

**As Reported by the House Criminal Justice Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. H. B. No. 56**

**Representatives Plummer, White**

**Cosponsors: Representatives Williams, Miller, K.**

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**A BILL**

To amend sections 2921.331, 2929.14, 2935.031, 1  
2981.02, 4510.036, and 4511.251 of the Revised 2  
Code to require law enforcement entities to 3  
train officers related to the pursuit of a motor 4  
vehicle and to increase penalties for fleeing 5  
from law enforcement and forms of stunt driving. 6

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

**Section 1.** That sections 2921.331, 2929.14, 2935.031, 7  
2981.02, 4510.036, and 4511.251 of the Revised Code be amended 8  
to read as follows: 9

**Sec. 2921.331.** (A) No person shall fail to comply with any 10  
lawful order or direction of any police officer invested with 11  
authority to direct, control, or regulate traffic. 12

(B) No person shall operate a motor vehicle so as 13  
willfully to elude or flee a police officer after receiving a 14  
visible or audible signal from a police officer to bring the 15  
person's motor vehicle to a stop. 16

(C) (1) Whoever violates this section is guilty of failure 17  
to comply with an order or signal of a police officer. 18

(2) A violation of division (A) of this section is a  
misdemeanor of the first degree. 19  
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(3) Except as provided in divisions (C) (4) and (5) of this  
section, a violation of division (B) of this section is a  
~~misdemeanor~~ felony of the ~~first~~ fourth degree. 21  
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~~(4) Except as provided in division (C) (5) of this section,~~  
~~a~~ A violation of division (B) of this section is a felony of the  
~~fourth~~ third degree if the jury or judge as trier of fact finds  
by proof beyond a reasonable doubt that, in committing the  
offense, the offender was fleeing immediately after the  
commission of a felony. 24  
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(5) (a) A violation of division (B) of this section is a  
felony of the third degree if the jury or judge as trier of fact  
finds any of the following by proof beyond a reasonable doubt: 30  
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(i) The operation of the motor vehicle by the offender was  
a proximate cause of serious physical harm to persons or  
property. 33  
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(ii) The operation of the motor vehicle by the offender  
caused a substantial risk of serious physical harm to persons or  
property. 36  
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(b) If a police officer pursues an offender who is  
violating division (B) of this section and division (C) (5) (a) of  
this section applies, the sentencing court, in determining the  
seriousness of an offender's conduct for purposes of sentencing  
the offender for a violation of division (B) of this section,  
shall consider, along with the factors set forth in sections  
2929.12 and 2929.13 of the Revised Code that are required to be  
considered, all of the following: 39  
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(i) The duration of the pursuit; 47

(ii) The distance of the pursuit;	48
(iii) The rate of speed at which the offender operated the motor vehicle during the pursuit;	49 50
(iv) Whether the offender failed to stop for traffic lights or stop signs during the pursuit;	51 52
(v) The number of traffic lights or stop signs for which the offender failed to stop during the pursuit;	53 54
(vi) Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required;	55 56 57
(vii) Whether the offender committed a moving violation during the pursuit;	58 59
(viii) The number of moving violations the offender committed during the pursuit;	60 61
(ix) Any other relevant factors indicating that the offender's conduct is more serious than conduct normally constituting the offense.	62 63 64
(D) If an offender is sentenced <del>pursuant to division (C) (4) or (5) of this section for a violation of division (B) of this section,</del> and if the offender is sentenced to a prison term for <u>that a violation of division (B) of this section,</u> the offender shall serve the prison term consecutively to any other prison term or mandatory prison term imposed upon the offender.	65 66 67 68 69 70
(E) In addition to any other sanction imposed for a <del>felony</del> violation of division (B) of this section, the court shall impose a class two suspension from the range specified in division (A) (2) of section 4510.02 of the Revised Code. In addition to any other sanction imposed for a violation of	71 72 73 74 75

division (A) of this section ~~or a misdemeanor violation of~~ 76  
~~division (B) of this section,~~ the court shall impose a class 77  
five suspension from the range specified in division (A) (5) of 78  
section 4510.02 of the Revised Code. If the offender previously 79  
has been found guilty of an offense under this section, in 80  
addition to any other sanction imposed for the offense, the 81  
court shall impose a class one suspension as described in 82  
division (A) (1) of that section. The court shall not grant 83  
limited driving privileges to the offender on a suspension 84  
imposed for a felony violation of this section. The court may 85  
grant limited driving privileges to the offender on a suspension 86  
imposed for a misdemeanor violation of this section as set forth 87  
in section 4510.021 of the Revised Code. No judge shall suspend 88  
the first three years of suspension under a class two suspension 89  
of an offender's license, permit, or privilege required by this 90  
division ~~on or~~ any portion of the suspension under a class one 91  
suspension of an offender's license, permit, or privilege 92  
required by this division. 93

(F) As used in this section: 94

(1) "Moving violation" has the same meaning as in section 95  
2743.70 of the Revised Code. 96

(2) "Police officer" has the same meaning as in section 97  
4511.01 of the Revised Code. 98

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 99  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 100  
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 101  
in division (D) (6) of section 2919.25 of the Revised Code and 102  
except in relation to an offense for which a sentence of death 103  
or life imprisonment is to be imposed, if the court imposing a 104  
sentence upon an offender for a felony elects or is required to 105

impose a prison term on the offender pursuant to this chapter, 106  
the court shall impose a prison term that shall be one of the 107  
following: 108

(1) (a) For a felony of the first degree committed on or 109  
after March 22, 2019, the prison term shall be an indefinite 110  
prison term with a stated minimum term selected by the court of 111  
three, four, five, six, seven, eight, nine, ten, or eleven years 112  
and a maximum term that is determined pursuant to section 113  
2929.144 of the Revised Code, except that if the section that 114  
criminalizes the conduct constituting the felony specifies a 115  
different minimum term or penalty for the offense, the specific 116  
language of that section shall control in determining the 117  
minimum term or otherwise sentencing the offender but the 118  
minimum term or sentence imposed under that specific language 119  
shall be considered for purposes of the Revised Code as if it 120  
had been imposed under this division. 121

(b) For a felony of the first degree committed prior to 122  
March 22, 2019, the prison term shall be a definite prison term 123  
of three, four, five, six, seven, eight, nine, ten, or eleven 124  
years. 125

(2) (a) For a felony of the second degree committed on or 126  
after March 22, 2019, the prison term shall be an indefinite 127  
prison term with a stated minimum term selected by the court of 128  
two, three, four, five, six, seven, or eight years and a maximum 129  
term that is determined pursuant to section 2929.144 of the 130  
Revised Code, except that if the section that criminalizes the 131  
conduct constituting the felony specifies a different minimum 132  
term or penalty for the offense, the specific language of that 133  
section shall control in determining the minimum term or 134  
otherwise sentencing the offender but the minimum term or 135

sentence imposed under that specific language shall be 136  
considered for purposes of the Revised Code as if it had been 137  
imposed under this division. 138

(b) For a felony of the second degree committed prior to 139  
March 22, 2019, the prison term shall be a definite term of two, 140  
three, four, five, six, seven, or eight years. 141

(3) (a) For a felony of the third degree that is a 142  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 143  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 144  
Code, that is a violation of division (A) of section 4511.19 of 145  
the Revised Code if the offender previously has been convicted 146  
of or pleaded guilty to a violation of division (A) of that 147  
section that was a felony, ~~or~~ that is a violation of section 148  
2911.02 or 2911.12 of the Revised Code if the offender 149  
previously has been convicted of or pleaded guilty in two or 150  
more separate proceedings to two or more violations of section 151  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 152  
that is a violation of division (B) of section 2921.331 of the 153  
Revised Code if division (C) (5) of that section applies, the 154  
prison term shall be a definite term of twelve, eighteen, 155  
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 156  
four, or sixty months. 157

(b) For a felony of the third degree that is not an 158  
offense for which division (A) (3) (a) of this section applies, 159  
the prison term shall be a definite term of nine, twelve, 160  
eighteen, twenty-four, thirty, or thirty-six months. 161

(4) For a felony of the fourth degree, the prison term 162  
shall be a definite term of six, seven, eight, nine, ten, 163  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 164  
or eighteen months. 165

