

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 377**

**Representatives Williams, Santucci**

**Cosponsors: Representatives Edwards, King, Hall, Johnson, Wiggam, Young, T., Click, Stein, Bird, Kick, Dell'Aquila, Lorenz, Miller, K., Creech, Carruthers, Fowler Arthur, Humphrey, Barhorst, Cutrona, Klopfenstein, Dobos, Manning, Pavliga, Schmidt, Plummer, Dean, Richardson, Demetriou, Pizzulli, McClain, Miller, M., Hillyer, Brennan, Willis, Merrin, Lipps, Rogers**

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**A BILL**

To amend sections 2903.41, 2905.01, 2905.02, 1  
2905.32, and 2971.03 of the Revised Code to 2  
enact the Human Trafficking Prevention Act to 3  
increase the penalty for human trafficking of a 4  
minor or person with a developmental disability, 5  
kidnapping, and abduction. 6

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

**Section 1.** That sections 2903.41, 2905.01, 2905.02, 7  
2905.32, and 2971.03 of the Revised Code be amended to read as 8  
follows: 9

**Sec. 2903.41.** As used in sections 2903.41 to 2903.44 of 10  
the Revised Code: 11

(A) "Violent offender" means any of the following: 12

(1) A person who on or after the effective date of this 13  
section is convicted of or pleads guilty to any of the 14  
following: 15

(a) A violation of section 2903.01, 2903.02, 2903.03, or 16  
2905.01 of the Revised Code or a violation of section 2905.02 of 17  
the Revised Code that is a felony of the ~~second~~first degree; 18

(b) Any attempt to commit, conspiracy to commit, or 19  
complicity in committing any offense listed in division (A) (1) 20  
(a) of this section. 21

(2) A person who on the effective date of this section has 22  
been convicted of or pleaded guilty to an offense listed in 23  
division (A) (1) of this section and is confined in a jail, 24  
workhouse, state correctional institution, or other institution, 25  
serving a prison term, term of imprisonment, or other term of 26  
confinement for the offense. 27

(B) "Community control sanction," "jail," and "prison" 28  
have the same meanings as in section 2929.01 of the Revised 29  
Code. 30

(C) "Out-of-state violent offender" means a person who is 31  
convicted of, pleads guilty to, has been convicted of, or has 32  
pleaded guilty to a violation of any existing or former 33  
municipal ordinance or law of another state or the United 34  
States, or any existing or former law applicable in a military 35  
court or in an Indian tribal court, that is or was substantially 36  
equivalent to any offense listed in division (A) (1) of this 37  
section. 38

(D) "Qualifying out-of-state violent offender" means an 39  
out-of-state violent offender who is aware of the existence of 40  
the violent offender database. 41

(E) "Post-release control sanction" and "supervised 42  
release" have the same meanings as in section 2950.01 of the 43  
Revised Code. 44

(F) "Change of address" means a change to a violent offender's or out-of-state violent offender's residence address, employment address, or school or institution of higher education address.

(G) "Violent offender database" means the database of violent offenders and out-of-state violent offenders that is established and maintained by the bureau of criminal identification and investigation under division (F) (2) of section 2903.43 of the Revised Code, that is operated by sheriffs under sections 2903.42 and 2903.43 of the Revised Code, and for which sheriffs obtain information from violent offenders and out-of-state violent offenders pursuant to sections 2903.42 and 2903.43 of the Revised Code.

(H) "Violent offender database duties" and "VOD duties" mean the duty to enroll, duty to re-enroll, and duty to provide notice of a change of address imposed on a violent offender or a qualifying out-of-state violent offender under section 2903.42, 2903.421, 2903.43, or 2903.44 of the Revised Code.

(I) "Ten-year enrollment period" means, for a violent offender who has violent offender database duties pursuant to section 2903.42 of the Revised Code or a qualifying out-of-state violent offender who has violent offender database duties pursuant to section 2903.421 of the Revised Code, ten years from the date on which the offender initially enrolls in the violent offender database.

(J) "Extended enrollment period" means, for a violent offender who has violent offender database duties pursuant to section 2903.42 of the Revised Code or a qualifying out-of-state violent offender who has violent offender database duties pursuant to section 2903.421 of the Revised Code, the offender's

enrollment period as extended pursuant to division (D) (2) of 75  
section 2903.43 of the Revised Code. 76

(K) "Prosecutor" means one of the following: 77

(1) As used in section 2903.42 of the Revised Code, the 78  
office of the prosecuting attorney who handled a violent 79  
offender's underlying case or the office of that prosecutor's 80  
successor. 81

(2) As used in sections 2903.421, 2903.43, and 2903.44 of 82  
the Revised Code, the office of the prosecuting attorney of the 83  
county in which a violent offender resides or of the county in 84  
which an out-of-state violent offender resides or occupies a 85  
dwelling. 86

