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Am. Sub. S. B. No. 185

Senator Schaffer

Cosponsors: Senators Johnson, Brenner, Rulli, Lang, Antani, Kunze, Peterson, O'Brien, Romanchuk, Roegner, Hottinger, Hoagland, Blessing, Cirino, Gavarone, McColley, Wilson Representatives Wilkin, Swearingen, Carruthers, Cross, Cutrona, Ginter, Grendell, Gross, Hall, Hillyer, Holmes, John, Johnson, Kick, Koehler, McClain, Merrin, Miller, K., Patton, Richardson, Riedel, Stephens, Wiggam

A BILL

To amend sections 2929.14, 2941.1414, and 3761.16 1
and to enact section 5502.411 of the Revised 2
Code regarding a political subdivision's 3
emergency powers when suppressing a riot, mob, 4
or potential riot or mob, the preservation of 5
rights regarding deadly weapons and firearms 6
during an emergency, and the imposition of a 7
five-year prison term on a person who is 8
convicted of aggravated vehicular homicide if 9
the victim is a firefighter or emergency medical 10
worker. 11

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

Section 1. That sections 2929.14, 2941.1414, and 3761.16 12
be amended and section 5502.411 of the Revised Code be enacted 13
to read as follows: 14

Sec. 2929.14. (A) Except as provided in division (B) (1), 15

(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 16
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 17
in division (D) (6) of section 2919.25 of the Revised Code and 18
except in relation to an offense for which a sentence of death 19
or life imprisonment is to be imposed, if the court imposing a 20
sentence upon an offender for a felony elects or is required to 21
impose a prison term on the offender pursuant to this chapter, 22
the court shall impose a prison term that shall be one of the 23
following: 24

(1) (a) For a felony of the first degree committed on or 25
~~after the effective date of this amendment~~ March 22, 2019, the 26
prison term shall be an indefinite prison term with a stated 27
minimum term selected by the court of three, four, five, six, 28
seven, eight, nine, ten, or eleven years and a maximum term that 29
is determined pursuant to section 2929.144 of the Revised Code, 30
except that if the section that criminalizes the conduct 31
constituting the felony specifies a different minimum term or 32
penalty for the offense, the specific language of that section 33
shall control in determining the minimum term or otherwise 34
sentencing the offender but the minimum term or sentence imposed 35
under that specific language shall be considered for purposes of 36
the Revised Code as if it had been imposed under this division. 37

(b) For a felony of the first degree committed prior to 38
~~the effective date of this amendment~~ March 22, 2019, the prison 39
term shall be a definite prison term of three, four, five, six, 40
seven, eight, nine, ten, or eleven years. 41

(2) (a) For a felony of the second degree committed on or 42
~~after the effective date of this amendment~~ March 22, 2019, the 43
prison term shall be an indefinite prison term with a stated 44
minimum term selected by the court of two, three, four, five, 45

six, seven, or eight years and a maximum term that is determined 46
pursuant to section 2929.144 of the Revised Code, except that if 47
the section that criminalizes the conduct constituting the 48
felony specifies a different minimum term or penalty for the 49
offense, the specific language of that section shall control in 50
determining the minimum term or otherwise sentencing the 51
offender but the minimum term or sentence imposed under that 52
specific language shall be considered for purposes of the 53
Revised Code as if it had been imposed under this division. 54

(b) For a felony of the second degree committed prior to 55
~~the effective date of this amendment~~ March 22, 2019, the prison 56
term shall be a definite term of two, three, four, five, six, 57
seven, or eight years. 58

(3) (a) For a felony of the third degree that is a 59
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 60
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 61
Code or that is a violation of section 2911.02 or 2911.12 of the 62
Revised Code if the offender previously has been convicted of or 63
pleaded guilty in two or more separate proceedings to two or 64
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 65
of the Revised Code, the prison term shall be a definite term of 66
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 67
forty-eight, fifty-four, or sixty months. 68

(b) For a felony of the third degree that is not an 69
offense for which division (A) (3) (a) of this section applies, 70
the prison term shall be a definite term of nine, twelve, 71
eighteen, twenty-four, thirty, or thirty-six months. 72

(4) For a felony of the fourth degree, the prison term 73
shall be a definite term of six, seven, eight, nine, ten, 74
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 75

or eighteen months. 76

(5) For a felony of the fifth degree, the prison term 77
shall be a definite term of six, seven, eight, nine, ten, 78
eleven, or twelve months. 79

(B) (1) (a) Except as provided in division (B) (1) (e) of this 80
section, if an offender who is convicted of or pleads guilty to 81
a felony also is convicted of or pleads guilty to a 82
specification of the type described in section 2941.141, 83
2941.144, or 2941.145 of the Revised Code, the court shall 84
impose on the offender one of the following prison terms: 85

(i) A prison term of six years if the specification is of 86
the type described in division (A) of section 2941.144 of the 87
Revised Code that charges the offender with having a firearm 88
that is an automatic firearm or that was equipped with a firearm 89
muffler or suppressor on or about the offender's person or under 90
the offender's control while committing the offense; 91

(ii) A prison term of three years if the specification is 92
of the type described in division (A) of section 2941.145 of the 93
Revised Code that charges the offender with having a firearm on 94
or about the offender's person or under the offender's control 95
while committing the offense and displaying the firearm, 96
brandishing the firearm, indicating that the offender possessed 97
the firearm, or using it to facilitate the offense; 98

(iii) A prison term of one year if the specification is of 99
the type described in division (A) of section 2941.141 of the 100
Revised Code that charges the offender with having a firearm on 101
or about the offender's person or under the offender's control 102
while committing the offense; 103

(iv) A prison term of nine years if the specification is 104

of the type described in division (D) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense and specifies that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;

(v) A prison term of fifty-four months if the specification is of the type described in division (D) of section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using the firearm to facilitate the offense and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code;

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

(b) If a court imposes a prison term on an offender under division (B) (1) (a) of this section, the prison term shall not be

reduced pursuant to section 2967.19, section 2929.20, section 135
2967.193, or any other provision of Chapter 2967. or Chapter 136
5120. of the Revised Code. Except as provided in division (B) (1) 137
(g) of this section, a court shall not impose more than one 138
prison term on an offender under division (B) (1) (a) of this 139
section for felonies committed as part of the same act or 140
transaction. 141

(c) (i) Except as provided in division (B) (1) (e) of this 142
section, if an offender who is convicted of or pleads guilty to 143
a violation of section 2923.161 of the Revised Code or to a 144
felony that includes, as an essential element, purposely or 145
knowingly causing or attempting to cause the death of or 146
physical harm to another, also is convicted of or pleads guilty 147
to a specification of the type described in division (A) of 148
section 2941.146 of the Revised Code that charges the offender 149
with committing the offense by discharging a firearm from a 150
motor vehicle other than a manufactured home, the court, after 151
imposing a prison term on the offender for the violation of 152
section 2923.161 of the Revised Code or for the other felony 153
offense under division (A), (B) (2), or (B) (3) of this section, 154
shall impose an additional prison term of five years upon the 155
offender that shall not be reduced pursuant to section 2929.20, 156
section 2967.19, section 2967.193, or any other provision of 157
Chapter 2967. or Chapter 5120. of the Revised Code. 158

