

**As Introduced**

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

**S. B. No. 90**

**Senators Kunze, Antonio**

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**A BILL**

To amend sections 2919.25, 2929.13, and 2929.14 of 1  
the Revised Code to expand the offense of 2  
domestic violence to also prohibit a person from 3  
knowingly impeding the normal breathing or 4  
circulation of the blood of a family or 5  
household member by applying pressure to the 6  
family or household member's throat or neck or 7  
blocking the family or household member's nose 8  
or mouth. 9

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

**Section 1.** That sections 2919.25, 2929.13, and 2929.14 of 10  
the Revised Code be amended to read as follows: 11

**Sec. 2919.25.** (A) No person shall knowingly cause or 12  
attempt to cause physical harm to a family or household member. 13

(B) No person shall recklessly cause serious physical harm 14  
to a family or household member. 15

(C) No person, by threat of force, shall knowingly cause a 16  
family or household member to believe that the offender will 17  
cause imminent physical harm to the family or household member. 18

(D) No person shall knowingly impede the normal breathing or circulation of the blood of a family or household member by applying pressure to the throat or neck, or by blocking the nose or mouth, of the family or household member. 19  
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(E) (1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided in divisions ~~(D)~~ (E) (2) to ~~(6)~~ (8) of this section. 23  
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(2) Except as otherwise provided in divisions ~~(D)~~ (E) (3) to (5) of this section, a violation of division (C) of this section is a misdemeanor of the fourth degree, and a violation of division (A) or (B) of this section is a misdemeanor of the first degree. 26  
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(3) Except as otherwise provided in division ~~(D)~~ (E) (4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of division (A) or (B) of this section is a felony of the fourth degree, and, if the offender knew that the victim of the violation was pregnant at the time of the 31  
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violation, the court shall impose a mandatory prison term on the 49  
offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, and 50  
a violation of division (C) of this section is a misdemeanor of 51  
the second degree. 52

(4) If the offender previously has pleaded guilty to or 53  
been convicted of two or more offenses of domestic violence or 54  
two or more violations or offenses of the type described in 55  
division ~~(D)~~ (E) (3) of this section involving a person who was a 56  
family or household member at the time of the violations or 57  
offenses, a violation of division (A) or (B) of this section is 58  
a felony of the third degree, and, if the offender knew that the 59  
victim of the violation was pregnant at the time of the 60  
violation, the court shall impose a mandatory prison term on the 61  
offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, and 62  
a violation of division (C) of this section is a misdemeanor of 63  
the first degree. 64

(5) Except as otherwise provided in division ~~(D)~~ (E) (3) or 65  
(4) of this section, if the offender knew that the victim of the 66  
violation was pregnant at the time of the violation, a violation 67  
of division (A) or (B) of this section is a felony of the fifth 68  
degree, and the court shall impose a mandatory prison term on 69  
the offender pursuant to division ~~(D) (6)~~ (E) (8) of this section, 70  
and a violation of division (C) of this section is a misdemeanor 71  
of the third degree. 72

(6) Except as otherwise provided in division (E) (7) of 73  
this section, a violation of division (D) of this section is a 74  
felony of the third degree, and the court shall impose a 75  
mandatory prison term on the offender pursuant to division (E) 76  
(8) of this section. 77

(7) If the offender previously has pleaded guilty to or 78

been convicted of a violation of this section, or if the 79  
offender previously has pleaded guilty to or been convicted of 80  
two or more offenses of violence, a violation of division (D) of 81  
this section is a felony of the second degree, and the court 82  
shall impose as the minimum prison term for the offense a 83  
mandatory prison term on the offender pursuant to division (E) 84  
(8) of this section. 85

(8) If division ~~(D)~~(E) (3), (4), ~~or~~ (5), (6), or (7) of 86  
this section requires the court that sentences an offender for a 87  
violation of division (A) ~~or~~, (B), or (D) of this section to 88  
impose a mandatory prison term on the offender pursuant to this 89  
division, the court shall impose the mandatory prison term as 90  
follows: 91

(a) If the violation of division (A) or (B) of this 92  
section is a felony of the fourth or fifth degree, except as 93  
otherwise provided in division ~~(D)~~(E) (8) (b) or (c) of this 94  
section, the court shall impose a mandatory prison term on the 95  
offender of at least six months. 96

(b) If the violation of division (A) or (B) of this 97  
section is a felony of the fifth degree and the offender, in 98  
committing the violation, caused serious physical harm to the 99  
pregnant woman's unborn or caused the termination of the 100  
pregnant woman's pregnancy, the court shall impose a mandatory 101  
prison term on the offender of twelve months. 102

(c) If the violation of division (A) or (B) of this 103  
section is a felony of the fourth degree and the offender, in 104  
committing the violation, caused serious physical harm to the 105  
pregnant woman's unborn or caused the termination of the 106  
pregnant woman's pregnancy, the court shall impose a mandatory 107  
prison term on the offender of at least twelve months. 108

(d) If the violation of division (A) ~~or, (B), or (D)~~ of 109  
this section is a felony of the third degree, except as 110  
otherwise provided in division ~~(D) (6) (E) (8)~~ (e) of this section 111  
and notwithstanding the range of definite prison terms 112  
prescribed in division (A) (3) of section 2929.14 of the Revised 113  
Code for a felony of the third degree, the court shall impose a 114  
mandatory prison term on the offender of either a definite term 115  
of six months or one of the prison terms prescribed in division 116  
(A) (3) (b) of section 2929.14 of the Revised Code for felonies of 117  
the third degree. 118

(e) If the violation of division (A) ~~or, (B), or (D)~~ of 119  
this section is a felony of the third degree and the offender, 120  
in committing the violation, caused serious physical harm to the 121  
pregnant woman's unborn or caused the termination of the 122  
pregnant woman's pregnancy, notwithstanding the range of 123  
definite prison terms prescribed in division (A) (3) of section 124  
2929.14 of the Revised Code for a felony of the third degree, 125  
the court shall impose a mandatory prison term on the offender 126  
of either a definite term of one year or one of the prison terms 127  
prescribed in division (A) (3) (b) of section 2929.14 of the 128  
Revised Code for felonies of the third degree. 129

~~(E)~~ (f) If the violation of division (D) of this section 130  
is a felony of the second degree, notwithstanding the range of 131  
prison terms prescribed in section 2929.14 of the Revised Code 132  
for a felony of the second degree, the court shall impose as the 133  
minimum prison term for the offense a mandatory prison term that 134  
is one of the minimum terms prescribed in division (A) (2) (a) of 135  
that section for a felony of the second degree. 136

(F) Notwithstanding any provision of law to the contrary, 137  
no court or unit of state or local government shall charge any 138

fee, cost, deposit, or money in connection with the filing of 139  
charges against a person alleging that the person violated this 140  
section or a municipal ordinance substantially similar to this 141  
section or in connection with the prosecution of any charges so 142  
filed. 143

~~(F)~~(G) It is not required in a prosecution under division 144  
(D) of this section to allege or prove that the family or 145  
household member who is the victim suffered physical harm or 146  
serious physical harm or visible injury. 147

(H) It is an affirmative defense to a charge under 148  
division (D) of this section that the act was done to the family 149  
or household member as part of a medical or other procedure 150  
undertaken to aid or benefit the victim. 151

(I) As used in this section and sections 2919.251 and 152  
2919.26 of the Revised Code: 153

(1) "Family or household member" means any of the 154  
following: 155

(a) Any of the following who is residing or has resided 156  
with the offender: 157

(i) A spouse, a person living as a spouse, or a former 158  
spouse of the offender; 159

(ii) A parent, a foster parent, or a child of the 160  
offender, or another person related by consanguinity or affinity 161  
to the offender; 162

(iii) A parent or a child of a spouse, person living as a 163  
spouse, or former spouse of the offender, or another person 164  
related by consanguinity or affinity to a spouse, person living 165  
as a spouse, or former spouse of the offender. 166

(b) The natural parent of any child of whom the offender 167  
is the other natural parent or is the putative other natural 168  
parent. 169

(2) "Person living as a spouse" means a person who is 170  
living or has lived with the offender in a common law marital 171  
relationship, who otherwise is cohabiting with the offender, or 172  
who otherwise has cohabited with the offender within five years 173  
prior to the date of the alleged commission of the act in 174  
question. 175

(3) "Pregnant woman's unborn" has the same meaning as 176  
"such other person's unborn," as set forth in section 2903.09 of 177  
the Revised Code, as it relates to the pregnant woman. Division 178  
(C) of that section applies regarding the use of the term in 179  
this section, except that the second and third sentences of 180  
division (C)(1) of that section shall be construed for purposes 181  
of this section as if they included a reference to this section 182  
in the listing of Revised Code sections they contain. 183

(4) "Termination of the pregnant woman's pregnancy" has 184  
the same meaning as "unlawful termination of another's 185  
pregnancy," as set forth in section 2903.09 of the Revised Code, 186  
as it relates to the pregnant woman. Division (C) of that 187  
section applies regarding the use of the term in this section, 188  
except that the second and third sentences of division (C)(1) of 189  
that section shall be construed for purposes of this section as 190  
if they included a reference to this section in the listing of 191  
Revised Code sections they contain. 192

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 193  
or (G) of this section and unless a specific sanction is 194  
required to be imposed or is precluded from being imposed 195  
pursuant to law, a court that imposes a sentence upon an 196

offender for a felony may impose any sanction or combination of 197  
sanctions on the offender that are provided in sections 2929.14 198  
to 2929.18 of the Revised Code. 199

If the offender is eligible to be sentenced to community 200  
control sanctions, the court shall consider the appropriateness 201  
of imposing a financial sanction pursuant to section 2929.18 of 202  
the Revised Code or a sanction of community service pursuant to 203  
section 2929.17 of the Revised Code as the sole sanction for the 204  
offense. Except as otherwise provided in this division, if the 205  
court is required to impose a mandatory prison term for the 206  
offense for which sentence is being imposed, the court also 207  
shall impose any financial sanction pursuant to section 2929.18 208  
of the Revised Code that is required for the offense and may 209  
impose any other financial sanction pursuant to that section but 210  
may not impose any additional sanction or combination of 211  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 212

