

**As Introduced**

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

**H. B. No. 674**

**Representative Ray**



**A BILL**

To amend sections 2929.01, 2929.13, and 4301.99 of 1  
the Revised Code to increase the penalty for 2  
illegally providing alcohol to a minor if the 3  
offense proximately causes the death of another. 4

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

**Section 1.** That sections 2929.01, 2929.13, and 4301.99 of 5  
the Revised Code be amended to read as follows: 6

**Sec. 2929.01.** As used in this chapter: 7

(A) (1) "Alternative residential facility" means, subject 8  
to division (A) (2) of this section, any facility other than an 9  
offender's home or residence in which an offender is assigned to 10  
live and that satisfies all of the following criteria: 11

(a) It provides programs through which the offender may 12  
seek or maintain employment or may receive education, training, 13  
treatment, or habilitation. 14

(b) It has received the appropriate license or certificate 15  
for any specialized education, training, treatment, 16  
habilitation, or other service that it provides from the 17  
government agency that is responsible for licensing or 18

certifying that type of education, training, treatment, 19  
habilitation, or service. 20

(2) "Alternative residential facility" does not include a 21  
community-based correctional facility, jail, halfway house, or 22  
prison. 23

(B) "Basic probation supervision" means a requirement that 24  
the offender maintain contact with a person appointed to 25  
supervise the offender in accordance with sanctions imposed by 26  
the court or imposed by the parole board pursuant to section 27  
2967.28 of the Revised Code. "Basic probation supervision" 28  
includes basic parole supervision and basic post-release control 29  
supervision. 30

(C) "Cocaine," "fentanyl-related compound," "hashish," 31  
"L.S.D.," and "unit dose" have the same meanings as in section 32  
2925.01 of the Revised Code. 33

(D) "Community-based correctional facility" means a 34  
community-based correctional facility and program or district 35  
community-based correctional facility and program developed 36  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 37

(E) "Community control sanction" means a sanction that is 38  
not a prison term and that is described in section 2929.15, 39  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 40  
that is not a jail term and that is described in section 41  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 42  
control sanction" includes probation if the sentence involved 43  
was imposed for a felony that was committed prior to July 1, 44  
1996, or if the sentence involved was imposed for a misdemeanor 45  
that was committed prior to January 1, 2004. 46

(F) "Controlled substance," "marihuana," "schedule I," and 47

"schedule II" have the same meanings as in section 3719.01 of 48  
the Revised Code. 49

(G) "Curfew" means a requirement that an offender during a 50  
specified period of time be at a designated place. 51

(H) "Day reporting" means a sanction pursuant to which an 52  
offender is required each day to report to and leave a center or 53  
other approved reporting location at specified times in order to 54  
participate in work, education or training, treatment, and other 55  
approved programs at the center or outside the center. 56

(I) "Deadly weapon" has the same meaning as in section 57  
2923.11 of the Revised Code. 58

(J) "Drug and alcohol use monitoring" means a program 59  
under which an offender agrees to submit to random chemical 60  
analysis of the offender's blood, breath, or urine to determine 61  
whether the offender has ingested any alcohol or other drugs. 62

(K) "Drug treatment program" means any program under which 63  
a person undergoes assessment and treatment designed to reduce 64  
or completely eliminate the person's physical or emotional 65  
reliance upon alcohol, another drug, or alcohol and another drug 66  
and under which the person may be required to receive assessment 67  
and treatment on an outpatient basis or may be required to 68  
reside at a facility other than the person's home or residence 69  
while undergoing assessment and treatment. 70

(L) "Economic loss" means any economic detriment suffered 71  
by a victim as a direct and proximate result of the commission 72  
of an offense and includes any loss of income due to lost time 73  
at work because of any injury caused to the victim, any property 74  
loss, medical cost, or funeral expense incurred as a result of 75  
the commission of the offense, and the cost of any accounting or 76

auditing done to determine the extent of loss if the cost is 77  
incurred and payable by the victim. "Economic loss" does not 78  
include non-economic loss or any punitive or exemplary damages. 79

(M) "Education or training" includes study at, or in 80  
conjunction with a program offered by, a university, college, or 81  
technical college or vocational study and also includes the 82  
completion of primary school, secondary school, and literacy 83  
curricula or their equivalent. 84

(N) "Firearm" has the same meaning as in section 2923.11 85  
of the Revised Code. 86

(O) "Halfway house" means a facility licensed by the 87  
division of parole and community services of the department of 88  
rehabilitation and correction pursuant to section 2967.14 of the 89  
Revised Code as a suitable facility for the care and treatment 90  
of adult offenders. 91

(P) "House arrest" means a period of confinement of an 92  
offender that is in the offender's home or in other premises 93  
specified by the sentencing court or by the parole board 94  
pursuant to section 2967.28 of the Revised Code and during which 95  
all of the following apply: 96

(1) The offender is required to remain in the offender's 97  
home or other specified premises for the specified period of 98  
confinement, except for periods of time during which the 99  
offender is at the offender's place of employment or at other 100  
premises as authorized by the sentencing court or by the parole 101  
board. 102

(2) The offender is required to report periodically to a 103  
person designated by the court or parole board. 104

(3) The offender is subject to any other restrictions and 105

requirements that may be imposed by the sentencing court or by 106  
the parole board. 107

(Q) "Intensive probation supervision" means a requirement 108  
that an offender maintain frequent contact with a person 109  
appointed by the court, or by the parole board pursuant to 110  
section 2967.28 of the Revised Code, to supervise the offender 111  
while the offender is seeking or maintaining necessary 112  
employment and participating in training, education, and 113  
treatment programs as required in the court's or parole board's 114  
order. "Intensive probation supervision" includes intensive 115  
parole supervision and intensive post-release control 116  
supervision. 117

(R) "Jail" means a jail, workhouse, minimum security jail, 118  
or other residential facility used for the confinement of 119  
alleged or convicted offenders that is operated by a political 120  
subdivision or a combination of political subdivisions of this 121  
state. 122

(S) "Jail term" means the term in a jail that a sentencing 123  
court imposes or is authorized to impose pursuant to section 124  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 125  
provision of the Revised Code that authorizes a term in a jail 126  
for a misdemeanor conviction. 127

(T) "Mandatory jail term" means the term in a jail that a 128  
sentencing court is required to impose pursuant to division (G) 129  
of section 1547.99 of the Revised Code, division (E) of section 130  
2903.06 or division (D) of section 2903.08 of the Revised Code, 131  
division (E) or (G) of section 2929.24 of the Revised Code, 132  
division (B) of section 4510.14 of the Revised Code, or division 133  
(G) of section 4511.19 of the Revised Code or pursuant to any 134  
other provision of the Revised Code that requires a term in a 135

jail for a misdemeanor conviction. 136

(U) "Delinquent child" has the same meaning as in section 137  
2152.02 of the Revised Code. 138