(5) For a felony of the fifth degree, the prison term 166  
shall be a definite term of six, seven, eight, nine, ten, 167  
eleven, or twelve months. 168

(B) (1) (a) Except as provided in division (B) (1) (e) of this 169  
section, if an offender who is convicted of or pleads guilty to 170  
a felony also is convicted of or pleads guilty to a 171  
specification of the type described in section 2941.141, 172  
2941.144, or 2941.145 of the Revised Code, the court shall 173  
impose on the offender one of the following prison terms: 174

(i) A prison term of six years if the specification is of 175  
the type described in division (A) of section 2941.144 of the 176  
Revised Code that charges the offender with having a firearm 177  
that is an automatic firearm or that was equipped with a firearm 178  
muffler or suppressor on or about the offender's person or under 179  
the offender's control while committing the offense; 180

(ii) A prison term of three years if the specification is 181  
of the type described in division (A) of section 2941.145 of the 182  
Revised Code that charges the offender with having a firearm on 183  
or about the offender's person or under the offender's control 184  
while committing the offense and displaying the firearm, 185  
brandishing the firearm, indicating that the offender possessed 186  
the firearm, or using it to facilitate the offense; 187

(iii) A prison term of one year if the specification is of 188  
the type described in division (A) of section 2941.141 of the 189  
Revised Code that charges the offender with having a firearm on 190  
or about the offender's person or under the offender's control 191  
while committing the offense; 192

(iv) A prison term of nine years if the specification is 193  
of the type described in division (D) of section 2941.144 of the 194

Revised Code that charges the offender with having a firearm 195  
that is an automatic firearm or that was equipped with a firearm 196  
muffler or suppressor on or about the offender's person or under 197  
the offender's control while committing the offense and 198  
specifies that the offender previously has been convicted of or 199  
pleaded guilty to a specification of the type described in 200  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 201  
the Revised Code; 202

(v) A prison term of fifty-four months if the 203  
specification is of the type described in division (D) of 204  
section 2941.145 of the Revised Code that charges the offender 205  
with having a firearm on or about the offender's person or under 206  
the offender's control while committing the offense and 207  
displaying the firearm, brandishing the firearm, indicating that 208  
the offender possessed the firearm, or using the firearm to 209  
facilitate the offense and that the offender previously has been 210  
convicted of or pleaded guilty to a specification of the type 211  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 212  
2941.1412 of the Revised Code; 213

(vi) A prison term of eighteen months if the specification 214  
is of the type described in division (D) of section 2941.141 of 215  
the Revised Code that charges the offender with having a firearm 216  
on or about the offender's person or under the offender's 217  
control while committing the offense and that the offender 218  
previously has been convicted of or pleaded guilty to a 219  
specification of the type described in section 2941.141, 220  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 221

(b) If a court imposes a prison term on an offender under 222  
division (B)(1)(a) of this section, the prison term shall not be 223  
reduced pursuant to section 2929.20, division (A)(2) or (3) of 224



section 2967.193 or 2967.194, or any other provision of Chapter 225  
2967. or Chapter 5120. of the Revised Code. Except as provided 226  
in division (B) (1) (g) of this section, a court shall not impose 227  
more than one prison term on an offender under division (B) (1) 228  
(a) of this section for felonies committed as part of the same 229  
act or transaction. 230

(c) (i) Except as provided in division (B) (1) (e) of this 231  
section, if an offender who is convicted of or pleads guilty to 232  
a violation of section 2923.161 of the Revised Code or to a 233  
felony that includes, as an essential element, purposely or 234  
knowingly causing or attempting to cause the death of or 235  
physical harm to another, also is convicted of or pleads guilty 236  
to a specification of the type described in division (A) of 237  
section 2941.146 of the Revised Code that charges the offender 238  
with committing the offense by discharging a firearm from a 239  
motor vehicle other than a manufactured home, the court, after 240  
imposing a prison term on the offender for the violation of 241  
section 2923.161 of the Revised Code or for the other felony 242  
offense under division (A), (B) (2), or (B) (3) of this section, 243  
shall impose an additional prison term of five years upon the 244  
offender that shall not be reduced pursuant to section 2929.20, 245  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 246  
other provision of Chapter 2967. or Chapter 5120. of the Revised 247  
Code. 248

(ii) Except as provided in division (B) (1) (e) of this 249  
section, if an offender who is convicted of or pleads guilty to 250  
a violation of section 2923.161 of the Revised Code or to a 251  
felony that includes, as an essential element, purposely or 252  
knowingly causing or attempting to cause the death of or 253  
physical harm to another, also is convicted of or pleads guilty 254  
to a specification of the type described in division (C) of 255

section 2941.146 of the Revised Code that charges the offender 256  
with committing the offense by discharging a firearm from a 257  
motor vehicle other than a manufactured home and that the 258  
offender previously has been convicted of or pleaded guilty to a 259  
specification of the type described in section 2941.141, 260  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 261  
the court, after imposing a prison term on the offender for the 262  
violation of section 2923.161 of the Revised Code or for the 263  
other felony offense under division (A), (B) (2), or (3) of this 264  
section, shall impose an additional prison term of ninety months 265  
upon the offender that shall not be reduced pursuant to section 266  
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 267  
or any other provision of Chapter 2967. or Chapter 5120. of the 268  
Revised Code. 269

(iii) A court shall not impose more than one additional 270  
prison term on an offender under division (B) (1) (c) of this 271  
section for felonies committed as part of the same act or 272  
transaction. If a court imposes an additional prison term on an 273  
offender under division (B) (1) (c) of this section relative to an 274  
offense, the court also shall impose a prison term under 275  
division (B) (1) (a) of this section relative to the same offense, 276  
provided the criteria specified in that division for imposing an 277  
additional prison term are satisfied relative to the offender 278  
and the offense. 279

(d) If an offender who is convicted of or pleads guilty to 280  
an offense of violence that is a felony also is convicted of or 281  
pleads guilty to a specification of the type described in 282  
section 2941.1411 of the Revised Code that charges the offender 283  
with wearing or carrying body armor while committing the felony 284  
offense of violence, the court shall impose on the offender an 285  
additional prison term of two years. The prison term so imposed 286

shall not be reduced pursuant to section 2929.20, division (A) 287  
(2) or (3) of section 2967.193 or 2967.194, or any other 288  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 289  
A court shall not impose more than one prison term on an 290  
offender under division (B)(1)(d) of this section for felonies 291  
committed as part of the same act or transaction. If a court 292  
imposes an additional prison term under division (B)(1)(a) or 293  
(c) of this section, the court is not precluded from imposing an 294  
additional prison term under division (B)(1)(d) of this section. 295

(e) The court shall not impose any of the prison terms 296  
described in division (B)(1)(a) of this section or any of the 297  
additional prison terms described in division (B)(1)(c) of this 298  
section upon an offender for a violation of section 2923.12 or 299  
2923.123 of the Revised Code. The court shall not impose any of 300  
the prison terms described in division (B)(1)(a) or (b) of this 301  
section upon an offender for a violation of section 2923.122 302  
that involves a deadly weapon that is a firearm other than a 303  
dangerous ordnance, section 2923.16, or section 2923.121 of the 304  
Revised Code. The court shall not impose any of the prison terms 305  
described in division (B)(1)(a) of this section or any of the 306  
additional prison terms described in division (B)(1)(c) of this 307  
section upon an offender for a violation of section 2923.13 of 308  
the Revised Code unless all of the following apply: 309

(i) The offender previously has been convicted of 310  
aggravated murder, murder, or any felony of the first or second 311  
degree. 312

(ii) Less than five years have passed since the offender 313  
was released from prison or post-release control, whichever is 314  
later, for the prior offense. 315

(f)(i) If an offender is convicted of or pleads guilty to 316

a felony that includes, as an essential element, causing or 317  
attempting to cause the death of or physical harm to another and 318  
also is convicted of or pleads guilty to a specification of the 319  
type described in division (A) of section 2941.1412 of the 320  
Revised Code that charges the offender with committing the 321  
offense by discharging a firearm at a peace officer as defined 322  
in section 2935.01 of the Revised Code or a corrections officer, 323  
as defined in section 2941.1412 of the Revised Code, the court, 324  
after imposing a prison term on the offender for the felony 325  
offense under division (A), (B) (2), or (B) (3) of this section, 326  
shall impose an additional prison term of seven years upon the 327  
offender that shall not be reduced pursuant to section 2929.20, 328  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 329  
other provision of Chapter 2967. or Chapter 5120. of the Revised 330  
Code. 331

