 433
under section 2929.12 of the Revised Code indicating that the 434

offender's conduct is more serious than conduct normally 435
constituting the offense are present, and they outweigh the 436
applicable factors under that section indicating that the 437
offender's conduct is less serious than conduct normally 438
constituting the offense. 439

(b) The court shall impose on an offender the longest 440
prison term authorized or required for the offense or, for 441
offenses for which division (A) (1) (a) or (2) (a) of this section 442
applies, the longest minimum prison term authorized or required 443
for the offense, and shall impose on the offender an additional 444
definite prison term of one, two, three, four, five, six, seven, 445
eight, nine, or ten years if all of the following criteria are 446
met: 447

(i) The offender is convicted of or pleads guilty to a 448
specification of the type described in section 2941.149 of the 449
Revised Code that the offender is a repeat violent offender. 450

(ii) The offender within the preceding twenty years has 451
been convicted of or pleaded guilty to three or more offenses 452
described in division (CC) (1) of section 2929.01 of the Revised 453
Code, including all offenses described in that division of which 454
the offender is convicted or to which the offender pleads guilty 455
in the current prosecution and all offenses described in that 456
division of which the offender previously has been convicted or 457
to which the offender previously pleaded guilty, whether 458
prosecuted together or separately. 459

(iii) The offense or offenses of which the offender 460
currently is convicted or to which the offender currently pleads 461
guilty is aggravated murder and the court does not impose a 462
sentence of death or life imprisonment without parole, murder, 463
terrorism and the court does not impose a sentence of life 464

imprisonment without parole, any felony of the first degree that 465
is an offense of violence and the court does not impose a 466
sentence of life imprisonment without parole, or any felony of 467
the second degree that is an offense of violence and the trier 468
of fact finds that the offense involved an attempt to cause or a 469
threat to cause serious physical harm to a person or resulted in 470
serious physical harm to a person. 471

(c) For purposes of division (B) (2) (b) of this section, 472
two or more offenses committed at the same time or as part of 473
the same act or event shall be considered one offense, and that 474
one offense shall be the offense with the greatest penalty. 475

(d) A sentence imposed under division (B) (2) (a) or (b) of 476
this section shall not be reduced pursuant to section 2929.20, 477
section 2967.19, or section 2967.193, or any other provision of 478
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 479
shall serve an additional prison term imposed under division (B) 480
(2) (a) or (b) of this section consecutively to and prior to the 481
prison term imposed for the underlying offense. 482

(e) When imposing a sentence pursuant to division (B) (2) 483
(a) or (b) of this section, the court shall state its findings 484
explaining the imposed sentence. 485

(3) Except when an offender commits a violation of section 486
2903.01 or 2907.02 of the Revised Code and the penalty imposed 487
for the violation is life imprisonment or commits a violation of 488
section 2903.02 of the Revised Code, if the offender commits a 489
violation of section 2925.03 or 2925.11 of the Revised Code and 490
that section classifies the offender as a major drug offender, 491
if the offender commits a violation of section 2925.05 of the 492
Revised Code and division (E) (1) of that section classifies the 493
offender as a major drug offender, if the offender commits a 494

felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 495
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 496
division (C) or (D) of section 3719.172, division (E) of section 497
4729.51, or division (J) of section 4729.54 of the Revised Code 498
that includes the sale, offer to sell, or possession of a 499
schedule I or II controlled substance, with the exception of 500
marihuana, and the court imposing sentence upon the offender 501
finds that the offender is guilty of a specification of the type 502
described in division (A) of section 2941.1410 of the Revised 503
Code charging that the offender is a major drug offender, if the 504
court imposing sentence upon an offender for a felony finds that 505
the offender is guilty of corrupt activity with the most serious 506
offense in the pattern of corrupt activity being a felony of the 507
first degree, or if the offender is guilty of an attempted 508
violation of section 2907.02 of the Revised Code and, had the 509
offender completed the violation of section 2907.02 of the 510
Revised Code that was attempted, the offender would have been 511
subject to a sentence of life imprisonment or life imprisonment 512
without parole for the violation of section 2907.02 of the 513
Revised Code, the court shall impose upon the offender for the 514
felony violation a mandatory prison term determined as described 515
in this division that, subject to divisions (C) to (I) of 516
section 2967.19 of the Revised Code, cannot be reduced pursuant 517
to section 2929.20, section 2967.19, or any other provision of 518
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 519
term shall be the maximum definite prison term prescribed in 520
division (A)(1)(b) of this section for a felony of the first 521
degree, except that for offenses for which division (A)(1)(a) of 522
this section applies, the mandatory prison term shall be the 523
longest minimum prison term prescribed in that division for the 524
offense. 525

