

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**H. B. No. 626**

**Representative Patton**

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**A BILL**

To amend sections 2921.331, 2927.21, 2929.01, and 1  
2929.13 of the Revised Code to modify the 2  
penalties for the offense of "failure to comply 3  
with an order or signal of a police officer" 4  
involving the offender's operation of a motor 5  
vehicle and expressly provide that a motor 6  
vehicle used in the offense is subject to 7  
possible seizure and forfeiture. 8

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

**Section 1.** That sections 2921.331, 2927.21, 2929.01, and 9  
2929.13 of the 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 who is in the 15  
performance of the officer's duties, after receiving a visible 16  
or audible signal from a police officer to bring the person's 17  
motor vehicle to a stop. 18

(C) (1) Whoever violates this section is guilty of failure 19

to comply with an order or signal of a police officer. 20

(2) A violation of division (A) of this section is a 21  
misdemeanor of the first degree. 22

(3) Except as provided in divisions (C) (4) ~~and~~, (5), and 23  
(6) of this section, a violation of division (B) of this section 24  
is a misdemeanor of the first degree and the court shall impose 25  
a mandatory jail term as required by division (D) of this 26  
section. 27

(4) Except as provided in ~~division~~ divisions (C) (5) and 28  
(6) of this section, a violation of division (B) of this section 29  
is a felony of the fourth degree and the court shall impose a 30  
mandatory prison term as required by division (D) of this 31  
section if the jury or judge as trier of fact finds by proof 32  
beyond a reasonable doubt that, ~~in~~ while committing the offense, 33  
any two or more of the following applied to the offender ~~was~~ 34  
~~fleeing immediately after the commission of a felony:~~ 35

(a) The offender was operating the motor vehicle by 36  
speeding in excess of fifteen miles per hour over the legal 37  
speed limit. 38

(b) The offender was operating the motor vehicle in 39  
violation of section 4511.19 of the Revised Code. 40

(c) The offender was operating the motor vehicle in 41  
violation of section 4511.20 or 4511.201 of the Revised Code. 42

(d) The offender was operating the motor vehicle 43  
negligently and that negligent operation was a proximate cause 44  
of an accident that caused property damage or physical harm to 45  
any person. 46

(e) The offender was operating the motor vehicle while 47

under a suspension or cancellation imposed under Chapter 4510. 48  
or any other provision of the Revised Code, or was operating the 49  
motor vehicle while the offender did not have a valid driver's 50  
license, commercial driver's license, temporary instruction 51  
permit, probationary license, or nonresident operating 52  
privilege, and was not eligible for renewal of the offender's 53  
driver's license or commercial driver's license without 54  
examination under section 4507.10 of the Revised Code. 55

(f) The offender was operating the motor vehicle in a 56  
school safety zone in excess of the posted speed limit in the 57  
school safety zone. 58

(g) The offender passed a stopped school bus. 59

(h) The offender was operating the motor vehicle with one 60  
or more children under twelve years of age in the vehicle. 61

~~(5)(a)~~ (5) A violation of division (B) of this section is 62  
a felony of the third degree and the court shall impose a 63  
mandatory prison term as required by division (D) of this 64  
section if the jury or judge as trier of fact finds ~~any~~ either 65  
of the following by proof beyond a reasonable doubt: 66

~~(i)~~ (a) The operation of the motor vehicle by the offender 67  
was a proximate cause of the death of another or of serious 68  
physical harm to persons or property. 69

~~(ii)~~ (b) The operation of the motor vehicle by the 70  
offender caused a substantial risk of serious physical harm to 71  
persons or property. 72

~~(b) If a police officer pursues an offender who is~~ 73  
~~violating division (B) of this section and division (C) (5) (a) of~~ 74  
~~this section applies, the sentencing court, in determining the~~ 75  
~~seriousness of an offender's conduct for purposes of sentencing~~ 76

~~the offender for a violation of division (B) of this section,~~ 77  
~~shall consider, along with the factors set forth in sections~~ 78  
~~2929.12 and 2929.13 of the Revised Code that are required to be~~ 79  
~~considered, all of the following:~~ 80

- ~~(i) The duration of the pursuit;~~ 81
- ~~(ii) The distance of the pursuit;~~ 82
- ~~(iii) The rate of speed at which the offender operated the~~ 83  
~~motor vehicle during the pursuit;~~ 84
- ~~(iv) Whether the offender failed to stop for traffic~~ 85  
~~lights or stop signs during the pursuit;~~ 86
- ~~(v) The number of traffic lights or stop signs for which~~ 87  
~~the offender failed to stop during the pursuit;~~ 88
- ~~(vi) Whether the offender operated the motor vehicle~~ 89  
~~during the pursuit without lighted lights during a time when~~ 90  
~~lighted lights are required;~~ 91
- ~~(vii) Whether the offender committed a moving violation~~ 92  
~~during the pursuit;~~ 93
- ~~(viii) The number of moving violations the offender~~ 94  
~~committed during the pursuit;~~ 95
- ~~(ix) Any other relevant factors indicating that the~~ 96  
~~offender's conduct is more serious than conduct normally~~ 97  
~~constituting the offense~~ 98

(6) A violation of division (B) of this 98  
section is a felony of the second degree and the court shall 99  
impose a mandatory prison term as required by division (D) of 100  
this section if the jury or judge as trier of fact finds by 101  
proof beyond a reasonable doubt that the operation of the motor 102  
vehicle by the offender was a proximate cause of the death of 103  
another and that, while committing the offense, any two or more 104

of the factors set forth in divisions (C) (4) (a) to (h) of this 105  
section applied to the offender. 106

~~(D) If an~~ (D) (1) The court shall impose as the mandatory 107  
jail term required under division (C) (3) of this section a term 108  
in jail authorized pursuant to section 2929.24 of the Revised 109  
Code for a misdemeanor of the first degree. 110

The court shall impose as the mandatory prison term 111  
required under division (C) (4) of this section a definite term 112  
from the range of prison terms provided in section 2929.14 of 113  
the Revised Code for a felony of the fourth degree. 114

The court shall impose as the mandatory prison term 115  
required under division (C) (5) of this section a definite term 116  
from the range of prison terms provided in division (A) (3) (b) of 117  
section 2929.14 of the Revised Code for a felony of the third 118  
degree. 119

In imposing the mandatory prison term required under 120  
division (C) (6) of this section, the court shall impose as the 121  
minimum prison term for the offense a mandatory prison term that 122  
is one of the minimum terms prescribed for a felony of the 123  
second degree in division (A) (2) (a) of section 2929.14 of the 124  
Revised Code. 125

~~(2) An offender is sentenced pursuant to division (C) (4)~~ 126  
~~or (5) of this section to a prison term for a violation of~~ 127  
~~division (B) of this section, and if the offender is sentenced~~ 128  
~~to a prison term for that violation, the offender shall serve~~ 129  
~~the prison term consecutively to any other prison term or~~ 130  
~~mandatory prison term imposed upon the offender.~~ 131

