

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 639

Representative Williams

A BILL

To amend sections 2152.17, 2917.02, and 2929.14 and 1
to enact section 2941.1427 of the Revised Code 2
to modify the offense of aggravated riot when 3
the offender is wearing a mask or disguise and 4
to require an additional prison term of one year 5
for an offender who is convicted of or pleads 6
guilty to a felony if the offender is convicted 7
of or pleads guilty to a specification that the 8
offender wore a mask or disguise in commission 9
of the offense. 10

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

Section 1. That sections 2152.17, 2917.02, and 2929.14 be 11
amended and section 2941.1427 of the Revised Code be enacted to 12
read as follows: 13

Sec. 2152.17. (A) Subject to division (D) of this section, 14
if a child is adjudicated a delinquent child for committing an 15
act, other than a violation of section 2923.12 of the Revised 16
Code, that would be a felony if committed by an adult and if the 17
court determines that, if the child was an adult, the child 18
would be guilty of a specification of the type set forth in 19

section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, 20
2941.1414, ~~or~~2941.1415, or 2941.1427 of the Revised Code, in 21
addition to any commitment or other disposition the court 22
imposes for the underlying delinquent act, all of the following 23
apply: 24

(1) If the court determines that the child would be guilty 25
of a specification of the type set forth in section 2941.141or 26
2941.1427 of the Revised Code, the court may commit the child to 27
the department of youth services for the specification for a 28
definite period of up to one year. 29

(2) If the court determines that the child would be guilty 30
of a specification of the type set forth in section 2941.145 of 31
the Revised Code or if the delinquent act is a violation of 32
division (A)(1) or (2) of section 2903.06 of the Revised Code 33
and the court determines that the child would be guilty of a 34
specification of the type set forth in section 2941.1415 of the 35
Revised Code, the court shall commit the child to the department 36
of youth services for the specification for a definite period of 37
not less than one and not more than three years, and the court 38
also shall commit the child to the department for the underlying 39
delinquent act under sections 2152.11 to 2152.16 of the Revised 40
Code. 41

(3) If the court determines that the child would be guilty 42
of a specification of the type set forth in section 2941.144, 43
2941.146, or 2941.1412 of the Revised Code or if the delinquent 44
act is a violation of division (A)(1) or (2) of section 2903.06 45
of the Revised Code and the court determines that the child 46
would be guilty of a specification of the type set forth in 47
section 2941.1414 of the Revised Code, the court shall commit 48
the child to the department of youth services for the 49

specification for a definite period of not less than one and not 50
more than five years, and the court also shall commit the child 51
to the department for the underlying delinquent act under 52
sections 2152.11 to 2152.16 of the Revised Code. 53

(B) (1) If a child is adjudicated a delinquent child for 54
committing an act, other than a violation of section 2923.12 of 55
the Revised Code, that would be a felony if committed by an 56
adult, if the court determines that the child is complicit in 57
another person's conduct that is of such a nature that the other 58
person would be guilty of a specification of the type set forth 59
in section 2941.141, 2941.144, 2941.145, or 2941.146 of the 60
Revised Code if the other person was an adult, if the other 61
person's conduct relates to the child's underlying delinquent 62
act, and if the child did not furnish, use, or dispose of any 63
firearm that was involved with the underlying delinquent act or 64
with the other person's specification-related conduct, in 65
addition to any other disposition the court imposes for the 66
underlying delinquent act, the court may commit the child to the 67
department of youth services for the specification for a 68
definite period of not more than one year, subject to division 69
(D) (2) of this section. 70

(2) Except as provided in division (B) (1) of this section, 71
division (A) of this section also applies to a child who is an 72
accomplice regarding a specification of the type set forth in 73
section 2941.1412, 2941.1414, ~~or~~ 2941.1415, or 2941.1427 of the 74
Revised Code to the same extent the specifications would apply 75
to an adult accomplice in a criminal proceeding. 76

(C) If a child is adjudicated a delinquent child for 77
committing an act that would be aggravated murder, murder, or a 78
first, second, or third degree felony offense of violence if 79

committed by an adult and if the court determines that, if the
child was an adult, the child would be guilty of a specification
of the type set forth in section 2941.142 of the Revised Code in
relation to the act for which the child was adjudicated a
delinquent child, the court shall commit the child for the
specification to the legal custody of the department of youth
services for institutionalization in a secure facility for a
definite period of not less than one and not more than three
years, subject to division (D) (2) of this section, and the court
also shall commit the child to the department for the underlying
delinquent act.

(D) (1) If the child is adjudicated a delinquent child for
committing an act that would be an offense of violence that is a
felony if committed by an adult and is committed to the legal
custody of the department of youth services pursuant to division
(A) (1) of section 2152.16 of the Revised Code and if the court
determines that the child, if the child was an adult, would be
guilty of a specification of the type set forth in section
2941.1411 of the Revised Code in relation to the act for which
the child was adjudicated a delinquent child, the court may
commit the child to the custody of the department of youth
services for institutionalization in a secure facility for up to
two years, subject to division (D) (2) of this section.

(2) A court that imposes a period of commitment under
division (A) of this section is not precluded from imposing an
additional period of commitment under division (C) or (D) (1) of
this section, a court that imposes a period of commitment under
division (C) of this section is not precluded from imposing an
additional period of commitment under division (A) or (D) (1) of
this section, and a court that imposes a period of commitment
under division (D) (1) of this section is not precluded from

imposing an additional period of commitment under division (A) 111
or (C) of this section. 112

(E) The court shall not commit a child to the legal 113
custody of the department of youth services for a specification 114
pursuant to this section for a period that exceeds five years 115
for any one delinquent act. Any commitment imposed pursuant to 116
division (A), (B), (C), or (D) (1) of this section shall be in 117
addition to, and shall be served consecutively with and prior 118
to, a period of commitment ordered under this chapter for the 119
underlying delinquent act, and each commitment imposed pursuant 120
to division (A), (B), (C), or (D) (1) of this section shall be in 121
addition to, and shall be served consecutively with, any other 122
period of commitment imposed under those divisions. If a 123
commitment is imposed under division (A) or (B) of this section 124
and a commitment also is imposed under division (C) of this 125
section, the period imposed under division (A) or (B) of this 126
section shall be served prior to the period imposed under 127
division (C) of this section. 128

In each case in which a court makes a disposition under 129
this section, the court retains control over the commitment for 130
the entire period of the commitment. 131

The total of all the periods of commitment imposed for any 132
specification under this section and for the underlying offense 133
shall not exceed the child's attainment of twenty-one years of 134
age. 135

(F) If a child is adjudicated a delinquent child for 136
committing two or more acts that would be felonies if committed 137
by an adult and if the court entering the delinquent child 138
adjudication orders the commitment of the child for two or more 139
of those acts to the legal custody of the department of youth 140

services for institutionalization in a secure facility pursuant 141
to section 2152.13 or 2152.16 of the Revised Code, the court may 142
order that all of the periods of commitment imposed under those 143
sections for those acts be served consecutively in the legal 144
custody of the department of youth services, provided that those 145
periods of commitment shall be in addition to and commence 146
immediately following the expiration of a period of commitment 147
that the court imposes pursuant to division (A), (B), (C), or 148
(D) (1) of this section. A court shall not commit a delinquent 149
child to the legal custody of the department of youth services 150
under this division for a period that exceeds the child's 151
attainment of twenty-one years of age. 152

Sec. 2917.02. (A) No person shall participate with four or 153
more others in a course of disorderly conduct in violation of 154
section 2917.11 of the Revised Code: 155