(V) "License violation report" means a report that is made 139  
by a sentencing court, or by the parole board pursuant to 140  
section 2967.28 of the Revised Code, to the regulatory or 141  
licensing board or agency that issued an offender a professional 142  
license or a license or permit to do business in this state and 143  
that specifies that the offender has been convicted of or 144  
pleaded guilty to an offense that may violate the conditions 145  
under which the offender's professional license or license or 146  
permit to do business in this state was granted or an offense 147  
for which the offender's professional license or license or 148  
permit to do business in this state may be revoked or suspended. 149

(W) "Major drug offender" means an offender who is 150  
convicted of or pleads guilty to the possession of, sale of, or 151  
offer to sell any drug, compound, mixture, preparation, or 152  
substance that consists of or contains at least one thousand 153  
grams of hashish; at least one hundred grams of cocaine; at 154  
least one thousand unit doses or one hundred grams of heroin; at 155  
least five thousand unit doses of L.S.D. or five hundred grams 156  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 157  
distillate form; at least fifty grams of a controlled substance 158  
analog; at least one thousand unit doses or one hundred grams of 159  
a fentanyl-related compound; or at least one hundred times the 160  
amount of any other schedule I or II controlled substance other 161  
than marihuana that is necessary to commit a felony of the third 162  
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 163  
of the Revised Code that is based on the possession of, sale of, 164  
or offer to sell the controlled substance. 165

(X) "Mandatory prison term" means any of the following: 166

(1) Subject to division (X)(2) of this section, the term 167  
in prison that must be imposed for the offenses or circumstances 168  
set forth in divisions (F)(1) to (8) or (F)(12) to ~~(21)~~(23) of 169  
section 2929.13 and division (B) of section 2929.14 of the 170  
Revised Code. Except as provided in sections 2925.02, 2925.03, 171  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 172  
maximum or another specific term is required under section 173  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 174  
described in this division may be any prison term authorized for 175  
the level of offense except that if the offense is a felony of 176  
the first or second degree committed on or after March 22, 2019, 177  
a mandatory prison term described in this division may be one of 178  
the terms prescribed in division (A)(1)(a) or (2)(a) of section 179  
2929.14 of the Revised Code, whichever is applicable, that is 180  
authorized as the minimum term for the offense. 181

(2) The term of sixty or one hundred twenty days in prison 182  
that a sentencing court is required to impose for a third or 183  
fourth degree felony OVI offense pursuant to division (G)(2) of 184  
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 185  
of the Revised Code or the term of one, two, three, four, or 186  
five years in prison that a sentencing court is required to 187  
impose pursuant to division (G)(2) of section 2929.13 of the 188  
Revised Code. 189

(3) The term in prison imposed pursuant to division (A) of 190  
section 2971.03 of the Revised Code for the offenses and in the 191  
circumstances described in division (F)(11) of section 2929.13 192  
of the Revised Code or pursuant to division (B)(1)(a), (b), or 193  
(c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of 194  
section 2971.03 of the Revised Code and that term as modified or 195

terminated pursuant to section 2971.05 of the Revised Code.	196
(Y) "Monitored time" means a period of time during which	197
an offender continues to be under the control of the sentencing	198
court or parole board, subject to no conditions other than	199
leading a law-abiding life.	200
(Z) "Offender" means a person who, in this state, is	201
convicted of or pleads guilty to a felony or a misdemeanor.	202
(AA) "Prison" means a residential facility used for the	203
confinement of convicted felony offenders that is under the	204
control of the department of rehabilitation and correction and	205
includes a violation sanction center operated under authority of	206
section 2967.141 of the Revised Code.	207
(BB) (1) "Prison term" includes either of the following	208
sanctions for an offender:	209
(a) A stated prison term;	210
(b) A term in a prison shortened by, or with the approval	211
of, the sentencing court pursuant to section 2929.143, 2929.20,	212
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code.	213
(2) With respect to a non-life felony indefinite prison	214
term, references in any provision of law to a reduction of, or	215
deduction from, the prison term mean a reduction in, or	216
deduction from, the minimum term imposed as part of the	217
indefinite term.	218
(CC) "Repeat violent offender" means a person about whom	219
both of the following apply:	220
(1) The person is being sentenced for committing or for	221
complicity in committing any of the following:	222

(a) Aggravated murder, murder, any felony of the first or	223
second degree that is an offense of violence, or an attempt to	224
commit any of these offenses if the attempt is a felony of the	225
first or second degree;	226
(b) An offense under an existing or former law of this	227
state, another state, or the United States that is or was	228
substantially equivalent to an offense described in division	229
(CC) (1) (a) of this section.	230
(2) The person previously was convicted of or pleaded	231
guilty to an offense described in division (CC) (1) (a) or (b) of	232
this section.	233
(DD) "Sanction" means any penalty imposed upon an offender	234
who is convicted of or pleads guilty to an offense, as	235
punishment for the offense. "Sanction" includes any sanction	236
imposed pursuant to any provision of sections 2929.14 to 2929.18	237
or 2929.24 to 2929.28 of the Revised Code.	238
(EE) "Sentence" means the sanction or combination of	239
sanctions imposed by the sentencing court on an offender who is	240
convicted of or pleads guilty to an offense.	241
(FF) (1) "Stated prison term" means the prison term,	242
mandatory prison term, or combination of all prison terms and	243
mandatory prison terms imposed by the sentencing court pursuant	244
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or	245
under section 2919.25 of the Revised Code. "Stated prison term"	246
includes any credit received by the offender for time spent in	247
jail awaiting trial, sentencing, or transfer to prison for the	248
offense and any time spent under house arrest or house arrest	249
with electronic monitoring imposed after earning credits	250
pursuant to section 2967.193 of the Revised Code. If an offender	251

is serving a prison term as a risk reduction sentence under 252  
sections 2929.143 and 5120.036 of the Revised Code, "stated 253  
prison term" includes any period of time by which the prison 254  
term imposed upon the offender is shortened by the offender's 255  
successful completion of all assessment and treatment or 256  
programming pursuant to those sections. 257