(4) If the offender is being sentenced for a third or 526
fourth degree felony OVI offense under division (G) (2) of 527
section 2929.13 of the Revised Code, the sentencing court shall 528
impose upon the offender a mandatory prison term in accordance 529
with that division. In addition to the mandatory prison term, if 530
the offender is being sentenced for a fourth degree felony OVI 531
offense, the court, notwithstanding division (A) (4) of this 532
section, may sentence the offender to a definite prison term of 533
not less than six months and not more than thirty months, and if 534
the offender is being sentenced for a third degree felony OVI 535
offense, the sentencing court may sentence the offender to an 536
additional prison term of any duration specified in division (A) 537
(3) of this section. In either case, the additional prison term 538
imposed shall be reduced by the sixty or one hundred twenty days 539
imposed upon the offender as the mandatory prison term. The 540
total of the additional prison term imposed under division (B) 541
(4) of this section plus the sixty or one hundred twenty days 542
imposed as the mandatory prison term shall equal a definite term 543
in the range of six months to thirty months for a fourth degree 544
felony OVI offense and shall equal one of the authorized prison 545
terms specified in division (A) (3) of this section for a third 546
degree felony OVI offense. If the court imposes an additional 547
prison term under division (B) (4) of this section, the offender 548
shall serve the additional prison term after the offender has 549
served the mandatory prison term required for the offense. In 550
addition to the mandatory prison term or mandatory and 551
additional prison term imposed as described in division (B) (4) 552
of this section, the court also may sentence the offender to a 553
community control sanction under section 2929.16 or 2929.17 of 554
the Revised Code, but the offender shall serve all of the prison 555
terms so imposed prior to serving the community control 556
sanction. 557

If the offender is being sentenced for a fourth degree 558
felony OVI offense under division (G) (1) of section 2929.13 of 559
the Revised Code and the court imposes a mandatory term of local 560
incarceration, the court may impose a prison term as described 561
in division (A) (1) of that section. 562

(5) If an offender is convicted of or pleads guilty to a 563
violation of division (A) (1) or (2) of section 2903.06 of the 564
Revised Code and also is convicted of or pleads guilty to a 565
specification of the type described in section 2941.1414 of the 566
Revised Code that charges that the victim of the offense is a 567
peace officer, as defined in section 2935.01 of the Revised 568
Code, or an investigator of the bureau of criminal 569
identification and investigation, as defined in section 2903.11 570
of the Revised Code, the court shall impose on the offender a 571
prison term of five years. If a court imposes a prison term on 572
an offender under division (B) (5) of this section, the prison 573
term, subject to divisions (C) to (I) of section 2967.19 of the 574
Revised Code, shall not be reduced pursuant to section 2929.20, 575
section 2967.19, section 2967.193, or any other provision of 576
Chapter 2967. or Chapter 5120. of the Revised Code. A court 577
shall not impose more than one prison term on an offender under 578
division (B) (5) of this section for felonies committed as part 579
of the same act. 580

(6) If an offender is convicted of or pleads guilty to a 581
violation of division (A) (1) or (2) of section 2903.06 of the 582
Revised Code and also is convicted of or pleads guilty to a 583
specification of the type described in section 2941.1415 of the 584
Revised Code that charges that the offender previously has been 585
convicted of or pleaded guilty to three or more violations of 586
division (A) or (B) of section 4511.19 of the Revised Code or an 587
equivalent offense, as defined in section 2941.1415 of the 588