**Sec. 2905.01.** (A) No person, by force, threat, or 87  
deception, or, in the case of a victim under the age of ~~thirteen~~ 88  
eighteen or mentally incompetent, by any means, shall remove 89  
another from the place where the other person is found or 90  
restrain the liberty of the other person, for any of the 91  
following purposes: 92

(1) To hold for ransom, or as a shield or hostage; 93

(2) To facilitate the commission of any felony or flight 94  
thereafter; 95

(3) To terrorize, or to inflict serious physical harm on 96  
the victim or another; 97

(4) To engage in sexual activity, as defined in section 98  
2907.01 of the Revised Code, with the victim against the 99  
victim's will; 100

(5) To hinder, impede, or obstruct a function of 101  
government, or to force any action or concession on the part of 102

governmental authority; 103

(6) To hold in a condition of involuntary servitude. 104

(B) No person, by force, threat, or deception, or, in the 105  
case of a victim under the age of thirteen or mentally 106  
incompetent, by any means, shall knowingly and unlawfully do any 107  
of the following, under circumstances that create a substantial 108  
risk of serious physical harm to the victim or, in the case of a 109  
minor victim, under circumstances that either create a 110  
substantial risk of serious physical harm to the victim or cause 111  
physical harm to the victim: 112

(1) Remove another from the place where the other person 113  
is found; 114

(2) Restrain another of the other person's liberty. 115

(C) (1) Whoever violates this section is guilty of 116  
kidnapping. Except as otherwise provided in this division or 117  
division (C) (2) ~~or~~, (3), or (4) of this section, ~~kidnapping a~~ 118  
violation of division (A) (1), (2), (3), or (5) or (B) (1) or (2) 119  
of this section is a felony of the first degree. Except as 120  
otherwise provided in this division or division (C) (2) ~~or~~, (3), or 121  
(4) of this section, if an offender who violates division (A) 122  
(1) ~~to~~, (2), (3), or (5), or (B) (1), or (B) (2) (2) of this 123  
section releases the victim in a safe place unharmed, kidnapping 124  
is a felony of the second degree. 125

~~(2)~~ (2) (a) Except as provided in division (C) (2) (b) of this 126  
section, a violation of division (A) (4) or (6) of this section 127  
is a felony of the first degree, and, notwithstanding the 128  
definite or indefinite sentence provided for a felony of the 129  
first degree in section 2929.14 of the Revised Code, the 130  
offender shall be sentenced pursuant to that section to an 131

indefinite prison term consisting of a minimum term of twenty- 132  
five years and a maximum term of life imprisonment. 133

(b) If the offender releases the victim in a safe place 134  
unharmed, the offender shall be sentenced pursuant to that 135  
section to an indefinite term consisting of a minimum term of 136  
fifteen years and a maximum term of life imprisonment. 137

(3) If the offender in any case also is convicted of or 138  
pleads guilty to a specification as described in section 139  
2941.1422 of the Revised Code that was included in the 140  
indictment, count in the indictment, or information charging the 141  
offense, the court shall order the offender to make restitution 142  
as provided in division (B) (8) of section 2929.18 of the Revised 143  
Code and, except as otherwise provided in division ~~(C) (3)~~ (C) (4) 144  
of this section, shall sentence the offender to a mandatory 145  
prison term as provided in division (B) (7) of section 2929.14 of 146  
the Revised Code. 147

~~(3)~~ (4) If the victim of the offense a violation of 148  
division (A) (1), (2), (3), or (5) or (B) (1) or (2) of this 149  
section is less than thirteen eighteen years of age and if the 150  
offender also is convicted of or pleads guilty to a sexual 151  
motivation specification that was included in the indictment, 152  
count in the indictment, or information charging the offense, 153  
kidnapping is a felony of the first degree, and, notwithstanding 154  
the definite or indefinite sentence provided for a felony of the 155  
first degree in section 2929.14 of the Revised Code, the 156  
offender shall be sentenced pursuant to section 2971.03 of the 157  
Revised Code as follows: 158

(a) Except as otherwise provided in division ~~(C) (3) (b)~~ (C) 159  
(4) (b) of this section, the offender shall be sentenced pursuant 160  
to that section to an indefinite prison term consisting of a 161

minimum term of ~~fifteen~~twenty-five years and a maximum term of 162  
life imprisonment. 163

(b) If the offender releases the victim in a safe place 164  
unharmd, the offender shall be sentenced pursuant to that 165  
section to an indefinite term consisting of a minimum term of 166  
~~ten~~fifteen years and a maximum term of life imprisonment. 167

(D) As used in this section: 168

(1) "Involuntary servitude" has the same meaning as in 169  
section 2905.31 of the Revised Code. 170

(2) "Sexual motivation specification" has the same meaning 171  
as in section 2971.01 of the Revised Code. 172