(ii) Except as provided in division (B) (1) (e) of this 159
section, if an offender who is convicted of or pleads guilty to 160
a violation of section 2923.161 of the Revised Code or to a 161
felony that includes, as an essential element, purposely or 162
knowingly causing or attempting to cause the death of or 163
physical harm to another, also is convicted of or pleads guilty 164
to a specification of the type described in division (C) of 165

section 2941.146 of the Revised Code that charges the offender 166
with committing the offense by discharging a firearm from a 167
motor vehicle other than a manufactured home and that the 168
offender previously has been convicted of or pleaded guilty to a 169
specification of the type described in section 2941.141, 170
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 171
the court, after imposing a prison term on the offender for the 172
violation of section 2923.161 of the Revised Code or for the 173
other felony offense under division (A), (B) (2), or (3) of this 174
section, shall impose an additional prison term of ninety months 175
upon the offender that shall not be reduced pursuant to section 176
2929.20, 2967.19, 2967.193, or any other provision of Chapter 177
2967. or Chapter 5120. of the Revised Code. 178

(iii) A court shall not impose more than one additional 179
prison term on an offender under division (B) (1) (c) of this 180
section for felonies committed as part of the same act or 181
transaction. If a court imposes an additional prison term on an 182
offender under division (B) (1) (c) of this section relative to an 183
offense, the court also shall impose a prison term under 184
division (B) (1) (a) of this section relative to the same offense, 185
provided the criteria specified in that division for imposing an 186
additional prison term are satisfied relative to the offender 187
and the offense. 188

(d) If an offender who is convicted of or pleads guilty to 189
an offense of violence that is a felony also is convicted of or 190
pleads guilty to a specification of the type described in 191
section 2941.1411 of the Revised Code that charges the offender 192
with wearing or carrying body armor while committing the felony 193
offense of violence, the court shall impose on the offender an 194
additional prison term of two years. The prison term so imposed, 195
subject to divisions (C) to (I) of section 2967.19 of the 196

Revised Code, shall not be reduced pursuant to section 2929.20, 197
section 2967.19, section 2967.193, or any other provision of 198
Chapter 2967. or Chapter 5120. of the Revised Code. A court 199
shall not impose more than one prison term on an offender under 200
division (B)(1)(d) of this section for felonies committed as 201
part of the same act or transaction. If a court imposes an 202
additional prison term under division (B)(1)(a) or (c) of this 203
section, the court is not precluded from imposing an additional 204
prison term under division (B)(1)(d) of this section. 205

(e) The court shall not impose any of the prison terms 206
described in division (B)(1)(a) of this section or any of the 207
additional prison terms described in division (B)(1)(c) of this 208
section upon an offender for a violation of section 2923.12 or 209
2923.123 of the Revised Code. The court shall not impose any of 210
the prison terms described in division (B)(1)(a) or (b) of this 211
section upon an offender for a violation of section 2923.122 212
that involves a deadly weapon that is a firearm other than a 213
dangerous ordnance, section 2923.16, or section 2923.121 of the 214
Revised Code. The court shall not impose any of the prison terms 215
described in division (B)(1)(a) of this section or any of the 216
additional prison terms described in division (B)(1)(c) of this 217
section upon an offender for a violation of section 2923.13 of 218
the Revised Code unless all of the following apply: 219

(i) The offender previously has been convicted of 220
aggravated murder, murder, or any felony of the first or second 221
degree. 222

(ii) Less than five years have passed since the offender 223
was released from prison or post-release control, whichever is 224
later, for the prior offense. 225

(f)(i) If an offender is convicted of or pleads guilty to 226

a felony that includes, as an essential element, causing or 227
attempting to cause the death of or physical harm to another and 228
also is convicted of or pleads guilty to a specification of the 229
type described in division (A) of section 2941.1412 of the 230
Revised Code that charges the offender with committing the 231
offense by discharging a firearm at a peace officer as defined 232
in section 2935.01 of the Revised Code or a corrections officer, 233
as defined in section 2941.1412 of the Revised Code, the court, 234
after imposing a prison term on the offender for the felony 235
offense under division (A), (B) (2), or (B) (3) of this section, 236
shall impose an additional prison term of seven years upon the 237
offender that shall not be reduced pursuant to section 2929.20, 238
section 2967.19, section 2967.193, or any other provision of 239
Chapter 2967. or Chapter 5120. of the Revised Code. 240

(ii) If an offender is convicted of or pleads guilty to a 241
felony that includes, as an essential element, causing or 242
attempting to cause the death of or physical harm to another and 243
also is convicted of or pleads guilty to a specification of the 244
type described in division (B) of section 2941.1412 of the 245
Revised Code that charges the offender with committing the 246
offense by discharging a firearm at a peace officer, as defined 247
in section 2935.01 of the Revised Code, or a corrections 248
officer, as defined in section 2941.1412 of the Revised Code, 249
and that the offender previously has been convicted of or 250
pleaded guilty to a specification of the type described in 251
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 252
the Revised Code, the court, after imposing a prison term on the 253
offender for the felony offense under division (A), (B) (2), or 254
(3) of this section, shall impose an additional prison term of 255
one hundred twenty-six months upon the offender that shall not 256
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 257

any other provision of Chapter 2967. or 5120. of the Revised 258
Code. 259

(iii) If an offender is convicted of or pleads guilty to 260
two or more felonies that include, as an essential element, 261
causing or attempting to cause the death or physical harm to 262
another and also is convicted of or pleads guilty to a 263
specification of the type described under division (B)(1)(f) of 264
this section in connection with two or more of the felonies of 265
which the offender is convicted or to which the offender pleads 266
guilty, the sentencing court shall impose on the offender the 267
prison term specified under division (B)(1)(f) of this section 268
for each of two of the specifications of which the offender is 269
convicted or to which the offender pleads guilty and, in its 270
discretion, also may impose on the offender the prison term 271
specified under that division for any or all of the remaining 272
specifications. If a court imposes an additional prison term on 273
an offender under division (B)(1)(f) of this section relative to 274
an offense, the court shall not impose a prison term under 275
division (B)(1)(a) or (c) of this section relative to the same 276
offense. 277

(g) If an offender is convicted of or pleads guilty to two 278
or more felonies, if one or more of those felonies are 279
aggravated murder, murder, attempted aggravated murder, 280
attempted murder, aggravated robbery, felonious assault, or 281
rape, and if the offender is convicted of or pleads guilty to a 282
specification of the type described under division (B)(1)(a) of 283
this section in connection with two or more of the felonies, the 284
sentencing court shall impose on the offender the prison term 285
specified under division (B)(1)(a) of this section for each of 286
the two most serious specifications of which the offender is 287
convicted or to which the offender pleads guilty and, in its 288

discretion, also may impose on the offender the prison term 289
specified under that division for any or all of the remaining 290
specifications. 291

(2) (a) If division (B) (2) (b) of this section does not 292
apply, the court may impose on an offender, in addition to the 293
longest prison term authorized or required for the offense or, 294
for offenses for which division (A) (1) (a) or (2) (a) of this 295
section applies, in addition to the longest minimum prison term 296
authorized or required for the offense, an additional definite 297
prison term of one, two, three, four, five, six, seven, eight, 298
nine, or ten years if all of the following criteria are met: 299