(ii) If an offender is convicted of or pleads guilty to a 332  
felony that includes, as an essential element, causing or 333  
attempting to cause the death of or physical harm to another and 334  
also is convicted of or pleads guilty to a specification of the 335  
type described in division (B) of section 2941.1412 of the 336  
Revised Code that charges the offender with committing the 337  
offense by discharging a firearm at a peace officer, as defined 338  
in section 2935.01 of the Revised Code, or a corrections 339  
officer, as defined in section 2941.1412 of the Revised Code, 340  
and that the offender previously has been convicted of or 341  
pleaded guilty to a specification of the type described in 342  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 343  
the Revised Code, the court, after imposing a prison term on the 344  
offender for the felony offense under division (A), (B) (2), or 345  
(3) of this section, shall impose an additional prison term of 346  
one hundred twenty-six months upon the offender that shall not 347

be reduced pursuant to section 2929.20, division (A)(2) or (3) 348  
of section 2967.193 or 2967.194, or any other provision of 349  
Chapter 2967. or 5120. of the Revised Code. 350

(iii) If an offender is convicted of or pleads guilty to 351  
two or more felonies that include, as an essential element, 352  
causing or attempting to cause the death or physical harm to 353  
another and also is convicted of or pleads guilty to a 354  
specification of the type described under division (B)(1)(f) of 355  
this section in connection with two or more of the felonies of 356  
which the offender is convicted or to which the offender pleads 357  
guilty, the sentencing court shall impose on the offender the 358  
prison term specified under division (B)(1)(f) of this section 359  
for each of two of the specifications of which the offender is 360  
convicted or to which the offender pleads guilty and, in its 361  
discretion, also may impose on the offender the prison term 362  
specified under that division for any or all of the remaining 363  
specifications. If a court imposes an additional prison term on 364  
an offender under division (B)(1)(f) of this section relative to 365  
an offense, the court shall not impose a prison term under 366  
division (B)(1)(a) or (c) of this section relative to the same 367  
offense. 368

(g) If an offender is convicted of or pleads guilty to two 369  
or more felonies, if one or more of those felonies are 370  
aggravated murder, murder, attempted aggravated murder, 371  
attempted murder, aggravated robbery, felonious assault, or 372  
rape, and if the offender is convicted of or pleads guilty to a 373  
specification of the type described under division (B)(1)(a) of 374  
this section in connection with two or more of the felonies, the 375  
sentencing court shall impose on the offender the prison term 376  
specified under division (B)(1)(a) of this section for each of 377  
the two most serious specifications of which the offender is 378

convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term specified under that division for any or all of the remaining specifications.

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

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

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

(iii) The court imposes the longest prison term for the offense or the longest minimum prison term for the offense, whichever is applicable, that is not life imprisonment without

parole. 409

(iv) The court finds that the prison terms imposed 410  
pursuant to division (B) (2) (a) (iii) of this section and, if 411  
applicable, division (B) (1) or (3) of this section are 412  
inadequate to punish the offender and protect the public from 413  
future crime, because the applicable factors under section 414  
2929.12 of the Revised Code indicating a greater likelihood of 415  
recidivism outweigh the applicable factors under that section 416  
indicating a lesser likelihood of recidivism. 417

(v) The court finds that the prison terms imposed pursuant 418  
to division (B) (2) (a) (iii) of this section and, if applicable, 419  
division (B) (1) or (3) of this section are demeaning to the 420  
seriousness of the offense, because one or more of the factors 421  
under section 2929.12 of the Revised Code indicating that the 422  
offender's conduct is more serious than conduct normally 423  
constituting the offense are present, and they outweigh the 424  
applicable factors under that section indicating that the 425  
offender's conduct is less serious than conduct normally 426  
constituting the offense. 427

(b) The court shall impose on an offender the longest 428  
prison term authorized or required for the offense or, for 429  
offenses for which division (A) (1) (a) or (2) (a) of this section 430  
applies, the longest minimum prison term authorized or required 431  
for the offense, and shall impose on the offender an additional 432  
definite prison term of one, two, three, four, five, six, seven, 433  
eight, nine, or ten years if all of the following criteria are 434  
met: 435

(i) The offender is convicted of or pleads guilty to a 436  
specification of the type described in section 2941.149 of the 437  
Revised Code that the offender is a repeat violent offender. 438

(ii) The offender within the preceding twenty years has 439  
been convicted of or pleaded guilty to three or more offenses 440  
described in division (CC) (1) of section 2929.01 of the Revised 441  
Code, including all offenses described in that division of which 442  
the offender is convicted or to which the offender pleads guilty 443  
in the current prosecution and all offenses described in that 444  
division of which the offender previously has been convicted or 445  
to which the offender previously pleaded guilty, whether 446  
prosecuted together or separately. 447

(iii) The offense or offenses of which the offender 448  
currently is convicted or to which the offender currently pleads 449  
guilty is aggravated murder and the court does not impose a 450  
sentence of death or life imprisonment without parole, murder, 451  
terrorism and the court does not impose a sentence of life 452  
imprisonment without parole, any felony of the first degree that 453  
is an offense of violence and the court does not impose a 454  
sentence of life imprisonment without parole, or any felony of 455  
the second degree that is an offense of violence and the trier 456  
of fact finds that the offense involved an attempt to cause or a 457  
threat to cause serious physical harm to a person or resulted in 458  
serious physical harm to a person. 459

(c) For purposes of division (B) (2) (b) of this section, 460  
two or more offenses committed at the same time or as part of 461  
the same act or event shall be considered one offense, and that 462  
one offense shall be the offense with the greatest penalty. 463

(d) A sentence imposed under division (B) (2) (a) or (b) of 464  
this section shall not be reduced pursuant to section 2929.20, 465  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 466  
other provision of Chapter 2967. or Chapter 5120. of the Revised 467  
Code. The offender shall serve an additional prison term imposed 468



under division (B) (2) (a) or (b) of this section consecutively to 469  
and prior to the prison term imposed for the underlying offense. 470

(e) When imposing a sentence pursuant to division (B) (2) 471  
(a) or (b) of this section, the court shall state its findings 472  
explaining the imposed sentence. 473

(3) Except when an offender commits a violation of section 474  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 475  
for the violation is life imprisonment or commits a violation of 476  
section 2903.02 of the Revised Code, if the offender commits a 477  
violation of section 2925.03 or 2925.11 of the Revised Code and 478  
that section classifies the offender as a major drug offender, 479  
if the offender commits a violation of section 2925.05 of the 480  
Revised Code and division (E) (1) of that section classifies the 481  
offender as a major drug offender, if the offender commits a 482  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 483  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 484  
division (C) or (D) of section 3719.172, division (E) of section 485  
4729.51, or division (J) of section 4729.54 of the Revised Code 486  
that includes the sale, offer to sell, or possession of a 487  
schedule I or II controlled substance, with the exception of 488  
marihuana, and the court imposing sentence upon the offender 489  
finds that the offender is guilty of a specification of the type 490  
described in division (A) of section 2941.1410 of the Revised 491  
Code charging that the offender is a major drug offender, if the 492  
court imposing sentence upon an offender for a felony finds that 493  
the offender is guilty of corrupt activity with the most serious 494  
offense in the pattern of corrupt activity being a felony of the 495  
first degree, or if the offender is guilty of an attempted 496  
violation of section 2907.02 of the Revised Code and, had the 497  
offender completed the violation of section 2907.02 of the 498  
Revised Code that was attempted, the offender would have been 499

subject to a sentence of life imprisonment or life imprisonment 500  
without parole for the violation of section 2907.02 of the 501  
Revised Code, the court shall impose upon the offender for the 502  
felony violation a mandatory prison term determined as described 503  
in this division that cannot be reduced pursuant to section 504  
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 505  
or any other provision of Chapter 2967. or 5120. of the Revised 506  
Code. The mandatory prison term shall be the maximum definite 507  
prison term prescribed in division (A) (1) (b) of this section for 508  
a felony of the first degree, except that for offenses for which 509  
division (A) (1) (a) of this section applies, the mandatory prison 510  
term shall be the longest minimum prison term prescribed in that 511  
division for the offense. 512