(1) With purpose to commit or facilitate the commission of 156
a felony; 157

(2) With purpose to commit or facilitate the commission of 158
any offense of violence; 159

(3) When the offender or any participant to the knowledge 160
of the offender has on or about the offender's or participant's 161
person or under the offender's or participant's control, uses, 162
or intends to use a deadly weapon or dangerous ordnance, as 163
defined in section 2923.11 of the Revised Code. 164

(B) (1) No person, being an inmate in a detention facility, 165
shall violate division (A) (1) or (3) of this section. 166

(2) No person, being an inmate in a detention facility, 167
shall violate division (A) (2) of this section or section 2917.03 168
of the Revised Code. 169

(C) No person shall participate with four or more others 170
in a course of disorderly conduct in violation of division (A) 171
(4) of section 2917.11 of the Revised Code while wearing a mask 172
or other disguise. 173

(D) Whoever violates this section is guilty of aggravated 174
riot. A violation of division (A) (1) or (3) or (C) of this 175
section is a felony of the fifth degree. A violation of division 176
(A) (2) or (B) (1) of this section is a felony of the fourth 177
degree. A violation of division (B) (2) of this section is a 178
felony of the third degree. 179

~~(D)~~ (E) As used in this section, "detention facility" has 180
the same meaning as in section 2921.01 of the Revised Code. 181

Sec. 2929.14. (A) Except as provided in division (B) (1), 182
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 183
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 184
in division (D) (6) of section 2919.25 of the Revised Code and 185
except in relation to an offense for which a sentence of death 186
or life imprisonment is to be imposed, if the court imposing a 187
sentence upon an offender for a felony elects or is required to 188
impose a prison term on the offender pursuant to this chapter, 189
the court shall impose a prison term that shall be one of the 190
following: 191

(1) (a) For a felony of the first degree committed on or 192
after March 22, 2019, the prison term shall be an indefinite 193
prison term with a stated minimum term selected by the court of 194
three, four, five, six, seven, eight, nine, ten, or eleven years 195
and a maximum term that is determined pursuant to section 196
2929.144 of the Revised Code, except that if the section that 197
criminalizes the conduct constituting the felony specifies a 198
different minimum term or penalty for the offense, the specific 199

language of that section shall control in determining the 200
minimum term or otherwise sentencing the offender but the 201
minimum term or sentence imposed under that specific language 202
shall be considered for purposes of the Revised Code as if it 203
had been imposed under this division. 204

(b) For a felony of the first degree committed prior to 205
March 22, 2019, the prison term shall be a definite prison term 206
of three, four, five, six, seven, eight, nine, ten, or eleven 207
years. 208

(2) (a) For a felony of the second degree committed on or 209
after March 22, 2019, the prison term shall be an indefinite 210
prison term with a stated minimum term selected by the court of 211
two, three, four, five, six, seven, or eight years and a maximum 212
term that is determined pursuant to section 2929.144 of the 213
Revised Code, except that if the section that criminalizes the 214
conduct constituting the felony specifies a different minimum 215
term or penalty for the offense, the specific language of that 216
section shall control in determining the minimum term or 217
otherwise sentencing the offender but the minimum term or 218
sentence imposed under that specific language shall be 219
considered for purposes of the Revised Code as if it had been 220
imposed under this division. 221

(b) For a felony of the second degree committed prior to 222
March 22, 2019, the prison term shall be a definite term of two, 223
three, four, five, six, seven, or eight years. 224

(3) (a) For a felony of the third degree that is a 225
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 226
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 227
Code, that is a violation of division (A) of section 4511.19 of 228
the Revised Code if the offender previously has been convicted 229

of or pleaded guilty to a violation of division (A) of that 230
section that was a felony, or that is a violation of section 231
2911.02 or 2911.12 of the Revised Code if the offender 232
previously has been convicted of or pleaded guilty in two or 233
more separate proceedings to two or more violations of section 234
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 235
prison term shall be a definite term of twelve, eighteen, 236
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 237
four, or sixty months. 238

(b) For a felony of the third degree that is not an 239
offense for which division (A) (3) (a) of this section applies, 240
the prison term shall be a definite term of nine, twelve, 241
eighteen, twenty-four, thirty, or thirty-six months. 242

(4) For a felony of the fourth degree, the prison term 243
shall be a definite term of six, seven, eight, nine, ten, 244
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 245
or eighteen months. 246

(5) For a felony of the fifth degree, the prison term 247
shall be a definite term of six, seven, eight, nine, ten, 248
eleven, or twelve months. 249

(B) (1) (a) Except as provided in division (B) (1) (e) of this 250
section, if an offender who is convicted of or pleads guilty to 251
a felony also is convicted of or pleads guilty to a 252
specification of the type described in section 2941.141, 253
2941.144, or 2941.145 of the Revised Code, the court shall 254
impose on the offender one of the following prison terms: 255

(i) A prison term of six years if the specification is of 256
the type described in division (A) of section 2941.144 of the 257
Revised Code that charges the offender with having a firearm 258

that is an automatic firearm or that was equipped with a firearm 259
muffler or suppressor on or about the offender's person or under 260
the offender's control while committing the offense; 261

(ii) A prison term of three years if the specification is 262
of the type described in division (A) of section 2941.145 of the 263
Revised Code that charges the offender with having a firearm on 264
or about the offender's person or under the offender's control 265
while committing the offense and displaying the firearm, 266
brandishing the firearm, indicating that the offender possessed 267
the firearm, or using it to facilitate the offense; 268

(iii) A prison term of one year if the specification is of 269
the type described in division (A) of section 2941.141 of the 270
Revised Code that charges the offender with having a firearm on 271
or about the offender's person or under the offender's control 272
while committing the offense; 273

(iv) A prison term of nine years if the specification is 274
of the type described in division (D) of section 2941.144 of the 275
Revised Code that charges the offender with having a firearm 276
that is an automatic firearm or that was equipped with a firearm 277
muffler or suppressor on or about the offender's person or under 278
the offender's control while committing the offense and 279
specifies that the offender previously has been convicted of or 280
pleaded guilty to a specification of the type described in 281
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 282
the Revised Code; 283

(v) A prison term of fifty-four months if the 284
specification is of the type described in division (D) of 285
section 2941.145 of the Revised Code that charges the offender 286
with having a firearm on or about the offender's person or under 287
the offender's control while committing the offense and 288

displaying the firearm, brandishing the firearm, indicating that 289
the offender possessed the firearm, or using the firearm to 290
facilitate the offense and that the offender previously has been 291
convicted of or pleaded guilty to a specification of the type 292
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 293
2941.1412 of the Revised Code; 294

(vi) A prison term of eighteen months if the specification 295
is of the type described in division (D) of section 2941.141 of 296
the Revised Code that charges the offender with having a firearm 297
on or about the offender's person or under the offender's 298
control while committing the offense and that the offender 299
previously has been convicted of or pleaded guilty to a 300
specification of the type described in section 2941.141, 301
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 302

(b) If a court imposes a prison term on an offender under 303
division (B) (1) (a) of this section, the prison term shall not be 304
reduced pursuant to section 2929.20, division (A) (2) or (3) of 305
section 2967.193 or 2967.194, or any other provision of Chapter 306
2967. or Chapter 5120. of the Revised Code. Except as provided 307
in division (B) (1) (g) of this section, a court shall not impose 308
more than one prison term on an offender under division (B) (1) 309
(a) of this section for felonies committed as part of the same 310
act or transaction. 311

