

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 111

Representatives LaRe, Miller, K.

Cosponsors: Representatives Troy, Creech, Carruthers, Johnson, Schmidt

A BILL

To amend sections 2919.25 and 2929.14 of the
Revised Code to increase the sentencing range
for third degree felony domestic violence and to
create a presumption in favor of a prison term
for the offense.

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

Section 1. That sections 2919.25 and 2929.14 of the
Revised Code be amended to read as follows:

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

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

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

(D) (1) Whoever violates this section is guilty of domestic
violence, and the court shall sentence the offender as provided
in divisions (D) (2) to (6) of this section.

(2) Except as otherwise provided in divisions (D) (3) to 18
(5) of this section, a violation of division (C) of this section 19
is a misdemeanor of the fourth degree, and a violation of 20
division (A) or (B) of this section is a misdemeanor of the 21
first degree. 22

(3) Except as otherwise provided in division (D) (4) of 23
this section, if the offender previously has pleaded guilty to 24
or been convicted of domestic violence, a violation of an 25
existing or former municipal ordinance or law of this or any 26
other state or the United States that is substantially similar 27
to domestic violence, a violation of section 2903.14, 2909.06, 28
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 29
the victim of the violation was a family or household member at 30
the time of the violation, a violation of an existing or former 31
municipal ordinance or law of this or any other state or the 32
United States that is substantially similar to any of those 33
sections if the victim of the violation was a family or 34
household member at the time of the commission of the violation, 35
or any offense of violence if the victim of the offense was a 36
family or household member at the time of the commission of the 37
offense, a violation of division (A) or (B) of this section is a 38
felony of the fourth degree, and, if the offender knew that the 39
victim of the violation was pregnant at the time of the 40
violation, the court shall impose a mandatory prison term on the 41
offender pursuant to division (D) (6) of this section, and a 42
violation of division (C) of this section is a misdemeanor of 43
the second degree. 44

(4) If the offender previously has pleaded guilty to or 45
been convicted of two or more offenses of domestic violence or 46
two or more violations or offenses of the type described in 47
division (D) (3) of this section involving a person who was a 48

family or household member at the time of the violations or 49
offenses, a violation of division (A) or (B) of this section is 50
a felony of the third degree, ~~and, if~~ and there is a presumption 51
for a prison term for the offense. If the offender previously 52
has pleaded guilty to or been convicted of two or more offenses 53
of domestic violence or two or more violations or offenses of 54
the type described in division (D) (3) of this section involving 55
a person who was a family or household member at the time of the 56
violations or offenses, and the offender knew that the victim of 57
the violation was pregnant at the time of the violation, a 58
violation of division (A) or (B) of this section is a felony of 59
the third degree, and the court shall impose a mandatory prison 60
term on the offender pursuant to division (D) (6) of this 61
section, and a violation of division (C) of this section is a 62
misdemeanor of the first degree. 63

(5) Except as otherwise provided in division (D) (3) or (4) 64
of this section, if the offender knew that the victim of the 65
violation was pregnant at the time of the violation, a violation 66
of division (A) or (B) of this section is a felony of the fifth 67
degree, and the court shall impose a mandatory prison term on 68
the offender pursuant to division (D) (6) of this section, and a 69
violation of division (C) of this section is a misdemeanor of 70
the third degree. 71

(6) If division (D) (3), (4), or (5) of this section 72
requires the court that sentences an offender for a violation of 73
division (A) or (B) of this section to impose a mandatory prison 74
term on the offender pursuant to this division, the court shall 75
impose the mandatory prison term as follows: 76

(a) If the violation of division (A) or (B) of this 77
section is a felony of the fourth or fifth degree, except as 78

otherwise provided in division (D)(6)(b) or (c) of this section, 79
the court shall impose a mandatory prison term on the offender 80
of at least six months. 81

(b) If the violation of division (A) or (B) of this 82
section is a felony of the fifth degree and the offender, in 83
committing the violation, caused serious physical harm to the 84
pregnant woman's unborn or caused the termination of the 85
pregnant woman's pregnancy, the court shall impose a mandatory 86
prison term on the offender of twelve months. 87

(c) If the violation of division (A) or (B) of this 88
section is a felony of the fourth degree and the offender, in 89
committing the violation, caused serious physical harm to the 90
pregnant woman's unborn or caused the termination of the 91
pregnant woman's pregnancy, the court shall impose a mandatory 92
prison term on the offender of at least twelve months. 93

(d) If the violation of division (A) or (B) of this 94
section is a felony of the third degree and the offender knew 95
that the victim of the violation was pregnant at the time of the 96
violation, except as otherwise provided in division (D)(6)(e) of 97
this section and notwithstanding the range of definite prison 98
terms prescribed in division (A)(3) of section 2929.14 of the 99
Revised Code for a felony of the third degree, the court shall 100
impose a mandatory prison term on the offender of either a 101
definite term of ~~six~~ twelve months or one of the prison terms 102
prescribed in division ~~(A)(3)(b)~~ (A)(3)(a) of section 2929.14 of 103
the Revised Code for felonies of the third degree. 104