(4) If the offender is being sentenced for a third or 513  
fourth degree felony OVI offense under division (G) (2) of 514  
section 2929.13 of the Revised Code, the sentencing court shall 515  
impose upon the offender a mandatory prison term in accordance 516  
with that division. In addition to the mandatory prison term, if 517  
the offender is being sentenced for a fourth degree felony OVI 518  
offense, the court, notwithstanding division (A) (4) of this 519  
section, may sentence the offender to a definite prison term of 520  
not less than six months and not more than thirty months, and if 521  
the offender is being sentenced for a third degree felony OVI 522  
offense, the sentencing court may sentence the offender to an 523  
additional prison term of any duration specified in division (A) 524  
(3) of this section. In either case, the additional prison term 525  
imposed shall be reduced by the sixty or one hundred twenty days 526  
imposed upon the offender as the mandatory prison term. The 527  
total of the additional prison term imposed under division (B) 528  
(4) of this section plus the sixty or one hundred twenty days 529  
imposed as the mandatory prison term shall equal a definite term 530

in the range of six months to thirty months for a fourth degree 531  
felony OVI offense and shall equal one of the authorized prison 532  
terms specified in division (A) (3) of this section for a third 533  
degree felony OVI offense. If the court imposes an additional 534  
prison term under division (B) (4) of this section, the offender 535  
shall serve the additional prison term after the offender has 536  
served the mandatory prison term required for the offense. In 537  
addition to the mandatory prison term or mandatory and 538  
additional prison term imposed as described in division (B) (4) 539  
of this section, the court also may sentence the offender to a 540  
community control sanction under section 2929.16 or 2929.17 of 541  
the Revised Code, but the offender shall serve all of the prison 542  
terms so imposed prior to serving the community control 543  
sanction. 544

If the offender is being sentenced for a fourth degree 545  
felony OVI offense under division (G) (1) of section 2929.13 of 546  
the Revised Code and the court imposes a mandatory term of local 547  
incarceration, the court may impose a prison term as described 548  
in division (A) (1) of that section. 549

(5) If an offender is convicted of or pleads guilty to a 550  
violation of division (A) (1) or (2) of section 2903.06 of the 551  
Revised Code and also is convicted of or pleads guilty to a 552  
specification of the type described in section 2941.1414 of the 553  
Revised Code that charges that the victim of the offense is a 554  
peace officer, as defined in section 2935.01 of the Revised 555  
Code, an investigator of the bureau of criminal identification 556  
and investigation, as defined in section 2903.11 of the Revised 557  
Code, or a firefighter or emergency medical worker, both as 558  
defined in section 4123.026 of the Revised Code, the court shall 559  
impose on the offender a prison term of five years. If a court 560  
imposes a prison term on an offender under division (B) (5) of 561

this section, the prison term shall not be reduced pursuant to 562  
section 2929.20, division (A) (2) or (3) of section 2967.193 or 563  
2967.194, or any other provision of Chapter 2967. or Chapter 564  
5120. of the Revised Code. A court shall not impose more than 565  
one prison term on an offender under division (B) (5) of this 566  
section for felonies committed as part of the same act. 567

(6) If an offender is convicted of or pleads guilty to a 568  
violation of division (A) (1) or (2) of section 2903.06 of the 569  
Revised Code and also is convicted of or pleads guilty to a 570  
specification of the type described in section 2941.1415 of the 571  
Revised Code that charges that the offender previously has been 572  
convicted of or pleaded guilty to three or more violations of 573  
division (A) of section 4511.19 of the Revised Code or an 574  
equivalent offense, as defined in section 2941.1415 of the 575  
Revised Code, or three or more violations of any combination of 576  
those offenses, the court shall impose on the offender a prison 577  
term of three years. If a court imposes a prison term on an 578  
offender under division (B) (6) of this section, the prison term 579  
shall not be reduced pursuant to section 2929.20, division (A) 580  
(2) or (3) of section 2967.193 or 2967.194, or any other 581  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 582  
A court shall not impose more than one prison term on an 583  
offender under division (B) (6) of this section for felonies 584  
committed as part of the same act. 585

(7) (a) If an offender is convicted of or pleads guilty to 586  
a felony violation of section 2905.01, 2905.02, 2907.21, 587  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 588  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 589  
section 2919.22 of the Revised Code and also is convicted of or 590  
pleads guilty to a specification of the type described in 591  
section 2941.1422 of the Revised Code that charges that the 592

offender knowingly committed the offense in furtherance of human trafficking, the court shall impose on the offender a mandatory prison term that is one of the following:

(i) If the offense is a felony of the first degree, a definite prison term of not less than five years and not greater than eleven years, except that if the offense is a felony of the first degree committed on or after March 22, 2019, the court shall impose as the minimum prison term a mandatory term of not less than five years and not greater than eleven years;

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

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

(b) The prison term imposed under division (B) (7) (a) of this section shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (7) (a) of this section for felonies committed as part of the same act, scheme, or plan.

(8) If an offender is convicted of or pleads guilty to a

felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range prescribed in division (A) of this section as the definite prison term or minimum prison term for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison terms prescribed in division (A) of this section for felonies of the same degree as the violation, except that if the violation is a felony of the first or second degree committed on or after arch 22, 2019, the court shall impose as the minimum prison term under division (A) (1) (a) or (2) (a) of this section a mandatory term that is one of the terms prescribed in that division, whichever is applicable, for the offense.

(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 652  
section 2903.11 of the Revised Code and the specification 653  
charges that the offender used an accelerant in committing the 654  
violation, that the violation caused physical harm to another or 655  
to another's unborn, and that the physical harm resulted in a 656  
permanent, serious disfigurement or permanent, substantial 657  
incapacity. 658

(b) If a court imposes a prison term on an offender under 659  
division (B) (9) (a) of this section, the prison term shall not be 660  
reduced pursuant to section 2929.20, division (A) (2) or (3) of 661  
section 2967.193 or 2967.194, or any other provision of Chapter 662  
2967. or Chapter 5120. of the Revised Code. A court shall not 663  
impose more than one prison term on an offender under division 664  
(B) (9) of this section for felonies committed as part of the 665  
same act. 666

(c) The provisions of divisions (B) (9) and (C) (6) of this 667  
section and of division (D) (2) of section 2903.11, division (F) 668  
(20) of section 2929.13, and section 2941.1425 of the Revised 669  
Code shall be known as "Judy's Law." 670

(10) If an offender is convicted of or pleads guilty to a 671  
violation of division (A) of section 2903.11 of the Revised Code 672  
and also is convicted of or pleads guilty to a specification of 673  
the type described in section 2941.1426 of the Revised Code that 674  
charges that the victim of the offense suffered permanent 675  
disabling harm as a result of the offense and that the victim 676  
was under ten years of age at the time of the offense, 677  
regardless of whether the offender knew the age of the victim, 678  
the court shall impose upon the offender an additional definite 679  
prison term of six years. A prison term imposed on an offender 680  
under division (B) (10) of this section shall not be reduced 681

pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If a court imposes an additional prison term on an offender under this division relative to a violation of division (A) of section 2903.11 of the Revised Code, the court shall not impose any other additional prison term on the offender relative to the same offense.

(11) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division (C) (11) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that charges that the offender is a major drug offender, in addition to any other penalty imposed for the violation, the court shall impose on the offender a mandatory prison term of three, four, five, six, seven, or eight years. If a court imposes a prison term on an offender under division (B) (11) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (11) of this section for felonies committed as part of the same act.