(2) As used in the definition of "stated prison term" set 258  
forth in division (FF)(1) of this section, a prison term is a 259  
definite prison term imposed under section 2929.14 of the 260  
Revised Code or any other provision of law, is the minimum and 261  
maximum prison terms under a non-life felony indefinite prison 262  
term, or is a term of life imprisonment except to the extent 263  
that the use of that definition in a section of the Revised Code 264  
clearly is not intended to include a term of life imprisonment. 265  
With respect to an offender sentenced to a non-life felony 266  
indefinite prison term, references in section 2967.191 or 267  
2967.193 of the Revised Code or any other provision of law to a 268  
reduction of, or deduction from, the offender's stated prison 269  
term or to release of the offender before the expiration of the 270  
offender's stated prison term mean a reduction in, or deduction 271  
from, the minimum term imposed as part of the indefinite term or 272  
a release of the offender before the expiration of that minimum 273  
term, references in section 2929.19 or 2967.28 of the Revised 274  
Code to a stated prison term with respect to a prison term 275  
imposed for a violation of a post-release control sanction mean 276  
the minimum term so imposed, and references in any provision of 277  
law to an offender's service of the offender's stated prison 278  
term or the expiration of the offender's stated prison term mean 279  
service or expiration of the minimum term so imposed plus any 280  
additional period of incarceration under the sentence that is 281  
required under section 2967.271 of the Revised Code. 282

(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 312  
the age of the child or whether the offender knows the offense 313  
is being committed within thirty feet of or within the same 314  
residential unit as the child and regardless of whether the 315  
child actually views the commission of the offense. 316

(MM) "Family or household member" has the same meaning as 317  
in section 2919.25 of the Revised Code. 318

(NN) "Motor vehicle" and "manufactured home" have the same 319  
meanings as in section 4501.01 of the Revised Code. 320

(OO) "Detention" and "detention facility" have the same 321  
meanings as in section 2921.01 of the Revised Code. 322

(PP) "Third degree felony OVI offense" means a violation 323  
of division (A) of section 4511.19 of the Revised Code that, 324  
under division (G) of that section, is a felony of the third 325  
degree. 326

(QQ) "Random drug testing" has the same meaning as in 327  
section 5120.63 of the Revised Code. 328

(RR) "Felony sex offense" has the same meaning as in 329  
section 2967.28 of the Revised Code. 330

(SS) "Body armor" has the same meaning as in section 331  
2941.1411 of the Revised Code. 332

(TT) "Electronic monitoring" means monitoring through the 333  
use of an electronic monitoring device. 334

(UU) "Electronic monitoring device" means any of the 335  
following: 336

(1) Any device that can be operated by electrical or 337  
battery power and that conforms with all of the following: 338

(a) The device has a transmitter that can be attached to a 339  
person, that will transmit a specified signal to a receiver of 340  
the type described in division (UU) (1) (b) of this section if the 341  
transmitter is removed from the person, turned off, or altered 342  
in any manner without prior court approval in relation to 343  
electronic monitoring or without prior approval of the 344  
department of rehabilitation and correction in relation to the 345  
use of an electronic monitoring device for an inmate on 346  
transitional control or otherwise is tampered with, that can 347  
transmit continuously and periodically a signal to that receiver 348  
when the person is within a specified distance from the 349  
receiver, and that can transmit an appropriate signal to that 350  
receiver if the person to whom it is attached travels a 351  
specified distance from that receiver. 352

(b) The device has a receiver that can receive 353  
continuously the signals transmitted by a transmitter of the 354  
type described in division (UU) (1) (a) of this section, can 355  
transmit continuously those signals by a wireless or landline 356  
telephone connection to a central monitoring computer of the 357  
type described in division (UU) (1) (c) of this section, and can 358  
transmit continuously an appropriate signal to that central 359  
monitoring computer if the device has been turned off or altered 360  
without prior court approval or otherwise tampered with. The 361  
device is designed specifically for use in electronic 362  
monitoring, is not a converted wireless phone or another 363  
tracking device that is clearly not designed for electronic 364  
monitoring, and provides a means of text-based or voice 365  
communication with the person. 366

(c) The device has a central monitoring computer that can 367  
receive continuously the signals transmitted by a wireless or 368  
landline telephone connection by a receiver of the type 369

described in division (UU) (1) (b) of this section and can monitor 370  
continuously the person to whom an electronic monitoring device 371  
of the type described in division (UU) (1) (a) of this section is 372  
attached. 373

(2) Any device that is not a device of the type described 374  
in division (UU) (1) of this section and that conforms with all 375  
of the following: 376

(a) The device includes a transmitter and receiver that 377  
can monitor and determine the location of a subject person at 378  
any time, or at a designated point in time, through the use of a 379  
central monitoring computer or through other electronic means. 380

(b) The device includes a transmitter and receiver that 381  
can determine at any time, or at a designated point in time, 382  
through the use of a central monitoring computer or other 383  
electronic means the fact that the transmitter is turned off or 384  
altered in any manner without prior approval of the court in 385  
relation to the electronic monitoring or without prior approval 386  
of the department of rehabilitation and correction in relation 387  
to the use of an electronic monitoring device for an inmate on 388  
transitional control or otherwise is tampered with. 389

(3) Any type of technology that can adequately track or 390  
determine the location of a subject person at any time and that 391  
is approved by the director of rehabilitation and correction, 392  
including, but not limited to, any satellite technology, voice 393  
tracking system, or retinal scanning system that is so approved. 394

(VV) "Non-economic loss" means nonpecuniary harm suffered 395  
by a victim of an offense as a result of or related to the 396  
commission of the offense, including, but not limited to, pain 397  
and suffering; loss of society, consortium, companionship, care, 398

assistance, attention, protection, advice, guidance, counsel, 399  
instruction, training, or education; mental anguish; and any 400  
other intangible loss. 401

(WW) "Prosecutor" has the same meaning as in section 402  
2935.01 of the Revised Code. 403

(XX) "Continuous alcohol monitoring" means the ability to 404  
automatically test and periodically transmit alcohol consumption 405  
levels and tamper attempts at least every hour, regardless of 406  
the location of the person who is being monitored. 407

(YY) A person is "adjudicated a sexually violent predator" 408  
if the person is convicted of or pleads guilty to a violent sex 409  
offense and also is convicted of or pleads guilty to a sexually 410  
violent predator specification that was included in the 411  
indictment, count in the indictment, or information charging 412  
that violent sex offense or if the person is convicted of or 413  
pleads guilty to a designated homicide, assault, or kidnapping 414  
offense and also is convicted of or pleads guilty to both a 415  
sexual motivation specification and a sexually violent predator 416  
specification that were included in the indictment, count in the 417  
indictment, or information charging that designated homicide, 418  
assault, or kidnapping offense. 419

(ZZ) An offense is "committed in proximity to a school" if 420  
the offender commits the offense in a school safety zone or 421  
within five hundred feet of any school building or the 422  
boundaries of any school premises, regardless of whether the 423  
offender knows the offense is being committed in a school safety 424  
zone or within five hundred feet of any school building or the 425  
boundaries of any school premises. 426