(e) If the violation of division (A) or (B) of this 105
section is a felony of the third degree and the offender, in 106
committing the violation, caused serious physical harm to the 107
pregnant woman's unborn or caused the termination of the 108

pregnant woman's pregnancy, notwithstanding the range of 109
definite prison terms prescribed in division (A) (3) of section 110
2929.14 of the Revised Code for a felony of the third degree, 111
the court shall impose a mandatory prison term on the offender 112
of either a definite term of ~~one year~~ eighteen months or one of 113
the prison terms prescribed in division ~~(A) (3) (b)~~ (A) (3) (a) of 114
section 2929.14 of the Revised Code for felonies of the third 115
degree. 116

(E) Notwithstanding any provision of law to the contrary, 117
no court or unit of state or local government shall charge any 118
fee, cost, deposit, or money in connection with the filing of 119
charges against a person alleging that the person violated this 120
section or a municipal ordinance substantially similar to this 121
section or in connection with the prosecution of any charges so 122
filed. 123

(F) As used in this section and sections 2919.251 and 124
2919.26 of the Revised Code: 125

(1) "Family or household member" means any of the 126
following: 127

(a) Any of the following who is residing or has resided 128
with the offender: 129

(i) A spouse, a person living as a spouse, or a former 130
spouse of the offender; 131

(ii) A parent, a foster parent, or a child of the 132
offender, or another person related by consanguinity or affinity 133
to the offender; 134

(iii) A parent or a child of a spouse, person living as a 135
spouse, or former spouse of the offender, or another person 136
related by consanguinity or affinity to a spouse, person living 137

as a spouse, or former spouse of the offender. 138

(b) The natural parent of any child of whom the offender 139
is the other natural parent or is the putative other natural 140
parent. 141

(2) "Person living as a spouse" means a person who is 142
living or has lived with the offender in a common law marital 143
relationship, who otherwise is cohabiting with the offender, or 144
who otherwise has cohabited with the offender within five years 145
prior to the date of the alleged commission of the act in 146
question. 147

(3) "Pregnant woman's unborn" has the same meaning as 148
"such other person's unborn," as set forth in section 2903.09 of 149
the Revised Code, as it relates to the pregnant woman. Division 150
(C) of that section applies regarding the use of the term in 151
this section, except that the second and third sentences of 152
division (C)(1) of that section shall be construed for purposes 153
of this section as if they included a reference to this section 154
in the listing of Revised Code sections they contain. 155

(4) "Termination of the pregnant woman's pregnancy" has 156
the same meaning as "unlawful termination of another's 157
pregnancy," as set forth in section 2903.09 of the Revised Code, 158
as it relates to the pregnant woman. Division (C) of that 159
section applies regarding the use of the term in this section, 160
except that the second and third sentences of division (C)(1) of 161
that section shall be construed for purposes of this section as 162
if they included a reference to this section in the listing of 163
Revised Code sections they contain. 164

Sec. 2929.14. (A) Except as provided in division (B)(1), 165
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), 166

(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 167
in division (D) (6) of section 2919.25 of the Revised Code and 168
except in relation to an offense for which a sentence of death 169
or life imprisonment is to be imposed, if the court imposing a 170
sentence upon an offender for a felony elects or is required to 171
impose a prison term on the offender pursuant to this chapter, 172
the court shall impose a prison term that shall be one of the 173
following: 174

(1) (a) For a felony of the first degree committed on or 175
after March 22, 2019, the prison term shall be an indefinite 176
prison term with a stated minimum term selected by the court of 177
three, four, five, six, seven, eight, nine, ten, or eleven years 178
and a maximum term that is determined pursuant to section 179
2929.144 of the Revised Code, except that if the section that 180
criminalizes the conduct constituting the felony specifies a 181
different minimum term or penalty for the offense, the specific 182
language of that section shall control in determining the 183
minimum term or otherwise sentencing the offender but the 184
minimum term or sentence imposed under that specific language 185
shall be considered for purposes of the Revised Code as if it 186
had been imposed under this division. 187

(b) For a felony of the first degree committed prior to 188
March 22, 2019, the prison term shall be a definite prison term 189
of three, four, five, six, seven, eight, nine, ten, or eleven 190
years. 191

(2) (a) For a felony of the second 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
two, three, four, five, six, seven, or eight years and a maximum 195
term that is determined pursuant to section 2929.144 of the 196

Revised Code, except that if the section that criminalizes the 197
conduct constituting the felony specifies a different minimum 198
term or penalty for the offense, the specific language of that 199
section shall control in determining the minimum term or 200
otherwise sentencing the offender but the minimum term or 201
sentence imposed under that specific language shall be 202
considered for purposes of the Revised Code as if it had been 203
imposed under this division. 204

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

(3) (a) For a felony of the third degree that is a 208
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 209
2907.05, 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of 210
the Revised Code, that is a violation of division (A) of section 211
4511.19 of the Revised Code if the offender previously has been 212
convicted of or pleaded guilty to a violation of division (A) of 213
that section that was a felony, or that is a violation of 214
section 2911.02 or 2911.12 of the Revised Code if the offender 215
previously has been convicted of or pleaded guilty in two or 216
more separate proceedings to two or more violations of section 217
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 218
prison term shall be a definite term of twelve, eighteen, 219
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 220
four, or sixty months. 221