(C) (1) (a) Subject to division (C) (1) (b) of this section, if a mandatory prison term is imposed upon an offender pursuant



to division (B) (1) (a) of this section for having a firearm on or 713  
about the offender's person or under the offender's control 714  
while committing a felony, if a mandatory prison term is imposed 715  
upon an offender pursuant to division (B) (1) (c) of this section 716  
for committing a felony specified in that division by 717  
discharging a firearm from a motor vehicle, or if both types of 718  
mandatory prison terms are imposed, the offender shall serve any 719  
mandatory prison term imposed under either division 720  
consecutively to any other mandatory prison term imposed under 721  
either division or under division (B) (1) (d) of this section, 722  
consecutively to and prior to any prison term imposed for the 723  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 724  
this section or any other section of the Revised Code, and 725  
consecutively to any other prison term or mandatory prison term 726  
previously or subsequently imposed upon the offender. 727

(b) If a mandatory prison term is imposed upon an offender 728  
pursuant to division (B) (1) (d) of this section for wearing or 729  
carrying body armor while committing an offense of violence that 730  
is a felony, the offender shall serve the mandatory term so 731  
imposed consecutively to any other mandatory prison term imposed 732  
under that division or under division (B) (1) (a) or (c) of this 733  
section, consecutively to and prior to any prison term imposed 734  
for the underlying felony under division (A), (B) (2), or (B) (3) 735  
of this section or any other section of the Revised Code, and 736  
consecutively to any other prison term or mandatory prison term 737  
previously or subsequently imposed upon the offender. 738

(c) If a mandatory prison term is imposed upon an offender 739  
pursuant to division (B) (1) (f) of this section, the offender 740  
shall serve the mandatory prison term so imposed consecutively 741  
to and prior to any prison term imposed for the underlying 742  
felony under division (A), (B) (2), or (B) (3) of this section or 743

any other section of the Revised Code, and consecutively to any 744  
other prison term or mandatory prison term previously or 745  
subsequently imposed upon the offender. 746

(d) If a mandatory prison term is imposed upon an offender 747  
pursuant to division (B)(7) or (8) of this section, the offender 748  
shall serve the mandatory prison term so imposed consecutively 749  
to any other mandatory prison term imposed under that division 750  
or under any other provision of law and consecutively to any 751  
other prison term or mandatory prison term previously or 752  
subsequently imposed upon the offender. 753

(e) If a mandatory prison term is imposed upon an offender 754  
pursuant to division (B)(11) of this section, the offender shall 755  
serve the mandatory prison term consecutively to any other 756  
mandatory prison term imposed under that division, consecutively 757  
to and prior to any prison term imposed for the underlying 758  
felony, and consecutively to any other prison term or mandatory 759  
prison term previously or subsequently imposed upon the 760  
offender. 761

(2) If an offender who is an inmate in a jail, prison, or 762  
other residential detention facility violates section 2917.02, 763  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 764  
(2) of section 2921.34 of the Revised Code, if an offender who 765  
is under detention at a detention facility commits a felony 766  
violation of section 2923.131 of the Revised Code, or if an 767  
offender who is an inmate in a jail, prison, or other 768  
residential detention facility or is under detention at a 769  
detention facility commits another felony while the offender is 770  
an escapee in violation of division (A)(1) or (2) of section 771  
2921.34 of the Revised Code, any prison term imposed upon the 772  
offender for one of those violations shall be served by the 773

offender consecutively to the prison term or term of 774  
imprisonment the offender was serving when the offender 775  
committed that offense and to any other prison term previously 776  
or subsequently imposed upon the offender. 777

(3) If a prison term is imposed for a violation of 778  
division (B) of section 2911.01 of the Revised Code, a violation 779  
of division (A) of section 2913.02 of the Revised Code in which 780  
the stolen property is a firearm or dangerous ordnance, or a 781  
felony violation of division (B) of section 2921.331 of the 782  
Revised Code, the offender shall serve that prison term 783  
consecutively to any other prison term or mandatory prison term 784  
previously or subsequently imposed upon the offender. 785

(4) If multiple prison terms are imposed on an offender 786  
for convictions of multiple offenses, the court may require the 787  
offender to serve the prison terms consecutively if the court 788  
finds that the consecutive service is necessary to protect the 789  
public from future crime or to punish the offender and that 790  
consecutive sentences are not disproportionate to the 791  
seriousness of the offender's conduct and to the danger the 792  
offender poses to the public, and if the court also finds any of 793  
the following: 794

(a) The offender committed one or more of the multiple 795  
offenses while the offender was awaiting trial or sentencing, 796  
was under a sanction imposed pursuant to section 2929.16, 797  
2929.17, or 2929.18 of the Revised Code, or was under post- 798  
release control for a prior offense. 799

(b) At least two of the multiple offenses were committed 800  
as part of one or more courses of conduct, and the harm caused 801  
by two or more of the multiple offenses so committed was so 802  
great or unusual that no single prison term for any of the 803

offenses committed as part of any of the courses of conduct 804  
adequately reflects the seriousness of the offender's conduct. 805

(c) The offender's history of criminal conduct 806  
demonstrates that consecutive sentences are necessary to protect 807  
the public from future crime by the offender. 808

(5) If a mandatory prison term is imposed upon an offender 809  
pursuant to division (B) (5) or (6) of this section, the offender 810  
shall serve the mandatory prison term consecutively to and prior 811  
to any prison term imposed for the underlying violation of 812  
division (A) (1) or (2) of section 2903.06 of the Revised Code 813  
pursuant to division (A) of this section or section 2929.142 of 814  
the Revised Code. If a mandatory prison term is imposed upon an 815  
offender pursuant to division (B) (5) of this section, and if a 816  
mandatory prison term also is imposed upon the offender pursuant 817  
to division (B) (6) of this section in relation to the same 818  
violation, the offender shall serve the mandatory prison term 819  
imposed pursuant to division (B) (5) of this section 820  
consecutively to and prior to the mandatory prison term imposed 821  
pursuant to division (B) (6) of this section and consecutively to 822  
and prior to any prison term imposed for the underlying 823  
violation of division (A) (1) or (2) of section 2903.06 of the 824  
Revised Code pursuant to division (A) of this section or section 825  
2929.142 of the Revised Code. 826

(6) If a mandatory prison term is imposed on an offender 827  
pursuant to division (B) (9) of this section, the offender shall 828  
serve the mandatory prison term consecutively to and prior to 829  
any prison term imposed for the underlying violation of division 830  
(A) (1) or (2) of section 2903.11 of the Revised Code and 831  
consecutively to and prior to any other prison term or mandatory 832  
prison term previously or subsequently imposed on the offender. 833

(7) If a mandatory prison term is imposed on an offender 834  
pursuant to division (B)(10) of this section, the offender shall 835  
serve that mandatory prison term consecutively to and prior to 836  
any prison term imposed for the underlying felonious assault. 837  
Except as otherwise provided in division (C) of this section, 838  
any other prison term or mandatory prison term previously or 839  
subsequently imposed upon the offender may be served 840  
concurrently with, or consecutively to, the prison term imposed 841  
pursuant to division (B)(10) of this section. 842

(8) Any prison term imposed for a violation of section 843  
2903.04 of the Revised Code that is based on a violation of 844  
section 2925.03 or 2925.11 of the Revised Code or on a violation 845  
of section 2925.05 of the Revised Code that is not funding of 846  
marihuana trafficking shall run consecutively to any prison term 847  
imposed for the violation of section 2925.03 or 2925.11 of the 848  
Revised Code or for the violation of section 2925.05 of the 849  
Revised Code that is not funding of marihuana trafficking. 850

(9) When consecutive prison terms are imposed pursuant to 851  
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 852  
division (H)(1) or (2) of this section, subject to division (C) 853  
(10) of this section, the term to be served is the aggregate of 854  
all of the terms so imposed. 855

(10) When a court sentences an offender to a non-life 856  
felony indefinite prison term, any definite prison term or 857  
mandatory definite prison term previously or subsequently 858  
imposed on the offender in addition to that indefinite sentence 859  
that is required to be served consecutively to that indefinite 860  
sentence shall be served prior to the indefinite sentence. 861

(11) If a court is sentencing an offender for a felony of 862  
the first or second degree, if division (A)(1)(a) or (2)(a) of 863

this section applies with respect to the sentencing for the 864  
offense, and if the court is required under the Revised Code 865  
section that sets forth the offense or any other Revised Code 866  
provision to impose a mandatory prison term for the offense, the 867  
court shall impose the required mandatory prison term as the 868  
minimum term imposed under division (A)(1)(a) or (2)(a) of this 869  
section, whichever is applicable. 870