If the offender is being sentenced for a fourth degree 213  
felony OVI offense or for a third degree felony OVI offense, in 214  
addition to the mandatory term of local incarceration or the 215  
mandatory prison term required for the offense by division (G) 216  
(1) or (2) of this section, the court shall impose upon the 217  
offender a mandatory fine in accordance with division (B) (3) of 218  
section 2929.18 of the Revised Code and may impose whichever of 219  
the following is applicable: 220

(1) For a fourth degree felony OVI offense for which 221  
sentence is imposed under division (G) (1) of this section, an 222  
additional community control sanction or combination of 223  
community control sanctions under section 2929.16 or 2929.17 of 224  
the Revised Code. If the court imposes upon the offender a 225  
community control sanction and the offender violates any 226



condition of the community control sanction, the court may take 227  
any action prescribed in division (B) of section 2929.15 of the 228  
Revised Code relative to the offender, including imposing a 229  
prison term on the offender pursuant to that division. 230

(2) For a third or fourth degree felony OVI offense for 231  
which sentence is imposed under division (G)(2) of this section, 232  
an additional prison term as described in division (B)(4) of 233  
section 2929.14 of the Revised Code or a community control 234  
sanction as described in division (G)(2) of this section. 235

(B)(1)(a) Except as provided in division (B)(1)(b) of this 236  
section, if an offender is convicted of or pleads guilty to a 237  
felony of the fourth or fifth degree that is not an offense of 238  
violence or that is a qualifying assault offense, the court 239  
shall sentence the offender to a community control sanction or 240  
combination of community control sanctions if all of the 241  
following apply: 242

(i) The offender previously has not been convicted of or 243  
pleaded guilty to a felony offense. 244

(ii) The most serious charge against the offender at the 245  
time of sentencing is a felony of the fourth or fifth degree. 246

(iii) The offender previously has not been convicted of or 247  
pleaded guilty to a misdemeanor offense of violence that the 248  
offender committed within two years prior to the offense for 249  
which sentence is being imposed. 250

(b) The court has discretion to impose a prison term upon 251  
an offender who is convicted of or pleads guilty to a felony of 252  
the fourth or fifth degree that is not an offense of violence or 253  
that is a qualifying assault offense if any of the following 254  
apply: 255

(i) The offender committed the offense while having a	256
firearm on or about the offender's person or under the	257
offender's control.	258
(ii) If the offense is a qualifying assault offense, the	259
offender caused serious physical harm to another person while	260
committing the offense, and, if the offense is not a qualifying	261
assault offense, the offender caused physical harm to another	262
person while committing the offense.	263
(iii) The offender violated a term of the conditions of	264
bond as set by the court.	265
(iv) The offense is a sex offense that is a fourth or	266
fifth degree felony violation of any provision of Chapter 2907.	267
of the Revised Code.	268
(v) In committing the offense, the offender attempted to	269
cause or made an actual threat of physical harm to a person with	270
a deadly weapon.	271
(vi) In committing the offense, the offender attempted to	272
cause or made an actual threat of physical harm to a person, and	273
the offender previously was convicted of an offense that caused	274
physical harm to a person.	275
(vii) The offender held a public office or position of	276
trust, and the offense related to that office or position; the	277
offender's position obliged the offender to prevent the offense	278
or to bring those committing it to justice; or the offender's	279
professional reputation or position facilitated the offense or	280
was likely to influence the future conduct of others.	281
(viii) The offender committed the offense for hire or as	282
part of an organized criminal activity.	283

(ix) The offender at the time of the offense was serving,	284
or the offender previously had served, a prison term.	285
(x) The offender committed the offense while under a	286
community control sanction, while on probation, or while	287
released from custody on a bond or personal recognizance.	288
(c) A sentencing court may impose an additional penalty	289
under division (B) of section 2929.15 of the Revised Code upon	290
an offender sentenced to a community control sanction under	291
division (B)(1)(a) of this section if the offender violates the	292
conditions of the community control sanction, violates a law, or	293
leaves the state without the permission of the court or the	294
offender's probation officer.	295
(2) If division (B)(1) of this section does not apply,	296
except as provided in division (E), (F), or (G) of this section,	297
in determining whether to impose a prison term as a sanction for	298
a felony of the fourth or fifth degree, the sentencing court	299
shall comply with the purposes and principles of sentencing	300
under section 2929.11 of the Revised Code and with section	301
2929.12 of the Revised Code.	302
(C) Except as provided in division (D), (E), (F), or (G)	303
of this section, in determining whether to impose a prison term	304
as a sanction for a felony of the third degree or a felony drug	305
offense that is a violation of a provision of Chapter 2925. of	306
the Revised Code and that is specified as being subject to this	307
division for purposes of sentencing, the sentencing court shall	308
comply with the purposes and principles of sentencing under	309
section 2929.11 of the Revised Code and with section 2929.12 of	310
the Revised Code.	311
(D)(1) Except as provided in division (E) or (F) of this	312

section, for a felony of the first or second degree, for a 313  
felony drug offense that is a violation of any provision of 314  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 315  
presumption in favor of a prison term is specified as being 316  
applicable, and for a violation of division (A)(4) or (B) of 317  
section 2907.05 of the Revised Code for which a presumption in 318  
favor of a prison term is specified as being applicable, it is 319  
presumed that a prison term is necessary in order to comply with 320  
the purposes and principles of sentencing under section 2929.11 321  
of the Revised Code. Division (D)(2) of this section does not 322  
apply to a presumption established under this division for a 323  
violation of division (A)(4) of section 2907.05 of the Revised 324  
Code. 325

(2) Notwithstanding the presumption established under 326  
division (D)(1) of this section for the offenses listed in that 327  
division other than a violation of division (A)(4) or (B) of 328  
section 2907.05 of the Revised Code, the sentencing court may 329  
impose a community control sanction or a combination of 330  
community control sanctions instead of a prison term on an 331  
offender for a felony of the first or second degree or for a 332  
felony drug offense that is a violation of any provision of 333  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 334  
presumption in favor of a prison term is specified as being 335  
applicable if it makes both of the following findings: 336

(a) A community control sanction or a combination of 337  
community control sanctions would adequately punish the offender 338  
and protect the public from future crime, because the applicable 339  
factors under section 2929.12 of the Revised Code indicating a 340  
lesser likelihood of recidivism outweigh the applicable factors 341  
under that section indicating a greater likelihood of 342  
recidivism. 343

(b) A community control sanction or a combination of 344  
community control sanctions would not demean the seriousness of 345  
the offense, because one or more factors under section 2929.12 346  
of the Revised Code that indicate that the offender's conduct 347  
was less serious than conduct normally constituting the offense 348  
are applicable, and they outweigh the applicable factors under 349  
that section that indicate that the offender's conduct was more 350  
serious than conduct normally constituting the offense. 351

(E) (1) Except as provided in division (F) of this section, 352  
for any drug offense that is a violation of any provision of 353  
Chapter 2925. of the Revised Code and that is a felony of the 354  
third, fourth, or fifth degree, the applicability of a 355  
presumption under division (D) of this section in favor of a 356  
prison term or of division (B) or (C) of this section in 357  
determining whether to impose a prison term for the offense 358  
shall be determined as specified in section 2925.02, 2925.03, 359  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 360  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 361  
regarding the violation. 362

(2) If an offender who was convicted of or pleaded guilty 363  
to a felony violates the conditions of a community control 364  
sanction imposed for the offense solely by reason of producing 365  
positive results on a drug test or by acting pursuant to 366  
division (B) (2) (b) of section 2925.11 of the Revised Code with 367  
respect to a minor drug possession offense, the court, as 368  
punishment for the violation of the sanction, shall not order 369  
that the offender be imprisoned unless the court determines on 370  
the record either of the following: 371

(a) The offender had been ordered as a sanction for the 372  
felony to participate in a drug treatment program, in a drug 373

education program, or in narcotics anonymous or a similar 374  
program, and the offender continued to use illegal drugs after a 375  
reasonable period of participation in the program. 376

(b) The imprisonment of the offender for the violation is 377  
consistent with the purposes and principles of sentencing set 378  
forth in section 2929.11 of the Revised Code. 379

(3) A court that sentences an offender for a drug abuse 380  
offense that is a felony of the third, fourth, or fifth degree 381  
may require that the offender be assessed by a properly 382  
credentialed professional within a specified period of time. The 383  
court shall require the professional to file a written 384  
assessment of the offender with the court. If the offender is 385  
eligible for a community control sanction and after considering 386  
the written assessment, the court may impose a community control 387  
sanction that includes addiction services and recovery supports 388  
included in a community-based continuum of care established 389  
under section 340.032 of the Revised Code. If the court imposes 390  
addiction services and recovery supports as a community control 391  
sanction, the court shall direct the level and type of addiction 392  
services and recovery supports after considering the assessment 393  
and recommendation of community addiction services providers. 394

(F) Notwithstanding divisions (A) to (E) of this section, 395  
the court shall impose a prison term or terms under sections 396  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 397  
section 2971.03 of the Revised Code and except as specifically 398  
provided in section 2929.20, divisions (C) to (I) of section 399  
2967.19, or section 2967.191 of the Revised Code or when parole 400  
is authorized for the offense under section 2967.13 of the 401  
Revised Code shall not reduce the term or terms pursuant to 402  
section 2929.20, section 2967.19, section 2967.193, or any other 403

provision of Chapter 2967. or Chapter 5120. of the Revised Code	404
for any of the following offenses:	405
(1) Aggravated murder when death is not imposed or murder;	406
(2) Any rape, regardless of whether force was involved and	407
regardless of the age of the victim, or an attempt to commit	408
rape if, had the offender completed the rape that was attempted,	409
the offender would have been guilty of a violation of division	410
(A) (1) (b) of section 2907.02 of the Revised Code and would be	411
sentenced under section 2971.03 of the Revised Code;	412
(3) Gross sexual imposition or sexual battery, if the	413
victim is less than thirteen years of age and if any of the	414
following applies:	415
(a) Regarding gross sexual imposition, the offender	416
previously was convicted of or pleaded guilty to rape, the	417
former offense of felonious sexual penetration, gross sexual	418
imposition, or sexual battery, and the victim of the previous	419
offense was less than thirteen years of age;	420
(b) Regarding gross sexual imposition, the offense was	421
committed on or after August 3, 2006, and evidence other than	422
the testimony of the victim was admitted in the case	423
corroborating the violation.	424
(c) Regarding sexual battery, either of the following	425
applies:	426
(i) The offense was committed prior to August 3, 2006, the	427
offender previously was convicted of or pleaded guilty to rape,	428
the former offense of felonious sexual penetration, or sexual	429
battery, and the victim of the previous offense was less than	430
thirteen years of age.	431