(b) For a felony of the third degree that is not an 222
offense for which division (A) (3) (a) of this section applies, 223
the prison term shall be a definite term of nine, twelve, 224
eighteen, twenty-four, thirty, or thirty-six months. 225

(4) For a felony of the fourth degree, the prison term 226

shall be a definite term of six, seven, eight, nine, ten, 227
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 228
or eighteen months. 229

(5) For a felony of the fifth degree, the prison term 230
shall be a definite term of six, seven, eight, nine, ten, 231
eleven, or twelve months. 232

(B) (1) (a) Except as provided in division (B) (1) (e) of this 233
section, if an offender who is convicted of or pleads guilty to 234
a felony also is convicted of or pleads guilty to a 235
specification of the type described in section 2941.141, 236
2941.144, or 2941.145 of the Revised Code, the court shall 237
impose on the offender one of the following prison terms: 238

(i) A prison term of six years if the specification is of 239
the type described in division (A) of section 2941.144 of the 240
Revised Code that charges the offender with having a firearm 241
that is an automatic firearm or that was equipped with a firearm 242
muffler or suppressor on or about the offender's person or under 243
the offender's control while committing the offense; 244

(ii) A prison term of three years if the specification is 245
of the type described in division (A) of section 2941.145 of the 246
Revised Code that charges the offender with having a firearm on 247
or about the offender's person or under the offender's control 248
while committing the offense and displaying the firearm, 249
brandishing the firearm, indicating that the offender possessed 250
the firearm, or using it to facilitate the offense; 251

(iii) A prison term of one year if the specification is of 252
the type described in division (A) of section 2941.141 of the 253
Revised Code that charges the offender with having a firearm on 254
or about the offender's person or under the offender's control 255

while committing the offense; 256

(iv) A prison term of nine years if the specification is 257
of the type described in division (D) of section 2941.144 of the 258
Revised Code that charges the offender with having a firearm 259
that is an automatic firearm or that was equipped with a firearm 260
muffler or suppressor on or about the offender's person or under 261
the offender's control while committing the offense and 262
specifies that the offender previously has been convicted of or 263
pleaded guilty to a specification of the type described in 264
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 265
the Revised Code; 266

(v) A prison term of fifty-four months if the 267
specification is of the type described in division (D) of 268
section 2941.145 of the Revised Code that charges the offender 269
with having a firearm on or about the offender's person or under 270
the offender's control while committing the offense and 271
displaying the firearm, brandishing the firearm, indicating that 272
the offender possessed the firearm, or using the firearm to 273
facilitate the offense and that the offender previously has been 274
convicted of or pleaded guilty to a specification of the type 275
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 276
2941.1412 of the Revised Code; 277

(vi) A prison term of eighteen months if the specification 278
is of the type described in division (D) of section 2941.141 of 279
the Revised Code that charges the offender with having a firearm 280
on or about the offender's person or under the offender's 281
control while committing the offense and that the offender 282
previously has been convicted of or pleaded guilty to a 283
specification of the type described in section 2941.141, 284
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 285

(b) If a court imposes a prison term on an offender under 286
division (B)(1)(a) of this section, the prison term shall not be 287
reduced pursuant to section 2929.20, division (A)(2) or (3) of 288
section 2967.193 or 2967.194, or any other provision of Chapter 289
2967. or Chapter 5120. of the Revised Code. Except as provided 290
in division (B)(1)(g) of this section, a court shall not impose 291
more than one prison term on an offender under division (B)(1) 292
(a) of this section for felonies committed as part of the same 293
act or transaction. 294

(c)(i) Except as provided in division (B)(1)(e) of this 295
section, if an offender who is convicted of or pleads guilty to 296
a violation of section 2923.161 of the Revised Code or to a 297
felony that includes, as an essential element, purposely or 298
knowingly causing or attempting to cause the death of or 299
physical harm to another, also is convicted of or pleads guilty 300
to a specification of the type described in division (A) of 301
section 2941.146 of the Revised Code that charges the offender 302
with committing the offense by discharging a firearm from a 303
motor vehicle other than a manufactured home, the court, after 304
imposing a prison term on the offender for the violation of 305
section 2923.161 of the Revised Code or for the other felony 306
offense under division (A), (B)(2), or (B)(3) of this section, 307
shall impose an additional prison term of five years upon the 308
offender that shall not be reduced pursuant to section 2929.20, 309
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 310
other provision of Chapter 2967. or Chapter 5120. of the Revised 311
Code. 312

(ii) Except as provided in division (B)(1)(e) of this 313
section, if an offender who is convicted of or pleads guilty to 314
a violation of section 2923.161 of the Revised Code or to a 315
felony that includes, as an essential element, purposely or 316

knowingly causing or attempting to cause the death of or 317
physical harm to another, also is convicted of or pleads guilty 318
to a specification of the type described in division (C) of 319
section 2941.146 of the Revised Code that charges the offender 320
with committing the offense by discharging a firearm from a 321
motor vehicle other than a manufactured home and that the 322
offender previously has been convicted of or pleaded guilty to a 323
specification of the type described in section 2941.141, 324
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 325
the court, after imposing a prison term on the offender for the 326
violation of section 2923.161 of the Revised Code or for the 327
other felony offense under division (A), (B) (2), or (3) of this 328
section, shall impose an additional prison term of ninety months 329
upon the offender that shall not be reduced pursuant to section 330
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 331
or any other provision of Chapter 2967. or Chapter 5120. of the 332
Revised Code. 333