**Sec. 2905.02.** (A) No person, without privilege to do so, 173  
shall knowingly do any of the following: 174

(1) By force or threat, remove another from the place 175  
where the other person is found; 176

(2) By force or threat, restrain the liberty of another 177  
person under circumstances that create a risk of physical harm 178  
to the victim or place the other person in fear; 179

(3) Hold another in a condition of involuntary servitude. 180

(B) No person, with a sexual motivation, shall violate 181  
division (A) of this section. 182

~~(C)~~(C) (1) Whoever violates this section is guilty of 183  
abduction. ~~A~~ 184

(2) ~~A~~ violation of division (A) (1) or (2) of this section 185  
or a violation of division (B) of this section involving conduct 186  
of the type described in division (A) (1) or (2) of this section 187  
is a felony of the third degree. ~~A~~ 188

(3) A violation of division (A) (3) of this section or a 189  
violation of division (B) of this section involving conduct of 190  
the type described in division (A) (3) of this section is a 191  
felony of the ~~second~~ first degree. ~~If~~ Notwithstanding the 192  
definite or indefinite sentence provided for a felony of the 193  
first degree in section 2929.14 of the Revised Code, the 194  
offender shall be sentenced for a violation of division (A) (3) 195  
of this section or a violation of division (B) of this section 196  
to an indefinite prison term consisting of a minimum term of 197  
twenty-five years and a maximum term of life imprisonment. 198

(4) If the offender in any case also is convicted of or 199  
pleads guilty to a specification as described in section 200  
2941.1422 of the Revised Code that was included in the 201  
indictment, count in the indictment, or information charging the 202  
offense, the court shall sentence the offender to a mandatory 203  
prison term as provided in division (B) (7) of section 2929.14 of 204  
the Revised Code and shall order the offender to make 205  
restitution as provided in division (B) (8) of section 2929.18 of 206  
the Revised Code. 207

(D) As used in this section: 208

(1) "Involuntary servitude" has the same meaning as in 209  
section 2905.31 of the Revised Code. 210

(2) "Sexual motivation" has the same meaning as in section 211  
2971.01 of the Revised Code. 212

**Sec. 2905.32.** (A) No person shall ~~knowingly~~ recklessly 213  
recruit, lure, entice, isolate, harbor, transport, provide, 214  
obtain, or maintain, or ~~knowingly~~ recklessly attempt to recruit, 215  
lure, entice, isolate, harbor, transport, provide, obtain, or 216  
maintain, another person if either of the following applies: 217



(1) The offender knows <u>or has reasonable cause to believe</u>	218
that the other person will be subjected to involuntary servitude	219
or be compelled to engage in sexual activity for hire, engage in	220
a performance that is obscene, sexually oriented, or nudity	221
oriented, or be a model or participant in the production of	222
material that is obscene, sexually oriented, or nudity oriented.	223
(2) The other person is less than eighteen years of age or	224
is a person with a developmental disability whom the offender	225
knows or has reasonable cause to believe is a person with a	226
developmental disability, and either the offender knows <u>or has</u>	227
<u>reasonable cause to believe</u> that the other person will be	228
subjected to involuntary servitude or the offender's <del>knowing</del>	229
recruitment, luring, enticement, isolation, harboring,	230
transportation, provision, obtaining, or maintenance of the	231
other person or <del>knowing</del> attempt to recruit, lure, entice,	232
isolate, harbor, transport, provide, obtain, or maintain the	233
other person is for any of the following purposes:	234
(a) For the other person to engage in sexual activity for	235
hire with one or more third parties;	236
(b) To engage in a performance for hire that is obscene,	237
sexually oriented, or nudity oriented;	238
(c) To be a model or participant for hire in the	239
production of material that is obscene, sexually oriented, or	240
nudity oriented.	241
(B) For a prosecution under division (A) (1) of this	242
section, the element "compelled" does not require that the	243
compulsion be openly displayed or physically exerted. The	244
element "compelled" has been established if the state proves	245
that the offender overcame the victim's will by force, fear,	246

duress, intimidation, or fraud, by furnishing or offering a 247  
controlled substance to the victim, or by manipulating the 248  
victim's controlled substance addiction. 249

(C) In a prosecution under this section, proof that the 250  
defendant engaged in sexual activity with any person, or 251  
solicited sexual activity with any person, whether or not for 252  
hire, without more, does not constitute a violation of this 253  
section. 254