(E) In addition to any other sanction imposed for a 132  
violation of division (A) or (B) of this section, the court 133

shall suspend the offender's driver's license, commercial 134  
driver's license, temporary instruction permit, probationary 135  
license, or nonresident operating privilege as specified in this 136  
division. For a felony violation of division (B) of this 137  
section, the court shall impose a class ~~two~~one suspension from 138  
the range specified in division ~~(A) (2)~~(A) (1) of section 4510.02 139  
of the Revised Code. ~~In addition to any other sanction imposed~~ 140  
~~for~~For a misdemeanor violation of division (B) of this section, 141  
the court shall impose a class four suspension from the range 142  
specified in division (A) (4) of section 4510.02 of the Revised 143  
Code. For a violation of division (A) of this section~~or a~~ 144  
~~misdemeanor violation of division (B) of this section,~~ the court 145  
shall impose a class five suspension from the range specified in 146  
division (A) (5) of section 4510.02 of the Revised Code. If the 147  
offender previously has been found guilty of an offense under 148  
this section, ~~in addition to any other sanction imposed for the~~ 149  
~~offense,~~ the court shall impose a class one suspension as 150  
described in division (A) (1) of ~~that~~section 4510.02 of the 151  
Revised Code. The court shall not grant limited driving 152  
privileges to the offender on a suspension imposed for a felony 153  
violation of this section. The court may grant limited driving 154  
privileges to the offender on a suspension imposed for a 155  
misdemeanor violation of this section as set forth in section 156  
4510.021 of the Revised Code. No judge shall suspend ~~the first~~ 157  
~~three years of suspension under a class two suspension of an~~ 158  
~~offender's license, permit, or privilege required by this~~ 159  
~~division on any portion of the suspension under a class one~~ 160  
suspension of an offender's license, permit, or privilege 161  
required by this division. 162

(F) A motor vehicle used in a violation of division (B) of 163  
this section is contraband, and is an instrumentality, that is 164

<u>subject to seizure and forfeiture under Chapter 2981. of the</u>	165
<u>Revised Code.</u>	166
<u>(G) As used in this section:</u>	167
(1) "Moving violation" has the same meaning as in section	168
2743.70 of the Revised Code.	169
(2) "Police officer" has the same meaning as in section	170
4511.01 of the Revised Code.	171
<u>(3) "Instrumentality" has the same meaning as in section</u>	172
<u>2981.01 of the Revised Code.</u>	173
<b>Sec. 2927.21.</b> (A) As used in this section:	174
(1) "Offense subject to forfeiture proceedings" means any	175
of the following:	176
(a) A violation of section 2903.01, 2903.02, 2903.03,	177
2903.04, 2903.041, 2903.05, 2903.06, 2903.08, 2903.09, 2903.11,	178
2903.12, 2903.13, 2903.14, 2903.15, 2903.16, 2903.21, or	179
2903.211 of the Revised Code;	180
(b) A violation of section 2905.01, 2905.02, 2905.03,	181
2905.05, 2905.11, 2905.32, or 2905.33 of the Revised Code;	182
(c) A violation of section 2907.02, 2907.03, 2907.04,	183
2907.05, 2907.06, 2907.07, 2907.19, 2907.21, 2907.22, 2907.321,	184
2907.322, or 2907.323 of the Revised Code;	185
(d) A violation of section 2909.02, 2909.03, 2909.22,	186
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, or 2909.29 of the	187
Revised Code;	188
(e) A violation of section 2911.01, 2911.02, 2911.11,	189
2911.12, or 2911.13 of the Revised Code;	190
(f) A violation of section 2915.02, 2915.03, 2915.04, or	191

2915.05 of the Revised Code;	192
(g) A violation of section 2921.02, 2921.03, 2921.04,	193
2921.05, 2921.11, 2921.12, or 2921.41 <u>or division (B) of section</u>	194
<u>2921.331</u> of the Revised Code;	195
(h) A violation of section 2925.02, 2925.03, 2925.04,	196
2925.041, 2925.05, 2925.06, 2925.09, or 2925.11 of the Revised	197
Code;	198
(i) A conspiracy or attempt to commit, or complicity in	199
committing, any offense under division (A) (1) (a), (b), (c), (d),	200
(e), (f), (g), or (h) of this section.	201
(2) "Proceeds" has the same meaning as in section 2981.01	202
of the Revised Code.	203
(3) "Vehicle" has the same meaning as in section 4501.01	204
of the Revised Code.	205
(B) No person shall receive, retain, possess, or dispose	206
of proceeds knowing or having reasonable cause to believe that	207
the proceeds were derived from the commission of an offense	208
subject to forfeiture proceedings.	209
(C) It is not a defense to a charge of receiving proceeds	210
of an offense subject to forfeiture proceedings in violation of	211
this section that the proceeds were derived by means other than	212
the commission of an offense subject to forfeiture proceedings	213
if the property was explicitly represented to the accused person	214
as having been derived from the commission of an offense subject	215
to forfeiture proceedings.	216
(D) A person shall be considered to have received,	217
retained, possessed, or disposed of proceeds if the proceeds are	218
found anywhere in a vehicle and the person was the last person	219

who operated the vehicle immediately prior to the search of the 220  
vehicle by the law enforcement officer who found the proceeds. 221

(E) Whoever violates this section is guilty of receiving 222  
proceeds of an offense subject to forfeiture proceedings. If the 223  
value of the proceeds involved is less than one thousand 224  
dollars, receiving proceeds of an offense subject to forfeiture 225  
proceedings is a misdemeanor of the first degree. If the value 226  
of the proceeds involved is one thousand dollars or more and is 227  
less than twenty-five thousand dollars, receiving proceeds of an 228  
offense subject to forfeiture proceedings is a felony of the 229  
fifth degree. If the value of the proceeds involved is twenty- 230  
five thousand dollars or more and is less than one hundred fifty 231  
thousand dollars, receiving proceeds of an offense subject to 232  
forfeiture proceedings is a felony of the fourth degree. If the 233  
value of the proceeds involved is one hundred fifty thousand 234  
dollars or more, receiving proceeds of an offense subject to 235  
forfeiture proceedings is a felony of the third degree. 236

**Sec. 2929.01.** As used in this chapter: 237

(A) (1) "Alternative residential facility" means, subject 238  
to division (A) (2) of this section, any facility other than an 239  
offender's home or residence in which an offender is assigned to 240  
live and that satisfies all of the following criteria: 241

(a) It provides programs through which the offender may 242  
seek or maintain employment or may receive education, training, 243  
treatment, or habilitation. 244

(b) It has received the appropriate license or certificate 245  
for any specialized education, training, treatment, 246  
habilitation, or other service that it provides from the 247  
government agency that is responsible for licensing or 248

certifying that type of education, training, treatment,	249
habilitation, or service.	250
(2) "Alternative residential facility" does not include a	251
community-based correctional facility, jail, halfway house, or	252
prison.	253
(B) "Basic probation supervision" means a requirement that	254
the offender maintain contact with a person appointed to	255
supervise the offender in accordance with sanctions imposed by	256
the court or imposed by the parole board pursuant to section	257
2967.28 of the Revised Code. "Basic probation supervision"	258
includes basic parole supervision and basic post-release control	259
supervision.	260
(C) "Cocaine," "fentanyl-related compound," "hashish,"	261
"L.S.D.," and "unit dose" have the same meanings as in section	262
2925.01 of the Revised Code.	263
(D) "Community-based correctional facility" means a	264
community-based correctional facility and program or district	265
community-based correctional facility and program developed	266
pursuant to sections 2301.51 to 2301.58 of the Revised Code.	267
(E) "Community control sanction" means a sanction that is	268
not a prison term and that is described in section 2929.15,	269
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction	270
that is not a jail term and that is described in section	271
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community	272
control sanction" includes probation if the sentence involved	273
was imposed for a felony that was committed prior to July 1,	274
1996, or if the sentence involved was imposed for a misdemeanor	275
that was committed prior to January 1, 2004.	276
(F) "Controlled substance," "marihuana," "schedule I," and	277