(i) The offender is convicted of or pleads guilty to a 300
specification of the type described in section 2941.149 of the 301
Revised Code that the offender is a repeat violent offender. 302

(ii) The offense of which the offender currently is 303
convicted or to which the offender currently pleads guilty is 304
aggravated murder and the court does not impose a sentence of 305
death or life imprisonment without parole, murder, terrorism and 306
the court does not impose a sentence of life imprisonment 307
without parole, any felony of the first degree that is an 308
offense of violence and the court does not impose a sentence of 309
life imprisonment without parole, or any felony of the second 310
degree that is an offense of violence and the trier of fact 311
finds that the offense involved an attempt to cause or a threat 312
to cause serious physical harm to a person or resulted in 313
serious physical harm to a person. 314

(iii) The court imposes the longest prison term for the 315
offense or the longest minimum prison term for the offense, 316
whichever is applicable, that is not life imprisonment without 317
parole. 318

(iv) The court finds that the prison terms imposed 319
pursuant to division (B) (2) (a) (iii) of this section and, if 320
applicable, division (B) (1) or (3) of this section are 321
inadequate to punish the offender and protect the public from 322
future crime, because the applicable factors under section 323
2929.12 of the Revised Code indicating a greater likelihood of 324
recidivism outweigh the applicable factors under that section 325
indicating a lesser likelihood of recidivism. 326

(v) The court finds that the prison terms imposed pursuant 327
to division (B) (2) (a) (iii) of this section and, if applicable, 328
division (B) (1) or (3) of this section are demeaning to the 329
seriousness of the offense, because one or more of the factors 330
under section 2929.12 of the Revised Code indicating that the 331
offender's conduct is more serious than conduct normally 332
constituting the offense are present, and they outweigh the 333
applicable factors under that section indicating that the 334
offender's conduct is less serious than conduct normally 335
constituting the offense. 336

(b) The court shall impose on an offender the longest 337
prison term authorized or required for the offense or, for 338
offenses for which division (A) (1) (a) or (2) (a) of this section 339
applies, the longest minimum prison term authorized or required 340
for the offense, and shall impose on the offender an additional 341
definite prison term of one, two, three, four, five, six, seven, 342
eight, nine, or ten years if all of the following criteria are 343
met: 344

(i) The offender is convicted of or pleads guilty to a 345
specification of the type described in section 2941.149 of the 346
Revised Code that the offender is a repeat violent offender. 347

(ii) The offender within the preceding twenty years has 348

been convicted of or pleaded guilty to three or more offenses 349
described in division (CC) (1) of section 2929.01 of the Revised 350
Code, including all offenses described in that division of which 351
the offender is convicted or to which the offender pleads guilty 352
in the current prosecution and all offenses described in that 353
division of which the offender previously has been convicted or 354
to which the offender previously pleaded guilty, whether 355
prosecuted together or separately. 356

(iii) The offense or offenses of which the offender 357
currently is convicted or to which the offender currently pleads 358
guilty is aggravated murder and the court does not impose a 359
sentence of death or life imprisonment without parole, murder, 360
terrorism and the court does not impose a sentence of life 361
imprisonment without parole, any felony of the first degree that 362
is an offense of violence and the court does not impose a 363
sentence of life imprisonment without parole, or any felony of 364
the second degree that is an offense of violence and the trier 365
of fact finds that the offense involved an attempt to cause or a 366
threat to cause serious physical harm to a person or resulted in 367
serious physical harm to a person. 368

(c) For purposes of division (B) (2) (b) of this section, 369
two or more offenses committed at the same time or as part of 370
the same act or event shall be considered one offense, and that 371
one offense shall be the offense with the greatest penalty. 372

(d) A sentence imposed under division (B) (2) (a) or (b) of 373
this section shall not be reduced pursuant to section 2929.20, 374
section 2967.19, or section 2967.193, or any other provision of 375
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 376
shall serve an additional prison term imposed under division (B) 377
(2) (a) or (b) of this section consecutively to and prior to the 378

prison term imposed for the underlying offense. 379

(e) When imposing a sentence pursuant to division (B) (2) 380
(a) or (b) of this section, the court shall state its findings 381
explaining the imposed sentence. 382

(3) Except when an offender commits a violation of section 383
2903.01 or 2907.02 of the Revised Code and the penalty imposed 384
for the violation is life imprisonment or commits a violation of 385
section 2903.02 of the Revised Code, if the offender commits a 386
violation of section 2925.03 or 2925.11 of the Revised Code and 387
that section classifies the offender as a major drug offender, 388
if the offender commits a violation of section 2925.05 of the 389
Revised Code and division (E) (1) of that section classifies the 390
offender as a major drug offender, if the offender commits a 391
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 392
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 393
division (C) or (D) of section 3719.172, division (E) of section 394
4729.51, or division (J) of section 4729.54 of the Revised Code 395
that includes the sale, offer to sell, or possession of a 396
schedule I or II controlled substance, with the exception of 397
marihuana, and the court imposing sentence upon the offender 398
finds that the offender is guilty of a specification of the type 399
described in division (A) of section 2941.1410 of the Revised 400
Code charging that the offender is a major drug offender, if the 401
court imposing sentence upon an offender for a felony finds that 402
the offender is guilty of corrupt activity with the most serious 403
offense in the pattern of corrupt activity being a felony of the 404
first degree, or if the offender is guilty of an attempted 405
violation of section 2907.02 of the Revised Code and, had the 406
offender completed the violation of section 2907.02 of the 407
Revised Code that was attempted, the offender would have been 408
subject to a sentence of life imprisonment or life imprisonment 409

without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term determined as described in this division that, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, cannot be reduced pursuant to section 2929.20, section 2967.19, or any other provision of Chapter 2967. or 5120. of the Revised Code. The mandatory prison term shall be the maximum definite prison term prescribed in division (A) (1) (b) of this section for a felony of the first degree, except that for offenses for which division (A) (1) (a) of this section applies, the mandatory prison term shall be the longest minimum prison term prescribed in that division for the offense.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G) (2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A) (4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A) (3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (B) (4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term

in the range of six months to thirty months for a fourth degree 441
felony OVI offense and shall equal one of the authorized prison 442
terms specified in division (A) (3) of this section for a third 443
degree felony OVI offense. If the court imposes an additional 444
prison term under division (B) (4) of this section, the offender 445
shall serve the additional prison term after the offender has 446
served the mandatory prison term required for the offense. In 447
addition to the mandatory prison term or mandatory and 448
additional prison term imposed as described in division (B) (4) 449
of this section, the court also may sentence the offender to a 450
community control sanction under section 2929.16 or 2929.17 of 451
the Revised Code, but the offender shall serve all of the prison 452
terms so imposed prior to serving the community control 453
sanction. 454

If the offender is being sentenced for a fourth degree 455
felony OVI offense under division (G) (1) of section 2929.13 of 456
the Revised Code and the court imposes a mandatory term of local 457
incarceration, the court may impose a prison term as described 458
in division (A) (1) of that section. 459