(D) A prosecution for a violation of this section does not 255  
preclude a prosecution of a violation of any other section of 256  
the Revised Code. One or more acts, a series of acts, or a 257  
course of behavior that can be prosecuted under this section or 258  
any other section of the Revised Code may be prosecuted under 259  
this section, the other section of the Revised Code, or both 260  
sections. However, if an offender is convicted of or pleads 261  
guilty to a violation of this section and also is convicted of 262  
or pleads guilty to a violation of section 2907.21 of the 263  
Revised Code based on the same conduct involving the same victim 264  
that was the basis of the violation of this section, or is 265  
convicted of or pleads guilty to any other violation of Chapter 266  
2907. of the Revised Code based on the same conduct involving 267  
the same victim that was the basis of the violation of this 268  
section, the two offenses are allied offenses of similar import 269  
under section 2941.25 of the Revised Code. 270

~~(E)~~ (E) (1) Whoever violates this section is guilty of 271  
trafficking in persons, a felony of the first degree. For a 272  
violation committed prior to March 22, 2019, notwithstanding the 273  
range of definite terms set forth in division (A) (1) (b) of 274  
section 2929.14 of the Revised Code, the court shall sentence 275  
the offender to a definite prison term of ten, eleven, twelve, 276

thirteen, fourteen, or fifteen years. ~~For~~ Except as provided in 277  
division (E) (2) or (3) of this section, for a violation of 278  
division (A) (1) or (2) of this section committed on or after 279  
March 22, 2019, notwithstanding the range of minimum terms set 280  
forth in division (A) (1) (a) of section 2929.14 of the Revised 281  
Code, the court shall sentence the offender to an indefinite 282  
prison term pursuant to that division, with a minimum term under 283  
that sentence of ten, eleven, twelve, thirteen, fourteen, or 284  
fifteen years. 285

(2) For a violation of division (A) (1) of this section 286  
committed on or after the effective date of this amendment, 287  
notwithstanding the definite or indefinite sentence provided for 288  
a felony of the first degree in section 2929.14 of the Revised 289  
Code, the court shall sentence the offender to an indefinite 290  
prison term consisting of a minimum term of fifteen years and a 291  
maximum term of life imprisonment. 292

(3) Whoever violates division (A) (2) of this section is 293  
guilty of trafficking in minors or in persons with developmental 294  
disabilities, a felony of the first degree. For a violation of 295  
division (A) (2) of this section committed on or after the 296  
effective date of this amendment, notwithstanding the definite 297  
or indefinite sentence provided for a felony of the first degree 298  
in section 2929.14 of the Revised Code, the court shall sentence 299  
the offender to an indefinite prison term consisting of a 300  
minimum term of twenty-five years and a maximum term of life 301  
imprisonment. 302

(F) As used in this section: 303

(1) "Person with a developmental disability" means a 304  
person whose ability to resist or consent to an act is 305  
substantially impaired because of a mental or physical condition 306

or because of advanced age. 307

(2) "Sexual activity for hire," "performance for hire," 308  
and "model or participant for hire" mean an implicit or explicit 309  
agreement to provide sexual activity, engage in an obscene, 310  
sexually oriented, or nudity oriented performance, or be a model 311  
or participant in the production of obscene, sexually oriented, 312  
or nudity oriented material, whichever is applicable, in 313  
exchange for anything of value paid to any of the following: 314

(a) The person engaging in such sexual activity, 315  
performance, or modeling or participation; 316

(b) Any person who recruits, lures, entices, isolates, 317  
harbors, transports, provides, obtains, or maintains, or 318  
attempts to recruit, lure, entice, isolate, harbor, transport, 319  
provide, obtain, or maintain the person described in division 320  
(F) (2) (a) of this section; 321

(c) Any person associated with a person described in 322  
division (F) (2) (a) or (b) of this section. 323

(3) "Material that is obscene, sexually oriented, or 324  
nudity oriented" and "performance that is obscene, sexually 325  
oriented, or nudity oriented" have the same meanings as in 326  
section 2929.01 of the Revised Code. 327

(4) "Third party" means, with respect to conduct described 328  
in division (A) (2) (a) of this section, any person other than the 329  
offender. 330

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 331  
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 332  
another section of the Revised Code, other than divisions (B) 333  
and (C) of section 2929.14 of the Revised Code, that authorizes 334  
or requires a specified prison term or a mandatory prison term 335

for a person who is convicted of or pleads guilty to a felony or 336  
that specifies the manner and place of service of a prison term 337  
or term of imprisonment, the court shall impose a sentence upon 338  
a person who is convicted of or pleads guilty to a violent sex 339  
offense and who also is convicted of or pleads guilty to a 340  
sexually violent predator specification that was included in the 341  
indictment, count in the indictment, or information charging 342  
that offense, and upon a person who is convicted of or pleads 343  
guilty to a designated homicide, assault, or kidnapping offense 344  
and also is convicted of or pleads guilty to both a sexual 345  
motivation specification and a sexually violent predator 346  
specification that were included in the indictment, count in the 347  
indictment, or information charging that offense, as follows: 348