(AAA) "Human trafficking" means a scheme or plan to which 427

all of the following apply:	428
(1) Its object is one or both of the following:	429
(a) To subject a victim or victims to involuntary servitude, as defined in section 2905.31 of the Revised Code or to compel a victim or victims to engage in sexual activity for hire, to engage in a performance that is obscene, sexually oriented, or nudity oriented, or to be a model or participant in the production of material that is obscene, sexually oriented, or nudity oriented;	430 431 432 433 434 435 436
(b) To facilitate, encourage, or recruit a victim who is a minor or is a person with a developmental disability, or victims who are minors or are persons with developmental disabilities, for any purpose listed in divisions (A) (2) (a) to (c) of section 2905.32 of the Revised Code.	437 438 439 440 441
(2) It involves at least two felony offenses, whether or not there has been a prior conviction for any of the felony offenses, to which all of the following apply:	442 443 444
(a) Each of the felony offenses is a violation of section 2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code or is a violation of a law of any state other than this state that is substantially similar to any of the sections or divisions of the Revised Code identified in this division.	445 446 447 448 449 450 451
(b) At least one of the felony offenses was committed in this state.	452 453
(c) The felony offenses are related to the same scheme or plan and are not isolated instances.	454 455

(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 485  
required to be imposed or is precluded from being imposed 486  
pursuant to law, a court that imposes a sentence upon an 487  
offender for a felony may impose any sanction or combination of 488  
sanctions on the offender that are provided in sections 2929.14 489  
to 2929.18 of the Revised Code. 490

If the offender is eligible to be sentenced to community 491  
control sanctions, the court shall consider the appropriateness 492  
of imposing a financial sanction pursuant to section 2929.18 of 493  
the Revised Code or a sanction of community service pursuant to 494  
section 2929.17 of the Revised Code as the sole sanction for the 495  
offense. Except as otherwise provided in this division, if the 496  
court is required to impose a mandatory prison term for the 497  
offense for which sentence is being imposed, the court also 498  
shall impose any financial sanction pursuant to section 2929.18 499  
of the Revised Code that is required for the offense and may 500  
impose any other financial sanction pursuant to that section but 501  
may not impose any additional sanction or combination of 502  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 503

If the offender is being sentenced for a fourth degree 504  
felony OVI offense or for a third degree felony OVI offense, in 505  
addition to the mandatory term of local incarceration or the 506  
mandatory prison term required for the offense by division (G) 507  
(1) or (2) of this section, the court shall impose upon the 508  
offender a mandatory fine in accordance with division (B) (3) of 509  
section 2929.18 of the Revised Code and may impose whichever of 510  
the following is applicable: 511

(1) For a fourth degree felony OVI offense for which 512  
sentence is imposed under division (G) (1) of this section, an 513  
additional community control sanction or combination of 514

community control sanctions under section 2929.16 or 2929.17 of 515  
the Revised Code. If the court imposes upon the offender a 516  
community control sanction and the offender violates any 517  
condition of the community control sanction, the court may take 518  
any action prescribed in division (B) of section 2929.15 of the 519  
Revised Code relative to the offender, including imposing a 520  
prison term on the offender pursuant to that division. 521

(2) For a third or fourth degree felony OVI offense for 522  
which sentence is imposed under division (G) (2) of this section, 523  
an additional prison term as described in division (B) (4) of 524  
section 2929.14 of the Revised Code or a community control 525  
sanction as described in division (G) (2) of this section. 526

(B) (1) (a) Except as provided in ~~division-divisions~~ (B) (1) 527  
(b) and (B) (3) of this section, if an offender is convicted of 528  
or pleads guilty to a felony of the fourth or fifth degree that 529  
is not an offense of violence or that is a qualifying assault 530  
offense, the court shall sentence the offender to a community 531  
control sanction or combination of community control sanctions 532  
if all of the following apply: 533

(i) The offender previously has not been convicted of or 534  
pleaded guilty to a felony offense. 535

(ii) The most serious charge against the offender at the 536  
time of sentencing is a felony of the fourth or fifth degree. 537

(iii) The offender previously has not been convicted of or 538  
pleaded guilty to a misdemeanor offense of violence that the 539  
offender committed within two years prior to the offense for 540  
which sentence is being imposed. 541

(b) The court has discretion to impose a prison term upon 542  
an offender who is convicted of or pleads guilty to a felony of 543

the fourth or fifth degree that is not an offense of violence or 544  
that is a qualifying assault offense if any of the following 545  
apply: 546

(i) The offender committed the offense while having a 547  
firearm on or about the offender's person or under the 548  
offender's control. 549

(ii) If the offense is a qualifying assault offense, the 550  
offender caused serious physical harm to another person while 551  
committing the offense, and, if the offense is not a qualifying 552  
assault offense, the offender caused physical harm to another 553  
person while committing the offense. 554

(iii) The offender violated a term of the conditions of 555  
bond as set by the court. 556

(iv) The offense is a sex offense that is a fourth or 557  
fifth degree felony violation of any provision of Chapter 2907. 558  
of the Revised Code. 559

(v) In committing the offense, the offender attempted to 560  
cause or made an actual threat of physical harm to a person with 561  
a deadly weapon. 562

(vi) In committing the offense, the offender attempted to 563  
cause or made an actual threat of physical harm to a person, and 564  
the offender previously was convicted of an offense that caused 565  
physical harm to a person. 566

(vii) The offender held a public office or position of 567  
trust, and the offense related to that office or position; the 568  
offender's position obliged the offender to prevent the offense 569  
or to bring those committing it to justice; or the offender's 570  
professional reputation or position facilitated the offense or 571  
was likely to influence the future conduct of others. 572

(viii) The offender committed the offense for hire or as part of an organized criminal activity. 573  
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(ix) The offender at the time of the offense was serving, or the offender previously had served, a prison term. 575  
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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. 577  
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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. 580  
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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. 587  
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(3) If the offender is convicted of or pleads guilty to a violation of division (B) of section 4301.69 of the Revised Code and the violation is a felony of the fourth degree under section 4301.99 of the Revised Code, the court shall sentence the offender to a mandatory definite prison term from the range of prison terms prescribed for a felony of the fourth degree under section 2929.14 of the Revised Code. 594  
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(C) Except as provided in division (D), (E), (F), or (G) 601

of this section, in determining whether to impose a prison term 602  
as a sanction for a felony of the third degree or a felony drug 603  
offense that is a violation of a provision of Chapter 2925. of 604  
the Revised Code and that is specified as being subject to this 605  
division for purposes of sentencing, the sentencing court shall 606  
comply with the purposes and principles of sentencing under 607  
section 2929.11 of the Revised Code and with section 2929.12 of 608  
the Revised Code. 609