"schedule II" have the same meanings as in section 3719.01 of the Revised Code.	278 279
(G) "Curfew" means a requirement that an offender during a specified period of time be at a designated place.	280 281
(H) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center.	282 283 284 285 286
(I) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.	287 288
(J) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the offender has ingested any alcohol or other drugs.	289 290 291 292
(K) "Drug treatment program" means any program under which a person undergoes assessment and treatment designed to reduce or completely eliminate the person's physical or emotional reliance upon alcohol, another drug, or alcohol and another drug and under which the person may be required to receive assessment and treatment on an outpatient basis or may be required to reside at a facility other than the person's home or residence while undergoing assessment and treatment.	293 294 295 296 297 298 299 300
(L) "Economic loss" means any economic detriment suffered by a victim as a direct and proximate result of the commission of an offense and includes any loss of income due to lost time at work because of any injury caused to the victim, any property loss, medical cost, or funeral expense incurred as a result of the commission of the offense, and the cost of any accounting or	301 302 303 304 305 306

auditing done to determine the extent of loss if the cost is 307  
incurred and payable by the victim. "Economic loss" does not 308  
include non-economic loss or any punitive or exemplary damages. 309

(M) "Education or training" includes study at, or in 310  
conjunction with a program offered by, a university, college, or 311  
technical college or vocational study and also includes the 312  
completion of primary school, secondary school, and literacy 313  
curricula or their equivalent. 314

(N) "Firearm" has the same meaning as in section 2923.11 315  
of the Revised Code. 316

(O) "Halfway house" means a facility licensed by the 317  
division of parole and community services of the department of 318  
rehabilitation and correction pursuant to section 2967.14 of the 319  
Revised Code as a suitable facility for the care and treatment 320  
of adult offenders. 321

(P) "House arrest" means a period of confinement of an 322  
offender that is in the offender's home or in other premises 323  
specified by the sentencing court or by the parole board 324  
pursuant to section 2967.28 of the Revised Code and during which 325  
all of the following apply: 326

(1) The offender is required to remain in the offender's 327  
home or other specified premises for the specified period of 328  
confinement, except for periods of time during which the 329  
offender is at the offender's place of employment or at other 330  
premises as authorized by the sentencing court or by the parole 331  
board. 332

(2) The offender is required to report periodically to a 333  
person designated by the court or parole board. 334

(3) The offender is subject to any other restrictions and 335

requirements that may be imposed by the sentencing court or by 336  
the parole board. 337

(Q) "Intensive probation supervision" means a requirement 338  
that an offender maintain frequent contact with a person 339  
appointed by the court, or by the parole board pursuant to 340  
section 2967.28 of the Revised Code, to supervise the offender 341  
while the offender is seeking or maintaining necessary 342  
employment and participating in training, education, and 343  
treatment programs as required in the court's or parole board's 344  
order. "Intensive probation supervision" includes intensive 345  
parole supervision and intensive post-release control 346  
supervision. 347

(R) "Jail" means a jail, workhouse, minimum security jail, 348  
or other residential facility used for the confinement of 349  
alleged or convicted offenders that is operated by a political 350  
subdivision or a combination of political subdivisions of this 351  
state. 352

(S) "Jail term" means the term in a jail that a sentencing 353  
court imposes or is authorized to impose pursuant to section 354  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 355  
provision of the Revised Code that authorizes a term in a jail 356  
for a misdemeanor conviction. 357

(T) "Mandatory jail term" means the term in a jail that a 358  
sentencing court is required to impose pursuant to division (G) 359  
of section 1547.99 of the Revised Code, division (E) of section 360  
2903.06 or division (D) of section 2903.08 of the Revised Code, 361  
divisions (C) and (D) of section 2921.331 of the Revised Code, 362  
division (E) or (G) of section 2929.24 of the Revised Code, 363  
division (B) of section 4510.14 of the Revised Code, or division 364  
(G) of section 4511.19 of the Revised Code or pursuant to any 365

other provision of the Revised Code that requires a term in a 366  
jail for a misdemeanor conviction. 367

(U) "Delinquent child" has the same meaning as in section 368  
2152.02 of the Revised Code. 369

(V) "License violation report" means a report that is made 370  
by a sentencing court, or by the parole board pursuant to 371  
section 2967.28 of the Revised Code, to the regulatory or 372  
licensing board or agency that issued an offender a professional 373  
license or a license or permit to do business in this state and 374  
that specifies that the offender has been convicted of or 375  
pleaded guilty to an offense that may violate the conditions 376  
under which the offender's professional license or license or 377  
permit to do business in this state was granted or an offense 378  
for which the offender's professional license or license or 379  
permit to do business in this state may be revoked or suspended. 380

(W) "Major drug offender" means an offender who is 381  
convicted of or pleads guilty to the possession of, sale of, or 382  
offer to sell any drug, compound, mixture, preparation, or 383  
substance that consists of or contains at least one thousand 384  
grams of hashish; at least one hundred grams of cocaine; at 385  
least one thousand unit doses or one hundred grams of heroin; at 386  
least five thousand unit doses of L.S.D. or five hundred grams 387  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 388  
distillate form; at least fifty grams of a controlled substance 389  
analog; at least one thousand unit doses or one hundred grams of 390  
a fentanyl-related compound; or at least one hundred times the 391  
amount of any other schedule I or II controlled substance other 392  
than marihuana that is necessary to commit a felony of the third 393  
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 394  
of the Revised Code that is based on the possession of, sale of, 395

or offer to sell the controlled substance. 396

(X) "Mandatory prison term" means any of the following: 397

(1) Subject to division (X) (2) of this section, the term 398  
in prison that must be imposed for the offenses or circumstances 399  
set forth in divisions (F) (1) to (8) or (F) (12) to ~~(21)~~ (22) of 400  
section 2929.13 and division (B) of section 2929.14 of the 401  
Revised Code. Except as provided in sections 2925.02, 2925.03, 402  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 403  
maximum or another specific term is required under section 404  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 405  
described in this division may be any prison term authorized for 406  
the level of offense except that if the offense is a felony of 407  
the first or second degree committed on or after March 22, 2019, 408  
a mandatory prison term described in this division may be one of 409  
the terms prescribed in division (A) (1) (a) or (2) (a) of section 410  
2929.14 of the Revised Code, whichever is applicable, that is 411  
authorized as the minimum term for the offense. 412

(2) The term of sixty or one hundred twenty days in prison 413  
that a sentencing court is required to impose for a third or 414  
fourth degree felony OVI offense pursuant to division (G) (2) of 415  
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 416  
of the Revised Code or the term of one, two, three, four, or 417  
five years in prison that a sentencing court is required to 418  
impose pursuant to division (G) (2) of section 2929.13 of the 419  
Revised Code. 420