(1) Except as provided in division (A) (5) of this section, 349  
if the offense for which the sentence is being imposed is 350  
aggravated murder and if the court does not impose upon the 351  
offender a sentence of death, it shall impose upon the offender 352  
a term of life imprisonment without parole. If the court 353  
sentences the offender to death and the sentence of death is 354  
vacated, overturned, or otherwise set aside, the court shall 355  
impose upon the offender a term of life imprisonment without 356  
parole. 357

(2) Except as provided in division (A) (5) of this section, 358  
if the offense for which the sentence is being imposed is 359  
murder; or if the offense is rape committed in violation of 360  
division (A) (1) (b) of section 2907.02 of the Revised Code when 361  
the offender purposely compelled the victim to submit by force 362  
or threat of force, when the victim was less than ten years of 363  
age, when the offender previously has been convicted of or 364  
pleaded guilty to either rape committed in violation of that 365  
division or a violation of an existing or former law of this 366

state, another state, or the United States that is substantially 367  
similar to division (A) (1) (b) of section 2907.02 of the Revised 368  
Code, or when the offender during or immediately after the 369  
commission of the rape caused serious physical harm to the 370  
victim; or if the offense is an offense other than aggravated 371  
murder or murder for which a term of life imprisonment may be 372  
imposed, it shall impose upon the offender a term of life 373  
imprisonment without parole. 374

(3) (a) Except as otherwise provided in division (A) (3) (b), 375  
(c), (d), or (e) or (A) (4) of this section, if the offense for 376  
which the sentence is being imposed is an offense other than 377  
aggravated murder, murder, or rape and other than an offense for 378  
which a term of life imprisonment may be imposed, it shall 379  
impose an indefinite prison term consisting of a minimum term 380  
fixed by the court as described in this division, but not less 381  
than two years, and a maximum term of life imprisonment. Except 382  
as otherwise specified in this division, the minimum term shall 383  
be fixed by the court from among the range of terms available as 384  
a definite term for the offense. If the offense is a felony of 385  
the first or second degree committed on or after March 22, 2019, 386  
the minimum term shall be fixed by the court from among the 387  
range of terms available as a minimum term for the offense under 388  
division (A) (1) (a) or (2) (a) of that section. 389

(b) Except as otherwise provided in division (A) (4) of 390  
this section, if the offense for which the sentence is being 391  
imposed is kidnapping that is a felony of the first degree, it 392  
shall impose an indefinite prison term as follows: 393

(i) If the kidnapping is committed on or after January 1, 394  
2008, and the victim of the offense is less than ~~thirteen~~ 395  
eighteen years of age, except as otherwise provided in this 396

division, it shall impose an indefinite prison term consisting 397  
of a minimum term of ~~fifteen~~twenty-five years and a maximum 398  
term of life imprisonment. If the kidnapping is committed on or 399  
after January 1, 2008, the victim of the offense is less than 400  
~~thirteen~~eighteen years of age, and the offender released the 401  
victim in a safe place unharmed, it shall impose an indefinite 402  
prison term consisting of a minimum term of ~~ten~~fifteen years 403  
and a maximum term of life imprisonment. 404

(ii) If the kidnapping is committed prior to January 1, 405  
2008, or division (A) (3) (b) (i) of this section does not apply, 406  
it shall impose an indefinite term consisting of a minimum term 407  
fixed by the court that is not less than ten years and a maximum 408  
term of life imprisonment. 409

(c) Except as otherwise provided in division (A) (4) of 410  
this section, if the offense for which the sentence is being 411  
imposed is kidnapping that is a felony of the second degree, it 412  
shall impose an indefinite prison term consisting of a minimum 413  
term fixed by the court that is not less than eight years, and a 414  
maximum term of life imprisonment. 415

(d) Except as otherwise provided in division (A) (4) of 416  
this section, if the offense for which the sentence is being 417  
imposed is rape for which a term of life imprisonment is not 418  
imposed under division (A) (2) of this section or division (B) of 419  
section 2907.02 of the Revised Code, it shall impose an 420  
indefinite prison term as follows: 421

(i) If the rape is committed on or after January 2, 2007, 422  
in violation of division (A) (1) (b) of section 2907.02 of the 423  
Revised Code, it shall impose an indefinite prison term 424  
consisting of a minimum term of twenty-five years and a maximum 425  
term of life imprisonment. 426

(ii) If the rape is committed prior to January 2, 2007, or 427  
the rape is committed on or after January 2, 2007, other than in 428  
violation of division (A) (1) (b) of section 2907.02 of the 429  
Revised Code, it shall impose an indefinite prison term 430  
consisting of a minimum term fixed by the court that is not less 431  
than ten years, and a maximum term of life imprisonment. 432

(e) Except as otherwise provided in division (A) (4) of 433  
this section, if the offense for which sentence is being imposed 434  
is attempted rape, it shall impose an indefinite prison term as 435  
follows: 436