(ii) The offense was committed on or after August 3, 2006.	432
(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, or 2923.132 of the Revised Code if the section requires the imposition of a prison term;	433 434 435 436
(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term;	437 438 439 440 441 442
(6) Any offense that is a first or second degree felony and that is not set forth in division (F) (1), (2), (3), or (4) of this section, if the offender previously was convicted of or pleaded guilty to aggravated murder, murder, any first or second degree felony, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to one of those offenses;	443 444 445 446 447 448 449
(7) Any offense that is a third degree felony and either is a violation of section 2903.04 of the Revised Code or an attempt to commit a felony of the second degree that is an offense of violence and involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person if the offender previously was convicted of or pleaded guilty to any of the following offenses:	450 451 452 453 454 455 456
(a) Aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration as it existed under section 2907.12 of the Revised Code prior to September 3, 1996, a felony of the first or second degree that resulted in the death of a	457 458 459 460



person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;

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

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

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

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

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

(12) A violation of division (A) (1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A) (1) or (2) of that section, if the offender is an officer or employee of

the department of rehabilitation and correction;	490
(13) A violation of division (A) (1) or (2) of section	491
2903.06 of the Revised Code if the victim of the offense is a	492
peace officer, as defined in section 2935.01 of the Revised	493
Code, or an investigator of the bureau of criminal	494
identification and investigation, as defined in section 2903.11	495
of the Revised Code, with respect to the portion of the sentence	496
imposed pursuant to division (B) (5) of section 2929.14 of the	497
Revised Code;	498
(14) A violation of division (A) (1) or (2) of section	499
2903.06 of the Revised Code if the offender has been convicted	500
of or pleaded guilty to three or more violations of division (A)	501
or (B) of section 4511.19 of the Revised Code or an equivalent	502
offense, as defined in section 2941.1415 of the Revised Code, or	503
three or more violations of any combination of those divisions	504
and offenses, with respect to the portion of the sentence	505
imposed pursuant to division (B) (6) of section 2929.14 of the	506
Revised Code;	507
(15) Kidnapping, in the circumstances specified in section	508
2971.03 of the Revised Code and when no other provision of	509
division (F) of this section applies;	510
(16) Kidnapping, abduction, compelling prostitution,	511
promoting prostitution, engaging in a pattern of corrupt	512
activity, a violation of division (A) (1) or (2) of section	513
2907.323 of the Revised Code that involves a minor, or	514
endangering children in violation of division (B) (1), (2), (3),	515
(4), or (5) of section 2919.22 of the Revised Code, if the	516
offender is convicted of or pleads guilty to a specification as	517
described in section 2941.1422 of the Revised Code that was	518
included in the indictment, count in the indictment, or	519

information charging the offense; 520

(17) A felony violation of division (A) ~~or~~, (B), or (D) of 521  
section 2919.25 of the Revised Code if division ~~(D) (3)~~ (E) (3), 522  
(4), ~~or~~ (5), (6), or (7) of that section, and division ~~(D) (6)~~ 523  
(E) (8) of that section, require the imposition of a prison term; 524

(18) A felony violation of section 2903.11, 2903.12, or 525  
2903.13 of the Revised Code, if the victim of the offense was a 526  
woman that the offender knew was pregnant at the time of the 527  
violation, with respect to a portion of the sentence imposed 528  
pursuant to division (B) (8) of section 2929.14 of the Revised 529  
Code; 530

(19) (a) Any violent felony offense if the offender is a 531  
violent career criminal and had a firearm on or about the 532  
offender's person or under the offender's control during the 533  
commission of the violent felony offense and displayed or 534  
brandished the firearm, indicated that the offender possessed a 535  
firearm, or used the firearm to facilitate the offense, with 536  
respect to the portion of the sentence imposed under division 537  
(K) of section 2929.14 of the Revised Code. 538

(b) As used in division (F) (19) (a) of this section, 539  
"violent career criminal" and "violent felony offense" have the 540  
same meanings as in section 2923.132 of the Revised Code~~.~~ 541

(20) Any violation of division (A) (1) of section 2903.11 542  
of the Revised Code if the offender used an accelerant in 543  
committing the violation and the serious physical harm to 544  
another or another's unborn caused by the violation resulted in 545  
a permanent, serious disfigurement or permanent, substantial 546  
incapacity or any violation of division (A) (2) of that section 547  
if the offender used an accelerant in committing the violation, 548

the violation caused physical harm to another or another's 549  
unborn, and the physical harm resulted in a permanent, serious 550  
disfigurement or permanent, substantial incapacity, with respect 551  
to a portion of the sentence imposed pursuant to division (B) (9) 552  
of section 2929.14 of the Revised Code. The provisions of this 553  
division and of division (D) (2) of section 2903.11, divisions 554  
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 555  
the Revised Code shall be known as "Judy's Law." 556

(21) Any violation of division (A) of section 2903.11 of 557  
the Revised Code if the victim of the offense suffered permanent 558  
disabling harm as a result of the offense and the victim was 559  
under ten years of age at the time of the offense, with respect 560  
to a portion of the sentence imposed pursuant to division (B) 561  
(10) of section 2929.14 of the Revised Code. 562

(22) A felony violation of section 2925.03, 2925.05, or 563  
2925.11 of the Revised Code, if the drug involved in the 564  
violation is a fentanyl-related compound or a compound, mixture, 565  
preparation, or substance containing a fentanyl-related compound 566  
and the offender is convicted of or pleads guilty to a 567  
specification of the type described in division (B) of section 568  
2941.1410 of the Revised Code that was included in the 569  
indictment, count in the indictment, or information charging the 570  
offense, with respect to the portion of the sentence imposed 571  
under division (B) (11) of section 2929.14 of the Revised Code. 572

(G) Notwithstanding divisions (A) to (E) of this section, 573  
if an offender is being sentenced for a fourth degree felony OVI 574  
offense or for a third degree felony OVI offense, the court 575  
shall impose upon the offender a mandatory term of local 576  
incarceration or a mandatory prison term in accordance with the 577  
following: 578

(1) If the offender is being sentenced for a fourth degree 579  
felony OVI offense and if the offender has not been convicted of 580  
and has not pleaded guilty to a specification of the type 581  
described in section 2941.1413 of the Revised Code, the court 582  
may impose upon the offender a mandatory term of local 583  
incarceration of sixty days or one hundred twenty days as 584  
specified in division (G)(1)(d) of section 4511.19 of the 585  
Revised Code. The court shall not reduce the term pursuant to 586  
section 2929.20, 2967.193, or any other provision of the Revised 587  
Code. The court that imposes a mandatory term of local 588  
incarceration under this division shall specify whether the term 589  
is to be served in a jail, a community-based correctional 590  
facility, a halfway house, or an alternative residential 591  
facility, and the offender shall serve the term in the type of 592  
facility specified by the court. A mandatory term of local 593  
incarceration imposed under division (G)(1) of this section is 594  
not subject to any other Revised Code provision that pertains to 595  
a prison term except as provided in division (A)(1) of this 596  
section. 597

(2) If the offender is being sentenced for a third degree 598  
felony OVI offense, or if the offender is being sentenced for a 599  
fourth degree felony OVI offense and the court does not impose a 600  
mandatory term of local incarceration under division (G)(1) of 601  
this section, the court shall impose upon the offender a 602  
mandatory prison term of one, two, three, four, or five years if 603  
the offender also is convicted of or also pleads guilty to a 604  
specification of the type described in section 2941.1413 of the 605  
Revised Code or shall impose upon the offender a mandatory 606  
prison term of sixty days or one hundred twenty days as 607  
specified in division (G)(1)(d) or (e) of section 4511.19 of the 608  
Revised Code if the offender has not been convicted of and has 609

not pleaded guilty to a specification of that type. Subject to 610  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 611  
court shall not reduce the term pursuant to section 2929.20, 612  
2967.19, 2967.193, or any other provision of the Revised Code. 613  
The offender shall serve the one-, two-, three-, four-, or five- 614  
year mandatory prison term consecutively to and prior to the 615  
prison term imposed for the underlying offense and consecutively 616  
to any other mandatory prison term imposed in relation to the 617  
offense. In no case shall an offender who once has been 618  
sentenced to a mandatory term of local incarceration pursuant to 619  
division (G) (1) of this section for a fourth degree felony OVI 620  
offense be sentenced to another mandatory term of local 621  
incarceration under that division for any violation of division 622  
(A) of section 4511.19 of the Revised Code. In addition to the 623  
mandatory prison term described in division (G) (2) of this 624  
section, the court may sentence the offender to a community 625  
control sanction under section 2929.16 or 2929.17 of the Revised 626  
Code, but the offender shall serve the prison term prior to 627  
serving the community control sanction. The department of 628  
rehabilitation and correction may place an offender sentenced to 629  
a mandatory prison term under this division in an intensive 630  
program prison established pursuant to section 5120.033 of the 631  
Revised Code if the department gave the sentencing judge prior 632  
notice of its intent to place the offender in an intensive 633  
program prison established under that section and if the judge 634  
did not notify the department that the judge disapproved the 635  
placement. Upon the establishment of the initial intensive 636  
program prison pursuant to section 5120.033 of the Revised Code 637  
that is privately operated and managed by a contractor pursuant 638  
to a contract entered into under section 9.06 of the Revised 639  
Code, both of the following apply: 640

(a) The department of rehabilitation and correction shall 641  
make a reasonable effort to ensure that a sufficient number of 642  
offenders sentenced to a mandatory prison term under this 643  
division are placed in the privately operated and managed prison 644  
so that the privately operated and managed prison has full 645  
occupancy. 646

(b) Unless the privately operated and managed prison has 647  
full occupancy, the department of rehabilitation and correction 648  
shall not place any offender sentenced to a mandatory prison 649  
term under this division in any intensive program prison 650  
established pursuant to section 5120.033 of the Revised Code 651  
other than the privately operated and managed prison. 652