(D)(1) If a court imposes a prison term, other than a term 871  
of life imprisonment, for a felony of the first degree, for a 872  
felony of the second degree, for a felony sex offense, or for a 873  
felony of the third degree that is an offense of violence and 874  
that is not a felony sex offense, it shall include in the 875  
sentence a requirement that the offender be subject to a period 876  
of post-release control after the offender's release from 877  
imprisonment, in accordance with section 2967.28 of the Revised 878  
Code. If a court imposes a sentence including a prison term of a 879  
type described in this division on or after July 11, 2006, the 880  
failure of a court to include a post-release control requirement 881  
in the sentence pursuant to this division does not negate, 882  
limit, or otherwise affect the mandatory period of post-release 883  
control that is required for the offender under division (B) of 884  
section 2967.28 of the Revised Code. Section 2929.191 of the 885  
Revised Code applies if, prior to July 11, 2006, a court imposed 886  
a sentence including a prison term of a type described in this 887  
division and failed to include in the sentence pursuant to this 888  
division a statement regarding post-release control. 889

(2) If a court imposes a prison term for a felony of the 890  
third, fourth, or fifth degree that is not subject to division 891  
(D)(1) of this section, it shall include in the sentence a 892  
requirement that the offender be subject to a period of post- 893  
release control after the offender's release from imprisonment, 894

in accordance with that division, if the parole board determines 895  
that a period of post-release control is necessary. Section 896  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 897  
a court imposed a sentence including a prison term of a type 898  
described in this division and failed to include in the sentence 899  
pursuant to this division a statement regarding post-release 900  
control. 901

(E) The court shall impose sentence upon the offender in 902  
accordance with section 2971.03 of the Revised Code, and Chapter 903  
2971. of the Revised Code applies regarding the prison term or 904  
term of life imprisonment without parole imposed upon the 905  
offender and the service of that term of imprisonment if any of 906  
the following apply: 907

(1) A person is convicted of or pleads guilty to a violent 908  
sex offense or a designated homicide, assault, or kidnapping 909  
offense, and, in relation to that offense, the offender is 910  
adjudicated a sexually violent predator. 911

(2) A person is convicted of or pleads guilty to a 912  
violation of division (A) (1) (b) of section 2907.02 of the 913  
Revised Code committed on or after January 2, 2007, and either 914  
the court does not impose a sentence of life without parole when 915  
authorized pursuant to division (B) of section 2907.02 of the 916  
Revised Code, or division (B) of section 2907.02 of the Revised 917  
Code provides that the court shall not sentence the offender 918  
pursuant to section 2971.03 of the Revised Code. 919

(3) A person is convicted of or pleads guilty to attempted 920  
rape committed on or after January 2, 2007, and a specification 921  
of the type described in section 2941.1418, 2941.1419, or 922  
2941.1420 of the Revised Code. 923

(4) A person is convicted of or pleads guilty to a 924  
violation of section 2905.01 of the Revised Code committed on or 925  
after January 1, 2008, and that section requires the court to 926  
sentence the offender pursuant to section 2971.03 of the Revised 927  
Code. 928

(5) A person is convicted of or pleads guilty to 929  
aggravated murder committed on or after January 1, 2008, and 930  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 931  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 932  
(a) (iv) of section 2929.03, or division (A) or (B) of section 933  
2929.06 of the Revised Code requires the court to sentence the 934  
offender pursuant to division (B) (3) of section 2971.03 of the 935  
Revised Code. 936

(6) A person is convicted of or pleads guilty to murder 937  
committed on or after January 1, 2008, and division (B) (2) of 938  
section 2929.02 of the Revised Code requires the court to 939  
sentence the offender pursuant to section 2971.03 of the Revised 940  
Code. 941

(F) If a person who has been convicted of or pleaded 942  
guilty to a felony is sentenced to a prison term or term of 943  
imprisonment under this section, sections 2929.02 to 2929.06 of 944  
the Revised Code, section 2929.142 of the Revised Code, section 945  
2971.03 of the Revised Code, or any other provision of law, 946  
section 5120.163 of the Revised Code applies regarding the 947  
person while the person is confined in a state correctional 948  
institution. 949

(G) If an offender who is convicted of or pleads guilty to 950  
a felony that is an offense of violence also is convicted of or 951  
pleads guilty to a specification of the type described in 952  
section 2941.142 of the Revised Code that charges the offender 953



with having committed the felony while participating in a 954  
criminal gang, the court shall impose upon the offender an 955  
additional prison term of one, two, or three years. 956

(H) (1) If an offender who is convicted of or pleads guilty 957  
to aggravated murder, murder, or a felony of the first, second, 958  
or third degree that is an offense of violence also is convicted 959  
of or pleads guilty to a specification of the type described in 960  
section 2941.143 of the Revised Code that charges the offender 961  
with having committed the offense in a school safety zone or 962  
towards a person in a school safety zone, the court shall impose 963  
upon the offender an additional prison term of two years. The 964  
offender shall serve the additional two years consecutively to 965  
and prior to the prison term imposed for the underlying offense. 966

(2) (a) If an offender is convicted of or pleads guilty to 967  
a felony violation of section 2907.22, 2907.24, 2907.241, or 968  
2907.25 of the Revised Code and to a specification of the type 969  
described in section 2941.1421 of the Revised Code and if the 970  
court imposes a prison term on the offender for the felony 971  
violation, the court may impose upon the offender an additional 972  
prison term as follows: 973

(i) Subject to division (H) (2) (a) (ii) of this section, an 974  
additional prison term of one, two, three, four, five, or six 975  
months; 976

(ii) If the offender previously has been convicted of or 977  
pleaded guilty to one or more felony or misdemeanor violations 978  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 979  
the Revised Code and also was convicted of or pleaded guilty to 980  
a specification of the type described in section 2941.1421 of 981  
the Revised Code regarding one or more of those violations, an 982  
additional prison term of one, two, three, four, five, six, 983

seven, eight, nine, ten, eleven, or twelve months. 984

(b) In lieu of imposing an additional prison term under 985  
division (H) (2) (a) of this section, the court may directly 986  
impose on the offender a sanction that requires the offender to 987  
wear a real-time processing, continual tracking electronic 988  
monitoring device during the period of time specified by the 989  
court. The period of time specified by the court shall equal the 990  
duration of an additional prison term that the court could have 991  
imposed upon the offender under division (H) (2) (a) of this 992  
section. A sanction imposed under this division shall commence 993  
on the date specified by the court, provided that the sanction 994  
shall not commence until after the offender has served the 995  
prison term imposed for the felony violation of section 2907.22, 996  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 997  
residential sanction imposed for the violation under section 998  
2929.16 of the Revised Code. A sanction imposed under this 999  
division shall be considered to be a community control sanction 1000  
for purposes of section 2929.15 of the Revised Code, and all 1001  
provisions of the Revised Code that pertain to community control 1002  
sanctions shall apply to a sanction imposed under this division, 1003  
except to the extent that they would by their nature be clearly 1004  
inapplicable. The offender shall pay all costs associated with a 1005  
sanction imposed under this division, including the cost of the 1006  
use of the monitoring device. 1007

(I) At the time of sentencing, the court may recommend the 1008  
offender for placement in a program of shock incarceration under 1009  
section 5120.031 of the Revised Code or for placement in an 1010  
intensive program prison under section 5120.032 of the Revised 1011  
Code, disapprove placement of the offender in a program of shock 1012  
incarceration or an intensive program prison of that nature, or 1013  
make no recommendation on placement of the offender. In no case 1014

shall the department of rehabilitation and correction place the 1015  
offender in a program or prison of that nature unless the 1016  
department determines as specified in section 5120.031 or 1017  
5120.032 of the Revised Code, whichever is applicable, that the 1018  
offender is eligible for the placement. 1019

If the court disapproves placement of the offender in a 1020  
program or prison of that nature, the department of 1021  
rehabilitation and correction shall not place the offender in 1022  
any program of shock incarceration or intensive program prison. 1023

If the court recommends placement of the offender in a 1024  
program of shock incarceration or in an intensive program 1025  
prison, and if the offender is subsequently placed in the 1026  
recommended program or prison, the department shall notify the 1027  
court of the placement and shall include with the notice a brief 1028  
description of the placement. 1029

If the court recommends placement of the offender in a 1030  
program of shock incarceration or in an intensive program prison 1031  
and the department does not subsequently place the offender in 1032  
the recommended program or prison, the department shall send a 1033  
notice to the court indicating why the offender was not placed 1034  
in the recommended program or prison. 1035