(D) (1) Except as provided in division (E) or (F) of this 610  
section, for a felony of the first or second degree, for a 611  
felony drug offense that is a violation of any provision of 612  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 613  
presumption in favor of a prison term is specified as being 614  
applicable, and for a violation of division (A) (4) or (B) of 615  
section 2907.05 of the Revised Code for which a presumption in 616  
favor of a prison term is specified as being applicable, it is 617  
presumed that a prison term is necessary in order to comply with 618  
the purposes and principles of sentencing under section 2929.11 619  
of the Revised Code. Division (D) (2) of this section does not 620  
apply to a presumption established under this division for a 621  
violation of division (A) (4) of section 2907.05 of the Revised 622  
Code. 623

(2) Notwithstanding the presumption established under 624  
division (D) (1) of this section for the offenses listed in that 625  
division other than a violation of division (A) (4) or (B) of 626  
section 2907.05 of the Revised Code, the sentencing court may 627  
impose a community control sanction or a combination of 628  
community control sanctions instead of a prison term on an 629  
offender for a felony of the first or second degree or for a 630  
felony drug offense that is a violation of any provision of 631  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 632

presumption in favor of a prison term is specified as being 633  
applicable if it makes both of the following findings: 634

(a) A community control sanction or a combination of 635  
community control sanctions would adequately punish the offender 636  
and protect the public from future crime, because the applicable 637  
factors under section 2929.12 of the Revised Code indicating a 638  
lesser likelihood of recidivism outweigh the applicable factors 639  
under that section indicating a greater likelihood of 640  
recidivism. 641

(b) A community control sanction or a combination of 642  
community control sanctions would not demean the seriousness of 643  
the offense, because one or more factors under section 2929.12 644  
of the Revised Code that indicate that the offender's conduct 645  
was less serious than conduct normally constituting the offense 646  
are applicable, and they outweigh the applicable factors under 647  
that section that indicate that the offender's conduct was more 648  
serious than conduct normally constituting the offense. 649

(E) (1) Except as provided in division (F) of this section, 650  
for any drug offense that is a violation of any provision of 651  
Chapter 2925. of the Revised Code and that is a felony of the 652  
third, fourth, or fifth degree, the applicability of a 653  
presumption under division (D) of this section in favor of a 654  
prison term or of division (B) or (C) of this section in 655  
determining whether to impose a prison term for the offense 656  
shall be determined as specified in section 2925.02, 2925.03, 657  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 658  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 659  
regarding the violation. 660

(2) If an offender who was convicted of or pleaded guilty 661  
to a felony violates the conditions of a community control 662

sanction imposed for the offense solely by reason of producing 663  
positive results on a drug test or by acting pursuant to 664  
division (B) (2) (b) of section 2925.11 of the Revised Code with 665  
respect to a minor drug possession offense, the court, as 666  
punishment for the violation of the sanction, shall not order 667  
that the offender be imprisoned unless the court determines on 668  
the record either of the following: 669

(a) The offender had been ordered as a sanction for the 670  
felony to participate in a drug treatment program, in a drug 671  
education program, or in narcotics anonymous or a similar 672  
program, and the offender continued to use illegal drugs after a 673  
reasonable period of participation in the program. 674

(b) The imprisonment of the offender for the violation is 675  
consistent with the purposes and principles of sentencing set 676  
forth in section 2929.11 of the Revised Code. 677

(3) A court that sentences an offender for a drug abuse 678  
offense that is a felony of the third, fourth, or fifth degree 679  
may require that the offender be assessed by a properly 680  
credentialed professional within a specified period of time. The 681  
court shall require the professional to file a written 682  
assessment of the offender with the court. If the offender is 683  
eligible for a community control sanction and after considering 684  
the written assessment, the court may impose a community control 685  
sanction that includes addiction services and recovery supports 686  
included in a community-based continuum of care established 687  
under section 340.032 of the Revised Code. If the court imposes 688  
addiction services and recovery supports as a community control 689  
sanction, the court shall direct the level and type of addiction 690  
services and recovery supports after considering the assessment 691  
and recommendation of community addiction services providers. 692

(F) Notwithstanding divisions (A) to (E) of this section, 693  
the court shall impose a prison term or terms under sections 694  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 695  
section 2971.03 of the Revised Code and except as specifically 696  
provided in section 2929.20, divisions (C) to (I) of section 697  
2967.19, or section 2967.191 of the Revised Code or when parole 698  
is authorized for the offense under section 2967.13 of the 699  
Revised Code shall not reduce the term or terms pursuant to 700  
section 2929.20, section 2967.19, section 2967.193, or any other 701  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 702  
for any of the following offenses: 703

(1) Aggravated murder when death is not imposed or murder; 704

(2) Any rape, regardless of whether force was involved and 705  
regardless of the age of the victim, or an attempt to commit 706  
rape if, had the offender completed the rape that was attempted, 707  
the offender would have been guilty of a violation of division 708  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 709  
sentenced under section 2971.03 of the Revised Code; 710

(3) Gross sexual imposition or sexual battery, if the 711  
victim is less than thirteen years of age and if any of the 712  
following applies: 713

(a) Regarding gross sexual imposition, the offender 714  
previously was convicted of or pleaded guilty to rape, the 715  
former offense of felonious sexual penetration, gross sexual 716  
imposition, or sexual battery, and the victim of the previous 717  
offense was less than thirteen years of age; 718

(b) Regarding gross sexual imposition, the offense was 719  
committed on or after August 3, 2006, and evidence other than 720  
the testimony of the victim was admitted in the case 721

corroborating the violation. 722

(c) Regarding sexual battery, either of the following 723  
applies: 724

(i) The offense was committed prior to August 3, 2006, the 725  
offender previously was convicted of or pleaded guilty to rape, 726  
the former offense of felonious sexual penetration, or sexual 727  
battery, and the victim of the previous offense was less than 728  
thirteen years of age. 729

(ii) The offense was committed on or after August 3, 2006. 730

(4) A felony violation of section 2903.04, 2903.06, 731  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 732  
or 2923.132 of the Revised Code if the section requires the 733  
imposition of a prison term; 734

(5) A first, second, or third degree felony drug offense 735  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 736  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 737  
or 4729.99 of the Revised Code, whichever is applicable 738  
regarding the violation, requires the imposition of a mandatory 739  
prison term; 740

(6) Any offense that is a first or second degree felony 741  
and that is not set forth in division (F) (1), (2), (3), or (4) 742  
of this section, if the offender previously was convicted of or 743  
pleaded guilty to aggravated murder, murder, any first or second 744  
degree felony, or an offense under an existing or former law of 745  
this state, another state, or the United States that is or was 746  
substantially equivalent to one of those offenses; 747

