

As Introduced

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

H. B. No. 626

Representative Patton

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
Sec. 2927.21. (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
807

(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
809
810

(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
812
813
814
815
816
817

(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
819
820
821
822
823
824

(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
826
827
828
829
830
831
832

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