(iii) A court shall not impose more than one additional 334
prison term on an offender under division (B) (1) (c) of this 335
section for felonies committed as part of the same act or 336
transaction. If a court imposes an additional prison term on an 337
offender under division (B) (1) (c) of this section relative to an 338
offense, the court also shall impose a prison term under 339
division (B) (1) (a) of this section relative to the same offense, 340
provided the criteria specified in that division for imposing an 341
additional prison term are satisfied relative to the offender 342
and the offense. 343

(d) If an offender who is convicted of or pleads guilty to 344
an offense of violence that is a felony also is convicted of or 345
pleads guilty to a specification of the type described in 346
section 2941.1411 of the Revised Code that charges the offender 347

with wearing or carrying body armor while committing the felony 348
offense of violence, the court shall impose on the offender an 349
additional prison term of two years. The prison term so imposed 350
shall not be reduced pursuant to section 2929.20, division (A) 351
(2) or (3) of section 2967.193 or 2967.194, or any other 352
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 353
A court shall not impose more than one prison term on an 354
offender under division (B) (1) (d) of this section for felonies 355
committed as part of the same act or transaction. If a court 356
imposes an additional prison term under division (B) (1) (a) or 357
(c) of this section, the court is not precluded from imposing an 358
additional prison term under division (B) (1) (d) of this section. 359

(e) The court shall not impose any of the prison terms 360
described in division (B) (1) (a) of this section or any of the 361
additional prison terms described in division (B) (1) (c) of this 362
section upon an offender for a violation of section 2923.12 or 363
2923.123 of the Revised Code. The court shall not impose any of 364
the prison terms described in division (B) (1) (a) or (b) of this 365
section upon an offender for a violation of section 2923.122 366
that involves a deadly weapon that is a firearm other than a 367
dangerous ordnance, section 2923.16, or section 2923.121 of the 368
Revised Code. The court shall not impose any of the prison terms 369
described in division (B) (1) (a) of this section or any of the 370
additional prison terms described in division (B) (1) (c) of this 371
section upon an offender for a violation of section 2923.13 of 372
the Revised Code unless all of the following apply: 373

(i) The offender previously has been convicted of 374
aggravated murder, murder, or any felony of the first or second 375
degree. 376

(ii) Less than five years have passed since the offender 377

was released from prison or post-release control, whichever is 378
later, for the prior offense. 379

(f)(i) If an offender is convicted of or pleads guilty to 380
a felony that includes, as an essential element, causing or 381
attempting to cause the death of or physical harm to another and 382
also is convicted of or pleads guilty to a specification of the 383
type described in division (A) of section 2941.1412 of the 384
Revised Code that charges the offender with committing the 385
offense by discharging a firearm at a peace officer as defined 386
in section 2935.01 of the Revised Code or a corrections officer, 387
as defined in section 2941.1412 of the Revised Code, the court, 388
after imposing a prison term on the offender for the felony 389
offense under division (A), (B)(2), or (B)(3) of this section, 390
shall impose an additional prison term of seven years upon the 391
offender that shall not be reduced pursuant to section 2929.20, 392
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 393
other provision of Chapter 2967. or Chapter 5120. of the Revised 394
Code. 395

(ii) If an offender is convicted of or pleads guilty to a 396
felony that includes, as an essential element, causing or 397
attempting to cause the death of or physical harm to another and 398
also is convicted of or pleads guilty to a specification of the 399
type described in division (B) of section 2941.1412 of the 400
Revised Code that charges the offender with committing the 401
offense by discharging a firearm at a peace officer, as defined 402
in section 2935.01 of the Revised Code, or a corrections 403
officer, as defined in section 2941.1412 of the Revised Code, 404
and that the offender previously has been convicted of or 405
pleaded guilty to a specification of the type described in 406
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 407
the Revised Code, the court, after imposing a prison term on the 408

offender for the felony offense under division (A), (B) (2), or 409
(3) of this section, shall impose an additional prison term of 410
one hundred twenty-six months upon the offender that shall not 411
be reduced pursuant to section 2929.20, division (A) (2) or (3) 412
of section 2967.193 or 2967.194, or any other provision of 413
Chapter 2967. or 5120. of the Revised Code. 414

(iii) If an offender is convicted of or pleads guilty to 415
two or more felonies that include, as an essential element, 416
causing or attempting to cause the death or physical harm to 417
another and also is convicted of or pleads guilty to a 418
specification of the type described under division (B) (1) (f) of 419
this section in connection with two or more of the felonies of 420
which the offender is convicted or to which the offender pleads 421
guilty, the sentencing court shall impose on the offender the 422
prison term specified under division (B) (1) (f) of this section 423
for each of two of the specifications of which the offender is 424
convicted or to which the offender pleads guilty and, in its 425
discretion, also may impose on the offender the prison term 426
specified under that division for any or all of the remaining 427
specifications. If a court imposes an additional prison term on 428
an offender under division (B) (1) (f) of this section relative to 429
an offense, the court shall not impose a prison term under 430
division (B) (1) (a) or (c) of this section relative to the same 431
offense. 432