(7) Any offense that is a third degree felony and either 748  
is a violation of section 2903.04 of the Revised Code or an 749  
attempt to commit a felony of the second degree that is an 750

offense of violence and involved an attempt to cause serious 751  
physical harm to a person or that resulted in serious physical 752  
harm to a person if the offender previously was convicted of or 753  
pleaded guilty to any of the following offenses: 754

(a) Aggravated murder, murder, involuntary manslaughter, 755  
rape, felonious sexual penetration as it existed under section 756  
2907.12 of the Revised Code prior to September 3, 1996, a felony 757  
of the first or second degree that resulted in the death of a 758  
person or in physical harm to a person, or complicity in or an 759  
attempt to commit any of those offenses; 760

(b) An offense under an existing or former law of this 761  
state, another state, or the United States that is or was 762  
substantially equivalent to an offense listed in division (F) (7) 763  
(a) of this section that resulted in the death of a person or in 764  
physical harm to a person. 765

(8) Any offense, other than a violation of section 2923.12 766  
of the Revised Code, that is a felony, if the offender had a 767  
firearm on or about the offender's person or under the 768  
offender's control while committing the felony, with respect to 769  
a portion of the sentence imposed pursuant to division (B) (1) (a) 770  
of section 2929.14 of the Revised Code for having the firearm; 771

(9) Any offense of violence that is a felony, if the 772  
offender wore or carried body armor while committing the felony 773  
offense of violence, with respect to the portion of the sentence 774  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 775  
Revised Code for wearing or carrying the body armor; 776

(10) Corrupt activity in violation of section 2923.32 of 777  
the Revised Code when the most serious offense in the pattern of 778  
corrupt activity that is the basis of the offense is a felony of 779

the first degree; 780

(11) Any violent sex offense or designated homicide, 781  
assault, or kidnapping offense if, in relation to that offense, 782  
the offender is adjudicated a sexually violent predator; 783

(12) A violation of division (A) (1) or (2) of section 784  
2921.36 of the Revised Code, or a violation of division (C) of 785  
that section involving an item listed in division (A) (1) or (2) 786  
of that section, if the offender is an officer or employee of 787  
the department of rehabilitation and correction; 788

(13) A violation of division (A) (1) or (2) of section 789  
2903.06 of the Revised Code if the victim of the offense is a 790  
peace officer, as defined in section 2935.01 of the Revised 791  
Code, or an investigator of the bureau of criminal 792  
identification and investigation, as defined in section 2903.11 793  
of the Revised Code, with respect to the portion of the sentence 794  
imposed pursuant to division (B) (5) of section 2929.14 of the 795  
Revised Code; 796

(14) A violation of division (A) (1) or (2) of section 797  
2903.06 of the Revised Code if the offender has been convicted 798  
of or pleaded guilty to three or more violations of division (A) 799  
or (B) of section 4511.19 of the Revised Code or an equivalent 800  
offense, as defined in section 2941.1415 of the Revised Code, or 801  
three or more violations of any combination of those divisions 802  
and offenses, with respect to the portion of the sentence 803  
imposed pursuant to division (B) (6) of section 2929.14 of the 804  
Revised Code; 805

(15) Kidnapping, in the circumstances specified in section 806  
2971.03 of the Revised Code and when no other provision of 807  
division (F) of this section applies; 808

(16) Kidnapping, abduction, compelling prostitution, 809  
promoting prostitution, engaging in a pattern of corrupt 810  
activity, a violation of division (A) (1) or (2) of section 811  
2907.323 of the Revised Code that involves a minor, or 812  
endangering children in violation of division (B) (1), (2), (3), 813  
(4), or (5) of section 2919.22 of the Revised Code, if the 814  
offender is convicted of or pleads guilty to a specification as 815  
described in section 2941.1422 of the Revised Code that was 816  
included in the indictment, count in the indictment, or 817  
information charging the offense; 818

(17) A felony violation of division (A) or (B) of section 819  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 820  
that section, and division (D) (6) of that section, require the 821  
imposition of a prison term; 822

(18) A felony violation of section 2903.11, 2903.12, or 823  
2903.13 of the Revised Code, if the victim of the offense was a 824  
woman that the offender knew was pregnant at the time of the 825  
violation, with respect to a portion of the sentence imposed 826  
pursuant to division (B) (8) of section 2929.14 of the Revised 827  
Code; 828

(19) (a) Any violent felony offense if the offender is a 829  
violent career criminal and had a firearm on or about the 830  
offender's person or under the offender's control during the 831  
commission of the violent felony offense and displayed or 832  
brandished the firearm, indicated that the offender possessed a 833  
firearm, or used the firearm to facilitate the offense, with 834  
respect to the portion of the sentence imposed under division 835  
(K) of section 2929.14 of the Revised Code. 836

(b) As used in division (F) (19) (a) of this section, 837  
"violent career criminal" and "violent felony offense" have the 838

same meanings as in section 2923.132 of the Revised Code. 839

(20) Any violation of division (A) (1) of section 2903.11 840  
of the Revised Code if the offender used an accelerant in 841  
committing the violation and the serious physical harm to 842  
another or another's unborn caused by the violation resulted in 843  
a permanent, serious disfigurement or permanent, substantial 844  
incapacity or any violation of division (A) (2) of that section 845  
if the offender used an accelerant in committing the violation, 846  
the violation caused physical harm to another or another's 847  
unborn, and the physical harm resulted in a permanent, serious 848  
disfigurement or permanent, substantial incapacity, with respect 849  
to a portion of the sentence imposed pursuant to division (B) (9) 850  
of section 2929.14 of the Revised Code. The provisions of this 851  
division and of division (D) (2) of section 2903.11, divisions 852  
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 853  
the Revised Code shall be known as "Judy's Law." 854

(21) Any violation of division (A) of section 2903.11 of 855  
the Revised Code if the victim of the offense suffered permanent 856  
disabling harm as a result of the offense and the victim was 857  
under ten years of age at the time of the offense, with respect 858  
to a portion of the sentence imposed pursuant to division (B) 859  
(10) of section 2929.14 of the Revised Code. 860

(22) A felony violation of section 2925.03, 2925.05, or 861  
2925.11 of the Revised Code, if the drug involved in the 862  
violation is a fentanyl-related compound or a compound, mixture, 863  
preparation, or substance containing a fentanyl-related compound 864  
and the offender is convicted of or pleads guilty to a 865  
specification of the type described in division (B) of section 866  
2941.1410 of the Revised Code that was included in the 867  
indictment, count in the indictment, or information charging the 868

offense, with respect to the portion of the sentence imposed 869  
under division (B) (11) of section 2929.14 of the Revised Code. 870