(5) If an offender is convicted of or pleads guilty to a 460
violation of division (A) (1) or (2) of section 2903.06 of the 461
Revised Code and also is convicted of or pleads guilty to a 462
specification of the type described in section 2941.1414 of the 463
Revised Code that charges that the victim of the offense is a 464
peace officer, as defined in section 2935.01 of the Revised 465
Code, ~~or~~ an investigator of the bureau of criminal 466
identification and investigation, as defined in section 2903.11 467
of the Revised Code, or a firefighter or emergency medical 468
worker, both as defined in section 4123.026 of the Revised Code, 469
the court shall impose on the offender a prison term of five 470
years. If a court imposes a prison term on an offender under 471

division (B) (5) of this section, the prison term, subject to 472
divisions (C) to (I) of section 2967.19 of the Revised Code, 473
shall not be reduced pursuant to section 2929.20, section 474
2967.19, section 2967.193, or any other provision of Chapter 475
2967. or Chapter 5120. of the Revised Code. A court shall not 476
impose more than one prison term on an offender under division 477
(B) (5) of this section for felonies committed as part of the 478
same act. 479

(6) If an offender is convicted of or pleads guilty to a 480
violation of division (A) (1) or (2) of section 2903.06 of the 481
Revised Code and also is convicted of or pleads guilty to a 482
specification of the type described in section 2941.1415 of the 483
Revised Code that charges that the offender previously has been 484
convicted of or pleaded guilty to three or more violations of 485
division (A) or (B) of section 4511.19 of the Revised Code or an 486
equivalent offense, as defined in section 2941.1415 of the 487
Revised Code, or three or more violations of any combination of 488
those divisions and offenses, the court shall impose on the 489
offender a prison term of three years. If a court imposes a 490
prison term on an offender under division (B) (6) of this 491
section, the prison term, subject to divisions (C) to (I) of 492
section 2967.19 of the Revised Code, shall not be reduced 493
pursuant to section 2929.20, section 2967.19, section 2967.193, 494
or any other provision of Chapter 2967. or Chapter 5120. of the 495
Revised Code. A court shall not impose more than one prison term 496
on an offender under division (B) (6) of this section for 497
felonies committed as part of the same act. 498

(7) (a) If an offender is convicted of or pleads guilty to 499
a felony violation of section 2905.01, 2905.02, 2907.21, 500
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 501
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 502

section 2919.22 of the Revised Code and also is convicted of or 503
pleads guilty to a specification of the type described in 504
section 2941.1422 of the Revised Code that charges that the 505
offender knowingly committed the offense in furtherance of human 506
trafficking, the court shall impose on the offender a mandatory 507
prison term that is one of the following: 508

(i) If the offense is a felony of the first degree, a 509
definite prison term of not less than five years and not greater 510
than eleven years, except that if the offense is a felony of the 511
first degree committed on or after ~~the effective date of this~~ 512
~~amendment~~ March 22, 2019, the court shall impose as the minimum 513
prison term a mandatory term of not less than five years and not 514
greater than eleven years; 515

(ii) If the offense is a felony of the second or third 516
degree, a definite prison term of not less than three years and 517
not greater than the maximum prison term allowed for the offense 518
by division (A) (2) (b) or (3) of this section, except that if the 519
offense is a felony of the second degree committed on or after 520
~~the effective date of this amendment~~ March 22, 2019, the court 521
shall impose as the minimum prison term a mandatory term of not 522
less than three years and not greater than eight years; 523

(iii) If the offense is a felony of the fourth or fifth 524
degree, a definite prison term that is the maximum prison term 525
allowed for the offense by division (A) of section 2929.14 of 526
the Revised Code. 527

(b) Subject to divisions (C) to (I) of section 2967.19 of 528
the Revised Code, the prison term imposed under division (B) (7) 529
(a) of this section shall not be reduced pursuant to section 530
2929.20, section 2967.19, section 2967.193, or any other 531
provision of Chapter 2967. of the Revised Code. A court shall 532

not impose more than one prison term on an offender under 533
division (B) (7) (a) of this section for felonies committed as 534
part of the same act, scheme, or plan. 535

(8) If an offender is convicted of or pleads guilty to a 536
felony violation of section 2903.11, 2903.12, or 2903.13 of the 537
Revised Code and also is convicted of or pleads guilty to a 538
specification of the type described in section 2941.1423 of the 539
Revised Code that charges that the victim of the violation was a 540
woman whom the offender knew was pregnant at the time of the 541
violation, notwithstanding the range prescribed in division (A) 542
of this section as the definite prison term or minimum prison 543
term for felonies of the same degree as the violation, the court 544
shall impose on the offender a mandatory prison term that is 545
either a definite prison term of six months or one of the prison 546
terms prescribed in division (A) of this section for felonies of 547
the same degree as the violation, except that if the violation 548
is a felony of the first or second degree committed on or after 549
~~the effective date of this amendment~~ March 22, 2019, the court 550
shall impose as the minimum prison term under division (A) (1) (a) 551
or (2) (a) of this section a mandatory term that is one of the 552
terms prescribed in that division, whichever is applicable, for 553
the offense. 554

(9) (a) If an offender is convicted of or pleads guilty to 555
a violation of division (A) (1) or (2) of section 2903.11 of the 556
Revised Code and also is convicted of or pleads guilty to a 557
specification of the type described in section 2941.1425 of the 558
Revised Code, the court shall impose on the offender a mandatory 559
prison term of six years if either of the following applies: 560

(i) The violation is a violation of division (A) (1) of 561
section 2903.11 of the Revised Code and the specification 562

charges that the offender used an accelerant in committing the 563
violation and the serious physical harm to another or to 564
another's unborn caused by the violation resulted in a 565
permanent, serious disfigurement or permanent, substantial 566
incapacity; 567

(ii) The violation is a violation of division (A)(2) of 568
section 2903.11 of the Revised Code and the specification 569
charges that the offender used an accelerant in committing the 570
violation, that the violation caused physical harm to another or 571
to another's unborn, and that the physical harm resulted in a 572
permanent, serious disfigurement or permanent, substantial 573
incapacity. 574

(b) If a court imposes a prison term on an offender under 575
division (B)(9)(a) of this section, the prison term shall not be 576
reduced pursuant to section 2929.20, section 2967.19, section 577
2967.193, or any other provision of Chapter 2967. or Chapter 578
5120. of the Revised Code. A court shall not impose more than 579
one prison term on an offender under division (B)(9) of this 580
section for felonies committed as part of the same act. 581

(c) The provisions of divisions (B)(9) and (C)(6) of this 582
section and of division (D)(2) of section 2903.11, division (F) 583
(20) of section 2929.13, and section 2941.1425 of the Revised 584
Code shall be known as "Judy's Law." 585

(10) If an offender is convicted of or pleads guilty to a 586
violation of division (A) of section 2903.11 of the Revised Code 587
and also is convicted of or pleads guilty to a specification of 588
the type described in section 2941.1426 of the Revised Code that 589
charges that the victim of the offense suffered permanent 590
disabling harm as a result of the offense and that the victim 591
was under ten years of age at the time of the offense, 592

regardless of whether the offender knew the age of the victim, 593
the court shall impose upon the offender an additional definite 594
prison term of six years. A prison term imposed on an offender 595
under division (B) (10) of this section shall not be reduced 596
pursuant to section 2929.20, section 2967.193, or any other 597
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 598
If a court imposes an additional prison term on an offender 599
under this division relative to a violation of division (A) of 600
section 2903.11 of the Revised Code, the court shall not impose 601
any other additional prison term on the offender relative to the 602
same offense. 603