(c) (i) Except as provided in division (B) (1) (e) of this 312
section, if an offender who is convicted of or pleads guilty to 313
a violation of section 2923.161 of the Revised Code or to a 314
felony that includes, as an essential element, purposely or 315
knowingly causing or attempting to cause the death of or 316
physical harm to another, also is convicted of or pleads guilty 317
to a specification of the type described in division (A) of 318

section 2941.146 of the Revised Code that charges the offender 319
with committing the offense by discharging a firearm from a 320
motor vehicle other than a manufactured home, the court, after 321
imposing a prison term on the offender for the violation of 322
section 2923.161 of the Revised Code or for the other felony 323
offense under division (A), (B) (2), or (B) (3) of this section, 324
shall impose an additional prison term of five years upon the 325
offender that shall not be reduced pursuant to section 2929.20, 326
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 327
other provision of Chapter 2967. or Chapter 5120. of the Revised 328
Code. 329

(ii) Except as provided in division (B) (1) (e) of this 330
section, if an offender who is convicted of or pleads guilty to 331
a violation of section 2923.161 of the Revised Code or to a 332
felony that includes, as an essential element, purposely or 333
knowingly causing or attempting to cause the death of or 334
physical harm to another, also is convicted of or pleads guilty 335
to a specification of the type described in division (C) of 336
section 2941.146 of the Revised Code that charges the offender 337
with committing the offense by discharging a firearm from a 338
motor vehicle other than a manufactured home and that the 339
offender previously has been convicted of or pleaded guilty to a 340
specification of the type described in section 2941.141, 341
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 342
the court, after imposing a prison term on the offender for the 343
violation of section 2923.161 of the Revised Code or for the 344
other felony offense under division (A), (B) (2), or (3) of this 345
section, shall impose an additional prison term of ninety months 346
upon the offender that shall not be reduced pursuant to section 347
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 348
or any other provision of Chapter 2967. or Chapter 5120. of the 349

Revised Code. 350

(iii) A court shall not impose more than one additional 351
prison term on an offender under division (B) (1) (c) of this 352
section for felonies committed as part of the same act or 353
transaction. If a court imposes an additional prison term on an 354
offender under division (B) (1) (c) of this section relative to an 355
offense, the court also shall impose a prison term under 356
division (B) (1) (a) of this section relative to the same offense, 357
provided the criteria specified in that division for imposing an 358
additional prison term are satisfied relative to the offender 359
and the offense. 360

(d) If an offender who is convicted of or pleads guilty to 361
an offense of violence that is a felony also is convicted of or 362
pleads guilty to a specification of the type described in 363
section 2941.1411 of the Revised Code that charges the offender 364
with wearing or carrying body armor while committing the felony 365
offense of violence, the court shall impose on the offender an 366
additional prison term of two years. The prison term so imposed 367
shall not be reduced pursuant to section 2929.20, division (A) 368
(2) or (3) of section 2967.193 or 2967.194, or any other 369
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 370
A court shall not impose more than one prison term on an 371
offender under division (B) (1) (d) of this section for felonies 372
committed as part of the same act or transaction. If a court 373
imposes an additional prison term under division (B) (1) (a) or 374
(c) of this section, the court is not precluded from imposing an 375
additional prison term under division (B) (1) (d) of this section. 376

(e) The court shall not impose any of the prison terms 377
described in division (B) (1) (a) of this section or any of the 378
additional prison terms described in division (B) (1) (c) of this 379

section upon an offender for a violation of section 2923.12 or 380
2923.123 of the Revised Code. The court shall not impose any of 381
the prison terms described in division (B) (1) (a) or (b) of this 382
section upon an offender for a violation of section 2923.122 383
that involves a deadly weapon that is a firearm other than a 384
dangerous ordnance, section 2923.16, or section 2923.121 of the 385
Revised Code. The court shall not impose any of the prison terms 386
described in division (B) (1) (a) of this section or any of the 387
additional prison terms described in division (B) (1) (c) of this 388
section upon an offender for a violation of section 2923.13 of 389
the Revised Code unless all of the following apply: 390

(i) The offender previously has been convicted of 391
aggravated murder, murder, or any felony of the first or second 392
degree. 393

(ii) Less than five years have passed since the offender 394
was released from prison or post-release control, whichever is 395
later, for the prior offense. 396

(f) (i) If an offender is convicted of or pleads guilty to 397
a felony that includes, as an essential element, causing or 398
attempting to cause the death of or physical harm to another and 399
also is convicted of or pleads guilty to a specification of the 400
type described in division (A) of section 2941.1412 of the 401
Revised Code that charges the offender with committing the 402
offense by discharging a firearm at a peace officer as defined 403
in section 2935.01 of the Revised Code or a corrections officer, 404
as defined in section 2941.1412 of the Revised Code, the court, 405
after imposing a prison term on the offender for the felony 406
offense under division (A), (B) (2), or (B) (3) of this section, 407
shall impose an additional prison term of seven years upon the 408
offender that shall not be reduced pursuant to section 2929.20, 409

division (A) (2) or (3) of section 2967.193 or 2967.194, or any 410
other provision of Chapter 2967. or Chapter 5120. of the Revised 411
Code. 412

(ii) If an offender is convicted of or pleads guilty to a 413
felony that includes, as an essential element, causing or 414
attempting to cause the death of or physical harm to another and 415
also is convicted of or pleads guilty to a specification of the 416
type described in division (B) of section 2941.1412 of the 417
Revised Code that charges the offender with committing the 418
offense by discharging a firearm at a peace officer, as defined 419
in section 2935.01 of the Revised Code, or a corrections 420
officer, as defined in section 2941.1412 of the Revised Code, 421
and that the offender previously has been convicted of or 422
pleaded guilty to a specification of the type described in 423
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 424
the Revised Code, the court, after imposing a prison term on the 425
offender for the felony offense under division (A), (B) (2), or 426
(3) of this section, shall impose an additional prison term of 427
one hundred twenty-six months upon the offender that shall not 428
be reduced pursuant to section 2929.20, division (A) (2) or (3) 429
of section 2967.193 or 2967.194, or any other provision of 430
Chapter 2967. or 5120. of the Revised Code. 431

(iii) If an offender is convicted of or pleads guilty to 432
two or more felonies that include, as an essential element, 433
causing or attempting to cause the death or physical harm to 434
another and also is convicted of or pleads guilty to a 435
specification of the type described under division (B) (1) (f) of 436
this section in connection with two or more of the felonies of 437
which the offender is convicted or to which the offender pleads 438
guilty, the sentencing court shall impose on the offender the 439
prison term specified under division (B) (1) (f) of this section 440

for each of two of the specifications of which the offender is 441
convicted or to which the offender pleads guilty and, in its 442
discretion, also may impose on the offender the prison term 443
specified under that division for any or all of the remaining 444
specifications. If a court imposes an additional prison term on 445
an offender under division (B) (1) (f) of this section relative to 446
an offense, the court shall not impose a prison term under 447
division (B) (1) (a) or (c) of this section relative to the same 448
offense. 449

(g) If an offender is convicted of or pleads guilty to two 450
or more felonies, if one or more of those felonies are 451
aggravated murder, murder, attempted aggravated murder, 452
attempted murder, aggravated robbery, felonious assault, or 453
rape, and if the offender is convicted of or pleads guilty to a 454
specification of the type described under division (B) (1) (a) of 455
this section in connection with two or more of the felonies, the 456
sentencing court shall impose on the offender the prison term 457
specified under division (B) (1) (a) of this section for each of 458
the two most serious specifications of which the offender is 459
convicted or to which the offender pleads guilty and, in its 460
discretion, also may impose on the offender the prison term 461
specified under that division for any or all of the remaining 462
specifications. 463