(i) Except as otherwise provided in division (A) (3) (e) 437  
(ii), (iii), or (iv) of this section, it shall impose an 438  
indefinite prison term pursuant to division (A) (3) (a) of this 439  
section. 440

(ii) If the attempted rape for which sentence is being 441  
imposed was committed on or after January 2, 2007, and if the 442  
offender also is convicted of or pleads guilty to a 443  
specification of the type described in section 2941.1418 of the 444  
Revised Code, it shall impose an indefinite prison term 445  
consisting of a minimum term of five years and a maximum term of 446  
twenty-five years. 447

(iii) If the attempted rape for which sentence is being 448  
imposed was committed on or after January 2, 2007, and if the 449  
offender also is convicted of or pleads guilty to a 450  
specification of the type described in section 2941.1419 of the 451  
Revised Code, it shall impose an indefinite prison term 452  
consisting of a minimum term of ten years and a maximum of life 453  
imprisonment. 454

(iv) If the attempted rape for which sentence is being 455



imposed was committed on or after January 2, 2007, and if the 456  
offender also is convicted of or pleads guilty to a 457  
specification of the type described in section 2941.1420 of the 458  
Revised Code, it shall impose an indefinite prison term 459  
consisting of a minimum term of fifteen years and a maximum of 460  
life imprisonment. 461

(4) Except as provided in division (A) (5) of this section, 462  
for any offense for which the sentence is being imposed, if the 463  
offender previously has been convicted of or pleaded guilty to a 464  
violent sex offense and also to a sexually violent predator 465  
specification that was included in the indictment, count in the 466  
indictment, or information charging that offense, or previously 467  
has been convicted of or pleaded guilty to a designated 468  
homicide, assault, or kidnapping offense and also to both a 469  
sexual motivation specification and a sexually violent predator 470  
specification that were included in the indictment, count in the 471  
indictment, or information charging that offense, it shall 472  
impose upon the offender a term of life imprisonment without 473  
parole. 474

(5) Notwithstanding divisions (A) (1), (2), and (4) of this 475  
section, the court shall not impose a sentence of life 476  
imprisonment without parole upon any person for an offense that 477  
was committed when the person was under eighteen years of age. 478  
In any case described in division (A) (1), (2), or (4) of this 479  
section, if the offense was committed when the person was under 480  
eighteen years of age, the court shall impose an indefinite 481  
prison term consisting of a minimum term of thirty years and a 482  
maximum term of life imprisonment. 483

(B) (1) Notwithstanding section 2929.13, division (A) or 484  
(D) of section 2929.14, or another section of the Revised Code 485

other than division (B) of section 2907.02 or divisions (B) and 486  
(C) of section 2929.14 of the Revised Code that authorizes or 487  
requires a specified prison term or a mandatory prison term for 488  
a person who is convicted of or pleads guilty to a felony or 489  
that specifies the manner and place of service of a prison term 490  
or term of imprisonment, if a person is convicted of or pleads 491  
guilty to a violation of division (A) (1) (b) of section 2907.02 492  
of the Revised Code committed on or after January 2, 2007, if 493  
division (A) of this section does not apply regarding the 494  
person, and if the court does not impose a sentence of life 495  
without parole when authorized pursuant to division (B) of 496  
section 2907.02 of the Revised Code, the court shall impose upon 497  
the person an indefinite prison term consisting of one of the 498  
following: 499

(a) Except as otherwise required in division (B) (1) (b) or 500  
(c) of this section, a minimum term of ten years and a maximum 501  
term of life imprisonment. 502

(b) If the victim was less than ten years of age, a 503  
minimum term of fifteen years and a maximum of life 504  
imprisonment. 505

(c) If the offender purposely compels the victim to submit 506  
by force or threat of force, or if the offender previously has 507  
been convicted of or pleaded guilty to violating division (A) (1) 508  
(b) of section 2907.02 of the Revised Code or to violating an 509  
existing or former law of this state, another state, or the 510  
United States that is substantially similar to division (A) (1) 511  
(b) of that section, or if the offender during or immediately 512  
after the commission of the offense caused serious physical harm 513  
to the victim, a minimum term of twenty-five years and a maximum 514  
of life imprisonment. 515

(2) Notwithstanding section 2929.13, division (A) or (D) 516  
of section 2929.14, or another section of the Revised Code other 517  
than divisions (B) and (C) of section 2929.14 of the Revised 518  
Code that authorizes or requires a specified prison term or a 519  
mandatory prison term for a person who is convicted of or pleads 520  
guilty to a felony or that specifies the manner and place of 521  
service of a prison term or term of imprisonment and except as 522  
otherwise provided in division (B) of section 2907.02 of the 523  
Revised Code, if a person is convicted of or pleads guilty to 524  
attempted rape committed on or after January 2, 2007, and if 525  
division (A) of this section does not apply regarding the 526  
person, the court shall impose upon the person an indefinite 527  
prison term consisting of one of the following: 528