(H) If an offender is being sentenced for a sexually 653  
oriented offense or child-victim oriented offense that is a 654  
felony committed on or after January 1, 1997, the judge shall 655  
require the offender to submit to a DNA specimen collection 656  
procedure pursuant to section 2901.07 of the Revised Code. 657

(I) If an offender is being sentenced for a sexually 658  
oriented offense or a child-victim oriented offense committed on 659  
or after January 1, 1997, the judge shall include in the 660  
sentence a summary of the offender's duties imposed under 661  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 662  
Code and the duration of the duties. The judge shall inform the 663  
offender, at the time of sentencing, of those duties and of 664  
their duration. If required under division (A)(2) of section 665  
2950.03 of the Revised Code, the judge shall perform the duties 666  
specified in that section, or, if required under division (A)(6) 667  
of section 2950.03 of the Revised Code, the judge shall perform 668  
the duties specified in that division. 669

(J)(1) Except as provided in division (J)(2) of this 670

section, when considering sentencing factors under this section 671  
in relation to an offender who is convicted of or pleads guilty 672  
to an attempt to commit an offense in violation of section 673  
2923.02 of the Revised Code, the sentencing court shall consider 674  
the factors applicable to the felony category of the violation 675  
of section 2923.02 of the Revised Code instead of the factors 676  
applicable to the felony category of the offense attempted. 677

(2) When considering sentencing factors under this section 678  
in relation to an offender who is convicted of or pleads guilty 679  
to an attempt to commit a drug abuse offense for which the 680  
penalty is determined by the amount or number of unit doses of 681  
the controlled substance involved in the drug abuse offense, the 682  
sentencing court shall consider the factors applicable to the 683  
felony category that the drug abuse offense attempted would be 684  
if that drug abuse offense had been committed and had involved 685  
an amount or number of unit doses of the controlled substance 686  
that is within the next lower range of controlled substance 687  
amounts than was involved in the attempt. 688

(K) As used in this section: 689

(1) "Community addiction services provider" has the same 690  
meaning as in section 5119.01 of the Revised Code. 691

(2) "Drug abuse offense" has the same meaning as in 692  
section 2925.01 of the Revised Code. 693

(3) "Minor drug possession offense" has the same meaning 694  
as in section 2925.11 of the Revised Code. 695

(4) "Qualifying assault offense" means a violation of 696  
section 2903.13 of the Revised Code for which the penalty 697  
provision in division (C) (8) (b) or (C) (9) (b) of that section 698  
applies. 699



(L) At the time of sentencing an offender for any sexually 700  
oriented offense, if the offender is a tier III sex 701  
offender/child-victim offender relative to that offense and the 702  
offender does not serve a prison term or jail term, the court 703  
may require that the offender be monitored by means of a global 704  
positioning device. If the court requires such monitoring, the 705  
cost of monitoring shall be borne by the offender. If the 706  
offender is indigent, the cost of compliance shall be paid by 707  
the crime victims reparations fund. 708

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 709  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 710  
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 711  
in division ~~(D) (6)~~ (E) (8) of section 2919.25 of the Revised Code 712  
and except in relation to an offense for which a sentence of 713  
death or life imprisonment is to be imposed, if the court 714  
imposing a sentence upon an offender for a felony elects or is 715  
required to impose a prison term on the offender pursuant to 716  
this chapter, the court shall impose a prison term that shall be 717  
one of the following: 718

(1) (a) For a felony of the first degree committed on or 719  
after the effective date of this amendment, the prison term 720  
shall be an indefinite prison term with a stated minimum term 721  
selected by the court of three, four, five, six, seven, eight, 722  
nine, ten, or eleven years and a maximum term that is determined 723  
pursuant to section 2929.144 of the Revised Code, except that if 724  
the section that criminalizes the conduct constituting the 725  
felony specifies a different minimum term or penalty for the 726  
offense, the specific language of that section shall control in 727  
determining the minimum term or otherwise sentencing the 728  
offender but the minimum term or sentence imposed under that 729  
specific language shall be considered for purposes of the 730

Revised Code as if it had been imposed under this division. 731

(b) For a felony of the first degree committed prior to 732  
the effective date of this amendment, the prison term shall be a 733  
definite prison term of three, four, five, six, seven, eight, 734  
nine, ten, or eleven years. 735

(2) (a) For a felony of the second degree committed on or 736  
after the effective date of this amendment, the prison term 737  
shall be an indefinite prison term with a stated minimum term 738  
selected by the court of two, three, four, five, six, seven, or 739  
eight years and a maximum term that is determined pursuant to 740  
section 2929.144 of the Revised Code, except that if the section 741  
that criminalizes the conduct constituting the felony specifies 742  
a different minimum term or penalty for the offense, the 743  
specific language of that section shall control in determining 744  
the minimum term or otherwise sentencing the offender but the 745  
minimum term or sentence imposed under that specific language 746  
shall be considered for purposes of the Revised Code as if it 747  
had been imposed under this division. 748

(b) For a felony of the second degree committed prior to 749  
the effective date of this amendment, the prison term shall be a 750  
definite term of two, three, four, five, six, seven, or eight 751  
years. 752

(3) (a) For a felony of the third degree that is a 753  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 754  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 755  
Code or that is a violation of section 2911.02 or 2911.12 of the 756  
Revised Code if the offender previously has been convicted of or 757  
pleaded guilty in two or more separate proceedings to two or 758  
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 759  
of the Revised Code, the prison term shall be a definite term of 760

twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 761  
forty-eight, fifty-four, or sixty months. 762

(b) For a felony of the third degree that is not an 763  
offense for which division (A) (3) (a) of this section applies, 764  
the prison term shall be a definite term of nine, twelve, 765  
eighteen, twenty-four, thirty, or thirty-six months. 766

(4) For a felony of the fourth degree, the prison term 767  
shall be a definite term of six, seven, eight, nine, ten, 768  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 769  
or eighteen months. 770

(5) For a felony of the fifth degree, the prison term 771  
shall be a definite term of six, seven, eight, nine, ten, 772  
eleven, or twelve months. 773

(B) (1) (a) Except as provided in division (B) (1) (e) of this 774  
section, if an offender who is convicted of or pleads guilty to 775  
a felony also is convicted of or pleads guilty to a 776  
specification of the type described in section 2941.141, 777  
2941.144, or 2941.145 of the Revised Code, the court shall 778  
impose on the offender one of the following prison terms: 779

(i) A prison term of six years if the specification is of 780  
the type described in division (A) of section 2941.144 of the 781  
Revised Code that charges the offender with having a firearm 782  
that is an automatic firearm or that was equipped with a firearm 783  
muffler or suppressor on or about the offender's person or under 784  
the offender's control while committing the offense; 785

(ii) A prison term of three years if the specification is 786  
of the type described in division (A) of section 2941.145 of the 787  
Revised Code that charges the offender with having a firearm on 788  
or about the offender's person or under the offender's control 789

while committing the offense and displaying the firearm, 790  
brandishing the firearm, indicating that the offender possessed 791  
the firearm, or using it to facilitate the offense; 792

(iii) A prison term of one year if the specification is of 793  
the type described in division (A) of section 2941.141 of the 794  
Revised Code that charges the offender with having a firearm on 795  
or about the offender's person or under the offender's control 796  
while committing the offense; 797

(iv) A prison term of nine years if the specification is 798  
of the type described in division (D) of section 2941.144 of the 799  
Revised Code that charges the offender with having a firearm 800  
that is an automatic firearm or that was equipped with a firearm 801  
muffler or suppressor on or about the offender's person or under 802  
the offender's control while committing the offense and 803  
specifies that the offender previously has been convicted of or 804  
pleaded guilty to a specification of the type described in 805  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 806  
the Revised Code; 807

(v) A prison term of fifty-four months if the 808  
specification is of the type described in division (D) of 809  
section 2941.145 of the Revised Code that charges the offender 810  
with having a firearm on or about the offender's person or under 811  
the offender's control while committing the offense and 812  
displaying the firearm, brandishing the firearm, indicating that 813  
the offender possessed the firearm, or using the firearm to 814  
facilitate the offense and that the offender previously has been 815  
convicted of or pleaded guilty to a specification of the type 816  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 817  
2941.1412 of the Revised Code; 818

(vi) A prison term of eighteen months if the specification 819

is of the type described in division (D) of section 2941.141 of 820  
the Revised Code that charges the offender with having a firearm 821  
on or about the offender's person or under the offender's 822  
control while committing the offense and that the offender 823  
previously has been convicted of or pleaded guilty to a 824  
specification of the type described in section 2941.141, 825  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 826

(b) If a court imposes a prison term on an offender under 827  
division (B)(1)(a) of this section, the prison term shall not be 828  
reduced pursuant to section 2967.19, section 2929.20, section 829  
2967.193, or any other provision of Chapter 2967. or Chapter 830  
5120. of the Revised Code. Except as provided in division (B)(1) 831  
(g) of this section, a court shall not impose more than one 832  
prison term on an offender under division (B)(1)(a) of this 833  
section for felonies committed as part of the same act or 834  
transaction. 835

(c)(i) Except as provided in division (B)(1)(e) of this 836  
section, if an offender who is convicted of or pleads guilty to 837  
a violation of section 2923.161 of the Revised Code or to a 838  
felony that includes, as an essential element, purposely or 839  
knowingly causing or attempting to cause the death of or 840  
physical harm to another, also is convicted of or pleads guilty 841  
to a specification of the type described in division (A) of 842  
section 2941.146 of the Revised Code that charges the offender 843  
with committing the offense by discharging a firearm from a 844  
motor vehicle other than a manufactured home, the court, after 845  
imposing a prison term on the offender for the violation of 846  
section 2923.161 of the Revised Code or for the other felony 847  
offense under division (A), (B)(2), or (B)(3) of this section, 848  
shall impose an additional prison term of five years upon the 849  
offender that shall not be reduced pursuant to section 2929.20, 850

section 2967.19, section 2967.193, or any other provision of 851  
Chapter 2967. or Chapter 5120. of the Revised Code. 852