(3) The term in prison imposed pursuant to division (A) of 421  
section 2971.03 of the Revised Code for the offenses and in the 422  
circumstances described in division (F) (11) of section 2929.13 423  
of the Revised Code or pursuant to division (B) (1) (a), (b), or 424  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 425

section 2971.03 of the Revised Code and that term as modified or 426  
terminated pursuant to section 2971.05 of the Revised Code. 427

(Y) "Monitored time" means a period of time during which 428  
an offender continues to be under the control of the sentencing 429  
court or parole board, subject to no conditions other than 430  
leading a law-abiding life. 431

(Z) "Offender" means a person who, in this state, is 432  
convicted of or pleads guilty to a felony or a misdemeanor. 433

(AA) "Prison" means a residential facility used for the 434  
confinement of convicted felony offenders that is under the 435  
control of the department of rehabilitation and correction and 436  
includes a violation sanction center operated under authority of 437  
section 2967.141 of the Revised Code. 438

(BB) (1) "Prison term" includes either of the following 439  
sanctions for an offender: 440

(a) A stated prison term; 441

(b) A term in a prison shortened by, or with the approval 442  
of, the sentencing court pursuant to section 2929.143, 2929.20, 443  
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 444

(2) With respect to a non-life felony indefinite prison 445  
term, references in any provision of law to a reduction of, or 446  
deduction from, the prison term mean a reduction in, or 447  
deduction from, the minimum term imposed as part of the 448  
indefinite term. 449

(CC) "Repeat violent offender" means a person about whom 450  
both of the following apply: 451

(1) The person is being sentenced for committing or for 452  
complicity in committing any of the following: 453

(a) Aggravated murder, murder, any felony of the first or 454  
second degree that is an offense of violence, or an attempt to 455  
commit any of these offenses if the attempt is a felony of the 456  
first or second degree; 457

(b) An offense under an existing or former law of this 458  
state, another state, or the United States that is or was 459  
substantially equivalent to an offense described in division 460  
(CC) (1) (a) of this section. 461

(2) The person previously was convicted of or pleaded 462  
guilty to an offense described in division (CC) (1) (a) or (b) of 463  
this section. 464

(DD) "Sanction" means any penalty imposed upon an offender 465  
who is convicted of or pleads guilty to an offense, as 466  
punishment for the offense. "Sanction" includes any sanction 467  
imposed pursuant to any provision of sections 2929.14 to 2929.18 468  
or 2929.24 to 2929.28 of the Revised Code. 469

(EE) "Sentence" means the sanction or combination of 470  
sanctions imposed by the sentencing court on an offender who is 471  
convicted of or pleads guilty to an offense. 472

(FF) (1) "Stated prison term" means the prison term, 473  
mandatory prison term, or combination of all prison terms and 474  
mandatory prison terms imposed by the sentencing court pursuant 475  
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 476  
under section 2919.25 of the Revised Code. "Stated prison term" 477  
includes any credit received by the offender for time spent in 478  
jail awaiting trial, sentencing, or transfer to prison for the 479  
offense and any time spent under house arrest or house arrest 480  
with electronic monitoring imposed after earning credits 481  
pursuant to section 2967.193 of the Revised Code. If an offender 482

is serving a prison term as a risk reduction sentence under 483  
sections 2929.143 and 5120.036 of the Revised Code, "stated 484  
prison term" includes any period of time by which the prison 485  
term imposed upon the offender is shortened by the offender's 486  
successful completion of all assessment and treatment or 487  
programming pursuant to those sections. 488

(2) As used in the definition of "stated prison term" set 489  
forth in division (FF)(1) of this section, a prison term is a 490  
definite prison term imposed under section 2929.14 of the 491  
Revised Code or any other provision of law, is the minimum and 492  
maximum prison terms under a non-life felony indefinite prison 493  
term, or is a term of life imprisonment except to the extent 494  
that the use of that definition in a section of the Revised Code 495  
clearly is not intended to include a term of life imprisonment. 496  
With respect to an offender sentenced to a non-life felony 497  
indefinite prison term, references in section 2967.191 or 498  
2967.193 of the Revised Code or any other provision of law to a 499  
reduction of, or deduction from, the offender's stated prison 500  
term or to release of the offender before the expiration of the 501  
offender's stated prison term mean a reduction in, or deduction 502  
from, the minimum term imposed as part of the indefinite term or 503  
a release of the offender before the expiration of that minimum 504  
term, references in section 2929.19 or 2967.28 of the Revised 505  
Code to a stated prison term with respect to a prison term 506  
imposed for a violation of a post-release control sanction mean 507  
the minimum term so imposed, and references in any provision of 508  
law to an offender's service of the offender's stated prison 509  
term or the expiration of the offender's stated prison term mean 510  
service or expiration of the minimum term so imposed plus any 511  
additional period of incarceration under the sentence that is 512  
required under section 2967.271 of the Revised Code. 513

(GG) "Victim-offender mediation" means a reconciliation or mediation program that involves an offender and the victim of the offense committed by the offender and that includes a meeting in which the offender and the victim may discuss the offense, discuss restitution, and consider other sanctions for the offense.

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

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

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

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

(LL) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under

eighteen years of age, regardless of whether the offender knows 543  
the age of the child or whether the offender knows the offense 544  
is being committed within thirty feet of or within the same 545  
residential unit as the child and regardless of whether the 546  
child actually views the commission of the offense. 547

(MM) "Family or household member" has the same meaning as 548  
in section 2919.25 of the Revised Code. 549

(NN) "Motor vehicle" and "manufactured home" have the same 550  
meanings as in section 4501.01 of the Revised Code. 551

(OO) "Detention" and "detention facility" have the same 552  
meanings as in section 2921.01 of the Revised Code. 553

(PP) "Third degree felony OVI offense" means a violation 554  
of division (A) of section 4511.19 of the Revised Code that, 555  
under division (G) of that section, is a felony of the third 556  
degree. 557

(QQ) "Random drug testing" has the same meaning as in 558  
section 5120.63 of the Revised Code. 559

(RR) "Felony sex offense" has the same meaning as in 560  
section 2967.28 of the Revised Code. 561

(SS) "Body armor" has the same meaning as in section 562  
2941.1411 of the Revised Code. 563

(TT) "Electronic monitoring" means monitoring through the 564  
use of an electronic monitoring device. 565

(UU) "Electronic monitoring device" means any of the 566  
following: 567

(1) Any device that can be operated by electrical or 568  
battery power and that conforms with all of the following: 569

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

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

(c) The device has a central monitoring computer that can receive continuously the signals transmitted by a wireless or landline telephone connection by a receiver of the type

described in division (UU) (1) (b) of this section and can monitor 601  
continuously the person to whom an electronic monitoring device 602  
of the type described in division (UU) (1) (a) of this section is 603  
attached. 604

(2) Any device that is not a device of the type described 605  
in division (UU) (1) of this section and that conforms with all 606  
of the following: 607

(a) The device includes a transmitter and receiver that 608  
can monitor and determine the location of a subject person at 609  
any time, or at a designated point in time, through the use of a 610  
central monitoring computer or through other electronic means. 611