(g) If an offender is convicted of or pleads guilty to two 433
or more felonies, if one or more of those felonies are 434
aggravated murder, murder, attempted aggravated murder, 435
attempted murder, aggravated robbery, felonious assault, or 436
rape, and if the offender is convicted of or pleads guilty to a 437
specification of the type described under division (B) (1) (a) of 438
this section in connection with two or more of the felonies, the 439

sentencing court shall impose on the offender the prison term 440
specified under division (B) (1) (a) of this section for each of 441
the two most serious specifications of which the offender is 442
convicted or to which the offender pleads guilty and, in its 443
discretion, also may impose on the offender the prison term 444
specified under that division for any or all of the remaining 445
specifications. 446

(2) (a) If division (B) (2) (b) of this section does not 447
apply, the court may impose on an offender, in addition to the 448
longest prison term authorized or required for the offense or, 449
for offenses for which division (A) (1) (a) or (2) (a) of this 450
section applies, in addition to the longest minimum prison term 451
authorized or required for the offense, an additional definite 452
prison term of one, two, three, four, five, six, seven, eight, 453
nine, or ten years if all of the following criteria are met: 454

(i) The offender is convicted of or pleads guilty to a 455
specification of the type described in section 2941.149 of the 456
Revised Code that the offender is a repeat violent offender. 457

(ii) The offense of which the offender currently is 458
convicted or to which the offender currently pleads guilty is 459
aggravated murder and the court does not impose a sentence of 460
death or life imprisonment without parole, murder, terrorism and 461
the court does not impose a sentence of life imprisonment 462
without parole, any felony of the first degree that is an 463
offense of violence and the court does not impose a sentence of 464
life imprisonment without parole, or any felony of the second 465
degree that is an offense of violence and the trier of fact 466
finds that the offense involved an attempt to cause or a threat 467
to cause serious physical harm to a person or resulted in 468
serious physical harm to a person. 469

(iii) The court imposes the longest prison term for the 470
offense or the longest minimum prison term for the offense, 471
whichever is applicable, that is not life imprisonment without 472
parole. 473

(iv) The court finds that the prison terms imposed 474
pursuant to division (B) (2) (a) (iii) of this section and, if 475
applicable, division (B) (1) or (3) of this section are 476
inadequate to punish the offender and protect the public from 477
future crime, because the applicable factors under section 478
2929.12 of the Revised Code indicating a greater likelihood of 479
recidivism outweigh the applicable factors under that section 480
indicating a lesser likelihood of recidivism. 481

(v) The court finds that the prison terms imposed pursuant 482
to division (B) (2) (a) (iii) of this section and, if applicable, 483
division (B) (1) or (3) of this section are demeaning to the 484
seriousness of the offense, because one or more of the factors 485
under section 2929.12 of the Revised Code indicating that the 486
offender's conduct is more serious than conduct normally 487
constituting the offense are present, and they outweigh the 488
applicable factors under that section indicating that the 489
offender's conduct is less serious than conduct normally 490
constituting the offense. 491

(b) The court shall impose on an offender the longest 492
prison term authorized or required for the offense or, for 493
offenses for which division (A) (1) (a) or (2) (a) of this section 494
applies, the longest minimum prison term authorized or required 495
for the offense, and shall impose on the offender an additional 496
definite prison term of one, two, three, four, five, six, seven, 497
eight, nine, or ten years if all of the following criteria are 498
met: 499

(i) The offender is convicted of or pleads guilty to a 500
specification of the type described in section 2941.149 of the 501
Revised Code that the offender is a repeat violent offender. 502

(ii) The offender within the preceding twenty years has 503
been convicted of or pleaded guilty to three or more offenses 504
described in division (CC) (1) of section 2929.01 of the Revised 505
Code, including all offenses described in that division of which 506
the offender is convicted or to which the offender pleads guilty 507
in the current prosecution and all offenses described in that 508
division of which the offender previously has been convicted or 509
to which the offender previously pleaded guilty, whether 510
prosecuted together or separately. 511

(iii) The offense or offenses of which the offender 512
currently is convicted or to which the offender currently pleads 513
guilty is aggravated murder and the court does not impose a 514
sentence of death or life imprisonment without parole, murder, 515
terrorism and the court does not impose a sentence of life 516
imprisonment without parole, any felony of the first degree that 517
is an offense of violence and the court does not impose a 518
sentence of life imprisonment without parole, or any felony of 519
the second degree that is an offense of violence and the trier 520
of fact finds that the offense involved an attempt to cause or a 521
threat to cause serious physical harm to a person or resulted in 522
serious physical harm to a person. 523

(c) For purposes of division (B) (2) (b) of this section, 524
two or more offenses committed at the same time or as part of 525
the same act or event shall be considered one offense, and that 526
one offense shall be the offense with the greatest penalty. 527