(2) (a) If division (B) (2) (b) of this section does not 464
apply, the court may impose on an offender, in addition to the 465
longest prison term authorized or required for the offense or, 466
for offenses for which division (A) (1) (a) or (2) (a) of this 467
section applies, in addition to the longest minimum prison term 468
authorized or required for the offense, an additional definite 469
prison term of one, two, three, four, five, six, seven, eight, 470
nine, or ten years if all of the following criteria are met: 471

(i) The offender is convicted of or pleads guilty to a 472
specification of the type described in section 2941.149 of the 473
Revised Code that the offender is a repeat violent offender. 474

(ii) The offense of which the offender currently is 475
convicted or to which the offender currently pleads guilty is 476
aggravated murder and the court does not impose a sentence of 477
death or life imprisonment without parole, murder, terrorism and 478
the court does not impose a sentence of life imprisonment 479
without parole, any felony of the first degree that is an 480
offense of violence and the court does not impose a sentence of 481
life imprisonment without parole, or any felony of the second 482
degree that is an offense of violence and the trier of fact 483
finds that the offense involved an attempt to cause or a threat 484
to cause serious physical harm to a person or resulted in 485
serious physical harm to a person. 486

(iii) The court imposes the longest prison term for the 487
offense or the longest minimum prison term for the offense, 488
whichever is applicable, that is not life imprisonment without 489
parole. 490

(iv) The court finds that the prison terms imposed 491
pursuant to division (B) (2) (a) (iii) of this section and, if 492
applicable, division (B) (1) or (3) of this section are 493
inadequate to punish the offender and protect the public from 494
future crime, because the applicable factors under section 495
2929.12 of the Revised Code indicating a greater likelihood of 496
recidivism outweigh the applicable factors under that section 497
indicating a lesser likelihood of recidivism. 498

(v) The court finds that the prison terms imposed pursuant 499
to division (B) (2) (a) (iii) of this section and, if applicable, 500
division (B) (1) or (3) of this section are demeaning to the 501

seriousness of the offense, because one or more of the factors 502
under section 2929.12 of the Revised Code indicating that the 503
offender's conduct is more serious than conduct normally 504
constituting the offense are present, and they outweigh the 505
applicable factors under that section indicating that the 506
offender's conduct is less serious than conduct normally 507
constituting the offense. 508

(b) The court shall impose on an offender the longest 509
prison term authorized or required for the offense or, for 510
offenses for which division (A) (1) (a) or (2) (a) of this section 511
applies, the longest minimum prison term authorized or required 512
for the offense, and shall impose on the offender an additional 513
definite prison term of one, two, three, four, five, six, seven, 514
eight, nine, or ten years if all of the following criteria are 515
met: 516

(i) The offender is convicted of or pleads guilty to a 517
specification of the type described in section 2941.149 of the 518
Revised Code that the offender is a repeat violent offender. 519

(ii) The offender within the preceding twenty years has 520
been convicted of or pleaded guilty to three or more offenses 521
described in division (CC) (1) of section 2929.01 of the Revised 522
Code, including all offenses described in that division of which 523
the offender is convicted or to which the offender pleads guilty 524
in the current prosecution and all offenses described in that 525
division of which the offender previously has been convicted or 526
to which the offender previously pleaded guilty, whether 527
prosecuted together or separately. 528

(iii) The offense or offenses of which the offender 529
currently is convicted or to which the offender currently pleads 530
guilty is aggravated murder and the court does not impose a 531

sentence of death or life imprisonment without parole, murder, 532
terrorism and the court does not impose a sentence of life 533
imprisonment without parole, any felony of the first degree that 534
is an offense of violence and the court does not impose a 535
sentence of life imprisonment without parole, or any felony of 536
the second degree that is an offense of violence and the trier 537
of fact finds that the offense involved an attempt to cause or a 538
threat to cause serious physical harm to a person or resulted in 539
serious physical harm to a person. 540

(c) For purposes of division (B) (2) (b) of this section, 541
two or more offenses committed at the same time or as part of 542
the same act or event shall be considered one offense, and that 543
one offense shall be the offense with the greatest penalty. 544

(d) A sentence imposed under division (B) (2) (a) or (b) of 545
this section shall not be reduced pursuant to section 2929.20, 546
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 547
other provision of Chapter 2967. or Chapter 5120. of the Revised 548
Code. The offender shall serve an additional prison term imposed 549
under division (B) (2) (a) or (b) of this section consecutively to 550
and prior to the prison term imposed for the underlying offense. 551

(e) When imposing a sentence pursuant to division (B) (2) 552
(a) or (b) of this section, the court shall state its findings 553
explaining the imposed sentence. 554

(3) Except when an offender commits a violation of section 555
2903.01 or 2907.02 of the Revised Code and the penalty imposed 556
for the violation is life imprisonment or commits a violation of 557
section 2903.02 of the Revised Code, if the offender commits a 558
violation of section 2925.03 or 2925.11 of the Revised Code and 559
that section classifies the offender as a major drug offender, 560
if the offender commits a violation of section 2925.05 of the 561

Revised Code and division (E) (1) of that section classifies the 562
offender as a major drug offender, if the offender commits a 563
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 564
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 565
division (C) or (D) of section 3719.172, division (E) of section 566
4729.51, or division (J) of section 4729.54 of the Revised Code 567
that includes the sale, offer to sell, or possession of a 568
schedule I or II controlled substance, with the exception of 569
marihuana, and the court imposing sentence upon the offender 570
finds that the offender is guilty of a specification of the type 571
described in division (A) of section 2941.1410 of the Revised 572
Code charging that the offender is a major drug offender, if the 573
court imposing sentence upon an offender for a felony finds that 574
the offender is guilty of corrupt activity with the most serious 575
offense in the pattern of corrupt activity being a felony of the 576
first degree, or if the offender is guilty of an attempted 577
violation of section 2907.02 of the Revised Code and, had the 578
offender completed the violation of section 2907.02 of the 579
Revised Code that was attempted, the offender would have been 580
subject to a sentence of life imprisonment or life imprisonment 581
without parole for the violation of section 2907.02 of the 582
Revised Code, the court shall impose upon the offender for the 583
felony violation a mandatory prison term determined as described 584
in this division that cannot be reduced pursuant to section 585
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 586
or any other provision of Chapter 2967. or 5120. of the Revised 587
Code. The mandatory prison term shall be the maximum definite 588
prison term prescribed in division (A) (1) (b) of this section for 589
a felony of the first degree, except that for offenses for which 590
division (A) (1) (a) of this section applies, the mandatory prison 591
term shall be the longest minimum prison term prescribed in that 592
division for the offense. 593