(b) The device includes a transmitter and receiver that 612  
can determine at any time, or at a designated point in time, 613  
through the use of a central monitoring computer or other 614  
electronic means the fact that the transmitter is turned off or 615  
altered in any manner without prior approval of the court in 616  
relation to the electronic monitoring or without prior approval 617  
of the department of rehabilitation and correction in relation 618  
to the use of an electronic monitoring device for an inmate on 619  
transitional control or otherwise is tampered with. 620

(3) Any type of technology that can adequately track or 621  
determine the location of a subject person at any time and that 622  
is approved by the director of rehabilitation and correction, 623  
including, but not limited to, any satellite technology, voice 624  
tracking system, or retinal scanning system that is so approved. 625

(VV) "Non-economic loss" means nonpecuniary harm suffered 626  
by a victim of an offense as a result of or related to the 627  
commission of the offense, including, but not limited to, pain 628  
and suffering; loss of society, consortium, companionship, care, 629

assistance, attention, protection, advice, guidance, counsel, 630  
instruction, training, or education; mental anguish; and any 631  
other intangible loss. 632

(WW) "Prosecutor" has the same meaning as in section 633  
2935.01 of the Revised Code. 634

(XX) "Continuous alcohol monitoring" means the ability to 635  
automatically test and periodically transmit alcohol consumption 636  
levels and tamper attempts at least every hour, regardless of 637  
the location of the person who is being monitored. 638

(YY) A person is "adjudicated a sexually violent predator" 639  
if the person is convicted of or pleads guilty to a violent sex 640  
offense and also is convicted of or pleads guilty to a sexually 641  
violent predator specification that was included in the 642  
indictment, count in the indictment, or information charging 643  
that violent sex offense or if the person is convicted of or 644  
pleads guilty to a designated homicide, assault, or kidnapping 645  
offense and also is convicted of or pleads guilty to both a 646  
sexual motivation specification and a sexually violent predator 647  
specification that were included in the indictment, count in the 648  
indictment, or information charging that designated homicide, 649  
assault, or kidnapping offense. 650

(ZZ) An offense is "committed in proximity to a school" if 651  
the offender commits the offense in a school safety zone or 652  
within five hundred feet of any school building or the 653  
boundaries of any school premises, regardless of whether the 654  
offender knows the offense is being committed in a school safety 655  
zone or within five hundred feet of any school building or the 656  
boundaries of any school premises. 657

(AAA) "Human trafficking" means a scheme or plan to which 658

all of the following apply: 659

(1) Its object is one or both of the following: 660

(a) To subject a victim or victims to involuntary 661  
servitude, as defined in section 2905.31 of the Revised Code or 662  
to compel a victim or victims to engage in sexual activity for 663  
hire, to engage in a performance that is obscene, sexually 664  
oriented, or nudity oriented, or to be a model or participant in 665  
the production of material that is obscene, sexually oriented, 666  
or nudity oriented; 667

(b) To facilitate, encourage, or recruit a victim who is a 668  
minor or is a person with a developmental disability, or victims 669  
who are minors or are persons with developmental disabilities, 670  
for any purpose listed in divisions (A) (2) (a) to (c) of section 671  
2905.32 of the Revised Code. 672

(2) It involves at least two felony offenses, whether or 673  
not there has been a prior conviction for any of the felony 674  
offenses, to which all of the following apply: 675

(a) Each of the felony offenses is a violation of section 676  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 677  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 678  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 679  
is a violation of a law of any state other than this state that 680  
is substantially similar to any of the sections or divisions of 681  
the Revised Code identified in this division. 682

(b) At least one of the felony offenses was committed in 683  
this state. 684

(c) The felony offenses are related to the same scheme or 685  
plan and are not isolated instances. 686

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

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

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

(EEE) "Accelerant" means a fuel or oxidizing agent, such as an ignitable liquid, used to initiate a fire or increase the rate of growth or spread of a fire.

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

(GGG) "Non-life felony indefinite prison term" means a prison term imposed under division (A) (1) (a) or (2) (a) of section 2929.14 and section 2929.144 of the Revised Code for a felony of the first or second degree committed on or after March 22, 2019.

**Sec. 2929.13.** (A) Except as provided in division (E), (F),

or (G) of this section and unless a specific sanction is 716  
required to be imposed or is precluded from being imposed 717  
pursuant to law, a court that imposes a sentence upon an 718  
offender for a felony may impose any sanction or combination of 719  
sanctions on the offender that are provided in sections 2929.14 720  
to 2929.18 of the Revised Code. 721

If the offender is eligible to be sentenced to community 722  
control sanctions, the court shall consider the appropriateness 723  
of imposing a financial sanction pursuant to section 2929.18 of 724  
the Revised Code or a sanction of community service pursuant to 725  
section 2929.17 of the Revised Code as the sole sanction for the 726  
offense. Except as otherwise provided in this division, if the 727  
court is required to impose a mandatory prison term for the 728  
offense for which sentence is being imposed, the court also 729  
shall impose any financial sanction pursuant to section 2929.18 730  
of the Revised Code that is required for the offense and may 731  
impose any other financial sanction pursuant to that section but 732  
may not impose any additional sanction or combination of 733  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 734

If the offender is being sentenced for a fourth degree 735  
felony OVI offense or for a third degree felony OVI offense, in 736  
addition to the mandatory term of local incarceration or the 737  
mandatory prison term required for the offense by division (G) 738  
(1) or (2) of this section, the court shall impose upon the 739  
offender a mandatory fine in accordance with division (B) (3) of 740  
section 2929.18 of the Revised Code and may impose whichever of 741  
the following is applicable: 742

(1) For a fourth degree felony OVI offense for which 743  
sentence is imposed under division (G) (1) of this section, an 744  
additional community control sanction or combination of 745

community control sanctions under section 2929.16 or 2929.17 of 746  
the Revised Code. If the court imposes upon the offender a 747  
community control sanction and the offender violates any 748  
condition of the community control sanction, the court may take 749  
any action prescribed in division (B) of section 2929.15 of the 750  
Revised Code relative to the offender, including imposing a 751  
prison term on the offender pursuant to that division. 752

(2) For a third or fourth degree felony OVI offense for 753  
which sentence is imposed under division (G) (2) of this section, 754  
an additional prison term as described in division (B) (4) of 755  
section 2929.14 of the Revised Code or a community control 756  
sanction as described in division (G) (2) of this section. 757

(B) (1) (a) Except as provided in division (B) (1) (b) of this 758  
section, if an offender is convicted of or pleads guilty to a 759  
felony of the fourth or fifth degree that is not an offense of 760  
violence or that is a qualifying assault offense, the court 761  
shall sentence the offender to a community control sanction or 762  
combination of community control sanctions if all of the 763  
following apply: 764

(i) The offender previously has not been convicted of or 765  
pleaded guilty to a felony offense. 766

(ii) The most serious charge against the offender at the 767  
time of sentencing is a felony of the fourth or fifth degree. 768

(iii) The offender previously has not been convicted of or 769  
pleaded guilty to a misdemeanor offense of violence that the 770  
offender committed within two years prior to the offense for 771  
which sentence is being imposed. 772

(b) The court has discretion to impose a prison term upon 773  
an offender who is convicted of or pleads guilty to a felony of 774

the fourth or fifth degree that is not an offense of violence or 775  
that is a qualifying assault offense if any of the following 776  
apply: 777

(i) The offender committed the offense while having a 778  
firearm on or about the offender's person or under the 779  
offender's control. 780