(a) If the person also is convicted of or pleads guilty to 529  
a specification of the type described in section 2941.1418 of 530  
the Revised Code, the court shall impose upon the person an 531  
indefinite prison term consisting of a minimum term of five 532  
years and a maximum term of twenty-five years. 533

(b) If the person also is convicted of or pleads guilty to 534  
a specification of the type described in section 2941.1419 of 535  
the Revised Code, the court shall impose upon the person an 536  
indefinite prison term consisting of a minimum term of ten years 537  
and a maximum term of life imprisonment. 538

(c) If the person also is convicted of or pleads guilty to 539  
a specification of the type described in section 2941.1420 of 540  
the Revised Code, the court shall impose upon the person an 541  
indefinite prison term consisting of a minimum term of fifteen 542  
years and a maximum term of life imprisonment. 543

(3) Notwithstanding section 2929.13, division (A) or (D) 544  
of section 2929.14, or another section of the Revised Code other 545

than divisions (B) and (C) of section 2929.14 of the Revised 546  
Code that authorizes or requires a specified prison term or a 547  
mandatory prison term for a person who is convicted of or pleads 548  
guilty to a felony or that specifies the manner and place of 549  
service of a prison term or term of imprisonment, if a person is 550  
convicted of or pleads guilty to an offense described in 551  
division (B) (3) (a), (b), (c), or (d) of this section committed 552  
on or after January 1, 2008, if the person also is convicted of 553  
or pleads guilty to a sexual motivation specification that was 554  
included in the indictment, count in the indictment, or 555  
information charging that offense, and if division (A) of this 556  
section does not apply regarding the person, the court shall 557  
impose upon the person an indefinite prison term consisting of 558  
one of the following: 559

(a) An indefinite prison term consisting of a minimum of 560  
~~ten-fifteen~~ years and a maximum term of life imprisonment if the 561  
offense for which the sentence is being imposed is kidnapping, 562  
the victim of the offense is less than ~~thirteen-eighteen~~ years 563  
of age, and the offender released the victim in a safe place 564  
unharmd; 565

(b) An indefinite prison term consisting of a minimum of 566  
~~fifteen-twenty-five~~ years and a maximum term of life 567  
imprisonment if the offense for which the sentence is being 568  
imposed is kidnapping when the victim of the offense is less 569  
than ~~thirteen-eighteen~~ years of age and division (B) (3) (a) of 570  
this section does not apply; 571

(c) An indefinite term consisting of a minimum of thirty 572  
years and a maximum term of life imprisonment if the offense for 573  
which the sentence is being imposed is aggravated murder, when 574  
the victim of the offense is less than thirteen years of age, a 575

sentence of death or life imprisonment without parole is not 576  
imposed for the offense, and division (A) (2) (b) (ii) of section 577  
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 578  
(2) (b), (D) (3) (a) (iv), or (E) (1) (a) (iv) of section 2929.03, or 579  
division (A) or (B) of section 2929.06 of the Revised Code 580  
requires that the sentence for the offense be imposed pursuant 581  
to this division; 582

(d) An indefinite prison term consisting of a minimum of 583  
thirty years and a maximum term of life imprisonment if the 584  
offense for which the sentence is being imposed is murder when 585  
the victim of the offense is less than thirteen years of age. 586

(C) (1) If the offender is sentenced to a prison term 587  
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 588  
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 589  
parole board shall have control over the offender's service of 590  
the term during the entire term unless the parole board 591  
terminates its control in accordance with section 2971.04 of the 592  
Revised Code. 593

(2) Except as provided in division (C) (3) or (G) of this 594  
section, an offender sentenced to a prison term or term of life 595  
imprisonment without parole pursuant to division (A) of this 596  
section shall serve the entire prison term or term of life 597  
imprisonment in a state correctional institution. The offender 598  
is not eligible for judicial release under section 2929.20 of 599  
the Revised Code. 600

(3) For a prison term imposed pursuant to division (A) (3), 601  
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 602  
(b), (c), or (d) of this section, subject to the application of 603  
division (G) of this section, the court, in accordance with 604  
section 2971.05 of the Revised Code, may terminate the prison 605

term or modify the requirement that the offender serve the 606  
entire term in a state correctional institution if all of the 607  
following apply: 608

(a) The offender has served at least the minimum term 609  
imposed as part of that prison term. 610

(b) The parole board, pursuant to section 2971.04 of the 611  
Revised Code, has terminated its control over the offender's 612  
service of that prison term. 613

(c) The court has held a hearing and found, by clear and 614  
convincing evidence, one of the following: 615