(ii) Except as provided in division (B)(1)(e) of this 853  
section, if an offender who is convicted of or pleads guilty to 854  
a violation of section 2923.161 of the Revised Code or to a 855  
felony that includes, as an essential element, purposely or 856  
knowingly causing or attempting to cause the death of or 857  
physical harm to another, also is convicted of or pleads guilty 858  
to a specification of the type described in division (C) of 859  
section 2941.146 of the Revised Code that charges the offender 860  
with committing the offense by discharging a firearm from a 861  
motor vehicle other than a manufactured home and that the 862  
offender previously has been convicted of or pleaded guilty to a 863  
specification of the type described in section 2941.141, 864  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 865  
the court, after imposing a prison term on the offender for the 866  
violation of section 2923.161 of the Revised Code or for the 867  
other felony offense under division (A), (B)(2), or (3) of this 868  
section, shall impose an additional prison term of ninety months 869  
upon the offender that shall not be reduced pursuant to section 870  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 871  
2967. or Chapter 5120. of the Revised Code. 872

(iii) A court shall not impose more than one additional 873  
prison term on an offender under division (B)(1)(c) of this 874  
section for felonies committed as part of the same act or 875  
transaction. If a court imposes an additional prison term on an 876  
offender under division (B)(1)(c) of this section relative to an 877  
offense, the court also shall impose a prison term under 878  
division (B)(1)(a) of this section relative to the same offense, 879  
provided the criteria specified in that division for imposing an 880  
additional prison term are satisfied relative to the offender 881

and the offense. 882

(d) If an offender who is convicted of or pleads guilty to 883  
an offense of violence that is a felony also is convicted of or 884  
pleads guilty to a specification of the type described in 885  
section 2941.1411 of the Revised Code that charges the offender 886  
with wearing or carrying body armor while committing the felony 887  
offense of violence, the court shall impose on the offender an 888  
additional prison term of two years. The prison term so imposed, 889  
subject to divisions (C) to (I) of section 2967.19 of the 890  
Revised Code, shall not be reduced pursuant to section 2929.20, 891  
section 2967.19, section 2967.193, or any other provision of 892  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 893  
shall not impose more than one prison term on an offender under 894  
division (B) (1) (d) of this section for felonies committed as 895  
part of the same act or transaction. If a court imposes an 896  
additional prison term under division (B) (1) (a) or (c) of this 897  
section, the court is not precluded from imposing an additional 898  
prison term under division (B) (1) (d) of this section. 899

(e) The court shall not impose any of the prison terms 900  
described in division (B) (1) (a) of this section or any of the 901  
additional prison terms described in division (B) (1) (c) of this 902  
section upon an offender for a violation of section 2923.12 or 903  
2923.123 of the Revised Code. The court shall not impose any of 904  
the prison terms described in division (B) (1) (a) or (b) of this 905  
section upon an offender for a violation of section 2923.122 906  
that involves a deadly weapon that is a firearm other than a 907  
dangerous ordnance, section 2923.16, or section 2923.121 of the 908  
Revised Code. The court shall not impose any of the prison terms 909  
described in division (B) (1) (a) of this section or any of the 910  
additional prison terms described in division (B) (1) (c) of this 911  
section upon an offender for a violation of section 2923.13 of 912

the Revised Code unless all of the following apply: 913

(i) The offender previously has been convicted of 914  
aggravated murder, murder, or any felony of the first or second 915  
degree. 916

(ii) Less than five years have passed since the offender 917  
was released from prison or post-release control, whichever is 918  
later, for the prior offense. 919

(f) (i) If an offender is convicted of or pleads guilty to 920  
a felony that includes, as an essential element, causing or 921  
attempting to cause the death of or physical harm to another and 922  
also is convicted of or pleads guilty to a specification of the 923  
type described in division (A) of section 2941.1412 of the 924  
Revised Code that charges the offender with committing the 925  
offense by discharging a firearm at a peace officer as defined 926  
in section 2935.01 of the Revised Code or a corrections officer, 927  
as defined in section 2941.1412 of the Revised Code, the court, 928  
after imposing a prison term on the offender for the felony 929  
offense under division (A), (B) (2), or (B) (3) of this section, 930  
shall impose an additional prison term of seven years upon the 931  
offender that shall not be reduced pursuant to section 2929.20, 932  
section 2967.19, section 2967.193, or any other provision of 933  
Chapter 2967. or Chapter 5120. of the Revised Code. 934

(ii) If an offender is convicted of or pleads guilty to a 935  
felony that includes, as an essential element, causing or 936  
attempting to cause the death of or physical harm to another and 937  
also is convicted of or pleads guilty to a specification of the 938  
type described in division (B) of section 2941.1412 of the 939  
Revised Code that charges the offender with committing the 940  
offense by discharging a firearm at a peace officer, as defined 941  
in section 2935.01 of the Revised Code, or a corrections 942



officer, as defined in section 2941.1412 of the Revised Code, 943  
and that the offender previously has been convicted of or 944  
pleaded guilty to a specification of the type described in 945  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 946  
the Revised Code, the court, after imposing a prison term on the 947  
offender for the felony offense under division (A), (B) (2), or 948  
(3) of this section, shall impose an additional prison term of 949  
one hundred twenty-six months upon the offender that shall not 950  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 951  
any other provision of Chapter 2967. or 5120. of the Revised 952  
Code. 953

(iii) If an offender is convicted of or pleads guilty to 954  
two or more felonies that include, as an essential element, 955  
causing or attempting to cause the death or physical harm to 956  
another and also is convicted of or pleads guilty to a 957  
specification of the type described under division (B) (1) (f) of 958  
this section in connection with two or more of the felonies of 959  
which the offender is convicted or to which the offender pleads 960  
guilty, the sentencing court shall impose on the offender the 961  
prison term specified under division (B) (1) (f) of this section 962  
for each of two of the specifications of which the offender is 963  
convicted or to which the offender pleads guilty and, in its 964  
discretion, also may impose on the offender the prison term 965  
specified under that division for any or all of the remaining 966  
specifications. If a court imposes an additional prison term on 967  
an offender under division (B) (1) (f) of this section relative to 968  
an offense, the court shall not impose a prison term under 969  
division (B) (1) (a) or (c) of this section relative to the same 970  
offense. 971

(g) If an offender is convicted of or pleads guilty to two 972  
or more felonies, if one or more of those felonies are 973

aggravated murder, murder, attempted aggravated murder, 974  
attempted murder, aggravated robbery, felonious assault, or 975  
rape, and if the offender is convicted of or pleads guilty to a 976  
specification of the type described under division (B) (1) (a) of 977  
this section in connection with two or more of the felonies, the 978  
sentencing court shall impose on the offender the prison term 979  
specified under division (B) (1) (a) of this section for each of 980  
the two most serious specifications of which the offender is 981  
convicted or to which the offender pleads guilty and, in its 982  
discretion, also may impose on the offender the prison term 983  
specified under that division for any or all of the remaining 984  
specifications. 985

(2) (a) If division (B) (2) (b) of this section does not 986  
apply, the court may impose on an offender, in addition to the 987  
longest prison term authorized or required for the offense or, 988  
for offenses for which division (A) (1) (a) or (2) (a) of this 989  
section applies, in addition to the longest minimum prison term 990  
authorized or required for the offense, an additional definite 991  
prison term of one, two, three, four, five, six, seven, eight, 992  
nine, or ten years if all of the following criteria are met: 993

(i) The offender is convicted of or pleads guilty to a 994  
specification of the type described in section 2941.149 of the 995  
Revised Code that the offender is a repeat violent offender. 996

(ii) The offense of which the offender currently is 997  
convicted or to which the offender currently pleads guilty is 998  
aggravated murder and the court does not impose a sentence of 999  
death or life imprisonment without parole, murder, terrorism and 1000  
the court does not impose a sentence of life imprisonment 1001  
without parole, any felony of the first degree that is an 1002  
offense of violence and the court does not impose a sentence of 1003

life imprisonment without parole, or any felony of the second 1004  
degree that is an offense of violence and the trier of fact 1005  
finds that the offense involved an attempt to cause or a threat 1006  
to cause serious physical harm to a person or resulted in 1007  
serious physical harm to a person. 1008

(iii) The court imposes the longest prison term for the 1009  
offense or the longest minimum prison term for the offense, 1010  
whichever is applicable, that is not life imprisonment without 1011  
parole. 1012

(iv) The court finds that the prison terms imposed 1013  
pursuant to division (B) (2) (a) (iii) of this section and, if 1014  
applicable, division (B) (1) or (3) of this section are 1015  
inadequate to punish the offender and protect the public from 1016  
future crime, because the applicable factors under section 1017  
2929.12 of the Revised Code indicating a greater likelihood of 1018  
recidivism outweigh the applicable factors under that section 1019  
indicating a lesser likelihood of recidivism. 1020

(v) The court finds that the prison terms imposed pursuant 1021  
to division (B) (2) (a) (iii) of this section and, if applicable, 1022  
division (B) (1) or (3) of this section are demeaning to the 1023  
seriousness of the offense, because one or more of the factors 1024  
under section 2929.12 of the Revised Code indicating that the 1025  
offender's conduct is more serious than conduct normally 1026  
constituting the offense are present, and they outweigh the 1027  
applicable factors under that section indicating that the 1028  
offender's conduct is less serious than conduct normally 1029  
constituting the offense. 1030

(b) The court shall impose on an offender the longest 1031  
prison term authorized or required for the offense or, for 1032  
offenses for which division (A) (1) (a) or (2) (a) of this section 1033

applies, the longest minimum prison term authorized or required 1034  
for the offense, and shall impose on the offender an additional 1035  
definite prison term of one, two, three, four, five, six, seven, 1036  
eight, nine, or ten years if all of the following criteria are 1037  
met: 1038

(i) The offender is convicted of or pleads guilty to a 1039  
specification of the type described in section 2941.149 of the 1040  
Revised Code that the offender is a repeat violent offender. 1041

(ii) The offender within the preceding twenty years has 1042  
been convicted of or pleaded guilty to three or more offenses 1043  
described in division (CC)(1) of section 2929.01 of the Revised 1044  
Code, including all offenses described in that division of which 1045  
the offender is convicted or to which the offender pleads guilty 1046  
in the current prosecution and all offenses described in that 1047  
division of which the offender previously has been convicted or 1048  
to which the offender previously pleaded guilty, whether 1049  
prosecuted together or separately. 1050