Revised Code, or three or more violations of any combination of 589
those divisions and offenses, the court shall impose on the 590
offender a prison term of three years. If a court imposes a 591
prison term on an offender under division (B) (6) of this 592
section, the prison term, subject to divisions (C) to (I) of 593
section 2967.19 of the Revised Code, shall not be reduced 594
pursuant to section 2929.20, section 2967.19, section 2967.193, 595
or any other provision of Chapter 2967. or Chapter 5120. of the 596
Revised Code. A court shall not impose more than one prison term 597
on an offender under division (B) (6) of this section for 598
felonies committed as part of the same act. 599

(7) (a) If an offender is convicted of or pleads guilty to 600
a felony violation of section 2905.01, 2905.02, 2907.21, 601
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 602
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 603
section 2919.22 of the Revised Code and also is convicted of or 604
pleads guilty to a specification of the type described in 605
section 2941.1422 of the Revised Code that charges that the 606
offender knowingly committed the offense in furtherance of human 607
trafficking, the court shall impose on the offender a mandatory 608
prison term that is one of the following: 609

(i) If the offense is a felony of the first degree, a 610
definite prison term of not less than five years and not greater 611
than eleven years, except that if the offense is a felony of the 612
first degree committed on or after ~~the effective date of this~~ 613
~~amendment~~ March 22, 2019, the court shall impose as the minimum 614
prison term a mandatory term of not less than five years and not 615
greater than eleven years; 616

(ii) If the offense is a felony of the second or third 617
degree, a definite prison term of not less than three years and 618

not greater than the maximum prison term allowed for the offense 619
by division (A) (2) (b) or (3) of this section, except that if the 620
offense is a felony of the second degree committed on or after 621
~~the effective date of this amendment~~ March 22, 2019, the court 622
shall impose as the minimum prison term a mandatory term of not 623
less than three years and not greater than eight years; 624

(iii) If the offense is a felony of the fourth or fifth 625
degree, a definite prison term that is the maximum prison term 626
allowed for the offense by division (A) of section 2929.14 of 627
the Revised Code. 628

(b) Subject to divisions (C) to (I) of section 2967.19 of 629
the Revised Code, the prison term imposed under division (B) (7) 630
(a) of this section shall not be reduced pursuant to section 631
2929.20, section 2967.19, section 2967.193, or any other 632
provision of Chapter 2967. of the Revised Code. A court shall 633
not impose more than one prison term on an offender under 634
division (B) (7) (a) of this section for felonies committed as 635
part of the same act, scheme, or plan. 636

(8) If an offender is convicted of or pleads guilty to a 637
felony violation of section 2903.11, 2903.12, or 2903.13 of the 638
Revised Code and also is convicted of or pleads guilty to a 639
specification of the type described in section 2941.1423 of the 640
Revised Code that charges that the victim of the violation was a 641
woman whom the offender knew was pregnant at the time of the 642
violation, notwithstanding the range prescribed in division (A) 643
of this section as the definite prison term or minimum prison 644
term for felonies of the same degree as the violation, the court 645
shall impose on the offender a mandatory prison term that is 646
either a definite prison term of six months or one of the prison 647
terms prescribed in division (A) of this section for felonies of 648

the same degree as the violation, except that if the violation 649
is a felony of the first or second degree committed on or after 650
~~the effective date of this amendment~~ March 22, 2019, the court 651
shall impose as the minimum prison term under division (A) (1) (a) 652
or (2) (a) of this section a mandatory term that is one of the 653
terms prescribed in that division, whichever is applicable, for 654
the offense. 655

(9) (a) If an offender is convicted of or pleads guilty to 656
a violation of division (A) (1) or (2) of section 2903.11 of the 657
Revised Code and also is convicted of or pleads guilty to a 658
specification of the type described in section 2941.1425 of the 659
Revised Code, the court shall impose on the offender a mandatory 660
prison term of six years if either of the following applies: 661

(i) The violation is a violation of division (A) (1) of 662
section 2903.11 of the Revised Code and the specification 663
charges that the offender used an accelerant in committing the 664
violation and the serious physical harm to another or to 665
another's unborn caused by the violation resulted in a 666
permanent, serious disfigurement or permanent, substantial 667
incapacity; 668