(ii) If the offense is a qualifying assault offense, the 781  
offender caused serious physical harm to another person while 782  
committing the offense, and, if the offense is not a qualifying 783  
assault offense, the offender caused physical harm to another 784  
person while committing the offense. 785

(iii) The offender violated a term of the conditions of 786  
bond as set by the court. 787

(iv) The offense is a sex offense that is a fourth or 788  
fifth degree felony violation of any provision of Chapter 2907. 789  
of the Revised Code. 790

(v) In committing the offense, the offender attempted to 791  
cause or made an actual threat of physical harm to a person with 792  
a deadly weapon. 793

(vi) In committing the offense, the offender attempted to 794  
cause or made an actual threat of physical harm to a person, and 795  
the offender previously was convicted of an offense that caused 796  
physical harm to a person. 797

(vii) The offender held a public office or position of 798  
trust, and the offense related to that office or position; the 799  
offender's position obliged the offender to prevent the offense 800  
or to bring those committing it to justice; or the offender's 801  
professional reputation or position facilitated the offense or 802  
was likely to influence the future conduct of others. 803

(viii) The offender committed the offense for hire or as part of an organized criminal activity. 804  
805

(ix) The offender at the time of the offense was serving, or the offender previously had served, a prison term. 806  
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(x) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance. 808  
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(c) A sentencing court may impose an additional penalty under division (B) of section 2929.15 of the Revised Code upon an offender sentenced to a community control sanction under division (B)(1)(a) of this section if the offender violates the conditions of the community control sanction, violates a law, or leaves the state without the permission of the court or the offender's probation officer. 811  
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(2) If division (B)(1) of this section does not apply, except as provided in division (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the fourth or fifth degree, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of the Revised Code. 818  
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(C) Except as provided in division (D), (E), (F), or (G) of this section, in determining whether to impose a prison term as a sanction for a felony of the third degree or a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to this division for purposes of sentencing, the sentencing court shall comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code and with section 2929.12 of 825  
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the Revised Code. 833

(D) (1) Except as provided in division (E) or (F) of this 834  
section, for a felony of the first or second degree, for a 835  
felony drug offense that is a violation of any provision of 836  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 837  
presumption in favor of a prison term is specified as being 838  
applicable, and for a violation of division (A) (4) or (B) of 839  
section 2907.05 of the Revised Code for which a presumption in 840  
favor of a prison term is specified as being applicable, it is 841  
presumed that a prison term is necessary in order to comply with 842  
the purposes and principles of sentencing under section 2929.11 843  
of the Revised Code. Division (D) (2) of this section does not 844  
apply to a presumption established under this division for a 845  
violation of division (A) (4) of section 2907.05 of the Revised 846  
Code. 847

(2) Notwithstanding the presumption established under 848  
division (D) (1) of this section for the offenses listed in that 849  
division other than a violation of division (A) (4) or (B) of 850  
section 2907.05 of the Revised Code, the sentencing court may 851  
impose a community control sanction or a combination of 852  
community control sanctions instead of a prison term on an 853  
offender for a felony of the first or second degree or for a 854  
felony drug offense that is a violation of any provision of 855  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 856  
presumption in favor of a prison term is specified as being 857  
applicable if it makes both of the following findings: 858

(a) A community control sanction or a combination of 859  
community control sanctions would adequately punish the offender 860  
and protect the public from future crime, because the applicable 861  
factors under section 2929.12 of the Revised Code indicating a 862

lesser likelihood of recidivism outweigh the applicable factors 863  
under that section indicating a greater likelihood of 864  
recidivism. 865

(b) A community control sanction or a combination of 866  
community control sanctions would not demean the seriousness of 867  
the offense, because one or more factors under section 2929.12 868  
of the Revised Code that indicate that the offender's conduct 869  
was less serious than conduct normally constituting the offense 870  
are applicable, and they outweigh the applicable factors under 871  
that section that indicate that the offender's conduct was more 872  
serious than conduct normally constituting the offense. 873

(E) (1) Except as provided in division (F) of this section, 874  
for any drug offense that is a violation of any provision of 875  
Chapter 2925. of the Revised Code and that is a felony of the 876  
third, fourth, or fifth degree, the applicability of a 877  
presumption under division (D) of this section in favor of a 878  
prison term or of division (B) or (C) of this section in 879  
determining whether to impose a prison term for the offense 880  
shall be determined as specified in section 2925.02, 2925.03, 881  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 882  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 883  
regarding the violation. 884

(2) If an offender who was convicted of or pleaded guilty 885  
to a felony violates the conditions of a community control 886  
sanction imposed for the offense solely by reason of producing 887  
positive results on a drug test or by acting pursuant to 888  
division (B) (2) (b) of section 2925.11 of the Revised Code with 889  
respect to a minor drug possession offense, the court, as 890  
punishment for the violation of the sanction, shall not order 891  
that the offender be imprisoned unless the court determines on 892

the record either of the following: 893

(a) The offender had been ordered as a sanction for the 894  
felony to participate in a drug treatment program, in a drug 895  
education program, or in narcotics anonymous or a similar 896  
program, and the offender continued to use illegal drugs after a 897  
reasonable period of participation in the program. 898

(b) The imprisonment of the offender for the violation is 899  
consistent with the purposes and principles of sentencing set 900  
forth in section 2929.11 of the Revised Code. 901

(3) A court that sentences an offender for a drug abuse 902  
offense that is a felony of the third, fourth, or fifth degree 903  
may require that the offender be assessed by a properly 904  
credentialed professional within a specified period of time. The 905  
court shall require the professional to file a written 906  
assessment of the offender with the court. If the offender is 907  
eligible for a community control sanction and after considering 908  
the written assessment, the court may impose a community control 909  
sanction that includes addiction services and recovery supports 910  
included in a community-based continuum of care established 911  
under section 340.032 of the Revised Code. If the court imposes 912  
addiction services and recovery supports as a community control 913  
sanction, the court shall direct the level and type of addiction 914  
services and recovery supports after considering the assessment 915  
and recommendation of community addiction services providers. 916

(F) Notwithstanding divisions (A) to (E) of this section, 917  
the court shall impose a prison term or terms under sections 918  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 919  
section 2971.03 of the Revised Code and except as specifically 920  
provided in section 2929.20, divisions (C) to (I) of section 921  
2967.19, or section 2967.191 of the Revised Code or when parole 922

is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

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

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

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

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

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

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

(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual

battery, and the victim of the previous offense was less than 952  
thirteen years of age. 953

(ii) The offense was committed on or after August 3, 2006. 954

(4) A felony violation of section 2903.04, 2903.06, 955  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 956  
2921.331, or 2923.132 of the Revised Code if the section 957  
requires the imposition of a prison term; 958

(5) A first, second, or third degree felony drug offense 959  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 960  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 961  
or 4729.99 of the Revised Code, whichever is applicable 962  
regarding the violation, requires the imposition of a mandatory 963  
prison term; 964

(6) Any offense that is a first or second degree felony 965  
and that is not set forth in division (F) (1), (2), (3), or (4) 966  
of this section, if the offender previously was convicted of or 967  
pleaded guilty to aggravated murder, murder, any first or second 968  
degree felony, or an offense under an existing or former law of 969  
this state, another state, or the United States that is or was 970  
substantially equivalent to one of those offenses; 971