(d) A sentence imposed under division (B) (2) (a) or (b) of 528
this section shall not be reduced pursuant to section 2929.20, 529

division (A) (2) or (3) of section 2967.193 or 2967.194, or any 530
other provision of Chapter 2967. or Chapter 5120. of the Revised 531
Code. The offender shall serve an additional prison term imposed 532
under division (B) (2) (a) or (b) of this section consecutively to 533
and prior to the prison term imposed for the underlying offense. 534

(e) When imposing a sentence pursuant to division (B) (2) 535
(a) or (b) of this section, the court shall state its findings 536
explaining the imposed sentence. 537

(3) Except when an offender commits a violation of section 538
2903.01 or 2907.02 of the Revised Code and the penalty imposed 539
for the violation is life imprisonment or commits a violation of 540
section 2903.02 of the Revised Code, if the offender commits a 541
violation of section 2925.03 or 2925.11 of the Revised Code and 542
that section classifies the offender as a major drug offender, 543
if the offender commits a violation of section 2925.05 of the 544
Revised Code and division (E) (1) of that section classifies the 545
offender as a major drug offender, if the offender commits a 546
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 547
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 548
division (C) or (D) of section 3719.172, division (E) of section 549
4729.51, or division (J) of section 4729.54 of the Revised Code 550
that includes the sale, offer to sell, or possession of a 551
schedule I or II controlled substance, with the exception of 552
marihuana, and the court imposing sentence upon the offender 553
finds that the offender is guilty of a specification of the type 554
described in division (A) of section 2941.1410 of the Revised 555
Code charging that the offender is a major drug offender, if the 556
court imposing sentence upon an offender for a felony finds that 557
the offender is guilty of corrupt activity with the most serious 558
offense in the pattern of corrupt activity being a felony of the 559
first degree, or if the offender is guilty of an attempted 560

violation of section 2907.02 of the Revised Code and, had the 561
offender completed the violation of section 2907.02 of the 562
Revised Code that was attempted, the offender would have been 563
subject to a sentence of life imprisonment or life imprisonment 564
without parole for the violation of section 2907.02 of the 565
Revised Code, the court shall impose upon the offender for the 566
felony violation a mandatory prison term determined as described 567
in this division that cannot be reduced pursuant to section 568
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 569
or any other provision of Chapter 2967. or 5120. of the Revised 570
Code. The mandatory prison term shall be the maximum definite 571
prison term prescribed in division (A) (1) (b) of this section for 572
a felony of the first degree, except that for offenses for which 573
division (A) (1) (a) of this section applies, the mandatory prison 574
term shall be the longest minimum prison term prescribed in that 575
division for the offense. 576

(4) If the offender is being sentenced for a third or 577
fourth degree felony OVI offense under division (G) (2) of 578
section 2929.13 of the Revised Code, the sentencing court shall 579
impose upon the offender a mandatory prison term in accordance 580
with that division. In addition to the mandatory prison term, if 581
the offender is being sentenced for a fourth degree felony OVI 582
offense, the court, notwithstanding division (A) (4) of this 583
section, may sentence the offender to a definite prison term of 584
not less than six months and not more than thirty months, and if 585
the offender is being sentenced for a third degree felony OVI 586
offense, the sentencing court may sentence the offender to an 587
additional prison term of any duration specified in division (A) 588
(3) of this section. In either case, the additional prison term 589
imposed shall be reduced by the sixty or one hundred twenty days 590
imposed upon the offender as the mandatory prison term. The 591

total of the additional prison term imposed under division (B) 592
(4) of this section plus the sixty or one hundred twenty days 593
imposed as the mandatory prison term shall equal a definite term 594
in the range of six months to thirty months for a fourth degree 595
felony OVI offense and shall equal one of the authorized prison 596
terms specified in division (A)(3) of this section for a third 597
degree felony OVI offense. If the court imposes an additional 598
prison term under division (B)(4) of this section, the offender 599
shall serve the additional prison term after the offender has 600
served the mandatory prison term required for the offense. In 601
addition to the mandatory prison term or mandatory and 602
additional prison term imposed as described in division (B)(4) 603
of this section, the court also may sentence the offender to a 604
community control sanction under section 2929.16 or 2929.17 of 605
the Revised Code, but the offender shall serve all of the prison 606
terms so imposed prior to serving the community control 607
sanction. 608

If the offender is being sentenced for a fourth degree 609
felony OVI offense under division (G)(1) of section 2929.13 of 610
the Revised Code and the court imposes a mandatory term of local 611
incarceration, the court may impose a prison term as described 612
in division (A)(1) of that section. 613

(5) If an offender is convicted of or pleads guilty to a 614
violation of division (A)(1) or (2) of section 2903.06 of the 615
Revised Code and also is convicted of or pleads guilty to a 616
specification of the type described in section 2941.1414 of the 617
Revised Code that charges that the victim of the offense is a 618
peace officer, as defined in section 2935.01 of the Revised 619
Code, an investigator of the bureau of criminal identification 620
and investigation, as defined in section 2903.11 of the Revised 621
Code, or a firefighter or emergency medical worker, both as 622

defined in section 4123.026 of the Revised Code, the court shall 623
impose on the offender a prison term of five years. If a court 624
imposes a prison term on an offender under division (B) (5) of 625
this section, the prison term shall not be reduced pursuant to 626
section 2929.20, division (A) (2) or (3) of section 2967.193 or 627
2967.194, or any other provision of Chapter 2967. or Chapter 628
5120. of the Revised Code. A court shall not impose more than 629
one prison term on an offender under division (B) (5) of this 630
section for felonies committed as part of the same act. 631