(ii) The violation is a violation of division (A) (2) of 669
section 2903.11 of the Revised Code and the specification 670
charges that the offender used an accelerant in committing the 671
violation, that the violation caused physical harm to another or 672
to another's unborn, and that the physical harm resulted in a 673
permanent, serious disfigurement or permanent, substantial 674
incapacity. 675

(b) If a court imposes a prison term on an offender under 676
division (B) (9) (a) of this section, the prison term shall not be 677
reduced pursuant to section 2929.20, section 2967.19, section 678

2967.193, or any other provision of Chapter 2967. or Chapter 679
5120. of the Revised Code. A court shall not impose more than 680
one prison term on an offender under division (B) (9) of this 681
section for felonies committed as part of the same act. 682

(c) The provisions of divisions (B) (9) and (C) (6) of this 683
section and of division (D) (2) of section 2903.11, division (F) 684
(20) of section 2929.13, and section 2941.1425 of the Revised 685
Code shall be known as "Judy's Law." 686

(10) If an offender is convicted of or pleads guilty to a 687
violation of division (A) of section 2903.11 of the Revised Code 688
and also is convicted of or pleads guilty to a specification of 689
the type described in section 2941.1426 of the Revised Code that 690
charges that the victim of the offense suffered permanent 691
disabling harm as a result of the offense and that the victim 692
was under ten years of age at the time of the offense, 693
regardless of whether the offender knew the age of the victim, 694
the court shall impose upon the offender an additional definite 695
prison term of six years. A prison term imposed on an offender 696
under division (B) (10) of this section shall not be reduced 697
pursuant to section 2929.20, section 2967.193, or any other 698
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 699
If a court imposes an additional prison term on an offender 700
under this division relative to a violation of division (A) of 701
section 2903.11 of the Revised Code, the court shall not impose 702
any other additional prison term on the offender relative to the 703
same offense. 704

(11) If an offender is convicted of or pleads guilty to a 705
felony violation of section 2925.03 or 2925.05 of the Revised 706
Code or a felony violation of section 2925.11 of the Revised 707
Code for which division (C) (11) of that section applies in 708

determining the sentence for the violation, if the drug involved 709
in the violation is a fentanyl-related compound or a compound, 710
mixture, preparation, or substance containing a fentanyl-related 711
compound, and if the offender also is convicted of or pleads 712
guilty to a specification of the type described in division (B) 713
of section 2941.1410 of the Revised Code that charges that the 714
offender is a major drug offender, in addition to any other 715
penalty imposed for the violation, the court shall impose on the 716
offender a mandatory prison term of three, four, five, six, 717
seven, or eight years. If a court imposes a prison term on an 718
offender under division (B) (11) of this section, the prison 719
term, subject to divisions (C) to (I) of section 2967.19 of the 720
Revised Code, shall not be reduced pursuant to section 2929.20, 721
2967.19, or 2967.193, or any other provision of Chapter 2967. or 722
5120. of the Revised Code. A court shall not impose more than 723
one prison term on an offender under division (B) (11) of this 724
section for felonies committed as part of the same act. 725

(C) (1) (a) Subject to division (C) (1) (b) of this section, 726
if a mandatory prison term is imposed upon an offender pursuant 727
to division (B) (1) (a) of this section for having a firearm on or 728
about the offender's person or under the offender's control 729
while committing a felony, if a mandatory prison term is imposed 730
upon an offender pursuant to division (B) (1) (c) of this section 731
for committing a felony specified in that division by 732
discharging a firearm from a motor vehicle, or if both types of 733
mandatory prison terms are imposed, the offender shall serve any 734
mandatory prison term imposed under either division 735
consecutively to any other mandatory prison term imposed under 736
either division or under division (B) (1) (d) of this section, 737
consecutively to and prior to any prison term imposed for the 738
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 739

this section or any other section of the Revised Code, and 740
consecutively to any other prison term or mandatory prison term 741
previously or subsequently imposed upon the offender. 742