(4) If the offender is being sentenced for a third or 594
fourth degree felony OVI offense under division (G) (2) of 595
section 2929.13 of the Revised Code, the sentencing court shall 596
impose upon the offender a mandatory prison term in accordance 597
with that division. In addition to the mandatory prison term, if 598
the offender is being sentenced for a fourth degree felony OVI 599
offense, the court, notwithstanding division (A) (4) of this 600
section, may sentence the offender to a definite prison term of 601
not less than six months and not more than thirty months, and if 602
the offender is being sentenced for a third degree felony OVI 603
offense, the sentencing court may sentence the offender to an 604
additional prison term of any duration specified in division (A) 605
(3) of this section. In either case, the additional prison term 606
imposed shall be reduced by the sixty or one hundred twenty days 607
imposed upon the offender as the mandatory prison term. The 608
total of the additional prison term imposed under division (B) 609
(4) of this section plus the sixty or one hundred twenty days 610
imposed as the mandatory prison term shall equal a definite term 611
in the range of six months to thirty months for a fourth degree 612
felony OVI offense and shall equal one of the authorized prison 613
terms specified in division (A) (3) of this section for a third 614
degree felony OVI offense. If the court imposes an additional 615
prison term under division (B) (4) of this section, the offender 616
shall serve the additional prison term after the offender has 617
served the mandatory prison term required for the offense. In 618
addition to the mandatory prison term or mandatory and 619
additional prison term imposed as described in division (B) (4) 620
of this section, the court also may sentence the offender to a 621
community control sanction under section 2929.16 or 2929.17 of 622
the Revised Code, but the offender shall serve all of the prison 623
terms so imposed prior to serving the community control 624
sanction. 625

If the offender is being sentenced for a fourth degree 626
felony OVI offense under division (G) (1) of section 2929.13 of 627
the Revised Code and the court imposes a mandatory term of local 628
incarceration, the court may impose a prison term as described 629
in division (A) (1) of that section. 630

(5) If an offender is convicted of or pleads guilty to a 631
violation of division (A) (1) or (2) of section 2903.06 of the 632
Revised Code and also is convicted of or pleads guilty to a 633
specification of the type described in section 2941.1414 of the 634
Revised Code that charges that the victim of the offense is a 635
peace officer, as defined in section 2935.01 of the Revised 636
Code, an investigator of the bureau of criminal identification 637
and investigation, as defined in section 2903.11 of the Revised 638
Code, or a firefighter or emergency medical worker, both as 639
defined in section 2941.1414 of the Revised Code, the court 640
shall impose on the offender a prison term of five years. If a 641
court imposes a prison term on an offender under division (B) (5) 642
of this section, the prison term shall not be reduced pursuant 643
to section 2929.20, division (A) (2) or (3) of section 2967.193 644
or 2967.194, or any other provision of Chapter 2967. or Chapter 645
5120. of the Revised Code. A court shall not impose more than 646
one prison term on an offender under division (B) (5) of this 647
section for felonies committed as part of the same act. 648

(6) If an offender is convicted of or pleads guilty to a 649
violation of division (A) (1) or (2) of section 2903.06 of the 650
Revised Code and also is convicted of or pleads guilty to a 651
specification of the type described in section 2941.1415 of the 652
Revised Code that charges that the offender previously has been 653
convicted of or pleaded guilty to three or more violations of 654
division (A) of section 4511.19 of the Revised Code or an 655
equivalent offense, as defined in section 2941.1415 of the 656

Revised Code, or three or more violations of any combination of 657
those offenses, the court shall impose on the offender a prison 658
term of three years. If a court imposes a prison term on an 659
offender under division (B)(6) of this section, the prison term 660
shall not be reduced pursuant to section 2929.20, division (A) 661
(2) or (3) of section 2967.193 or 2967.194, or any other 662
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 663
A court shall not impose more than one prison term on an 664
offender under division (B)(6) of this section for felonies 665
committed as part of the same act. 666

(7) (a) If an offender is convicted of or pleads guilty to 667
a felony violation of section 2905.01, 2905.02, 2907.21, 668
2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323 669
involving a minor, or division (B)(1), (2), (3), (4), or (5) of 670
section 2919.22 of the Revised Code and also is convicted of or 671
pleads guilty to a specification of the type described in 672
section 2941.1422 of the Revised Code that charges that the 673
offender knowingly committed the offense in furtherance of human 674
trafficking, the court shall impose on the offender a mandatory 675
prison term that is one of the following: 676

(i) If the offense is a felony of the first degree, a 677
definite prison term of not less than five years and not greater 678
than eleven years, except that if the offense is a felony of the 679
first degree committed on or after March 22, 2019, the court 680
shall impose as the minimum prison term a mandatory term of not 681
less than five years and not greater than eleven years; 682

(ii) If the offense is a felony of the second or third 683
degree, a definite prison term of not less than three years and 684
not greater than the maximum prison term allowed for the offense 685
by division (A)(2)(b) or (3) of this section, except that if the 686

offense is a felony of the second degree committed on or after 687
March 22, 2019, the court shall impose as the minimum prison 688
term a mandatory term of not less than three years and not 689
greater than eight years; 690

(iii) If the offense is a felony of the fourth or fifth 691
degree, a definite prison term that is the maximum prison term 692
allowed for the offense by division (A) of section 2929.14 of 693
the Revised Code. 694

(b) The prison term imposed under division (B) (7) (a) of 695
this section shall not be reduced pursuant to section 2929.20, 696
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 697
other provision of Chapter 2967. of the Revised Code. A court 698
shall not impose more than one prison term on an offender under 699
division (B) (7) (a) of this section for felonies committed as 700
part of the same act, scheme, or plan. 701

(8) If an offender is convicted of or pleads guilty to a 702
felony violation of section 2903.11, 2903.12, or 2903.13 of the 703
Revised Code and also is convicted of or pleads guilty to a 704
specification of the type described in section 2941.1423 of the 705
Revised Code that charges that the victim of the violation was a 706
woman whom the offender knew was pregnant at the time of the 707
violation, notwithstanding the range prescribed in division (A) 708
of this section as the definite prison term or minimum prison 709
term for felonies of the same degree as the violation, the court 710
shall impose on the offender a mandatory prison term that is 711
either a definite prison term of six months or one of the prison 712
terms prescribed in division (A) of this section for felonies of 713
the same degree as the violation, except that if the violation 714
is a felony of the first or second degree committed on or after 715
~~arch~~ March 22, 2019, the court shall impose as the minimum 716

prison term under division (A) (1) (a) or (2) (a) of this section a 717
mandatory term that is one of the terms prescribed in that 718
division, whichever is applicable, for the offense. 719

(9) (a) If an offender is convicted of or pleads guilty to 720
a violation of division (A) (1) or (2) of section 2903.11 of the 721
Revised Code and also is convicted of or pleads guilty to a 722
specification of the type described in section 2941.1425 of the 723
Revised Code, the court shall impose on the offender a mandatory 724
prison term of six years if either of the following applies: 725

(i) The violation is a violation of division (A) (1) of 726
section 2903.11 of the Revised Code and the specification 727
charges that the offender used an accelerant in committing the 728
violation and the serious physical harm to another or to 729
another's unborn caused by the violation resulted in a 730
permanent, serious disfigurement or permanent, substantial 731
incapacity; 732

(ii) The violation is a violation of division (A) (2) of 733
section 2903.11 of the Revised Code and the specification 734
charges that the offender used an accelerant in committing the 735
violation, that the violation caused physical harm to another or 736
to another's unborn, and that the physical harm resulted in a 737
permanent, serious disfigurement or permanent, substantial 738
incapacity. 739

(b) If a court imposes a prison term on an offender under 740
division (B) (9) (a) of this section, the prison term shall not be 741
reduced pursuant to section 2929.20, division (A) (2) or (3) of 742
section 2967.193 or 2967.194, or any other provision of Chapter 743
2967. or Chapter 5120. of the Revised Code. A court shall not 744
impose more than one prison term on an offender under division 745
(B) (9) of this section for felonies committed as part of the 746

same act. 747

(c) The provisions of divisions (B) (9) and (C) (6) of this 748
section and of division (D) (2) of section 2903.11, division (F) 749
(20) of section 2929.13, and section 2941.1425 of the Revised 750
Code shall be known as "Judy's Law." 751