(iii) The offense or offenses of which the offender 1051  
currently is convicted or to which the offender currently pleads 1052  
guilty is aggravated murder and the court does not impose a 1053  
sentence of death or life imprisonment without parole, murder, 1054  
terrorism and the court does not impose a sentence of life 1055  
imprisonment without parole, any felony of the first degree that 1056  
is an offense of violence and the court does not impose a 1057  
sentence of life imprisonment without parole, or any felony of 1058  
the second degree that is an offense of violence and the trier 1059  
of fact finds that the offense involved an attempt to cause or a 1060  
threat to cause serious physical harm to a person or resulted in 1061  
serious physical harm to a person. 1062

(c) For purposes of division (B)(2)(b) of this section, 1063

two or more offenses committed at the same time or as part of 1064  
the same act or event shall be considered one offense, and that 1065  
one offense shall be the offense with the greatest penalty. 1066

(d) A sentence imposed under division (B)(2)(a) or (b) of 1067  
this section shall not be reduced pursuant to section 2929.20, 1068  
section 2967.19, or section 2967.193, or any other provision of 1069  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1070  
shall serve an additional prison term imposed under division (B) 1071  
(2)(a) or (b) of this section consecutively to and prior to the 1072  
prison term imposed for the underlying offense. 1073

(e) When imposing a sentence pursuant to division (B)(2) 1074  
(a) or (b) of this section, the court shall state its findings 1075  
explaining the imposed sentence. 1076

(3) Except when an offender commits a violation of section 1077  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1078  
for the violation is life imprisonment or commits a violation of 1079  
section 2903.02 of the Revised Code, if the offender commits a 1080  
violation of section 2925.03 or 2925.11 of the Revised Code and 1081  
that section classifies the offender as a major drug offender, 1082  
if the offender commits a violation of section 2925.05 of the 1083  
Revised Code and division (E)(1) of that section classifies the 1084  
offender as a major drug offender, if the offender commits a 1085  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1086  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1087  
division (C) or (D) of section 3719.172, division (E) of section 1088  
4729.51, or division (J) of section 4729.54 of the Revised Code 1089  
that includes the sale, offer to sell, or possession of a 1090  
schedule I or II controlled substance, with the exception of 1091  
marihuana, and the court imposing sentence upon the offender 1092  
finds that the offender is guilty of a specification of the type 1093

described in division (A) of section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code and, had the offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment 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 1125  
the offender is being sentenced for a third degree felony OVI 1126  
offense, the sentencing court may sentence the offender to an 1127  
additional prison term of any duration specified in division (A) 1128  
(3) of this section. In either case, the additional prison term 1129  
imposed shall be reduced by the sixty or one hundred twenty days 1130  
imposed upon the offender as the mandatory prison term. The 1131  
total of the additional prison term imposed under division (B) 1132  
(4) of this section plus the sixty or one hundred twenty days 1133  
imposed as the mandatory prison term shall equal a definite term 1134  
in the range of six months to thirty months for a fourth degree 1135  
felony OVI offense and shall equal one of the authorized prison 1136  
terms specified in division (A) (3) of this section for a third 1137  
degree felony OVI offense. If the court imposes an additional 1138  
prison term under division (B) (4) of this section, the offender 1139  
shall serve the additional prison term after the offender has 1140  
served the mandatory prison term required for the offense. In 1141  
addition to the mandatory prison term or mandatory and 1142  
additional prison term imposed as described in division (B) (4) 1143  
of this section, the court also may sentence the offender to a 1144  
community control sanction under section 2929.16 or 2929.17 of 1145  
the Revised Code, but the offender shall serve all of the prison 1146  
terms so imposed prior to serving the community control 1147  
sanction. 1148

If the offender is being sentenced for a fourth degree 1149  
felony OVI offense under division (G) (1) of section 2929.13 of 1150  
the Revised Code and the court imposes a mandatory term of local 1151  
incarceration, the court may impose a prison term as described 1152  
in division (A) (1) of that section. 1153

(5) If an offender is convicted of or pleads guilty to a 1154  
violation of division (A) (1) or (2) of section 2903.06 of the 1155

Revised Code and also is convicted of or pleads guilty to a 1156  
specification of the type described in section 2941.1414 of the 1157  
Revised Code that charges that the victim of the offense is a 1158  
peace officer, as defined in section 2935.01 of the Revised 1159  
Code, or an investigator of the bureau of criminal 1160  
identification and investigation, as defined in section 2903.11 1161  
of the Revised Code, the court shall impose on the offender a 1162  
prison term of five years. If a court imposes a prison term on 1163  
an offender under division (B) (5) of this section, the prison 1164  
term, subject to divisions (C) to (I) of section 2967.19 of the 1165  
Revised Code, shall not be reduced pursuant to section 2929.20, 1166  
section 2967.19, section 2967.193, or any other provision of 1167  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1168  
shall not impose more than one prison term on an offender under 1169  
division (B) (5) of this section for felonies committed as part 1170  
of the same act. 1171

(6) If an offender is convicted of or pleads guilty to a 1172  
violation of division (A) (1) or (2) of section 2903.06 of the 1173  
Revised Code and also is convicted of or pleads guilty to a 1174  
specification of the type described in section 2941.1415 of the 1175  
Revised Code that charges that the offender previously has been 1176  
convicted of or pleaded guilty to three or more violations of 1177  
division (A) or (B) of section 4511.19 of the Revised Code or an 1178  
equivalent offense, as defined in section 2941.1415 of the 1179  
Revised Code, or three or more violations of any combination of 1180  
those divisions and offenses, the court shall impose on the 1181  
offender a prison term of three years. If a court imposes a 1182  
prison term on an offender under division (B) (6) of this 1183  
section, the prison term, subject to divisions (C) to (I) of 1184  
section 2967.19 of the Revised Code, shall not be reduced 1185  
pursuant to section 2929.20, section 2967.19, section 2967.193, 1186



or any other provision of Chapter 2967. or Chapter 5120. of the 1187  
Revised Code. A court shall not impose more than one prison term 1188  
on an offender under division (B) (6) of this section for 1189  
felonies committed as part of the same act. 1190

(7) (a) If an offender is convicted of or pleads guilty to 1191  
a felony violation of section 2905.01, 2905.02, 2907.21, 1192  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1193  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1194  
section 2919.22 of the Revised Code and also is convicted of or 1195  
pleads guilty to a specification of the type described in 1196  
section 2941.1422 of the Revised Code that charges that the 1197  
offender knowingly committed the offense in furtherance of human 1198  
trafficking, the court shall impose on the offender a mandatory 1199  
prison term that is one of the following: 1200

(i) If the offense is a felony of the first degree, a 1201  
definite prison term of not less than five years and not greater 1202  
than eleven years, except that if the offense is a felony of the 1203  
first degree committed on or after the effective date of this 1204  
amendment, the court shall impose as the minimum prison term a 1205  
mandatory term of not less than five years and not greater than 1206  
eleven years; 1207

(ii) If the offense is a felony of the second or third 1208  
degree, a definite prison term of not less than three years and 1209  
not greater than the maximum prison term allowed for the offense 1210  
by division (A) (2) (b) or (3) of this section, except that if the 1211  
offense is a felony of the second degree committed on or after 1212  
the effective date of this amendment, the court shall impose as 1213  
the minimum prison term a mandatory term of not less than three 1214  
years and not greater than eight years; 1215

(iii) If the offense is a felony of the fourth or fifth 1216

degree, a definite prison term that is the maximum prison term 1217  
allowed for the offense by division (A) of section 2929.14 of 1218  
the Revised Code. 1219

(b) Subject to divisions (C) to (I) of section 2967.19 of 1220  
the Revised Code, the prison term imposed under division (B) (7) 1221  
(a) of this section shall not be reduced pursuant to section 1222  
2929.20, section 2967.19, section 2967.193, or any other 1223  
provision of Chapter 2967. of the Revised Code. A court shall 1224  
not impose more than one prison term on an offender under 1225  
division (B) (7) (a) of this section for felonies committed as 1226  
part of the same act, scheme, or plan. 1227

(8) If an offender is convicted of or pleads guilty to a 1228  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1229  
Revised Code and also is convicted of or pleads guilty to a 1230  
specification of the type described in section 2941.1423 of the 1231  
Revised Code that charges that the victim of the violation was a 1232  
woman whom the offender knew was pregnant at the time of the 1233  
violation, notwithstanding the range prescribed in division (A) 1234  
of this section as the definite prison term or minimum prison 1235  
term for felonies of the same degree as the violation, the court 1236  
shall impose on the offender a mandatory prison term that is 1237  
either a definite prison term of six months or one of the prison 1238  
terms prescribed in division (A) of this section for felonies of 1239  
the same degree as the violation, except that if the violation 1240  
is a felony of the first or second degree committed on or after 1241  
the effective date of this amendment, the court shall impose as 1242  
the minimum prison term under division (A) (1) (a) or (2) (a) of 1243  
this section a mandatory term that is one of the terms 1244  
prescribed in that division, whichever is applicable, for the 1245  
offense. 1246

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

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

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

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

(c) The provisions of divisions (B) (9) and (C) (6) of this section and of division (D) (2) of section 2903.11, division (F) (20) of section 2929.13, and section 2941.1425 of the Revised

Code shall be known as "Judy's Law." 1277

(10) If an offender is convicted of or pleads guilty to a 1278  
violation of division (A) of section 2903.11 of the Revised Code 1279  
and also is convicted of or pleads guilty to a specification of 1280  
the type described in section 2941.1426 of the Revised Code that 1281  
charges that the victim of the offense suffered permanent 1282  
disabling harm as a result of the offense and that the victim 1283  
was under ten years of age at the time of the offense, 1284  
regardless of whether the offender knew the age of the victim, 1285  
the court shall impose upon the offender an additional definite 1286  
prison term of six years. A prison term imposed on an offender 1287  
under division (B) (10) of this section shall not be reduced 1288  
pursuant to section 2929.20, section 2967.193, or any other 1289  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1290  
If a court imposes an additional prison term on an offender 1291  
under this division relative to a violation of division (A) of 1292  
section 2903.11 of the Revised Code, the court shall not impose 1293  
any other additional prison term on the offender relative to the 1294  
same offense. 1295