(11) If an offender is convicted of or pleads guilty to a 604
felony violation of section 2925.03 or 2925.05 of the Revised 605
Code or a felony violation of section 2925.11 of the Revised 606
Code for which division (C) (11) of that section applies in 607
determining the sentence for the violation, if the drug involved 608
in the violation is a fentanyl-related compound or a compound, 609
mixture, preparation, or substance containing a fentanyl-related 610
compound, and if the offender also is convicted of or pleads 611
guilty to a specification of the type described in division (B) 612
of section 2941.1410 of the Revised Code that charges that the 613
offender is a major drug offender, in addition to any other 614
penalty imposed for the violation, the court shall impose on the 615
offender a mandatory prison term of three, four, five, six, 616
seven, or eight years. If a court imposes a prison term on an 617
offender under division (B) (11) of this section, the prison 618
term, subject to divisions (C) to (I) of section 2967.19 of the 619
Revised Code, shall not be reduced pursuant to section 2929.20, 620
2967.19, or 2967.193, or any other provision of Chapter 2967. or 621
5120. of the Revised Code. A court shall not impose more than 622
one prison term on an offender under division (B) (11) of this 623

section for felonies committed as part of the same act. 624

(C) (1) (a) Subject to division (C) (1) (b) of this section, 625
if a mandatory prison term is imposed upon an offender pursuant 626
to division (B) (1) (a) of this section for having a firearm on or 627
about the offender's person or under the offender's control 628
while committing a felony, if a mandatory prison term is imposed 629
upon an offender pursuant to division (B) (1) (c) of this section 630
for committing a felony specified in that division by 631
discharging a firearm from a motor vehicle, or if both types of 632
mandatory prison terms are imposed, the offender shall serve any 633
mandatory prison term imposed under either division 634
consecutively to any other mandatory prison term imposed under 635
either division or under division (B) (1) (d) of this section, 636
consecutively to and prior to any prison term imposed for the 637
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 638
this section or any other section of the Revised Code, and 639
consecutively to any other prison term or mandatory prison term 640
previously or subsequently imposed upon the offender. 641

(b) If a mandatory prison term is imposed upon an offender 642
pursuant to division (B) (1) (d) of this section for wearing or 643
carrying body armor while committing an offense of violence that 644
is a felony, the offender shall serve the mandatory term so 645
imposed consecutively to any other mandatory prison term imposed 646
under that division or under division (B) (1) (a) or (c) of this 647
section, consecutively to and prior to any prison term imposed 648
for the underlying felony under division (A), (B) (2), or (B) (3) 649
of this section or any other section of the Revised Code, and 650
consecutively to any other prison term or mandatory prison term 651
previously or subsequently imposed upon the offender. 652

(c) If a mandatory prison term is imposed upon an offender 653

pursuant to division (B)(1)(f) of this section, the offender 654
shall serve the mandatory prison term so imposed consecutively 655
to and prior to any prison term imposed for the underlying 656
felony under division (A), (B)(2), or (B)(3) of this section or 657
any other section of the Revised Code, and consecutively to any 658
other prison term or mandatory prison term previously or 659
subsequently imposed upon the offender. 660

(d) If a mandatory prison term is imposed upon an offender 661
pursuant to division (B)(7) or (8) of this section, the offender 662
shall serve the mandatory prison term so imposed consecutively 663
to any other mandatory prison term imposed under that division 664
or under any other provision of law and consecutively to any 665
other prison term or mandatory prison term previously or 666
subsequently imposed upon the offender. 667

(e) If a mandatory prison term is imposed upon an offender 668
pursuant to division (B)(11) of this section, the offender shall 669
serve the mandatory prison term consecutively to any other 670
mandatory prison term imposed under that division, consecutively 671
to and prior to any prison term imposed for the underlying 672
felony, and consecutively to any other prison term or mandatory 673
prison term previously or subsequently imposed upon the 674
offender. 675

(2) If an offender who is an inmate in a jail, prison, or 676
other residential detention facility violates section 2917.02, 677
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 678
(2) of section 2921.34 of the Revised Code, if an offender who 679
is under detention at a detention facility commits a felony 680
violation of section 2923.131 of the Revised Code, or if an 681
offender who is an inmate in a jail, prison, or other 682
residential detention facility or is under detention at a 683

detention facility commits another felony while the offender is 684
an escapee in violation of division (A) (1) or (2) of section 685
2921.34 of the Revised Code, any prison term imposed upon the 686
offender for one of those violations shall be served by the 687
offender consecutively to the prison term or term of 688
imprisonment the offender was serving when the offender 689
committed that offense and to any other prison term previously 690
or subsequently imposed upon the offender. 691

(3) If a prison term is imposed for a violation of 692
division (B) of section 2911.01 of the Revised Code, a violation 693
of division (A) of section 2913.02 of the Revised Code in which 694
the stolen property is a firearm or dangerous ordnance, or a 695
felony violation of division (B) of section 2921.331 of the 696
Revised Code, the offender shall serve that prison term 697
consecutively to any other prison term or mandatory prison term 698
previously or subsequently imposed upon the offender. 699

(4) If multiple prison terms are imposed on an offender 700
for convictions of multiple offenses, the court may require the 701
offender to serve the prison terms consecutively if the court 702
finds that the consecutive service is necessary to protect the 703
public from future crime or to punish the offender and that 704
consecutive sentences are not disproportionate to the 705
seriousness of the offender's conduct and to the danger the 706
offender poses to the public, and if the court also finds any of 707
the following: 708

(a) The offender committed one or more of the multiple 709
offenses while the offender was awaiting trial or sentencing, 710
was under a sanction imposed pursuant to section 2929.16, 711
2929.17, or 2929.18 of the Revised Code, or was under post- 712
release control for a prior offense. 713

(b) At least two of the multiple offenses were committed 714
as part of one or more courses of conduct, and the harm caused 715
by two or more of the multiple offenses so committed was so 716
great or unusual that no single prison term for any of the 717
offenses committed as part of any of the courses of conduct 718
adequately reflects the seriousness of the offender's conduct. 719

(c) The offender's history of criminal conduct 720
demonstrates that consecutive sentences are necessary to protect 721
the public from future crime by the offender. 722

(5) If a mandatory prison term is imposed upon an offender 723
pursuant to division (B) (5) or (6) of this section, the offender 724
shall serve the mandatory prison term consecutively to and prior 725
to any prison term imposed for the underlying violation of 726
division (A) (1) or (2) of section 2903.06 of the Revised Code 727
pursuant to division (A) of this section or section 2929.142 of 728
the Revised Code. If a mandatory prison term is imposed upon an 729
offender pursuant to division (B) (5) of this section, and if a 730
mandatory prison term also is imposed upon the offender pursuant 731
to division (B) (6) of this section in relation to the same 732
violation, the offender shall serve the mandatory prison term 733
imposed pursuant to division (B) (5) of this section 734
consecutively to and prior to the mandatory prison term imposed 735
pursuant to division (B) (6) of this section and consecutively to 736
and prior to any prison term imposed for the underlying 737
violation of division (A) (1) or (2) of section 2903.06 of the 738
Revised Code pursuant to division (A) of this section or section 739
2929.142 of the Revised Code. 740