(10) If an offender is convicted of or pleads guilty to a 752
violation of division (A) of section 2903.11 of the Revised Code 753
and also is convicted of or pleads guilty to a specification of 754
the type described in section 2941.1426 of the Revised Code that 755
charges that the victim of the offense suffered permanent 756
disabling harm as a result of the offense and that the victim 757
was under ten years of age at the time of the offense, 758
regardless of whether the offender knew the age of the victim, 759
the court shall impose upon the offender an additional definite 760
prison term of six years. A prison term imposed on an offender 761
under division (B) (10) of this section shall not be reduced 762
pursuant to section 2929.20, division (A) (2) or (3) of section 763
2967.193 or 2967.194, or any other provision of Chapter 2967. or 764
Chapter 5120. of the Revised Code. If a court imposes an 765
additional prison term on an offender under this division 766
relative to a violation of division (A) of section 2903.11 of 767
the Revised Code, the court shall not impose any other 768
additional prison term on the offender relative to the same 769
offense. 770

(11) If an offender is convicted of or pleads guilty to a 771
felony violation of section 2925.03 or 2925.05 of the Revised 772
Code or a felony violation of section 2925.11 of the Revised 773
Code for which division (C) (11) of that section applies in 774
determining the sentence for the violation, if the drug involved 775
in the violation is a fentanyl-related compound or a compound, 776

mixture, preparation, or substance containing a fentanyl-related 777
compound, and if the offender also is convicted of or pleads 778
guilty to a specification of the type described in division (B) 779
of section 2941.1410 of the Revised Code that charges that the 780
offender is a major drug offender, in addition to any other 781
penalty imposed for the violation, the court shall impose on the 782
offender a mandatory prison term of three, four, five, six, 783
seven, or eight years. If a court imposes a prison term on an 784
offender under division (B) (11) of this section, the prison term 785
shall not be reduced pursuant to section 2929.20, division (A) 786
(2) or (3) of section 2967.193 or 2967.194, or any other 787
provision of Chapter 2967. or 5120. of the Revised Code. A court 788
shall not impose more than one prison term on an offender under 789
division (B) (11) of this section for felonies committed as part 790
of the same act. 791

(12) If an offender who is convicted of or pleads guilty 792
to a felony also is convicted of or pleads guilty to a 793
specification of the type described in section 2941.1427 of the 794
Revised Code that charges the offender with wearing a mask or 795
disguise while committing the felony offense, the court shall 796
impose on the offender an additional prison term of one year. 797
The prison term so imposed shall not be reduced pursuant to 798
section 2929.20, division (A) (2) or (3) of section 2967.193 or 799
2967.194, or any other provision of Chapter 2967. or Chapter 800
5120. of the Revised Code. A court shall not impose more than 801
one prison term on an offender under division (B) (12) of this 802
section for felonies committed as part of the same act or 803
transaction. 804

(C) (1) (a) Subject to division (C) (1) (b) of this section, 805
if a mandatory prison term is imposed upon an offender pursuant 806
to division (B) (1) (a) of this section for having a firearm on or 807

about the offender's person or under the offender's control 808
while committing a felony, if a mandatory prison term is imposed 809
upon an offender pursuant to division (B) (1) (c) of this section 810
for committing a felony specified in that division by 811
discharging a firearm from a motor vehicle, or if both types of 812
mandatory prison terms are imposed, the offender shall serve any 813
mandatory prison term imposed under either division 814
consecutively to any other mandatory prison term imposed under 815
either division or under division (B) (1) (d) of this section, 816
consecutively to and prior to any prison term imposed for the 817
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 818
this section or any other section of the Revised Code, and 819
consecutively to any other prison term or mandatory prison term 820
previously or subsequently imposed upon the offender. 821

(b) If a mandatory prison term is imposed upon an offender 822
pursuant to division (B) (1) (d) of this section for wearing or 823
carrying body armor while committing an offense of violence that 824
is a felony, the offender shall serve the mandatory term so 825
imposed consecutively to any other mandatory prison term imposed 826
under that division or under division (B) (1) (a) or (c) of this 827
section, consecutively to and prior to any prison term imposed 828
for the underlying felony under division (A), (B) (2), or (B) (3) 829
of this section or any other section of the Revised Code, and 830
consecutively to any other prison term or mandatory prison term 831
previously or subsequently imposed upon the offender. 832

(c) If a mandatory prison term is imposed upon an offender 833
pursuant to division (B) (1) (f) of this section, the offender 834
shall serve the mandatory prison term so imposed consecutively 835
to and prior to any prison term imposed for the underlying 836
felony under division (A), (B) (2), or (B) (3) of this section or 837
any other section of the Revised Code, and consecutively to any 838

other prison term or mandatory prison term previously or 839
subsequently imposed upon the offender. 840

(d) If a mandatory prison term is imposed upon an offender 841
pursuant to division (B) (7) or (8) of this section, the offender 842
shall serve the mandatory prison term so imposed consecutively 843
to any other mandatory prison term imposed under that division 844
or under any other provision of law and consecutively to any 845
other prison term or mandatory prison term previously or 846
subsequently imposed upon the offender. 847

(e) If a mandatory prison term is imposed upon an offender 848
pursuant to division (B) (11) of this section, the offender shall 849
serve the mandatory prison term consecutively to any other 850
mandatory prison term imposed under that division, consecutively 851
to and prior to any prison term imposed for the underlying 852
felony, and consecutively to any other prison term or mandatory 853
prison term previously or subsequently imposed upon the 854
offender. 855

(2) If an offender who is an inmate in a jail, prison, or 856
other residential detention facility violates section 2917.02, 857
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 858
(2) of section 2921.34 of the Revised Code, if an offender who 859
is under detention at a detention facility commits a felony 860
violation of section 2923.131 of the Revised Code, or if an 861
offender who is an inmate in a jail, prison, or other 862
residential detention facility or is under detention at a 863
detention facility commits another felony while the offender is 864
an escapee in violation of division (A) (1) or (2) of section 865
2921.34 of the Revised Code, any prison term imposed upon the 866
offender for one of those violations shall be served by the 867
offender consecutively to the prison term or term of 868

imprisonment the offender was serving when the offender 869
committed that offense and to any other prison term previously 870
or subsequently imposed upon the offender. 871

(3) If a prison term is imposed for a violation of 872
division (B) of section 2911.01 of the Revised Code, a violation 873
of division (A) of section 2913.02 of the Revised Code in which 874
the stolen property is a firearm or dangerous ordnance, or a 875
felony violation of division (B) of section 2921.331 of the 876
Revised Code, the offender shall serve that prison term 877
consecutively to any other prison term or mandatory prison term 878
previously or subsequently imposed upon the offender. 879

(4) If multiple prison terms are imposed on an offender 880
for convictions of multiple offenses, the court may require the 881
offender to serve the prison terms consecutively if the court 882
finds that the consecutive service is necessary to protect the 883
public from future crime or to punish the offender and that 884
consecutive sentences are not disproportionate to the 885
seriousness of the offender's conduct and to the danger the 886
offender poses to the public, and if the court also finds any of 887
the following: 888

(a) The offender committed one or more of the multiple 889
offenses while the offender was awaiting trial or sentencing, 890
was under a sanction imposed pursuant to section 2929.16, 891
2929.17, or 2929.18 of the Revised Code, or was under post- 892
release control for a prior offense. 893