(23) A felony violation of section 4301.69 of the Revised 871  
Code. 872

(G) Notwithstanding divisions (A) to (E) of this section, 873  
if an offender is being sentenced for a fourth degree felony OVI 874  
offense or for a third degree felony OVI offense, the court 875  
shall impose upon the offender a mandatory term of local 876  
incarceration or a mandatory prison term in accordance with the 877  
following: 878

(1) If the offender is being sentenced for a fourth degree 879  
felony OVI offense and if the offender has not been convicted of 880  
and has not pleaded guilty to a specification of the type 881  
described in section 2941.1413 of the Revised Code, the court 882  
may impose upon the offender a mandatory term of local 883  
incarceration of sixty days or one hundred twenty days as 884  
specified in division (G) (1) (d) of section 4511.19 of the 885  
Revised Code. The court shall not reduce the term pursuant to 886  
section 2929.20, 2967.193, or any other provision of the Revised 887  
Code. The court that imposes a mandatory term of local 888  
incarceration under this division shall specify whether the term 889  
is to be served in a jail, a community-based correctional 890  
facility, a halfway house, or an alternative residential 891  
facility, and the offender shall serve the term in the type of 892  
facility specified by the court. A mandatory term of local 893  
incarceration imposed under division (G) (1) of this section is 894  
not subject to any other Revised Code provision that pertains to 895  
a prison term except as provided in division (A) (1) of this 896  
section. 897

(2) If the offender is being sentenced for a third degree 898

felony OVI offense, or if the offender is being sentenced for a 899  
fourth degree felony OVI offense and the court does not impose a 900  
mandatory term of local incarceration under division (G) (1) of 901  
this section, the court shall impose upon the offender a 902  
mandatory prison term of one, two, three, four, or five years if 903  
the offender also is convicted of or also pleads guilty to a 904  
specification of the type described in section 2941.1413 of the 905  
Revised Code or shall impose upon the offender a mandatory 906  
prison term of sixty days or one hundred twenty days as 907  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 908  
Revised Code if the offender has not been convicted of and has 909  
not pleaded guilty to a specification of that type. Subject to 910  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 911  
court shall not reduce the term pursuant to section 2929.20, 912  
2967.19, 2967.193, or any other provision of the Revised Code. 913  
The offender shall serve the one-, two-, three-, four-, or five- 914  
year mandatory prison term consecutively to and prior to the 915  
prison term imposed for the underlying offense and consecutively 916  
to any other mandatory prison term imposed in relation to the 917  
offense. In no case shall an offender who once has been 918  
sentenced to a mandatory term of local incarceration pursuant to 919  
division (G) (1) of this section for a fourth degree felony OVI 920  
offense be sentenced to another mandatory term of local 921  
incarceration under that division for any violation of division 922  
(A) of section 4511.19 of the Revised Code. In addition to the 923  
mandatory prison term described in division (G) (2) of this 924  
section, the court may sentence the offender to a community 925  
control sanction under section 2929.16 or 2929.17 of the Revised 926  
Code, but the offender shall serve the prison term prior to 927  
serving the community control sanction. The department of 928  
rehabilitation and correction may place an offender sentenced to 929  
a mandatory prison term under this division in an intensive 930

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:

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

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

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

(I) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the

sentence a summary of the offender's duties imposed under 961  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 962  
Code and the duration of the duties. The judge shall inform the 963  
offender, at the time of sentencing, of those duties and of 964  
their duration. If required under division (A)(2) of section 965  
2950.03 of the Revised Code, the judge shall perform the duties 966  
specified in that section, or, if required under division (A)(6) 967  
of section 2950.03 of the Revised Code, the judge shall perform 968  
the duties specified in that division. 969

(J)(1) Except as provided in division (J)(2) of this 970  
section, when considering sentencing factors under this section 971  
in relation to an offender who is convicted of or pleads guilty 972  
to an attempt to commit an offense in violation of section 973  
2923.02 of the Revised Code, the sentencing court shall consider 974  
the factors applicable to the felony category of the violation 975  
of section 2923.02 of the Revised Code instead of the factors 976  
applicable to the felony category of the offense attempted. 977

(2) When considering sentencing factors under this section 978  
in relation to an offender who is convicted of or pleads guilty 979  
to an attempt to commit a drug abuse offense for which the 980  
penalty is determined by the amount or number of unit doses of 981  
the controlled substance involved in the drug abuse offense, the 982  
sentencing court shall consider the factors applicable to the 983  
felony category that the drug abuse offense attempted would be 984  
if that drug abuse offense had been committed and had involved 985  
an amount or number of unit doses of the controlled substance 986  
that is within the next lower range of controlled substance 987  
amounts than was involved in the attempt. 988

(K) As used in this section: 989

(1) "Community addiction services provider" has the same 990

meaning as in section 5119.01 of the Revised Code.	991
(2) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.	992 993
(3) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code.	994 995
(4) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C) (8) (b) or (C) (9) (b) of that section applies.	996 997 998 999
(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.	1000 1001 1002 1003 1004 1005 1006 1007 1008
<b>Sec. 4301.99.</b> (A) Whoever violates section 4301.47, 4301.48, 4301.49, 4301.62, or 4301.70 or division (C) of section 4301.65 or division (B) of section 4301.691 of the Revised Code is guilty of a minor misdemeanor.	1009 1010 1011 1012
(B) Whoever violates section 4301.15, division (A) (2) or (C) of section 4301.22, division (C), (D), (E), (F), (G), (H), or (I) of section 4301.631, or section 4301.64 or 4301.67 of the Revised Code is guilty of a misdemeanor of the fourth degree.	1013 1014 1015 1016
If an offender who violates section 4301.64 of the Revised Code was under the age of eighteen years at the time of the offense, the court, in addition to any other penalties it	1017 1018 1019

imposes upon the offender, may suspend the offender's temporary 1020  
instruction permit, probationary driver's license, or driver's 1021  
license for a period of not less than six months and not more 1022  
than one year. In lieu of suspending the offender's temporary 1023  
instruction permit, probationary driver's license, or driver's 1024  
license, the court instead may require the offender to perform 1025  
community service for a number of hours determined by the court. 1026  
If the offender is fifteen years and six months of age or older 1027  
and has not been issued a temporary instruction permit or 1028  
probationary driver's license, the offender shall not be 1029  
eligible to be issued such a license or permit for a period of 1030  
six months. If the offender has not attained the age of fifteen 1031  
years and six months, the offender shall not be eligible to be 1032  
issued a temporary instruction permit until the offender attains 1033  
the age of sixteen years. 1034