(b) If a mandatory prison term is imposed upon an offender 743
pursuant to division (B)(1)(d) of this section for wearing or 744
carrying body armor while committing an offense of violence that 745
is a felony, the offender shall serve the mandatory term so 746
imposed consecutively to any other mandatory prison term imposed 747
under that division or under division (B)(1)(a) or (c) of this 748
section, consecutively to and prior to any prison term imposed 749
for the underlying felony under division (A), (B)(2), or (B)(3) 750
of this section or any other section of the Revised Code, and 751
consecutively to any other prison term or mandatory prison term 752
previously or subsequently imposed upon the offender. 753

(c) If a mandatory prison term is imposed upon an offender 754
pursuant to division (B)(1)(f) of this section, the offender 755
shall serve the mandatory prison term so imposed consecutively 756
to and prior to any prison term imposed for the underlying 757
felony under division (A), (B)(2), or (B)(3) of this section or 758
any other section of the Revised Code, and consecutively to any 759
other prison term or mandatory prison term previously or 760
subsequently imposed upon the offender. 761

(d) If a mandatory prison term is imposed upon an offender 762
pursuant to division (B)(7) or (8) of this section, the offender 763
shall serve the mandatory prison term so imposed consecutively 764
to any other mandatory prison term imposed under that division 765
or under any other provision of law and consecutively to any 766
other prison term or mandatory prison term previously or 767
subsequently imposed upon the offender. 768

(e) If a mandatory prison term is imposed upon an offender 769

pursuant to division (B)(11) of this section, the offender shall 770
serve the mandatory prison term consecutively to any other 771
mandatory prison term imposed under that division, consecutively 772
to and prior to any prison term imposed for the underlying 773
felony, and consecutively to any other prison term or mandatory 774
prison term previously or subsequently imposed upon the 775
offender. 776

(2) If an offender who is an inmate in a jail, prison, or 777
other residential detention facility violates section 2917.02, 778
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 779
(2) of section 2921.34 of the Revised Code, if an offender who 780
is under detention at a detention facility commits a felony 781
violation of section 2923.131 of the Revised Code, or if an 782
offender who is an inmate in a jail, prison, or other 783
residential detention facility or is under detention at a 784
detention facility commits another felony while the offender is 785
an escapee in violation of division (A)(1) or (2) of section 786
2921.34 of the Revised Code, any prison term imposed upon the 787
offender for one of those violations shall be served by the 788
offender consecutively to the prison term or term of 789
imprisonment the offender was serving when the offender 790
committed that offense and to any other prison term previously 791
or subsequently imposed upon the offender. 792

(3) If a prison term is imposed for a violation of 793
division (B) of section 2911.01 of the Revised Code, a violation 794
of division (A) of section 2913.02 of the Revised Code in which 795
the stolen property is a firearm or dangerous ordnance, or a 796
felony violation of division (B) of section 2921.331 of the 797
Revised Code, the offender shall serve that prison term 798
consecutively to any other prison term or mandatory prison term 799
previously or subsequently imposed upon the offender. 800

(4) If multiple prison terms are imposed on an offender 801
for convictions of multiple offenses, the court may require the 802
offender to serve the prison terms consecutively if the court 803
finds that the consecutive service is necessary to protect the 804
public from future crime or to punish the offender and that 805
consecutive sentences are not disproportionate to the 806
seriousness of the offender's conduct and to the danger the 807
offender poses to the public, and if the court also finds any of 808
the following: 809

(a) The offender committed one or more of the multiple 810
offenses while the offender was awaiting trial or sentencing, 811
was under a sanction imposed pursuant to section 2929.16, 812
2929.17, or 2929.18 of the Revised Code, or was under post- 813
release control for a prior offense. 814

(b) At least two of the multiple offenses were committed 815
as part of one or more courses of conduct, and the harm caused 816
by two or more of the multiple offenses so committed was so 817
great or unusual that no single prison term for any of the 818
offenses committed as part of any of the courses of conduct 819
adequately reflects the seriousness of the offender's conduct. 820