(6) If a mandatory prison term is imposed on an offender 741
pursuant to division (B) (9) of this section, the offender shall 742
serve the mandatory prison term consecutively to and prior to 743

any prison term imposed for the underlying violation of division 744
(A) (1) or (2) of section 2903.11 of the Revised Code and 745
consecutively to and prior to any other prison term or mandatory 746
prison term previously or subsequently imposed on the offender. 747

(7) If a mandatory prison term is imposed on an offender 748
pursuant to division (B) (10) of this section, the offender shall 749
serve that mandatory prison term consecutively to and prior to 750
any prison term imposed for the underlying felonious assault. 751
Except as otherwise provided in division (C) of this section, 752
any other prison term or mandatory prison term previously or 753
subsequently imposed upon the offender may be served 754
concurrently with, or consecutively to, the prison term imposed 755
pursuant to division (B) (10) of this section. 756

(8) Any prison term imposed for a violation of section 757
2903.04 of the Revised Code that is based on a violation of 758
section 2925.03 or 2925.11 of the Revised Code or on a violation 759
of section 2925.05 of the Revised Code that is not funding of 760
marihuana trafficking shall run consecutively to any prison term 761
imposed for the violation of section 2925.03 or 2925.11 of the 762
Revised Code or for the violation of section 2925.05 of the 763
Revised Code that is not funding of marihuana trafficking. 764

(9) When consecutive prison terms are imposed pursuant to 765
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 766
division (H) (1) or (2) of this section, subject to division (C) 767
(10) of this section, the term to be served is the aggregate of 768
all of the terms so imposed. 769

(10) When a court sentences an offender to a non-life 770
felony indefinite prison term, any definite prison term or 771
mandatory definite prison term previously or subsequently 772
imposed on the offender in addition to that indefinite sentence 773

that is required to be served consecutively to that indefinite sentence shall be served prior to the indefinite sentence. 774
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(11) If a court is sentencing an offender for a felony of the first or second degree, if division (A) (1) (a) or (2) (a) of this section applies with respect to the sentencing for the offense, and if the court is required under the Revised Code section that sets forth the offense or any other Revised Code provision to impose a mandatory prison term for the offense, the court shall impose the required mandatory prison term as the minimum term imposed under division (A) (1) (a) or (2) (a) of this section, whichever is applicable. 776
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(D) (1) If a court imposes a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and that is not a felony sex offense, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with section 2967.28 of the Revised Code. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a court to include a post-release control requirement in the sentence pursuant to this division does not negate, limit, or otherwise affect the mandatory period of post-release control that is required for the offender under division (B) of section 2967.28 of the Revised Code. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control. 785
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(2) If a court imposes a prison term for a felony of the 804
third, fourth, or fifth degree that is not subject to division 805
(D) (1) of this section, it shall include in the sentence a 806
requirement that the offender be subject to a period of post- 807
release control after the offender's release from imprisonment, 808
in accordance with that division, if the parole board determines 809
that a period of post-release control is necessary. Section 810
2929.191 of the Revised Code applies if, prior to July 11, 2006, 811
a court imposed a sentence including a prison term of a type 812
described in this division and failed to include in the sentence 813
pursuant to this division a statement regarding post-release 814
control. 815

(E) The court shall impose sentence upon the offender in 816
accordance with section 2971.03 of the Revised Code, and Chapter 817
2971. of the Revised Code applies regarding the prison term or 818
term of life imprisonment without parole imposed upon the 819
offender and the service of that term of imprisonment if any of 820
the following apply: 821

(1) A person is convicted of or pleads guilty to a violent 822
sex offense or a designated homicide, assault, or kidnapping 823
offense, and, in relation to that offense, the offender is 824
adjudicated a sexually violent predator. 825

(2) A person is convicted of or pleads guilty to a 826
violation of division (A) (1) (b) of section 2907.02 of the 827
Revised Code committed on or after January 2, 2007, and either 828
the court does not impose a sentence of life without parole when 829
authorized pursuant to division (B) of section 2907.02 of the 830
Revised Code, or division (B) of section 2907.02 of the Revised 831
Code provides that the court shall not sentence the offender 832
pursuant to section 2971.03 of the Revised Code. 833

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

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

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

(6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B) (2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

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

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

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

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

(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of

the Revised Code and also was convicted of or pleaded guilty to 894
a specification of the type described in section 2941.1421 of 895
the Revised Code regarding one or more of those violations, an 896
additional prison term of one, two, three, four, five, six, 897
seven, eight, nine, ten, eleven, or twelve months. 898

(b) In lieu of imposing an additional prison term under 899
division (H)(2)(a) of this section, the court may directly 900
impose on the offender a sanction that requires the offender to 901
wear a real-time processing, continual tracking electronic 902
monitoring device during the period of time specified by the 903
court. The period of time specified by the court shall equal the 904
duration of an additional prison term that the court could have 905
imposed upon the offender under division (H)(2)(a) of this 906
section. A sanction imposed under this division shall commence 907
on the date specified by the court, provided that the sanction 908
shall not commence until after the offender has served the 909
prison term imposed for the felony violation of section 2907.22, 910
2907.24, 2907.241, or 2907.25 of the Revised Code and any 911
residential sanction imposed for the violation under section 912
2929.16 of the Revised Code. A sanction imposed under this 913
division shall be considered to be a community control sanction 914
for purposes of section 2929.15 of the Revised Code, and all 915
provisions of the Revised Code that pertain to community control 916
sanctions shall apply to a sanction imposed under this division, 917
except to the extent that they would by their nature be clearly 918
inapplicable. The offender shall pay all costs associated with a 919
sanction imposed under this division, including the cost of the 920
use of the monitoring device. 921

(I) At the time of sentencing, the court may recommend the 922
offender for placement in a program of shock incarceration under 923
section 5120.031 of the Revised Code or for placement in an 924

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

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

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

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

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature,

the department shall screen the offender and determine if there 955
is an available program of shock incarceration or an intensive 956
program prison for which the offender is suited. If there is an 957
available program of shock incarceration or an intensive program 958
prison for which the offender is suited, the department shall 959
notify the court of the proposed placement of the offender as 960
specified in section 5120.031 or 5120.032 of the Revised Code 961
and shall include with the notice a brief description of the 962
placement. The court shall have ten days from receipt of the 963
notice to disapprove the placement. 964

(J) If a person is convicted of or pleads guilty to 965
aggravated vehicular homicide in violation of division (A) (1) of 966
section 2903.06 of the Revised Code and division (B) (2) (c) of 967
that section applies, the person shall be sentenced pursuant to 968
section 2929.142 of the Revised Code. 969

(K) (1) The court shall impose an additional mandatory 970
prison term of two, three, four, five, six, seven, eight, nine, 971
ten, or eleven years on an offender who is convicted of or 972
pleads guilty to a violent felony offense if the offender also 973
is convicted of or pleads guilty to a specification of the type 974
described in section 2941.1424 of the Revised Code that charges 975
that the offender is a violent career criminal and had a firearm 976
on or about the offender's person or under the offender's 977
control while committing the presently charged violent felony 978
offense and displayed or brandished the firearm, indicated that 979
the offender possessed a firearm, or used the firearm to 980
facilitate the offense. The offender shall serve the prison term 981
imposed under this division consecutively to and prior to the 982
prison term imposed for the underlying offense. The prison term 983
shall not be reduced pursuant to section 2929.20 or 2967.19 or 984
any other provision of Chapter 2967. or 5120. of the Revised 985