(i) In the case of termination of the prison term, that 616  
the offender is unlikely to commit a sexually violent offense in 617  
the future; 618

(ii) In the case of modification of the requirement, that 619  
the offender does not represent a substantial risk of physical 620  
harm to others. 621

(4) Except as provided in division (G) of this section, an 622  
offender who has been sentenced to a term of life imprisonment 623  
without parole pursuant to division (A) (1), (2), or (4) of this 624  
section shall not be released from the term of life imprisonment 625  
or be permitted to serve a portion of it in a place other than a 626  
state correctional institution. 627

(D) If a court sentences an offender to a prison term or 628  
term of life imprisonment without parole pursuant to division 629  
(A) of this section and the court also imposes on the offender 630  
one or more additional prison terms pursuant to division (B) of 631  
section 2929.14 of the Revised Code, all of the additional 632  
prison terms shall be served consecutively with, and prior to, 633  
the prison term or term of life imprisonment without parole 634

imposed upon the offender pursuant to division (A) of this 635  
section. 636

(E) If the offender is convicted of or pleads guilty to 637  
two or more offenses for which a prison term or term of life 638  
imprisonment without parole is required to be imposed pursuant 639  
to division (A) of this section, divisions (A) to (D) of this 640  
section shall be applied for each offense. All minimum terms 641  
imposed upon the offender pursuant to division (A) (3) or (B) of 642  
this section for those offenses shall be aggregated and served 643  
consecutively, as if they were a single minimum term imposed 644  
under that division. 645

(F) (1) If an offender is convicted of or pleads guilty to 646  
a violent sex offense and also is convicted of or pleads guilty 647  
to a sexually violent predator specification that was included 648  
in the indictment, count in the indictment, or information 649  
charging that offense, or is convicted of or pleads guilty to a 650  
designated homicide, assault, or kidnapping offense and also is 651  
convicted of or pleads guilty to both a sexual motivation 652  
specification and a sexually violent predator specification that 653  
were included in the indictment, count in the indictment, or 654  
information charging that offense, the conviction of or plea of 655  
guilty to the offense and the sexually violent predator 656  
specification automatically classifies the offender as a tier 657  
III sex offender/child-victim offender for purposes of Chapter 658  
2950. of the Revised Code. 659

(2) If an offender is convicted of or pleads guilty to 660  
committing on or after January 2, 2007, a violation of division 661  
(A) (1) (b) of section 2907.02 of the Revised Code and either the 662  
offender is sentenced under section 2971.03 of the Revised Code 663  
or a sentence of life without parole is imposed under division 664

(B) of section 2907.02 of the Revised Code, the conviction of or 665  
plea of guilty to the offense automatically classifies the 666  
offender as a tier III sex offender/child-victim offender for 667  
purposes of Chapter 2950. of the Revised Code. 668

(3) If a person is convicted of or pleads guilty to 669  
committing on or after January 2, 2007, attempted rape and also 670  
is convicted of or pleads guilty to a specification of the type 671  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 672  
Revised Code, the conviction of or plea of guilty to the offense 673  
and the specification automatically classify the offender as a 674  
tier III sex offender/child-victim offender for purposes of 675  
Chapter 2950. of the Revised Code. 676

(4) If a person is convicted of or pleads guilty to one of 677  
the offenses described in division (B) (3) (a), (b), (c), or (d) 678  
of this section and a sexual motivation specification related to 679  
the offense and the victim of the offense is less than thirteen 680  
years of age, the conviction of or plea of guilty to the offense 681  
automatically classifies the offender as a tier III sex 682  
offender/child-victim offender for purposes of Chapter 2950. of 683  
the Revised Code. 684

(G) Notwithstanding divisions (A) to (E) of this section, 685  
if an offender receives or received a sentence of life 686  
imprisonment without parole, a definite sentence, or a sentence 687  
to an indefinite prison term under this chapter for an offense 688  
committed when the offender was under eighteen years of age, the 689  
offender is eligible for parole and the offender's parole 690  
eligibility shall be determined under section 2967.132 of the 691  
Revised Code. 692

**Section 2.** That existing sections 2903.41, 2905.01, 693  
2905.02, 2905.32, and 2971.03 of the Revised Code are hereby 694



repealed. 695

**Section 3.** This act shall be known as the Human 696  
Trafficking Prevention Act. 697

**Section 4.** Section 2971.03 of the Revised Code is 698  
presented in this act as a composite of the section as amended 699  
by both H.B. 136 and S.B. 256 of the 133rd General Assembly. The 700  
General Assembly, applying the principle stated in division (B) 701  
of section 1.52 of the Revised Code that amendments are to be 702  
harmonized if reasonably capable of simultaneous operation, 703  
finds that the composite is the resulting version of the section 704  
in effect prior to the effective date of the section as 705  
presented in this act. 706