(c) The offender's history of criminal conduct 821
demonstrates that consecutive sentences are necessary to protect 822
the public from future crime by the offender. 823

(5) If a mandatory prison term is imposed upon an offender 824
pursuant to division (B) (5) or (6) of this section, the offender 825
shall serve the mandatory prison term consecutively to and prior 826
to any prison term imposed for the underlying violation of 827
division (A) (1) or (2) of section 2903.06 of the Revised Code 828
pursuant to division (A) of this section or section 2929.142 of 829
the Revised Code. If a mandatory prison term is imposed upon an 830

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
Revised Code pursuant to division (A) of this section or section
2929.142 of the Revised Code.

(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.

(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.

(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 861
marihuana trafficking shall run consecutively to any prison term 862
imposed for the violation of section 2925.03 or 2925.11 of the 863
Revised Code or for the violation of section 2925.05 of the 864
Revised Code that is not funding of marihuana trafficking. 865

(9) When consecutive prison terms are imposed pursuant to 866
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 867
division (H) (1) or (2) of this section, subject to division (C) 868
(10) of this section, the term to be served is the aggregate of 869
all of the terms so imposed. 870

(10) When a court sentences an offender to a non-life 871
felony indefinite prison term, any definite prison term or 872
mandatory definite prison term previously or subsequently 873
imposed on the offender in addition to that indefinite sentence 874
that is required to be served consecutively to that indefinite 875
sentence shall be served prior to the indefinite sentence. 876

(11) If a court is sentencing an offender for a felony of 877
the first or second degree, if division (A) (1) (a) or (2) (a) of 878
this section applies with respect to the sentencing for the 879
offense, and if the court is required under the Revised Code 880
section that sets forth the offense or any other Revised Code 881
provision to impose a mandatory prison term for the offense, the 882
court shall impose the required mandatory prison term as the 883
minimum term imposed under division (A) (1) (a) or (2) (a) of this 884
section, whichever is applicable. 885

(D) (1) If a court imposes a prison term, other than a term 886
of life imprisonment, for a felony of the first degree, for a 887
felony of the second degree, for a felony sex offense, or for a 888
felony of the third degree that is an offense of violence and 889
that is not a felony sex offense, it shall include in the 890

sentence a requirement that the offender be subject to a period 891
of post-release control after the offender's release from 892
imprisonment, in accordance with section 2967.28 of the Revised 893
Code. If a court imposes a sentence including a prison term of a 894
type described in this division on or after July 11, 2006, the 895
failure of a court to include a post-release control requirement 896
in the sentence pursuant to this division does not negate, 897
limit, or otherwise affect the mandatory period of post-release 898
control that is required for the offender under division (B) of 899
section 2967.28 of the Revised Code. Section 2929.191 of the 900
Revised Code applies if, prior to July 11, 2006, a court imposed 901
a sentence including a prison term of a type described in this 902
division and failed to include in the sentence pursuant to this 903
division a statement regarding post-release control. 904

(2) If a court imposes a prison term for a felony of the 905
third, fourth, or fifth degree that is not subject to division 906
(D) (1) of this section, it shall include in the sentence a 907
requirement that the offender be subject to a period of post- 908
release control after the offender's release from imprisonment, 909
in accordance with that division, if the parole board determines 910
that a period of post-release control is necessary. Section 911
2929.191 of the Revised Code applies if, prior to July 11, 2006, 912
a court imposed a sentence including a prison term of a type 913
described in this division and failed to include in the sentence 914
pursuant to this division a statement regarding post-release 915
control. 916

(E) The court shall impose sentence upon the offender in 917
accordance with section 2971.03 of the Revised Code, and Chapter 918
2971. of the Revised Code applies regarding the prison term or 919
term of life imprisonment without parole imposed upon the 920
offender and the service of that term of imprisonment if any of 921

the following apply: 922

(1) A person is convicted of or pleads guilty to a violent 923
sex offense or a designated homicide, assault, or kidnapping 924
offense, and, in relation to that offense, the offender is 925
adjudicated a sexually violent predator. 926