Code. A court may not impose more than one sentence under 986
division (B) (2) (a) of this section and this division for acts 987
committed as part of the same act or transaction. 988

(2) As used in division (K) (1) of this section, "violent 989
career criminal" and "violent felony offense" have the same 990
meanings as in section 2923.132 of the Revised Code. 991

(L) If an offender receives or received a sentence of life 992
imprisonment without parole, a sentence of life imprisonment, a 993
definite sentence, or a sentence to an indefinite prison term 994
under this chapter for a felony offense that was committed when 995
the offender was under eighteen years of age, the offender's 996
parole eligibility shall be determined under section 2967.132 of 997
the Revised Code. 998

Sec. 2941.1414. (A) Imposition of a five-year mandatory 999
prison term upon an offender under division (B) (5) of section 1000
2929.14 of the Revised Code is precluded unless the offender is 1001
convicted of or pleads guilty to violating division (A) (1) or 1002
(2) of section 2903.06 of the Revised Code and unless the 1003
indictment, count in the indictment, or information charging the 1004
offense specifies that the victim of the offense is a peace 1005
officer ~~or,~~ an investigator of the bureau of criminal 1006
identification and investigation, a firefighter, or an emergency 1007
medical worker. The specification shall be stated at the end of 1008
the body of the indictment, count, or information and shall be 1009
stated in substantially the following form: 1010

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1011
Grand Jurors (or insert the person's or the prosecuting 1012
attorney's name when appropriate) further find and specify that 1013
(set forth that the victim of the offense is a peace officer ~~or,~~ 1014
an investigator of the bureau of criminal identification and 1015

investigation, a firefighter, or an emergency medical worker)." 1016

(B) The specification described in division (A) of this 1017
section may be used in a delinquent child proceeding in the 1018
manner and for the purpose described in section 2152.17 of the 1019
Revised Code. 1020

(C) As used in this section: 1021

(1) "Peace officer" has the same meaning as in section 1022
2935.01 of the Revised Code. 1023

(2) "Investigator of the bureau of criminal identification 1024
and investigation" has the same meaning as in section 2903.11 of 1025
the Revised Code. 1026

(3) "Firefighter" and "emergency medical worker" have the 1027
same meanings as in section 4123.026 of the Revised Code. 1028

Sec. 3761.16. The chief administrative officer of a 1029
political subdivision with police powers, when engaged in 1030
suppressing a riot or a mob or when there is a clear and present 1031
danger of a riot or a mob, may cordon off any area or areas 1032
threatened by the riot or the mob and prohibit persons from 1033
entering the cordoned off area or areas except when carrying on 1034
necessary and legitimate pursuits and may prohibit the sale, 1035
offering for sale, dispensing, or transportation of ~~firearms or~~ 1036
~~other dangerous weapons, ammunition, dynamite,~~ or other 1037
dangerous explosives in, to, or from the cordoned off areas. 1038

Sec. 5502.411. (A) As used in this section: 1039

(1) "Ammunition" has the same meaning as in section 1040
2305.401 of the Revised Code. 1041

(2) "Concealed handgun license," "deadly weapon," 1042
"firearm," and "valid concealed handgun license" have the same 1043

meanings as in section 2923.11 of the Revised Code. 1044

(3) "Licensee" has the same meaning as in section 2923.124 1045
of the Revised Code. 1046

(B) The transport, storage, sale, transfer, commerce in, 1047
import and export of, distribution, repair, maintenance, and 1048
manufacture of deadly weapons or firearms, ammunition, and 1049
accessories and components related to deadly weapons or 1050
firearms, shooting ranges, and other goods and services directly 1051
related to lawful deadly weapon or firearm possession, use, 1052
storage, repair, maintenance, sale, transfer, and training in 1053
the use of deadly weapons or firearms, are declared to be life- 1054
sustaining "essential" businesses and services for the purposes 1055
of safety and security in times of declared emergency or any 1056
other statutorily authorized response to any disaster, war, act 1057
of terrorism, riot, civil disorder, public health crisis, public 1058
nuisance, or emergency of whatever kind or nature. 1059

(C) Except as provided in this section, no state agency, 1060
political subdivision, elected or appointed official or employee 1061
of this state or any political subdivision, or agent of this 1062
state or of any political subdivision, board, commission, 1063
bureau, or other public body established by law may, under any 1064
governmental authority or color of law exercised as part of any 1065
statutorily authorized response to any disaster, war, act of 1066
terrorism, riot, civil disorder, public health crisis, public 1067
nuisance, or emergency of whatever kind or nature, do any of the 1068
following: 1069

(1) Prohibit, regulate, or curtail the otherwise lawful 1070
possession, carrying, display, sale, transportation, transfer, 1071
defensive use, or other lawful use of any of the following: 1072

<u>(a) Any firearm, including any component or accessory of a</u>	1073
<u>firearm;</u>	1074
<u>(b) Any ammunition, including any component or accessory</u>	1075
<u>of ammunition;</u>	1076
<u>(c) Any ammunition-reloading equipment, component, or</u>	1077
<u>supplies;</u>	1078
<u>(d) Any deadly weapon, including any component or</u>	1079
<u>accessory of a deadly weapon.</u>	1080
<u>(2) Require registration of deadly weapon or firearm</u>	1081
<u>owners, of any firearms, including any component or accessory of</u>	1082
<u>a firearm, of any ammunition, including any component or</u>	1083
<u>accessory of ammunition, or of any deadly weapon, including any</u>	1084
<u>component or accessory of a deadly weapon;</u>	1085
<u>(3) Seize, commandeer, or confiscate in any manner, any of</u>	1086
<u>the following items that are possessed, carried, displayed,</u>	1087
<u>sold, transferred, transported, stored, or used in connection</u>	1088
<u>with otherwise lawful conduct:</u>	1089
<u>(a) Any firearm, including any component or accessory of a</u>	1090
<u>firearm;</u>	1091
<u>(b) Any ammunition, including any component or accessory</u>	1092
<u>of ammunition;</u>	1093
<u>(c) Any ammunition-reloading equipment, component, or</u>	1094
<u>supplies;</u>	1095
<u>(d) Any deadly weapon, including any component or</u>	1096
<u>accessory of a deadly weapon.</u>	1097
<u>(4) Suspend or revoke a valid concealed handgun license,</u>	1098
<u>except as expressly authorized in Chapter 2923. of the Revised</u>	1099