(11) If an offender is convicted of or pleads guilty to a 1296  
felony violation of section 2925.03 or 2925.05 of the Revised 1297  
Code or a felony violation of section 2925.11 of the Revised 1298  
Code for which division (C) (11) of that section applies in 1299  
determining the sentence for the violation, if the drug involved 1300  
in the violation is a fentanyl-related compound or a compound, 1301  
mixture, preparation, or substance containing a fentanyl-related 1302  
compound, and if the offender also is convicted of or pleads 1303  
guilty to a specification of the type described in division (B) 1304  
of section 2941.1410 of the Revised Code that charges that the 1305  
offender is a major drug offender, in addition to any other 1306  
penalty imposed for the violation, the court shall impose on the 1307

offender a mandatory prison term of three, four, five, six, 1308  
seven, or eight years. If a court imposes a prison term on an 1309  
offender under division (B) (11) of this section, the prison 1310  
term, subject to divisions (C) to (I) of section 2967.19 of the 1311  
Revised Code, shall not be reduced pursuant to section 2929.20, 1312  
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1313  
5120. of the Revised Code. A court shall not impose more than 1314  
one prison term on an offender under division (B) (11) of this 1315  
section for felonies committed as part of the same act. 1316

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1317  
if a mandatory prison term is imposed upon an offender pursuant 1318  
to division (B) (1) (a) of this section for having a firearm on or 1319  
about the offender's person or under the offender's control 1320  
while committing a felony, if a mandatory prison term is imposed 1321  
upon an offender pursuant to division (B) (1) (c) of this section 1322  
for committing a felony specified in that division by 1323  
discharging a firearm from a motor vehicle, or if both types of 1324  
mandatory prison terms are imposed, the offender shall serve any 1325  
mandatory prison term imposed under either division 1326  
consecutively to any other mandatory prison term imposed under 1327  
either division or under division (B) (1) (d) of this section, 1328  
consecutively to and prior to any prison term imposed for the 1329  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1330  
this section or any other section of the Revised Code, and 1331  
consecutively to any other prison term or mandatory prison term 1332  
previously or subsequently imposed upon the offender. 1333

(b) If a mandatory prison term is imposed upon an offender 1334  
pursuant to division (B) (1) (d) of this section for wearing or 1335  
carrying body armor while committing an offense of violence that 1336  
is a felony, the offender shall serve the mandatory term so 1337  
imposed consecutively to any other mandatory prison term imposed 1338

under that division or under division (B) (1) (a) or (c) of this 1339  
section, consecutively to and prior to any prison term imposed 1340  
for the underlying felony under division (A), (B) (2), or (B) (3) 1341  
of this section or any other section of the Revised Code, and 1342  
consecutively to any other prison term or mandatory prison term 1343  
previously or subsequently imposed upon the offender. 1344

(c) If a mandatory prison term is imposed upon an offender 1345  
pursuant to division (B) (1) (f) of this section, the offender 1346  
shall serve the mandatory prison term so imposed consecutively 1347  
to and prior to any prison term imposed for the underlying 1348  
felony under division (A), (B) (2), or (B) (3) of this section or 1349  
any other section of the Revised Code, and consecutively to any 1350  
other prison term or mandatory prison term previously or 1351  
subsequently imposed upon the offender. 1352

(d) If a mandatory prison term is imposed upon an offender 1353  
pursuant to division (B) (7) or (8) of this section, the offender 1354  
shall serve the mandatory prison term so imposed consecutively 1355  
to any other mandatory prison term imposed under that division 1356  
or under any other provision of law and consecutively to any 1357  
other prison term or mandatory prison term previously or 1358  
subsequently imposed upon the offender. 1359

(e) If a mandatory prison term is imposed upon an offender 1360  
pursuant to division (B) (11) of this section, the offender shall 1361  
serve the mandatory prison term consecutively to any other 1362  
mandatory prison term imposed under that division, consecutively 1363  
to and prior to any prison term imposed for the underlying 1364  
felony, and consecutively to any other prison term or mandatory 1365  
prison term previously or subsequently imposed upon the 1366  
offender. 1367

(2) If an offender who is an inmate in a jail, prison, or 1368

other residential detention facility violates section 2917.02, 1369  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1370  
(2) of section 2921.34 of the Revised Code, if an offender who 1371  
is under detention at a detention facility commits a felony 1372  
violation of section 2923.131 of the Revised Code, or if an 1373  
offender who is an inmate in a jail, prison, or other 1374  
residential detention facility or is under detention at a 1375  
detention facility commits another felony while the offender is 1376  
an escapee in violation of division (A) (1) or (2) of section 1377  
2921.34 of the Revised Code, any prison term imposed upon the 1378  
offender for one of those violations shall be served by the 1379  
offender consecutively to the prison term or term of 1380  
imprisonment the offender was serving when the offender 1381  
committed that offense and to any other prison term previously 1382  
or subsequently imposed upon the offender. 1383

(3) If a prison term is imposed for a violation of 1384  
division (B) of section 2911.01 of the Revised Code, a violation 1385  
of division (A) of section 2913.02 of the Revised Code in which 1386  
the stolen property is a firearm or dangerous ordnance, or a 1387  
felony violation of division (B) of section 2921.331 of the 1388  
Revised Code, the offender shall serve that prison term 1389  
consecutively to any other prison term or mandatory prison term 1390  
previously or subsequently imposed upon the offender. 1391

(4) If multiple prison terms are imposed on an offender 1392  
for convictions of multiple offenses, the court may require the 1393  
offender to serve the prison terms consecutively if the court 1394  
finds that the consecutive service is necessary to protect the 1395  
public from future crime or to punish the offender and that 1396  
consecutive sentences are not disproportionate to the 1397  
seriousness of the offender's conduct and to the danger the 1398  
offender poses to the public, and if the court also finds any of 1399

the following: 1400

(a) The offender committed one or more of the multiple 1401  
offenses while the offender was awaiting trial or sentencing, 1402  
was under a sanction imposed pursuant to section 2929.16, 1403  
2929.17, or 2929.18 of the Revised Code, or was under post- 1404  
release control for a prior offense. 1405

(b) At least two of the multiple offenses were committed 1406  
as part of one or more courses of conduct, and the harm caused 1407  
by two or more of the multiple offenses so committed was so 1408  
great or unusual that no single prison term for any of the 1409  
offenses committed as part of any of the courses of conduct 1410  
adequately reflects the seriousness of the offender's conduct. 1411

(c) The offender's history of criminal conduct 1412  
demonstrates that consecutive sentences are necessary to protect 1413  
the public from future crime by the offender. 1414

(5) If a mandatory prison term is imposed upon an offender 1415  
pursuant to division (B) (5) or (6) of this section, the offender 1416  
shall serve the mandatory prison term consecutively to and prior 1417  
to any prison term imposed for the underlying violation of 1418  
division (A) (1) or (2) of section 2903.06 of the Revised Code 1419  
pursuant to division (A) of this section or section 2929.142 of 1420  
the Revised Code. If a mandatory prison term is imposed upon an 1421  
offender pursuant to division (B) (5) of this section, and if a 1422  
mandatory prison term also is imposed upon the offender pursuant 1423  
to division (B) (6) of this section in relation to the same 1424  
violation, the offender shall serve the mandatory prison term 1425  
imposed pursuant to division (B) (5) of this section 1426  
consecutively to and prior to the mandatory prison term imposed 1427  
pursuant to division (B) (6) of this section and consecutively to 1428  
and prior to any prison term imposed for the underlying 1429



violation of division (A) (1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code.

(6) If a mandatory prison term is imposed on an offender pursuant to division (B) (9) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A) (1) or (2) of section 2903.11 of the Revised Code and consecutively to and prior to any other prison term or mandatory prison term previously or subsequently imposed on the offender.

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

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

(9) When consecutive prison terms are imposed pursuant to division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or division (H) (1) or (2) of this section, subject to division (C)

(10) of this section, the term to be served is the aggregate of 1460  
all of the terms so imposed. 1461

(10) When a court sentences an offender to a non-life 1462  
felony indefinite prison term, any definite prison term or 1463  
mandatory definite prison term previously or subsequently 1464  
imposed on the offender in addition to that indefinite sentence 1465  
that is required to be served consecutively to that indefinite 1466  
sentence shall be served prior to the indefinite sentence. 1467

(11) If a court is sentencing an offender for a felony of 1468  
the first or second degree, if division (A) (1) (a) or (2) (a) of 1469  
this section applies with respect to the sentencing for the 1470  
offense, and if the court is required under the Revised Code 1471  
section that sets forth the offense or any other Revised Code 1472  
provision to impose a mandatory prison term for the offense, the 1473  
court shall impose the required mandatory prison term as the 1474  
minimum term imposed under division (A) (1) (a) or (2) (a) of this 1475  
section, whichever is applicable. 1476

(D) (1) If a court imposes a prison term, other than a term 1477  
of life imprisonment, for a felony of the first degree, for a 1478  
felony of the second degree, for a felony sex offense, or for a 1479  
felony of the third degree that is an offense of violence and 1480  
that is not a felony sex offense, it shall include in the 1481  
sentence a requirement that the offender be subject to a period 1482  
of post-release control after the offender's release from 1483  
imprisonment, in accordance with section 2967.28 of the Revised 1484  
Code. If a court imposes a sentence including a prison term of a 1485  
type described in this division on or after July 11, 2006, the 1486  
failure of a court to include a post-release control requirement 1487  
in the sentence pursuant to this division does not negate, 1488  
limit, or otherwise affect the mandatory period of post-release 1489

control that is required for the offender under division (B) of 1490  
section 2967.28 of the Revised Code. Section 2929.191 of the 1491  
Revised Code applies if, prior to July 11, 2006, a court imposed 1492  
a sentence including a prison term of a type described in this 1493  
division and failed to include in the sentence pursuant to this 1494  
division a statement regarding post-release control. 1495

(2) If a court imposes a prison term for a felony of the 1496  
third, fourth, or fifth degree that is not subject to division 1497  
(D) (1) of this section, it shall include in the sentence a 1498  
requirement that the offender be subject to a period of post- 1499  
release control after the offender's release from imprisonment, 1500  
in accordance with that division, if the parole board determines 1501  
that a period of post-release control is necessary. Section 1502  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1503  
a court imposed a sentence including a prison term of a type 1504  
described in this division and failed to include in the sentence 1505  
pursuant to this division a statement regarding post-release 1506  
control. 1507