(6) If an offender is convicted of or pleads guilty to a 632
violation of division (A) (1) or (2) of section 2903.06 of the 633
Revised Code and also is convicted of or pleads guilty to a 634
specification of the type described in section 2941.1415 of the 635
Revised Code that charges that the offender previously has been 636
convicted of or pleaded guilty to three or more violations of 637
division (A) of section 4511.19 of the Revised Code or an 638
equivalent offense, as defined in section 2941.1415 of the 639
Revised Code, or three or more violations of any combination of 640
those offenses, the court shall impose on the offender a prison 641
term of three years. If a court imposes a prison term on an 642
offender under division (B) (6) of this section, the prison term 643
shall not be reduced pursuant to section 2929.20, division (A) 644
(2) or (3) of section 2967.193 or 2967.194, or any other 645
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 646
A court shall not impose more than one prison term on an 647
offender under division (B) (6) of this section for felonies 648
committed as part of the same act. 649

(7) (a) If an offender is convicted of or pleads guilty to 650
a felony violation of section 2905.01, 2905.02, 2907.21, 651
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 652
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 653

section 2919.22 of the Revised Code and also is convicted of or 654
pleads guilty to a specification of the type described in 655
section 2941.1422 of the Revised Code that charges that the 656
offender knowingly committed the offense in furtherance of human 657
trafficking, the court shall impose on the offender a mandatory 658
prison term that is one of the following: 659

(i) If the offense is a felony of the first degree, a 660
definite prison term of not less than five years and not greater 661
than eleven years, except that if the offense is a felony of the 662
first degree committed on or after March 22, 2019, the court 663
shall impose as the minimum prison term a mandatory term of not 664
less than five years and not greater than eleven years; 665

(ii) If the offense is a felony of the second or third 666
degree, a definite prison term of not less than three years and 667
not greater than the maximum prison term allowed for the offense 668
by division (A) (2) (b) or (3) of this section, except that if the 669
offense is a felony of the second degree committed on or after 670
March 22, 2019, the court shall impose as the minimum prison 671
term a mandatory term of not less than three years and not 672
greater than eight years; 673

(iii) If the offense is a felony of the fourth or fifth 674
degree, a definite prison term that is the maximum prison term 675
allowed for the offense by division (A) of section 2929.14 of 676
the Revised Code. 677

(b) The prison term imposed under division (B) (7) (a) of 678
this section shall not be reduced pursuant to section 2929.20, 679
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 680
other provision of Chapter 2967. of the Revised Code. A court 681
shall not impose more than one prison term on an offender under 682
division (B) (7) (a) of this section for felonies committed as 683

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 714
incapacity; 715

(ii) The violation is a violation of division (A) (2) of 716
section 2903.11 of the Revised Code and the specification 717
charges that the offender used an accelerant in committing the 718
violation, that the violation caused physical harm to another or 719
to another's unborn, and that the physical harm resulted in a 720
permanent, serious disfigurement or permanent, substantial 721
incapacity. 722

(b) If a court imposes a prison term on an offender under 723
division (B) (9) (a) of this section, the prison term shall not be 724
reduced pursuant to section 2929.20, division (A) (2) or (3) of 725
section 2967.193 or 2967.194, or any other provision of Chapter 726
2967. or Chapter 5120. of the Revised Code. A court shall not 727
impose more than one prison term on an offender under division 728
(B) (9) of this section for felonies committed as part of the 729
same act. 730

(c) The provisions of divisions (B) (9) and (C) (6) of this 731
section and of division (D) (2) of section 2903.11, division (F) 732
(20) of section 2929.13, and section 2941.1425 of the Revised 733
Code shall be known as "Judy's Law." 734

(10) If an offender is convicted of or pleads guilty to a 735
violation of division (A) of section 2903.11 of the Revised Code 736
and also is convicted of or pleads guilty to a specification of 737
the type described in section 2941.1426 of the Revised Code that 738
charges that the victim of the offense suffered permanent 739
disabling harm as a result of the offense and that the victim 740
was under ten years of age at the time of the offense, 741
regardless of whether the offender knew the age of the victim, 742
the court shall impose upon the offender an additional definite 743

prison term of six years. A prison term imposed on an offender 744
under division (B) (10) of this section shall not be reduced 745
pursuant to section 2929.20, division (A) (2) or (3) of section 746
2967.193 or 2967.194, or any other provision of Chapter 2967. or 747
Chapter 5120. of the Revised Code. If a court imposes an 748
additional prison term on an offender under this division 749
relative to a violation of division (A) of section 2903.11 of 750
the Revised Code, the court shall not impose any other 751
additional prison term on the offender relative to the same 752
offense. 753