(b) At least two of the multiple offenses were committed 894
as part of one or more courses of conduct, and the harm caused 895
by two or more of the multiple offenses so committed was so 896
great or unusual that no single prison term for any of the 897
offenses committed as part of any of the courses of conduct 898

adequately reflects the seriousness of the offender's conduct. 899

(c) The offender's history of criminal conduct 900
demonstrates that consecutive sentences are necessary to protect 901
the public from future crime by the offender. 902

(5) If a mandatory prison term is imposed upon an offender 903
pursuant to division (B) (5) or (6) of this section, the offender 904
shall serve the mandatory prison term consecutively to and prior 905
to any prison term imposed for the underlying violation of 906
division (A) (1) or (2) of section 2903.06 of the Revised Code 907
pursuant to division (A) of this section or section 2929.142 of 908
the Revised Code. If a mandatory prison term is imposed upon an 909
offender pursuant to division (B) (5) of this section, and if a 910
mandatory prison term also is imposed upon the offender pursuant 911
to division (B) (6) of this section in relation to the same 912
violation, the offender shall serve the mandatory prison term 913
imposed pursuant to division (B) (5) of this section 914
consecutively to and prior to the mandatory prison term imposed 915
pursuant to division (B) (6) of this section and consecutively to 916
and prior to any prison term imposed for the underlying 917
violation of division (A) (1) or (2) of section 2903.06 of the 918
Revised Code pursuant to division (A) of this section or section 919
2929.142 of the Revised Code. 920

(6) If a mandatory prison term is imposed on an offender 921
pursuant to division (B) (9) of this section, the offender shall 922
serve the mandatory prison term consecutively to and prior to 923
any prison term imposed for the underlying violation of division 924
(A) (1) or (2) of section 2903.11 of the Revised Code and 925
consecutively to and prior to any other prison term or mandatory 926
prison term previously or subsequently imposed on the offender. 927

(7) If a mandatory prison term is imposed on an offender 928

pursuant to division (B)(10) of this section, the offender shall 929
serve that mandatory prison term consecutively to and prior to 930
any prison term imposed for the underlying felonious assault. 931
Except as otherwise provided in division (C) of this section, 932
any other prison term or mandatory prison term previously or 933
subsequently imposed upon the offender may be served 934
concurrently with, or consecutively to, the prison term imposed 935
pursuant to division (B)(10) of this section. 936

(8) Any prison term imposed for a violation of section 937
2903.04 of the Revised Code that is based on a violation of 938
section 2925.03 or 2925.11 of the Revised Code or on a violation 939
of section 2925.05 of the Revised Code that is not funding of 940
marihuana trafficking shall run consecutively to any prison term 941
imposed for the violation of section 2925.03 or 2925.11 of the 942
Revised Code or for the violation of section 2925.05 of the 943
Revised Code that is not funding of marihuana trafficking. 944

(9) When consecutive prison terms are imposed pursuant to 945
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 946
division (H)(1) or (2) of this section, subject to division (C) 947
(10) of this section, the term to be served is the aggregate of 948
all of the terms so imposed. 949

(10) When a court sentences an offender to a non-life 950
felony indefinite prison term, any definite prison term or 951
mandatory definite prison term previously or subsequently 952
imposed on the offender in addition to that indefinite sentence 953
that is required to be served consecutively to that indefinite 954
sentence shall be served prior to the indefinite sentence. 955

(11) If a court is sentencing an offender for a felony of 956
the first or second degree, if division (A)(1)(a) or (2)(a) of 957
this section applies with respect to the sentencing for the 958

offense, and if the court is required under the Revised Code 959
section that sets forth the offense or any other Revised Code 960
provision to impose a mandatory prison term for the offense, the 961
court shall impose the required mandatory prison term as the 962
minimum term imposed under division (A) (1) (a) or (2) (a) of this 963
section, whichever is applicable. 964

(D) (1) If a court imposes a prison term, other than a term 965
of life imprisonment, for a felony of the first degree, for a 966
felony of the second degree, for a felony sex offense, or for a 967
felony of the third degree that is an offense of violence and 968
that is not a felony sex offense, it shall include in the 969
sentence a requirement that the offender be subject to a period 970
of post-release control after the offender's release from 971
imprisonment, in accordance with section 2967.28 of the Revised 972
Code. If a court imposes a sentence including a prison term of a 973
type described in this division on or after July 11, 2006, the 974
failure of a court to include a post-release control requirement 975
in the sentence pursuant to this division does not negate, 976
limit, or otherwise affect the mandatory period of post-release 977
control that is required for the offender under division (B) of 978
section 2967.28 of the Revised Code. Section 2929.191 of the 979
Revised Code applies if, prior to July 11, 2006, a court imposed 980
a sentence including a prison term of a type described in this 981
division and failed to include in the sentence pursuant to this 982
division a statement regarding post-release control. 983

(2) If a court imposes a prison term for a felony of the 984
third, fourth, or fifth degree that is not subject to division 985
(D) (1) of this section, it shall include in the sentence a 986
requirement that the offender be subject to a period of post- 987
release control after the offender's release from imprisonment, 988
in accordance with that division, if the parole board determines 989

that a period of post-release control is necessary. Section 990
2929.191 of the Revised Code applies if, prior to July 11, 2006, 991
a court imposed a sentence including a prison term of a type 992
described in this division and failed to include in the sentence 993
pursuant to this division a statement regarding post-release 994
control. 995

(E) The court shall impose sentence upon the offender in 996
accordance with section 2971.03 of the Revised Code, and Chapter 997
2971. of the Revised Code applies regarding the prison term or 998
term of life imprisonment without parole imposed upon the 999
offender and the service of that term of imprisonment if any of 1000
the following apply: 1001

(1) A person is convicted of or pleads guilty to a violent 1002
sex offense or a designated homicide, assault, or kidnapping 1003
offense, and, in relation to that offense, the offender is 1004
adjudicated a sexually violent predator. 1005

(2) A person is convicted of or pleads guilty to a 1006
violation of division (A) (1) (b) of section 2907.02 of the 1007
Revised Code committed on or after January 2, 2007, and either 1008
the court does not impose a sentence of life without parole when 1009
authorized pursuant to division (B) of section 2907.02 of the 1010
Revised Code, or division (B) of section 2907.02 of the Revised 1011
Code provides that the court shall not sentence the offender 1012
pursuant to section 2971.03 of the Revised Code. 1013

(3) A person is convicted of or pleads guilty to attempted 1014
rape committed on or after January 2, 2007, and a specification 1015
of the type described in section 2941.1418, 2941.1419, or 1016
2941.1420 of the Revised Code. 1017

(4) A person is convicted of or pleads guilty to a 1018

violation of section 2905.01 of the Revised Code committed on or 1019
after January 1, 2008, and that section requires the court to 1020
sentence the offender pursuant to section 2971.03 of the Revised 1021
Code. 1022

(5) A person is convicted of or pleads guilty to 1023
aggravated murder committed on or after January 1, 2008, and 1024
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1025
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1026
(a) (iv) of section 2929.03, or division (A) or (B) of section 1027
2929.06 of the Revised Code requires the court to sentence the 1028
offender pursuant to division (B) (3) of section 2971.03 of the 1029
Revised Code. 1030

(6) A person is convicted of or pleads guilty to murder 1031
committed on or after January 1, 2008, and division (B) (2) of 1032
section 2929.02 of the Revised Code requires the court to 1033
sentence the offender pursuant to section 2971.03 of the Revised 1034
Code. 1035