(E) The court shall impose sentence upon the offender in 1508  
accordance with section 2971.03 of the Revised Code, and Chapter 1509  
2971. of the Revised Code applies regarding the prison term or 1510  
term of life imprisonment without parole imposed upon the 1511  
offender and the service of that term of imprisonment if any of 1512  
the following apply: 1513

(1) A person is convicted of or pleads guilty to a violent 1514  
sex offense or a designated homicide, assault, or kidnapping 1515  
offense, and, in relation to that offense, the offender is 1516  
adjudicated a sexually violent predator. 1517

(2) A person is convicted of or pleads guilty to a 1518  
violation of division (A) (1) (b) of section 2907.02 of the 1519

Revised Code committed on or after January 2, 2007, and either 1520  
the court does not impose a sentence of life without parole when 1521  
authorized pursuant to division (B) of section 2907.02 of the 1522  
Revised Code, or division (B) of section 2907.02 of the Revised 1523  
Code provides that the court shall not sentence the offender 1524  
pursuant to section 2971.03 of the Revised Code. 1525

(3) A person is convicted of or pleads guilty to attempted 1526  
rape committed on or after January 2, 2007, and a specification 1527  
of the type described in section 2941.1418, 2941.1419, or 1528  
2941.1420 of the Revised Code. 1529

(4) A person is convicted of or pleads guilty to a 1530  
violation of section 2905.01 of the Revised Code committed on or 1531  
after January 1, 2008, and that section requires the court to 1532  
sentence the offender pursuant to section 2971.03 of the Revised 1533  
Code. 1534

(5) A person is convicted of or pleads guilty to 1535  
aggravated murder committed on or after January 1, 2008, and 1536  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1537  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1538  
(d) of section 2929.03, or division (A) or (B) of section 1539  
2929.06 of the Revised Code requires the court to sentence the 1540  
offender pursuant to division (B) (3) of section 2971.03 of the 1541  
Revised Code. 1542

(6) A person is convicted of or pleads guilty to murder 1543  
committed on or after January 1, 2008, and division (B) (2) of 1544  
section 2929.02 of the Revised Code requires the court to 1545  
sentence the offender pursuant to section 2971.03 of the Revised 1546  
Code. 1547

(F) If a person who has been convicted of or pleaded 1548

guilty to a felony is sentenced to a prison term or term of 1549  
imprisonment under this section, sections 2929.02 to 2929.06 of 1550  
the Revised Code, section 2929.142 of the Revised Code, section 1551  
2971.03 of the Revised Code, or any other provision of law, 1552  
section 5120.163 of the Revised Code applies regarding the 1553  
person while the person is confined in a state correctional 1554  
institution. 1555

(G) If an offender who is convicted of or pleads guilty to 1556  
a felony that is an offense of violence also is convicted of or 1557  
pleads guilty to a specification of the type described in 1558  
section 2941.142 of the Revised Code that charges the offender 1559  
with having committed the felony while participating in a 1560  
criminal gang, the court shall impose upon the offender an 1561  
additional prison term of one, two, or three years. 1562

(H) (1) If an offender who is convicted of or pleads guilty 1563  
to aggravated murder, murder, or a felony of the first, second, 1564  
or third degree that is an offense of violence also is convicted 1565  
of or pleads guilty to a specification of the type described in 1566  
section 2941.143 of the Revised Code that charges the offender 1567  
with having committed the offense in a school safety zone or 1568  
towards a person in a school safety zone, the court shall impose 1569  
upon the offender an additional prison term of two years. The 1570  
offender shall serve the additional two years consecutively to 1571  
and prior to the prison term imposed for the underlying offense. 1572

(2) (a) If an offender is convicted of or pleads guilty to 1573  
a felony violation of section 2907.22, 2907.24, 2907.241, or 1574  
2907.25 of the Revised Code and to a specification of the type 1575  
described in section 2941.1421 of the Revised Code and if the 1576  
court imposes a prison term on the offender for the felony 1577  
violation, the court may impose upon the offender an additional 1578

prison term as follows: 1579

(i) Subject to division (H) (2) (a) (ii) of this section, an 1580  
additional prison term of one, two, three, four, five, or six 1581  
months; 1582

(ii) If the offender previously has been convicted of or 1583  
pleaded guilty to one or more felony or misdemeanor violations 1584  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1585  
the Revised Code and also was convicted of or pleaded guilty to 1586  
a specification of the type described in section 2941.1421 of 1587  
the Revised Code regarding one or more of those violations, an 1588  
additional prison term of one, two, three, four, five, six, 1589  
seven, eight, nine, ten, eleven, or twelve months. 1590

(b) In lieu of imposing an additional prison term under 1591  
division (H) (2) (a) of this section, the court may directly 1592  
impose on the offender a sanction that requires the offender to 1593  
wear a real-time processing, continual tracking electronic 1594  
monitoring device during the period of time specified by the 1595  
court. The period of time specified by the court shall equal the 1596  
duration of an additional prison term that the court could have 1597  
imposed upon the offender under division (H) (2) (a) of this 1598  
section. A sanction imposed under this division shall commence 1599  
on the date specified by the court, provided that the sanction 1600  
shall not commence until after the offender has served the 1601  
prison term imposed for the felony violation of section 2907.22, 1602  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1603  
residential sanction imposed for the violation under section 1604  
2929.16 of the Revised Code. A sanction imposed under this 1605  
division shall be considered to be a community control sanction 1606  
for purposes of section 2929.15 of the Revised Code, and all 1607  
provisions of the Revised Code that pertain to community control 1608

sanctions shall apply to a sanction imposed under this division, 1609  
except to the extent that they would by their nature be clearly 1610  
inapplicable. The offender shall pay all costs associated with a 1611  
sanction imposed under this division, including the cost of the 1612  
use of the monitoring device. 1613

(I) At the time of sentencing, the court may recommend the 1614  
offender for placement in a program of shock incarceration under 1615  
section 5120.031 of the Revised Code or for placement in an 1616  
intensive program prison under section 5120.032 of the Revised 1617  
Code, disapprove placement of the offender in a program of shock 1618  
incarceration or an intensive program prison of that nature, or 1619  
make no recommendation on placement of the offender. In no case 1620  
shall the department of rehabilitation and correction place the 1621  
offender in a program or prison of that nature unless the 1622  
department determines as specified in section 5120.031 or 1623  
5120.032 of the Revised Code, whichever is applicable, that the 1624  
offender is eligible for the placement. 1625

If the court disapproves placement of the offender in a 1626  
program or prison of that nature, the department of 1627  
rehabilitation and correction shall not place the offender in 1628  
any program of shock incarceration or intensive program prison. 1629

If the court recommends placement of the offender in a 1630  
program of shock incarceration or in an intensive program 1631  
prison, and if the offender is subsequently placed in the 1632  
recommended program or prison, the department shall notify the 1633  
court of the placement and shall include with the notice a brief 1634  
description of the placement. 1635

If the court recommends placement of the offender in a 1636  
program of shock incarceration or in an intensive program prison 1637  
and the department does not subsequently place the offender in 1638

the recommended program or prison, the department shall send a 1639  
notice to the court indicating why the offender was not placed 1640  
in the recommended program or prison. 1641

If the court does not make a recommendation under this 1642  
division with respect to an offender and if the department 1643  
determines as specified in section 5120.031 or 5120.032 of the 1644  
Revised Code, whichever is applicable, that the offender is 1645  
eligible for placement in a program or prison of that nature, 1646  
the department shall screen the offender and determine if there 1647  
is an available program of shock incarceration or an intensive 1648  
program prison for which the offender is suited. If there is an 1649  
available program of shock incarceration or an intensive program 1650  
prison for which the offender is suited, the department shall 1651  
notify the court of the proposed placement of the offender as 1652  
specified in section 5120.031 or 5120.032 of the Revised Code 1653  
and shall include with the notice a brief description of the 1654  
placement. The court shall have ten days from receipt of the 1655  
notice to disapprove the placement. 1656

(J) If a person is convicted of or pleads guilty to 1657  
aggravated vehicular homicide in violation of division (A) (1) of 1658  
section 2903.06 of the Revised Code and division (B) (2) (c) of 1659  
that section applies, the person shall be sentenced pursuant to 1660  
section 2929.142 of the Revised Code. 1661

(K) (1) The court shall impose an additional mandatory 1662  
prison term of two, three, four, five, six, seven, eight, nine, 1663  
ten, or eleven years on an offender who is convicted of or 1664  
pleads guilty to a violent felony offense if the offender also 1665  
is convicted of or pleads guilty to a specification of the type 1666  
described in section 2941.1424 of the Revised Code that charges 1667  
that the offender is a violent career criminal and had a firearm 1668



on or about the offender's person or under the offender's 1669  
control while committing the presently charged violent felony 1670  
offense and displayed or brandished the firearm, indicated that 1671  
the offender possessed a firearm, or used the firearm to 1672  
facilitate the offense. The offender shall serve the prison term 1673  
imposed under this division consecutively to and prior to the 1674  
prison term imposed for the underlying offense. The prison term 1675  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1676  
any other provision of Chapter 2967. or 5120. of the Revised 1677  
Code. A court may not impose more than one sentence under 1678  
division (B) (2) (a) of this section and this division for acts 1679  
committed as part of the same act or transaction. 1680

(2) As used in division (K) (1) of this section, "violent 1681  
career criminal" and "violent felony offense" have the same 1682  
meanings as in section 2923.132 of the Revised Code. 1683

**Section 2.** That existing sections 2919.25, 2929.13, and 1684  
2929.14 of the Revised Code are hereby repealed. 1685

**Section 3.** Section 2929.14 of the Revised Code is 1686  
presented in this act as a composite of the section as amended 1687  
by H.B. 63, S.B. 1, S.B. 20, and S.B. 201, all of the 132nd 1688  
General Assembly. The General Assembly, applying the principle 1689  
stated in division (B) of section 1.52 of the Revised Code that 1690  
amendments are to be harmonized if reasonably capable of 1691  
simultaneous operation, finds that the composite is the 1692  
resulting version of the section in effect prior to the 1693  
effective date of the section as presented in this act. 1694