If the court does not make a recommendation under this 1036  
division with respect to an offender and if the department 1037  
determines as specified in section 5120.031 or 5120.032 of the 1038  
Revised Code, whichever is applicable, that the offender is 1039  
eligible for placement in a program or prison of that nature, 1040  
the department shall screen the offender and determine if there 1041  
is an available program of shock incarceration or an intensive 1042  
program prison for which the offender is suited. If there is an 1043  
available program of shock incarceration or an intensive program 1044

prison for which the offender is suited, the department shall 1045  
notify the court of the proposed placement of the offender as 1046  
specified in section 5120.031 or 5120.032 of the Revised Code 1047  
and shall include with the notice a brief description of the 1048  
placement. The court shall have ten days from receipt of the 1049  
notice to disapprove the placement. 1050

(J) If a person is convicted of or pleads guilty to 1051  
aggravated vehicular homicide in violation of division (A) (1) of 1052  
section 2903.06 of the Revised Code and division (B) (2) (c) of 1053  
that section applies, the person shall be sentenced pursuant to 1054  
section 2929.142 of the Revised Code. 1055

(K) (1) The court shall impose an additional mandatory 1056  
prison term of two, three, four, five, six, seven, eight, nine, 1057  
ten, or eleven years on an offender who is convicted of or 1058  
pleads guilty to a violent felony offense if the offender also 1059  
is convicted of or pleads guilty to a specification of the type 1060  
described in section 2941.1424 of the Revised Code that charges 1061  
that the offender is a violent career criminal and had a firearm 1062  
on or about the offender's person or under the offender's 1063  
control while committing the presently charged violent felony 1064  
offense and displayed or brandished the firearm, indicated that 1065  
the offender possessed a firearm, or used the firearm to 1066  
facilitate the offense. The offender shall serve the prison term 1067  
imposed under this division consecutively to and prior to the 1068  
prison term imposed for the underlying offense. The prison term 1069  
shall not be reduced pursuant to section 2929.20, division (A) 1070  
(2) or (3) of section 2967.193 or 2967.194, or any other 1071  
provision of Chapter 2967. or 5120. of the Revised Code. A court 1072  
may not impose more than one sentence under division (B) (2) (a) 1073  
of this section and this division for acts committed as part of 1074  
the same act or transaction. 1075

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

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

**Sec. 2935.031.** ~~Any~~ (A) As used in this section, "law enforcement entity" means an agency, instrumentality, or political subdivision of the state that employs a sheriff, deputy sheriff, constable, marshal, deputy marshal, police officer, member of a metropolitan housing authority police force, state university law enforcement officer, or veterans' home police officer with arrest authority under section 2935.03 of the Revised Code or that employs other persons with arrest authority under the Revised Code.

(B) Each law enforcement entity shall adopt a written policy for the pursuit in a motor vehicle of any person who violates a law of this state or an ordinance of a municipal corporation. In developing its policy, each law enforcement entity shall consider pursuit policy standards and best-practice recommendations as established by the Ohio collaborative community-police advisory board or a similar law enforcement accrediting entity. The chief law enforcement officer or other chief official of the ~~agency, instrumentality, or political subdivision~~ law enforcement entity shall formally advise and train each peace officer or other person with arrest authority

~~it the entity employs of the on each~~ pursuit policy adopted by 1106  
~~that agency, instrumentality, or political subdivision entity~~ 1107  
pursuant to this section. 1108

**Sec. 2981.02.** (A) (1) The following property is subject to 1109  
forfeiture to the state or a political subdivision under either 1110  
the criminal or delinquency process in section 2981.04 of the 1111  
Revised Code or the civil process in section 2981.05 of the 1112  
Revised Code: 1113

(a) Contraband involved in an offense; 1114

(b) Proceeds derived from or acquired through the 1115  
commission of an offense; 1116

(c) An instrumentality that is used in or intended to be 1117  
used in the commission or facilitation of any of the following 1118  
offenses when the use or intended use, consistent with division 1119  
(B) of this section, is sufficient to warrant forfeiture under 1120  
this chapter: 1121

(i) A felony; 1122

(ii) A misdemeanor, when forfeiture is specifically 1123  
authorized by a section of the Revised Code or by a municipal 1124  
ordinance that creates the offense or sets forth its penalties; 1125

(iii) An attempt to commit, complicity in committing, or a 1126  
conspiracy to commit an offense of the type described in 1127  
divisions (A) (3) (a) and (b) of this section. 1128

(2) In determining whether an alleged instrumentality was 1129  
used in or was intended to be used in the commission or 1130  
facilitation of an offense or an attempt, complicity, or 1131  
conspiracy to commit an offense in a manner sufficient to 1132  
warrant its forfeiture, the trier of fact shall consider the 1133

following factors the trier of fact determines are relevant: 1134

(a) Whether the offense could not have been committed or 1135  
attempted but for the presence of the instrumentality; 1136

(b) Whether the primary purpose in using the 1137  
instrumentality was to commit or attempt to commit the offense; 1138

(c) The extent to which the instrumentality furthered the 1139  
commission of, or attempt to commit, the offense. 1140

(B) The property described in division (F) (2) of section 1141  
2917.211 of the Revised Code is subject to forfeiture under the 1142  
criminal or delinquency process in section 2981.04 of the 1143  
Revised Code, if the forfeiture is ordered by the court imposing 1144  
sentence or an order of disposition. 1145

(C) ~~This~~ Except as provided by section 4511.251 of the 1146  
Revised Code, this chapter does not apply to or limit 1147  
forfeitures under Title XLV of the Revised Code, including 1148  
forfeitures relating to section 2903.06 or 2903.08 of the 1149  
Revised Code. 1150

**Sec. 4510.036.** (A) The bureau of motor vehicles shall 1151  
record within ten days of conviction or bail forfeiture and 1152  
shall keep at its main office, all abstracts received under this 1153  
section or section 4510.03, 4510.031, 4510.032, or 4510.034 of 1154  
the Revised Code and shall maintain records of convictions and 1155  
bond forfeitures for any violation of a state law or a municipal 1156  
ordinance regulating the operation of vehicles, streetcars, and 1157  
trackless trolleys on highways and streets, except a violation 1158  
related to parking a motor vehicle. 1159

(B) Every court of record or mayor's court before which a 1160  
person is charged with a violation for which points are 1161  
chargeable by this section shall assess and transcribe to the 1162

abstract of conviction that is furnished by the bureau to the 1163  
court the number of points chargeable by this section in the 1164  
correct space assigned on the reporting form. A United States 1165  
district court that has jurisdiction within this state and 1166  
before which a person is charged with a violation for which 1167  
points are chargeable by this section may assess and transcribe 1168  
to the abstract of conviction report that is furnished by the 1169  
bureau the number of points chargeable by this section in the 1170  
correct space assigned on the reporting form. If the federal 1171  
court so assesses and transcribes the points chargeable for the 1172  
offense and furnishes the report to the bureau, the bureau shall 1173  
record the points in the same manner as those assessed and 1174  
transcribed by a court of record or mayor's court. 1175

(C) A court shall assess the following points for an 1176  
offense based on the following formula: 1177

(1) Aggravated vehicular homicide, vehicular homicide, 1178  
vehicular manslaughter, aggravated vehicular assault, or 1179  
vehicular assault when the offense involves the operation of a 1180  
vehicle, streetcar, or trackless trolley on a highway or street 1181  
\_\_\_\_\_ 6 points 1182

(2) A violation of section 2921.331 of the Revised Code or 1183  
any ordinance prohibiting the willful fleeing or eluding of a 1184  
law enforcement officer \_\_\_\_\_ 6 points 1185

(3) A violation of section 4549.02 or 4549.021 of the 1186  
Revised Code or any ordinance requiring the driver of a vehicle 1187  
to stop and disclose identity at the scene of an accident 1188  
\_\_\_\_\_ 6 points 1189

(4) A violation of section 4511.251 of the Revised Code or 1190  
any ordinance prohibiting street racing, stunt driving, or 1191