(7) Any offense that is a third degree felony and either 972  
is a violation of section 2903.04 of the Revised Code or an 973  
attempt to commit a felony of the second degree that is an 974  
offense of violence and involved an attempt to cause serious 975  
physical harm to a person or that resulted in serious physical 976  
harm to a person if the offender previously was convicted of or 977  
pleaded guilty to any of the following offenses: 978

(a) Aggravated murder, murder, involuntary manslaughter, 979  
rape, felonious sexual penetration as it existed under section 980

2907.12 of the Revised Code prior to September 3, 1996, a felony 981  
of the first or second degree that resulted in the death of a 982  
person or in physical harm to a person, or complicity in or an 983  
attempt to commit any of those offenses; 984

(b) An offense under an existing or former law of this 985  
state, another state, or the United States that is or was 986  
substantially equivalent to an offense listed in division (F) (7) 987  
(a) of this section that resulted in the death of a person or in 988  
physical harm to a person. 989

(8) Any offense, other than a violation of section 2923.12 990  
of the Revised Code, that is a felony, if the offender had a 991  
firearm on or about the offender's person or under the 992  
offender's control while committing the felony, with respect to 993  
a portion of the sentence imposed pursuant to division (B) (1) (a) 994  
of section 2929.14 of the Revised Code for having the firearm; 995

(9) Any offense of violence that is a felony, if the 996  
offender wore or carried body armor while committing the felony 997  
offense of violence, with respect to the portion of the sentence 998  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 999  
Revised Code for wearing or carrying the body armor; 1000

(10) Corrupt activity in violation of section 2923.32 of 1001  
the Revised Code when the most serious offense in the pattern of 1002  
corrupt activity that is the basis of the offense is a felony of 1003  
the first degree; 1004

(11) Any violent sex offense or designated homicide, 1005  
assault, or kidnapping offense if, in relation to that offense, 1006  
the offender is adjudicated a sexually violent predator; 1007

(12) A violation of division (A) (1) or (2) of section 1008  
2921.36 of the Revised Code, or a violation of division (C) of 1009

that section involving an item listed in division (A) (1) or (2) 1010  
of that section, if the offender is an officer or employee of 1011  
the department of rehabilitation and correction; 1012

(13) A violation of division (A) (1) or (2) of section 1013  
2903.06 of the Revised Code if the victim of the offense is a 1014  
peace officer, as defined in section 2935.01 of the Revised 1015  
Code, or an investigator of the bureau of criminal 1016  
identification and investigation, as defined in section 2903.11 1017  
of the Revised Code, with respect to the portion of the sentence 1018  
imposed pursuant to division (B) (5) of section 2929.14 of the 1019  
Revised Code; 1020

(14) A violation of division (A) (1) or (2) of section 1021  
2903.06 of the Revised Code if the offender has been convicted 1022  
of or pleaded guilty to three or more violations of division (A) 1023  
or (B) of section 4511.19 of the Revised Code or an equivalent 1024  
offense, as defined in section 2941.1415 of the Revised Code, or 1025  
three or more violations of any combination of those divisions 1026  
and offenses, with respect to the portion of the sentence 1027  
imposed pursuant to division (B) (6) of section 2929.14 of the 1028  
Revised Code; 1029

(15) Kidnapping, in the circumstances specified in section 1030  
2971.03 of the Revised Code and when no other provision of 1031  
division (F) of this section applies; 1032

(16) Kidnapping, abduction, compelling prostitution, 1033  
promoting prostitution, engaging in a pattern of corrupt 1034  
activity, a violation of division (A) (1) or (2) of section 1035  
2907.323 of the Revised Code that involves a minor, or 1036  
endangering children in violation of division (B) (1), (2), (3), 1037  
(4), or (5) of section 2919.22 of the Revised Code, if the 1038  
offender is convicted of or pleads guilty to a specification as 1039

described in section 2941.1422 of the Revised Code that was 1040  
included in the indictment, count in the indictment, or 1041  
information charging the offense; 1042

(17) A felony violation of division (A) or (B) of section 1043  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 1044  
that section, and division (D) (6) of that section, require the 1045  
imposition of a prison term; 1046

(18) A felony violation of section 2903.11, 2903.12, or 1047  
2903.13 of the Revised Code, if the victim of the offense was a 1048  
woman that the offender knew was pregnant at the time of the 1049  
violation, with respect to a portion of the sentence imposed 1050  
pursuant to division (B) (8) of section 2929.14 of the Revised 1051  
Code; 1052

(19) (a) Any violent felony offense if the offender is a 1053  
violent career criminal and had a firearm on or about the 1054  
offender's person or under the offender's control during the 1055  
commission of the violent felony offense and displayed or 1056  
brandished the firearm, indicated that the offender possessed a 1057  
firearm, or used the firearm to facilitate the offense, with 1058  
respect to the portion of the sentence imposed under division 1059  
(K) of section 2929.14 of the Revised Code. 1060

(b) As used in division (F) (19) (a) of this section, 1061  
"violent career criminal" and "violent felony offense" have the 1062  
same meanings as in section 2923.132 of the Revised Code. 1063

(20) Any violation of division (A) (1) of section 2903.11 1064  
of the Revised Code if the offender used an accelerant in 1065  
committing the violation and the serious physical harm to 1066  
another or another's unborn caused by the violation resulted in 1067  
a permanent, serious disfigurement or permanent, substantial 1068

incapacity or any violation of division (A) (2) of that section 1069  
if the offender used an accelerant in committing the violation, 1070  
the violation caused physical harm to another or another's 1071  
unborn, and the physical harm resulted in a permanent, serious 1072  
disfigurement or permanent, substantial incapacity, with respect 1073  
to a portion of the sentence imposed pursuant to division (B) (9) 1074  
of section 2929.14 of the Revised Code. The provisions of this 1075  
division and of division (D) (2) of section 2903.11, divisions 1076  
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 1077  
the Revised Code shall be known as "Judy's Law." 1078

(21) Any violation of division (A) of section 2903.11 of 1079  
the Revised Code if the victim of the offense suffered permanent 1080  
disabling harm as a result of the offense and the victim was 1081  
under ten years of age at the time of the offense, with respect 1082  
to a portion of the sentence imposed pursuant to division (B) 1083  
(10) of section 2929.14 of the Revised Code. 1084

(22) A felony violation of section 2925.03, 2925.05, or 1085  
2925.11 of the Revised Code, if the drug involved in the 1086  
violation is a fentanyl-related compound or a compound, mixture, 1087  
preparation, or substance containing a fentanyl-related compound 1088  
and the offender is convicted of or pleads guilty to a 1089  
specification of the type described in division (B) of section 1090  
2941.1410 of the Revised Code that was included in the 1091  
indictment, count in the indictment, or information charging the 1092  
offense, with respect to the portion of the sentence imposed 1093  
under division (B) (11) of section 2929.14 of the Revised Code. 1094

(G) Notwithstanding divisions (A) to (E) of this section, 1095  
if an offender is being sentenced for a fourth degree felony OVI 1096  
offense or for a third degree felony OVI offense, the court 1097  
shall impose upon the offender a mandatory term of local 1098

incarceration or a mandatory prison term in accordance with the 1099  
following: 1100