(2) A person is convicted of or pleads guilty to a 927
violation of division (A) (1) (b) of section 2907.02 of the 928
Revised Code committed on or after January 2, 2007, and either 929
the court does not impose a sentence of life without parole when 930
authorized pursuant to division (B) of section 2907.02 of the 931
Revised Code, or division (B) of section 2907.02 of the Revised 932
Code provides that the court shall not sentence the offender 933
pursuant to section 2971.03 of the Revised Code. 934

(3) A person is convicted of or pleads guilty to attempted 935
rape committed on or after January 2, 2007, and a specification 936
of the type described in section 2941.1418, 2941.1419, or 937
2941.1420 of the Revised Code. 938

(4) A person is convicted of or pleads guilty to a 939
violation of section 2905.01 of the Revised Code committed on or 940
after January 1, 2008, and that section requires the court to 941
sentence the offender pursuant to section 2971.03 of the Revised 942
Code. 943

(5) A person is convicted of or pleads guilty to 944
aggravated murder committed on or after January 1, 2008, and 945
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 946
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 947
(a) (iv) of section 2929.03, or division (A) or (B) of section 948
2929.06 of the Revised Code requires the court to sentence the 949
offender pursuant to division (B) (3) of section 2971.03 of the 950

Revised Code.	951
(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.	952 953 954 955 956
(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of 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.	957 958 959 960 961 962 963 964
(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.	965 966 967 968 969 970 971
(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	972 973 974 975 976 977 978 979 980

and prior to the prison term imposed for the underlying offense. 981

(2) (a) If an offender is convicted of or pleads guilty to 982
a felony violation of section 2907.22, 2907.24, 2907.241, or 983
2907.25 of the Revised Code and to a specification of the type 984
described in section 2941.1421 of the Revised Code and if the 985
court imposes a prison term on the offender for the felony 986
violation, the court may impose upon the offender an additional 987
prison term as follows: 988

(i) Subject to division (H) (2) (a) (ii) of this section, an 989
additional prison term of one, two, three, four, five, or six 990
months; 991

(ii) If the offender previously has been convicted of or 992
pleaded guilty to one or more felony or misdemeanor violations 993
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 994
the Revised Code and also was convicted of or pleaded guilty to 995
a specification of the type described in section 2941.1421 of 996
the Revised Code regarding one or more of those violations, an 997
additional prison term of one, two, three, four, five, six, 998
seven, eight, nine, ten, eleven, or twelve months. 999

(b) In lieu of imposing an additional prison term under 1000
division (H) (2) (a) of this section, the court may directly 1001
impose on the offender a sanction that requires the offender to 1002
wear a real-time processing, continual tracking electronic 1003
monitoring device during the period of time specified by the 1004
court. The period of time specified by the court shall equal the 1005
duration of an additional prison term that the court could have 1006
imposed upon the offender under division (H) (2) (a) of this 1007
section. A sanction imposed under this division shall commence 1008
on the date specified by the court, provided that the sanction 1009
shall not commence until after the offender has served the 1010

prison term imposed for the felony violation of section 2907.22, 1011
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1012
residential sanction imposed for the violation under section 1013
2929.16 of the Revised Code. A sanction imposed under this 1014
division shall be considered to be a community control sanction 1015
for purposes of section 2929.15 of the Revised Code, and all 1016
provisions of the Revised Code that pertain to community control 1017
sanctions shall apply to a sanction imposed under this division, 1018
except to the extent that they would by their nature be clearly 1019
inapplicable. The offender shall pay all costs associated with a 1020
sanction imposed under this division, including the cost of the 1021
use of the monitoring device. 1022

(I) At the time of sentencing, the court may recommend the 1023
offender for placement in a program of shock incarceration under 1024
section 5120.031 of the Revised Code or for placement in an 1025
intensive program prison under section 5120.032 of the Revised 1026
Code, disapprove placement of the offender in a program of shock 1027
incarceration or an intensive program prison of that nature, or 1028
make no recommendation on placement of the offender. In no case 1029
shall the department of rehabilitation and correction place the 1030
offender in a program or prison of that nature unless the 1031
department determines as specified in section 5120.031 or 1032
5120.032 of the Revised Code, whichever is applicable, that the 1033
offender is eligible for the placement. 1034