(F) If a person who has been convicted of or pleaded 1036
guilty to a felony is sentenced to a prison term or term of 1037
imprisonment under this section, sections 2929.02 to 2929.06 of 1038
the Revised Code, section 2929.142 of the Revised Code, section 1039
2971.03 of the Revised Code, or any other provision of law, 1040
section 5120.163 of the Revised Code applies regarding the 1041
person while the person is confined in a state correctional 1042
institution. 1043

(G) If an offender who is convicted of or pleads guilty to 1044
a felony that is an offense of violence also is convicted of or 1045
pleads guilty to a specification of the type described in 1046
section 2941.142 of the Revised Code that charges the offender 1047
with having committed the felony while participating in a 1048

criminal gang, the court shall impose upon the offender an 1049
additional prison term of one, two, or three years. 1050

(H) (1) If an offender who is convicted of or pleads guilty 1051
to aggravated murder, murder, or a felony of the first, second, 1052
or third degree that is an offense of violence also is convicted 1053
of or pleads guilty to a specification of the type described in 1054
section 2941.143 of the Revised Code that charges the offender 1055
with having committed the offense in a school safety zone or 1056
towards a person in a school safety zone, the court shall impose 1057
upon the offender an additional prison term of two years. The 1058
offender shall serve the additional two years consecutively to 1059
and prior to the prison term imposed for the underlying offense. 1060

(2) (a) If an offender is convicted of or pleads guilty to 1061
a felony violation of section 2907.22, 2907.24, 2907.241, or 1062
2907.25 of the Revised Code and to a specification of the type 1063
described in section 2941.1421 of the Revised Code and if the 1064
court imposes a prison term on the offender for the felony 1065
violation, the court may impose upon the offender an additional 1066
prison term as follows: 1067

(i) Subject to division (H) (2) (a) (ii) of this section, an 1068
additional prison term of one, two, three, four, five, or six 1069
months; 1070

(ii) If the offender previously has been convicted of or 1071
pleaded guilty to one or more felony or misdemeanor violations 1072
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1073
the Revised Code and also was convicted of or pleaded guilty to 1074
a specification of the type described in section 2941.1421 of 1075
the Revised Code regarding one or more of those violations, an 1076
additional prison term of one, two, three, four, five, six, 1077
seven, eight, nine, ten, eleven, or twelve months. 1078

(b) In lieu of imposing an additional prison term under 1079
division (H) (2) (a) of this section, the court may directly 1080
impose on the offender a sanction that requires the offender to 1081
wear a real-time processing, continual tracking electronic 1082
monitoring device during the period of time specified by the 1083
court. The period of time specified by the court shall equal the 1084
duration of an additional prison term that the court could have 1085
imposed upon the offender under division (H) (2) (a) of this 1086
section. A sanction imposed under this division shall commence 1087
on the date specified by the court, provided that the sanction 1088
shall not commence until after the offender has served the 1089
prison term imposed for the felony violation of section 2907.22, 1090
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1091
residential sanction imposed for the violation under section 1092
2929.16 of the Revised Code. A sanction imposed under this 1093
division shall be considered to be a community control sanction 1094
for purposes of section 2929.15 of the Revised Code, and all 1095
provisions of the Revised Code that pertain to community control 1096
sanctions shall apply to a sanction imposed under this division, 1097
except to the extent that they would by their nature be clearly 1098
inapplicable. The offender shall pay all costs associated with a 1099
sanction imposed under this division, including the cost of the 1100
use of the monitoring device. 1101

(I) At the time of sentencing, the court may recommend the 1102
offender for placement in a program of shock incarceration under 1103
section 5120.031 of the Revised Code or for placement in an 1104
intensive program prison under section 5120.032 of the Revised 1105
Code, disapprove placement of the offender in a program of shock 1106
incarceration or an intensive program prison of that nature, or 1107
make no recommendation on placement of the offender. In no case 1108
shall the department of rehabilitation and correction place the 1109

offender in a program or prison of that nature unless the 1110
department determines as specified in section 5120.031 or 1111
5120.032 of the Revised Code, whichever is applicable, that the 1112
offender is eligible for the placement. 1113

If the court disapproves placement of the offender in a 1114
program or prison of that nature, the department of 1115
rehabilitation and correction shall not place the offender in 1116
any program of shock incarceration or intensive program prison. 1117

If the court recommends placement of the offender in a 1118
program of shock incarceration or in an intensive program 1119
prison, and if the offender is subsequently placed in the 1120
recommended program or prison, the department shall notify the 1121
court of the placement and shall include with the notice a brief 1122
description of the placement. 1123

If the court recommends placement of the offender in a 1124
program of shock incarceration or in an intensive program prison 1125
and the department does not subsequently place the offender in 1126
the recommended program or prison, the department shall send a 1127
notice to the court indicating why the offender was not placed 1128
in the recommended program or prison. 1129

If the court does not make a recommendation under this 1130
division with respect to an offender and if the department 1131
determines as specified in section 5120.031 or 5120.032 of the 1132
Revised Code, whichever is applicable, that the offender is 1133
eligible for placement in a program or prison of that nature, 1134
the department shall screen the offender and determine if there 1135
is an available program of shock incarceration or an intensive 1136
program prison for which the offender is suited. If there is an 1137
available program of shock incarceration or an intensive program 1138
prison for which the offender is suited, the department shall 1139

notify the court of the proposed placement of the offender as 1140
specified in section 5120.031 or 5120.032 of the Revised Code 1141
and shall include with the notice a brief description of the 1142
placement. The court shall have ten days from receipt of the 1143
notice to disapprove the placement. 1144

(J) If a person is convicted of or pleads guilty to 1145
aggravated vehicular homicide in violation of division (A) (1) of 1146
section 2903.06 of the Revised Code and division (B) (2) (c) of 1147
that section applies, the person shall be sentenced pursuant to 1148
section 2929.142 of the Revised Code. 1149

(K) (1) The court shall impose an additional mandatory 1150
prison term of two, three, four, five, six, seven, eight, nine, 1151
ten, or eleven years on an offender who is convicted of or 1152
pleads guilty to a violent felony offense if the offender also 1153
is convicted of or pleads guilty to a specification of the type 1154
described in section 2941.1424 of the Revised Code that charges 1155
that the offender is a violent career criminal and had a firearm 1156
on or about the offender's person or under the offender's 1157
control while committing the presently charged violent felony 1158
offense and displayed or brandished the firearm, indicated that 1159
the offender possessed a firearm, or used the firearm to 1160
facilitate the offense. The offender shall serve the prison term 1161
imposed under this division consecutively to and prior to the 1162
prison term imposed for the underlying offense. The prison term 1163
shall not be reduced pursuant to section 2929.20, division (A) 1164
(2) or (3) of section 2967.193 or 2967.194, or any other 1165
provision of Chapter 2967. or 5120. of the Revised Code. A court 1166
may not impose more than one sentence under division (B) (2) (a) 1167
of this section and this division for acts committed as part of 1168
the same act or transaction. 1169

(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. 2941.1427. Imposition of a one-year mandatory prison term upon an offender under division (B) (12) of section 2929.14 of the Revised Code is precluded unless the indictment, count in the indictment, or information charging the offense specifies that the offender wore a mask or other disguise while committing the offense and that the offense is a felony. The specification shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender wore a mask or disguise while committing the specified offense and that the specified offense is a felony)."

Section 2. That existing sections 2152.17, 2917.02, and 2929.14 of the Revised Code are hereby repealed.