(1) If the offender is being sentenced for a fourth degree 1101  
felony OVI offense and if the offender has not been convicted of 1102  
and has not pleaded guilty to a specification of the type 1103  
described in section 2941.1413 of the Revised Code, the court 1104  
may impose upon the offender a mandatory term of local 1105  
incarceration of sixty days or one hundred twenty days as 1106  
specified in division (G)(1)(d) of section 4511.19 of the 1107  
Revised Code. The court shall not reduce the term pursuant to 1108  
section 2929.20, 2967.193, or any other provision of the Revised 1109  
Code. The court that imposes a mandatory term of local 1110  
incarceration under this division shall specify whether the term 1111  
is to be served in a jail, a community-based correctional 1112  
facility, a halfway house, or an alternative residential 1113  
facility, and the offender shall serve the term in the type of 1114  
facility specified by the court. A mandatory term of local 1115  
incarceration imposed under division (G)(1) of this section is 1116  
not subject to any other Revised Code provision that pertains to 1117  
a prison term except as provided in division (A)(1) of this 1118  
section. 1119

(2) If the offender is being sentenced for a third degree 1120  
felony OVI offense, or if the offender is being sentenced for a 1121  
fourth degree felony OVI offense and the court does not impose a 1122  
mandatory term of local incarceration under division (G)(1) of 1123  
this section, the court shall impose upon the offender a 1124  
mandatory prison term of one, two, three, four, or five years if 1125  
the offender also is convicted of or also pleads guilty to a 1126  
specification of the type described in section 2941.1413 of the 1127  
Revised Code or shall impose upon the offender a mandatory 1128  
prison term of sixty days or one hundred twenty days as 1129

specified in division (G) (1) (d) or (e) of section 4511.19 of the Revised Code if the offender has not been convicted of and has not pleaded guilty to a specification of that type. Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the court shall not reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or any other provision of the Revised Code. The offender shall serve the one-, two-, three-, four-, or five-year mandatory prison term consecutively to and prior to the prison term imposed for the underlying offense and consecutively to any other mandatory prison term imposed in relation to the offense. In no case shall an offender who once has been sentenced to a mandatory term of local incarceration pursuant to division (G) (1) of this section for a fourth degree felony OVI offense be sentenced to another mandatory term of local incarceration under that division for any violation of division (A) of section 4511.19 of the Revised Code. In addition to the mandatory prison term described in division (G) (2) of this section, the court 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 the prison term prior to serving the community control sanction. The department of rehabilitation and correction may place an offender sentenced to a mandatory prison term under this division in an intensive program prison established pursuant to section 5120.033 of the Revised Code if the department gave the sentencing judge prior notice of its intent to place the offender in an intensive program prison established under that section and if the judge did not notify the department that the judge disapproved the placement. Upon the establishment of the initial intensive program prison pursuant to section 5120.033 of the Revised Code that is privately operated and managed by a contractor pursuant to a contract entered into under section 9.06 of the Revised

Code, both of the following apply: 1162

(a) The department of rehabilitation and correction shall 1163  
make a reasonable effort to ensure that a sufficient number of 1164  
offenders sentenced to a mandatory prison term under this 1165  
division are placed in the privately operated and managed prison 1166  
so that the privately operated and managed prison has full 1167  
occupancy. 1168

(b) Unless the privately operated and managed prison has 1169  
full occupancy, the department of rehabilitation and correction 1170  
shall not place any offender sentenced to a mandatory prison 1171  
term under this division in any intensive program prison 1172  
established pursuant to section 5120.033 of the Revised Code 1173  
other than the privately operated and managed prison. 1174

(H) If an offender is being sentenced for a sexually 1175  
oriented offense or child-victim oriented offense that is a 1176  
felony committed on or after January 1, 1997, the judge shall 1177  
require the offender to submit to a DNA specimen collection 1178  
procedure pursuant to section 2901.07 of the Revised Code. 1179

(I) If an offender is being sentenced for a sexually 1180  
oriented offense or a child-victim oriented offense committed on 1181  
or after January 1, 1997, the judge shall include in the 1182  
sentence a summary of the offender's duties imposed under 1183  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1184  
Code and the duration of the duties. The judge shall inform the 1185  
offender, at the time of sentencing, of those duties and of 1186  
their duration. If required under division (A) (2) of section 1187  
2950.03 of the Revised Code, the judge shall perform the duties 1188  
specified in that section, or, if required under division (A) (6) 1189  
of section 2950.03 of the Revised Code, the judge shall perform 1190  
the duties specified in that division. 1191

(J) (1) Except as provided in division (J) (2) of this 1192  
section, when considering sentencing factors under this section 1193  
in relation to an offender who is convicted of or pleads guilty 1194  
to an attempt to commit an offense in violation of section 1195  
2923.02 of the Revised Code, the sentencing court shall consider 1196  
the factors applicable to the felony category of the violation 1197  
of section 2923.02 of the Revised Code instead of the factors 1198  
applicable to the felony category of the offense attempted. 1199

(2) When considering sentencing factors under this section 1200  
in relation to an offender who is convicted of or pleads guilty 1201  
to an attempt to commit a drug abuse offense for which the 1202  
penalty is determined by the amount or number of unit doses of 1203  
the controlled substance involved in the drug abuse offense, the 1204  
sentencing court shall consider the factors applicable to the 1205  
felony category that the drug abuse offense attempted would be 1206  
if that drug abuse offense had been committed and had involved 1207  
an amount or number of unit doses of the controlled substance 1208  
that is within the next lower range of controlled substance 1209  
amounts than was involved in the attempt. 1210

(K) As used in this section: 1211

(1) "Community addiction services provider" has the same 1212  
meaning as in section 5119.01 of the Revised Code. 1213

(2) "Drug abuse offense" has the same meaning as in 1214  
section 2925.01 of the Revised Code. 1215

(3) "Minor drug possession offense" has the same meaning 1216  
as in section 2925.11 of the Revised Code. 1217

(4) "Qualifying assault offense" means a violation of 1218  
section 2903.13 of the Revised Code for which the penalty 1219  
provision in division (C) (8) (b) or (C) (9) (b) of that section 1220

applies. 1221

(L) At the time of sentencing an offender for any sexually 1222  
oriented offense, if the offender is a tier III sex 1223  
offender/child-victim offender relative to that offense and the 1224  
offender does not serve a prison term or jail term, the court 1225  
may require that the offender be monitored by means of a global 1226  
positioning device. If the court requires such monitoring, the 1227  
cost of monitoring shall be borne by the offender. If the 1228  
offender is indigent, the cost of compliance shall be paid by 1229  
the crime victims reparations fund. 1230

**Section 2.** That existing sections 2921.331, 2927.21, 1231  
2929.01, and 2929.13 of the Revised Code are hereby repealed. 1232

**Section 3.** Section 2929.01 of the Revised Code is 1233  
presented in this act as a composite of the section as amended 1234  
by H.B. 66 and H.B. 431, both of the 133rd General Assembly. The 1235  
General Assembly, applying the principle stated in division (B) 1236  
of section 1.52 of the Revised Code that amendments are to be 1237  
harmonized if reasonably capable of simultaneous operation, 1238  
finds that the composite is the resulting version of the section 1239  
in effect prior to the effective date of the section as 1240  
presented in this act. 1241