If the court disapproves placement of the offender in a 1035
program or prison of that nature, the department of 1036
rehabilitation and correction shall not place the offender in 1037
any program of shock incarceration or intensive program prison. 1038

If the court recommends placement of the offender in a 1039
program of shock incarceration or in an intensive program 1040

prison, and if the offender is subsequently placed in the 1041
recommended program or prison, the department shall notify the 1042
court of the placement and shall include with the notice a brief 1043
description of the placement. 1044

If the court recommends placement of the offender in a 1045
program of shock incarceration or in an intensive program prison 1046
and the department does not subsequently place the offender in 1047
the recommended program or prison, the department shall send a 1048
notice to the court indicating why the offender was not placed 1049
in the recommended program or prison. 1050

If the court does not make a recommendation under this 1051
division with respect to an offender and if the department 1052
determines as specified in section 5120.031 or 5120.032 of the 1053
Revised Code, whichever is applicable, that the offender is 1054
eligible for placement in a program or prison of that nature, 1055
the department shall screen the offender and determine if there 1056
is an available program of shock incarceration or an intensive 1057
program prison for which the offender is suited. If there is an 1058
available program of shock incarceration or an intensive program 1059
prison for which the offender is suited, the department shall 1060
notify the court of the proposed placement of the offender as 1061
specified in section 5120.031 or 5120.032 of the Revised Code 1062
and shall include with the notice a brief description of the 1063
placement. The court shall have ten days from receipt of the 1064
notice to disapprove the placement. 1065

(J) If a person is convicted of or pleads guilty to 1066
aggravated vehicular homicide in violation of division (A) (1) of 1067
section 2903.06 of the Revised Code and division (B) (2) (c) of 1068
that section applies, the person shall be sentenced pursuant to 1069
section 2929.142 of the Revised Code. 1070

(K) (1) The court shall impose an additional mandatory 1071
prison term of two, three, four, five, six, seven, eight, nine, 1072
ten, or eleven years on an offender who is convicted of or 1073
pleads guilty to a violent felony offense if the offender also 1074
is convicted of or pleads guilty to a specification of the type 1075
described in section 2941.1424 of the Revised Code that charges 1076
that the offender is a violent career criminal and had a firearm 1077
on or about the offender's person or under the offender's 1078
control while committing the presently charged violent felony 1079
offense and displayed or brandished the firearm, indicated that 1080
the offender possessed a firearm, or used the firearm to 1081
facilitate the offense. The offender shall serve the prison term 1082
imposed under this division consecutively to and prior to the 1083
prison term imposed for the underlying offense. The prison term 1084
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1085
any other provision of Chapter 2967. or 5120. of the Revised 1086
Code. A court may not impose more than one sentence under 1087
division (B) (2) (a) of this section and this division for acts 1088
committed as part of the same act or transaction. 1089

(2) As used in division (K) (1) of this section, "violent 1090
career criminal" and "violent felony offense" have the same 1091
meanings as in section 2923.132 of the Revised Code. 1092

(L) If an offender receives or received a sentence of life 1093
imprisonment without parole, a sentence of life imprisonment, a 1094
definite sentence, or a sentence to an indefinite prison term 1095
under this chapter for a felony offense that was committed when 1096
the offender was under eighteen years of age, the offender's 1097
parole eligibility shall be determined under section 2967.132 of 1098
the Revised Code. 1099

Section 2. That existing sections 2921.331 and 2929.14 of 1100

the Revised Code are hereby repealed. 1101

Section 3. Section 2929.14 of the Revised Code is 1102
presented in this act as a composite of the section as amended 1103
by both H.B. 136 and S.B. 256 of the 133rd General Assembly. The 1104
General Assembly, applying the principle stated in division (B) 1105
of section 1.52 of the Revised Code that amendments are to be 1106
harmonized if reasonably capable of simultaneous operation, 1107
finds that the composite is the resulting version of the section 1108
in effect prior to the effective date of the section as 1109
presented in this act. 1110