<u>Code;</u>	1100
<u>(5) Refuse to accept or process an application for a</u>	1101
<u>concealed handgun license or for renewal of a concealed handgun</u>	1102
<u>license, provided the application for the license has been</u>	1103
<u>properly completed and submitted in accordance with section</u>	1104
<u>2923.125 or 2923.1213 of the Revised Code and the application</u>	1105
<u>for the renewal has been properly completed and submitted in</u>	1106
<u>accordance with section 2923.125 of the Revised Code;</u>	1107
<u>(6) Prohibit, suspend, or limit the business operations of</u>	1108
<u>any entity engaged in the lawful selling or servicing of any</u>	1109
<u>firearms or ammunition, including any components or accessories</u>	1110
<u>of firearms or ammunition, any ammunition-reloading equipment,</u>	1111
<u>component, or supplies, or any deadly weapons, including any</u>	1112
<u>component or accessory of deadly weapons;</u>	1113
<u>(7) Prohibit, suspend, or limit the business operations of</u>	1114
<u>any indoor or outdoor shooting range, whether located on state</u>	1115
<u>lands or on land other than state lands, or of any entity</u>	1116
<u>engaged in providing deadly weapon or firearms safety, deadly</u>	1117
<u>weapon or firearms training, firearms license qualification or</u>	1118
<u>requalification, firearms safety instructor courses, or any</u>	1119
<u>similar class, course, or program;</u>	1120
<u>(8) Place restrictions or quantity limitations on any</u>	1121
<u>entity regarding the lawful sale or servicing of any of the</u>	1122
<u>following:</u>	1123
<u>(a) Any firearm, including any component or accessory of a</u>	1124
<u>firearm;</u>	1125
<u>(b) Any ammunition, including any component or accessory</u>	1126
<u>of ammunition;</u>	1127
<u>(c) Any ammunition-reloading equipment, component, or</u>	1128

supplies; 1129

(d) Any deadly weapon, including any component or 1130
accessory of a deadly weapon. 1131

(9) Suspend, restrict, or prohibit otherwise lawful 1132
hunting, fishing, or trapping activities or business entities 1133
conducting or directly facilitating lawful hunting, trapping, or 1134
fishing activities, whether conducted on state lands and waters 1135
or on land and waters other than state lands and waters. 1136

(D) (1) If a concealed handgun license has been issued to a 1137
licensee under either section 2923.125 or 2923.1213 of the 1138
Revised Code, if the governor issues an executive order 1139
declaring an emergency, and if the date that the valid and 1140
existing license would or is scheduled to expire falls within 1141
the period of emergency declared by the governor's executive 1142
order or the thirty days immediately preceding the date of that 1143
declaration, then, notwithstanding the date of scheduled 1144
expiration, the license is automatically extended throughout the 1145
duration of the period of the emergency plus an additional 1146
ninety days. If, during the period of the emergency or during 1147
the additional ninety days, a licensee issued a license under 1148
section 2923.125 of the Revised Code submits an application for 1149
renewal of the license or schedules an appointment with the 1150
issuing authority or another authority authorized to renew the 1151
license, the license is further automatically extended until the 1152
renewal application is accepted and fully processed. 1153

(2) If division (D) (1) of this section applies with 1154
respect to a concealed handgun license, during the extension 1155
period described in that division that is applicable to that 1156
license, all of the following apply: 1157

(a) The license shall be valid for all purposes under the laws of this state and the person to whom the license was issued shall be considered for all purposes under the laws of this state to be the holder of a valid license to carry a concealed handgun, and the license shall be valid for all purposes under section 2923.128 of the Revised Code; 1158
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(b) The license remains subject to the operation of section 2923.128 of the Revised Code during the extended period of the license and at any other time; 1164
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(c) Except for the date of scheduled expiration, all other conditions and restrictions otherwise applicable to the license and the license holder continue to apply during the extended period of the license and at any other time. 1167
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(E) Notwithstanding any inconsistent provision of law, including sections 5502.30 and 5502.35 of the Revised Code: 1171
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(1) A person, group, or entity adversely affected by any manner of law, ordinance, rule, regulation, resolution, practice, or other action enacted or enforced in violation of this section may file an action for damages, injunctive relief, declaratory relief, or other appropriate redress in the court of common pleas of the county in which the aggrieved person resides or the group or entity is located, or in which the violation occurred. 1173
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(2) In an action brought under authority of division (E) (1) of this section: 1181
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(a) A person, group, or entity adversely affected by any manner of law, ordinance, rule, regulation, resolution, practice, or other action enacted or enforced by any state agency, any political subdivision, any elected or appointed 1183
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official or employee of the state or of a political subdivision, 1187
or any agent of the state or of any political subdivision, 1188
board, commission, bureau, or other public body established by 1189
law in conflict with this section may bring a civil action 1190
against the state agency, political subdivision, elected or 1191
appointed official or employee of the state or of the political 1192
subdivision, or agent of the state or of the political 1193
subdivision, board, commission, bureau, or other public body 1194
seeking damages, declaratory relief, injunctive relief, or a 1195
combination of those remedies. Any damages awarded shall be 1196
awarded against, and paid by, the state, the agency, the 1197
political subdivision, or the board, commission, bureau, or 1198
other public body. In addition to any actual damages awarded 1199
against the state, the agency, the political subdivision, or the 1200
board, commission, bureau, or other public body and any other 1201
relief provided with respect to such an action, the court shall 1202
award reasonable expenses to any person, group, or entity that 1203
brings the action, to be paid by the state, agency, political 1204
subdivision, or board, commission, bureau, or other public body, 1205
if either of the following applies: 1206

(i) The person, group, or entity prevails in a challenge 1207
to the law, ordinance, rule, regulation, resolution, practice, 1208
or action as being in conflict with this section. 1209

(ii) The law, ordinance, rule, regulation, resolution, 1210
practice, or action or the manner of its enforcement is repealed 1211
or rescinded after the civil action was filed but prior to a 1212
final court determination of the action. 1213

(b) In addition to any other remedy available at law or in 1214
equity, a person, group, or entity aggrieved by the seizure or 1215
confiscation, in violation of this section, of one or more items 1216

listed in division (C) (3) of this section may apply to the court 1217
of common pleas of the county in which the item or items were 1218
seized or confiscated for the immediate return of the item or 1219
items. Except as otherwise provided in division (E) (2) (a) of 1220
this section, upon receipt of the application and a 1221
determination by the court that the seizure or confiscation of 1222
the item or items was in violation of this section, the court 1223
shall order the immediate return of the item or items by the 1224
seizing or confiscating state agency, political subdivision, 1225
board, commission, bureau, or other public body and that 1226
entity's employed officials. If a court orders the return of the 1227
seized or confiscated item or items under this division and the 1228
item or items are not returned in accordance with the order, the 1229
aggrieved party may claim reasonable costs and attorney fees for 1230
the loss and, the cost of reclaiming the item or items, or the 1231
cost of any damages to the item or items. 1232

(F) The provisions contained in the amendments to section 1233
3761.16 of the Revised Code and the enactment of this section by 1234
___ B. ___ of the 134th general assembly are severable, as 1235
provided in section 1.50 of the Revised Code. In particular, it 1236
is the intent of the general assembly that any invalidity or 1237
potential invalidity of a provision contained in those 1238
amendments or this section is not to impair the immediate and 1239
continuing enforceability of the remaining provisions. 1240

Section 2. That existing sections 2929.14, 2941.1414, and 1241
3761.16 of the Revised Code are hereby repealed. 1242

Section 3. Section 2929.14 of the Revised Code is 1243
presented in this act as a composite of the section as amended 1244
by both H.B. 136 and S.B. 256 of the 133rd General Assembly. The 1245
General Assembly, applying the principle stated in division (B) 1246

of section 1.52 of the Revised Code that amendments are to be	1247
harmonized if reasonably capable of simultaneous operation,	1248
finds that the composite is the resulting version of the section	1249
in effect prior to the effective date of the section as	1250
presented in this act.	1251