<u>street takeover</u> _____ 6 points	1192
(5) A violation of section 4510.037 of the Revised Code or any ordinance prohibiting the operation of a motor vehicle while the driver's or commercial driver's license is under a twelve-point suspension _____ 6 points	1193 1194 1195 1196
(6) A violation of section 4510.14 of the Revised Code, or any ordinance prohibiting the operation of a motor vehicle upon the public roads or highways within this state while the driver's or commercial driver's license of the person is under suspension and the suspension was imposed under section 4511.19, 4511.191, or 4511.196 of the Revised Code or section 4510.07 of the Revised Code due to a conviction for a violation of a municipal OVI ordinance or any ordinance prohibiting the operation of a motor vehicle while the driver's or commercial driver's license is under suspension for an OVI offense _____ 6 points	1197 1198 1199 1200 1201 1202 1203 1204 1205 1206 1207
(7) A violation of division (A) of section 4511.19 of the Revised Code, any ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or any ordinance substantially equivalent to division (A) of section 4511.19 of the Revised Code prohibiting the operation of a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine _____ 6 points	1208 1209 1210 1211 1212 1213 1214 1215 1216
(8) A violation of section 2913.03 of the Revised Code that does not involve an aircraft or motorboat or any ordinance prohibiting the operation of a vehicle without the consent of the owner _____ 6 points	1217 1218 1219 1220

(9) Any offense under the motor vehicle laws of this state	1221
that is a felony, or any other felony in the commission of which	1222
a motor vehicle was used _____ 6 points	1223
(10) A violation of division (B) of section 4511.19 of the	1224
Revised Code or any ordinance substantially equivalent to that	1225
division prohibiting the operation of a vehicle with a	1226
prohibited concentration of alcohol in the whole blood, blood	1227
serum or plasma, breath, or urine _____ 4 points	1228
(11) A violation of section 4511.20 of the Revised Code or	1229
any ordinance prohibiting the operation of a motor vehicle in	1230
willful or wanton disregard of the safety of persons or property	1231
_____ 4 points	1232
(12) A violation of any law or ordinance pertaining to	1233
speed:	1234
(a) Notwithstanding divisions (C) (12) (b) and (c) of this	1235
section, when the speed exceeds the lawful speed limit by thirty	1236
miles per hour or more _____ 4 points	1237
(b) When the speed exceeds the lawful speed limit of	1238
fifty-five miles per hour or more by more than ten miles per	1239
hour _____ 2 points	1240
(c) When the speed exceeds the lawful speed limit of less	1241
than fifty-five miles per hour by more than five miles per hour	1242
_____ 2 points	1243
(d) When the speed does not exceed the amounts set forth	1244
in divisions (C) (12) (a), (b), or (c) of this section _____	1245
0 points	1246
(13) A violation of division (A) of section 4511.204 of	1247
the Revised Code or any substantially similar municipal	1248

ordinance:	1249
(a) For a first offense within any two-year period	1250
_____ 2 points	1251
(b) For a second offense within any two-year period	1252
_____ 3 points	1253
(c) For a third or subsequent offense within any two-year	1254
period _____ 4 points.	1255
(14) Operating a motor vehicle in violation of a	1256
restriction imposed by the registrar _____ 2 points	1257
(15) A violation of section 4510.11, 4510.111, 4510.16, or	1258
4510.21 of the Revised Code or any ordinance prohibiting the	1259
operation of a motor vehicle while the driver's or commercial	1260
driver's license is under suspension _____ 2 points	1261
(16) With the exception of violations under section	1262
4510.12 of the Revised Code where no points shall be assessed,	1263
all other moving violations reported under this section	1264
_____ 2 points	1265
(D) Upon receiving notification from the proper court,	1266
including a United States district court that has jurisdiction	1267
within this state, the bureau shall delete any points entered	1268
for a bond forfeiture if the driver is acquitted of the offense	1269
for which bond was posted.	1270
(E) If a person is convicted of or forfeits bail for two	1271
or more offenses arising out of the same facts and points are	1272
chargeable for each of the offenses, points shall be charged for	1273
only the conviction or bond forfeiture for which the greater	1274
number of points is chargeable, and, if the number of points	1275
chargeable for each offense is equal, only one offense shall be	1276

recorded, and points shall be charged only for that offense. 1277

**Sec. 4511.251.** (A) As used in this section and section 1278  
4510.036 of the Revised Code, ~~"street~~: 1279

(1) "Street racing" means the operation of two or more 1280  
vehicles from a point side by side at accelerating speeds in a 1281  
competitive attempt to out-distance each other or the operation 1282  
of one or more vehicles over a common selected course, from the 1283  
same point to the same point, wherein timing is made of the 1284  
participating vehicles involving competitive accelerations or 1285  
speeds. ~~Persons rendering assistance in any manner to such~~ 1286  
~~competitive use of vehicles shall be equally charged as the~~ 1287  
~~participants.~~ The operation of two or more vehicles side by side 1288  
either at speeds in excess of prima-facie lawful speeds 1289  
established by divisions (B) (1) (a) to (B) (9) of section 4511.21 1290  
of the Revised Code or rapidly accelerating from a common 1291  
starting point to a speed in excess of such prima-facie lawful 1292  
speeds shall be prima-facie evidence of street racing. 1293

(2) "Burnout" means a maneuver performed while operating a 1294  
vehicle whereby the vehicle is kept in a stationary position, 1295  
but the wheels of the vehicle are spun, which may cause the 1296  
tires of the vehicle to become heated and emit smoke from the 1297  
friction. 1298

(3) "Doughnut" means a maneuver performed while operating 1299  
a vehicle whereby the front or rear of the vehicle is rotated 1300  
around the opposite set of wheels in a continuous motion, which 1301  
may cause a circular skid-mark pattern of rubber on the driving 1302  
surface, or the tires of the vehicle to become heated and emit 1303  
smoke from the friction, or both. 1304

(4) "Drifting" means a maneuver performed while operating 1305

a vehicle whereby the vehicle is driven in a manner that causes 1306  
a controlled, sideways skid during a turn, with the front wheels 1307  
pointing in a direction that is the opposite of the direction of 1308  
the turn. 1309

(5) "Wheelie" means a maneuver performed while operating a 1310  
vehicle whereby the front wheel or wheels of the vehicle are 1311  
raised off of the ground or whereby two wheels that are on the 1312  
same side of the vehicle are raised off of the ground. 1313

(6) "Stunt driving" means performing or engaging in 1314  
burnouts, doughnuts, drifting, or wheelies, causing vehicle 1315  
tires to squeal, or allowing a passenger to ride either 1316  
partially or fully outside of the vehicle while operating that 1317  
vehicle. 1318

(7) "Street takeover" means blocking or impeding the 1319  
regular flow of vehicle or pedestrian traffic on a public road, 1320  
street, or highway or on private property that is open to the 1321  
general public for the purpose of street racing or stunt 1322  
driving. 1323

(8) "Instrumentality" has the same meaning as in section 1324  
2981.01 of the Revised Code. 1325

(B) No person shall knowingly participate in street 1326  
racing, stunt driving, or street takeover upon any public road, 1327  
street, or highway ~~in this state, or on private property that is~~ 1328  
open to the general public. 1329

(C) Whoever violates this section is guilty of street 1330  
racing, stunt driving, or street takeover, a misdemeanor of the 1331  
first degree. In addition to any other sanctions, the court 1332  
shall suspend the offender's driver's license, commercial 1333  
driver's license, temporary instruction permit, probationary 1334

license, or nonresident operating privilege for not less than 1335  
thirty days or more than three years. No judge shall suspend the 1336  
first thirty days of any suspension of an offender's license, 1337  
permit, or privilege imposed under this division. 1338

(D) In addition to any other penalties imposed by law, a 1339  
vehicle used in a violation of division (B) of this section is 1340  
contraband and is an instrumentality, that is subject to seizure 1341  
and forfeiture under Chapter 2981. of the Revised Code. 1342

(E) Persons rendering assistance in any manner to street 1343  
racing, stunt driving, or street takeover shall be equally 1344  
charged as the participants. 1345

(F) This section does not apply to the competitive 1346  
operation of vehicles on public or private property when the 1347  
political subdivision with jurisdiction of the location or owner 1348  
of the property knowingly permits such operation thereon. 1349

**Section 2.** That existing sections 2921.331, 2929.14, 1350  
2935.031, 2981.02, 4510.036, and 4511.251 of the Revised Code 1351  
are hereby repealed. 1352