~~(C) Whoever~~ (C) (1) Except as provided in division (C) (2) 1035  
of this section, whoever violates division (D) of section 1036  
4301.21, section 4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 1037  
4301.66, 4301.68, or 4301.74, division (B), (C), (D), (E) (1), or 1038  
(F) of section 4301.69, or division (C), (D), (E), (F), (G), or 1039  
(I) of section 4301.691 of the Revised Code is guilty of a 1040  
misdemeanor of the first degree. 1041

If an offender who violates division (E) (1) of section 1042  
4301.69 of the Revised Code was under the age of eighteen years 1043  
at the time of the offense and the offense occurred while the 1044  
offender was the operator of or a passenger in a motor vehicle, 1045  
the court, in addition to any other penalties it imposes upon 1046  
the offender, shall suspend the offender's temporary instruction 1047  
permit or probationary driver's license for a period of not less 1048  
than six months and not more than one year. If the offender is 1049  
fifteen years and six months of age or older and has not been 1050

issued a temporary instruction permit or probationary driver's 1051  
license, the offender shall not be eligible to be issued such a 1052  
license or permit for a period of six months. If the offender 1053  
has not attained the age of fifteen years and six months, the 1054  
offender shall not be eligible to be issued a temporary 1055  
instruction permit until the offender attains the age of sixteen 1056  
years. 1057

(2) Whoever violates division (B) of section 4301.69 of 1058  
the Revised Code is guilty of a felony of the fourth degree if 1059  
such a violation proximately causes the death of another, and 1060  
the court shall impose a mandatory prison term in accordance 1061  
with section 2929.14 of the Revised Code from the range of 1062  
definite prison terms provided for a felony of the fourth degree 1063  
under that section, as required under division (F) of section 1064  
2929.13 of the Revised Code. 1065

(D) Whoever violates division (B) of section 4301.14, or 1066  
division (A) (1) or (3) or (B) of section 4301.22 of the Revised 1067  
Code is guilty of a misdemeanor of the third degree. 1068

(E) Whoever violates section 4301.63 or division (B) of 1069  
section 4301.631 of the Revised Code shall be fined not less 1070  
than twenty-five nor more than one hundred dollars. The court 1071  
imposing a fine for a violation of section 4301.63 or division 1072  
(B) of section 4301.631 of the Revised Code may order that the 1073  
fine be paid by the performance of public work at a reasonable 1074  
hourly rate established by the court. The court shall designate 1075  
the time within which the public work shall be completed. 1076

(F) (1) Whoever violates section 4301.634 of the Revised 1077  
Code is guilty of a misdemeanor of the first degree. If, in 1078  
committing a first violation of that section, the offender 1079  
presented to the permit holder or the permit holder's employee 1080

or agent a false, fictitious, or altered identification card, a 1081  
false or fictitious driver's license purportedly issued by any 1082  
state, or a driver's license issued by any state that has been 1083  
altered, the offender is guilty of a misdemeanor of the first 1084  
degree and shall be fined not less than two hundred fifty and 1085  
not more than one thousand dollars, and may be sentenced to a 1086  
term of imprisonment of not more than six months. 1087

(2) On a second violation in which, for the second time, 1088  
the offender presented to the permit holder or the permit 1089  
holder's employee or agent a false, fictitious, or altered 1090  
identification card, a false or fictitious driver's license 1091  
purportedly issued by any state, or a driver's license issued by 1092  
any state that has been altered, the offender is guilty of a 1093  
misdemeanor of the first degree and shall be fined not less than 1094  
five hundred nor more than one thousand dollars, and may be 1095  
sentenced to a term of imprisonment of not more than six months. 1096  
The court also may impose a class seven suspension of the 1097  
offender's driver's or commercial driver's license or permit or 1098  
nonresident operating privilege from the range specified in 1099  
division (A) (7) of section 4510.02 of the Revised Code. 1100

(3) On a third or subsequent violation in which, for the 1101  
third or subsequent time, the offender presented to the permit 1102  
holder or the permit holder's employee or agent a false, 1103  
fictitious, or altered identification card, a false or 1104  
fictitious driver's license purportedly issued by any state, or 1105  
a driver's license issued by any state that has been altered, 1106  
the offender is guilty of a misdemeanor of the first degree and 1107  
shall be fined not less than five hundred nor more than one 1108  
thousand dollars, and may be sentenced to a term of imprisonment 1109  
of not more than six months. Except as provided in this 1110  
division, the court also may impose a class six suspension of 1111

the offender's driver's or commercial driver's license or permit 1112  
or nonresident operating privilege from the range specified in 1113  
division (A) (6) of section 4510.02 of the Revised Code, and the 1114  
court may order that the suspension or denial remain in effect 1115  
until the offender attains the age of twenty-one years. The 1116  
court, in lieu of suspending the offender's temporary 1117  
instruction permit, probationary driver's license, or driver's 1118  
license, instead may order the offender to perform a determinate 1119  
number of hours of community service, with the court determining 1120  
the actual number of hours and the nature of the community 1121  
service the offender shall perform. 1122

(G) Whoever violates section 4301.636 of the Revised Code 1123  
is guilty of a felony of the fifth degree. 1124

(H) Whoever violates division (A) (1) of section 4301.22 of 1125  
the Revised Code is guilty of a misdemeanor, shall be fined not 1126  
less than five hundred and not more than one thousand dollars, 1127  
and, in addition to the fine, may be imprisoned for a definite 1128  
term of not more than sixty days. 1129

(I) Whoever violates division (A) of section 4301.69 or 1130  
division (H) of section 4301.691 of the Revised Code is guilty 1131  
of a misdemeanor, shall be fined not less than five hundred and 1132  
not more than one thousand dollars, and, in addition to the 1133  
fine, may be imprisoned for a definite term of not more than six 1134  
months. 1135

(J) Whoever violates division (B) of section 4301.65 of 1136  
the Revised Code is guilty of a misdemeanor of the third degree. 1137  
For a second or subsequent violation occurring within a period 1138  
of five consecutive years after the first violation, a person is 1139  
guilty of a misdemeanor of the first degree. 1140

**Section 2.** That existing sections 2929.01, 2929.13, and 1141  
4301.99 of the Revised Code are hereby repealed. 1142

**Section 3.** Section 2929.01 of the Revised Code is 1143  
presented in this act as a composite of the section as amended 1144  
by H.B. 66 and H.B. 431, both of the 133rd General Assembly. The 1145  
General Assembly, applying the principle stated in division (B) 1146  
of section 1.52 of the Revised Code that amendments are to be 1147  
harmonized if reasonably capable of simultaneous operation, 1148  
finds that the composite is the resulting version of the section 1149  
in effect prior to the effective date of the section as 1150  
presented in this act. 1151