(11) If an offender is convicted of or pleads guilty to a 754
felony violation of section 2925.03 or 2925.05 of the Revised 755
Code or a felony violation of section 2925.11 of the Revised 756
Code for which division (C) (11) of that section applies in 757
determining the sentence for the violation, if the drug involved 758
in the violation is a fentanyl-related compound or a compound, 759
mixture, preparation, or substance containing a fentanyl-related 760
compound, and if the offender also is convicted of or pleads 761
guilty to a specification of the type described in division (B) 762
of section 2941.1410 of the Revised Code that charges that the 763
offender is a major drug offender, in addition to any other 764
penalty imposed for the violation, the court shall impose on the 765
offender a mandatory prison term of three, four, five, six, 766
seven, or eight years. If a court imposes a prison term on an 767
offender under division (B) (11) of this section, the prison term 768
shall not be reduced pursuant to section 2929.20, division (A) 769
(2) or (3) of section 2967.193 or 2967.194, or any other 770
provision of Chapter 2967. or 5120. of the Revised Code. A court 771
shall not impose more than one prison term on an offender under 772
division (B) (11) of this section for felonies committed as part 773
of the same act. 774

(C) (1) (a) Subject to division (C) (1) (b) of this section, 775
if a mandatory prison term is imposed upon an offender pursuant 776
to division (B) (1) (a) of this section for having a firearm on or 777
about the offender's person or under the offender's control 778
while committing a felony, if a mandatory prison term is imposed 779
upon an offender pursuant to division (B) (1) (c) of this section 780
for committing a felony specified in that division by 781
discharging a firearm from a motor vehicle, or if both types of 782
mandatory prison terms are imposed, the offender shall serve any 783
mandatory prison term imposed under either division 784
consecutively to any other mandatory prison term imposed under 785
either division or under division (B) (1) (d) of this section, 786
consecutively to and prior to any prison term imposed for the 787
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 788
this section or any other section of the Revised Code, and 789
consecutively to any other prison term or mandatory prison term 790
previously or subsequently imposed upon the offender. 791

(b) If a mandatory prison term is imposed upon an offender 792
pursuant to division (B) (1) (d) of this section for wearing or 793
carrying body armor while committing an offense of violence that 794
is a felony, the offender shall serve the mandatory term so 795
imposed consecutively to any other mandatory prison term imposed 796
under that division or under division (B) (1) (a) or (c) of this 797
section, consecutively to and prior to any prison term imposed 798
for the underlying felony under division (A), (B) (2), or (B) (3) 799
of this section or any other section of the Revised Code, and 800
consecutively to any other prison term or mandatory prison term 801
previously or subsequently imposed upon the offender. 802

(c) If a mandatory prison term is imposed upon an offender 803
pursuant to division (B) (1) (f) of this section, the offender 804
shall serve the mandatory prison term so imposed consecutively 805

to and prior to any prison term imposed for the underlying 806
felony under division (A), (B) (2), or (B) (3) of this section or 807
any other section of the Revised Code, and consecutively to any 808
other prison term or mandatory prison term previously or 809
subsequently imposed upon the offender. 810

(d) If a mandatory prison term is imposed upon an offender 811
pursuant to division (B) (7) or (8) of this section, the offender 812
shall serve the mandatory prison term so imposed consecutively 813
to any other mandatory prison term imposed under that division 814
or under any other provision of law and consecutively to any 815
other prison term or mandatory prison term previously or 816
subsequently imposed upon the offender. 817

(e) If a mandatory prison term is imposed upon an offender 818
pursuant to division (B) (11) of this section, the offender shall 819
serve the mandatory prison term consecutively to any other 820
mandatory prison term imposed under that division, consecutively 821
to and prior to any prison term imposed for the underlying 822
felony, and consecutively to any other prison term or mandatory 823
prison term previously or subsequently imposed upon the 824
offender. 825

(2) If an offender who is an inmate in a jail, prison, or 826
other residential detention facility violates section 2917.02, 827
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 828
(2) of section 2921.34 of the Revised Code, if an offender who 829
is under detention at a detention facility commits a felony 830
violation of section 2923.131 of the Revised Code, or if an 831
offender who is an inmate in a jail, prison, or other 832
residential detention facility or is under detention at a 833
detention facility commits another felony while the offender is 834
an escapee in violation of division (A) (1) or (2) of section 835

2921.34 of the Revised Code, any prison term imposed upon the 836
offender for one of those violations shall be served by the 837
offender consecutively to the prison term or term of 838
imprisonment the offender was serving when the offender 839
committed that offense and to any other prison term previously 840
or subsequently imposed upon the offender. 841

(3) If a prison term is imposed for a violation of 842
division (B) of section 2911.01 of the Revised Code, a violation 843
of division (A) of section 2913.02 of the Revised Code in which 844
the stolen property is a firearm or dangerous ordnance, or a 845
felony violation of division (B) of section 2921.331 of the 846
Revised Code, the offender shall serve that prison term 847
consecutively to any other prison term or mandatory prison term 848
previously or subsequently imposed upon the offender. 849

(4) If multiple prison terms are imposed on an offender 850
for convictions of multiple offenses, the court may require the 851
offender to serve the prison terms consecutively if the court 852
finds that the consecutive service is necessary to protect the 853
public from future crime or to punish the offender and that 854
consecutive sentences are not disproportionate to the 855
seriousness of the offender's conduct and to the danger the 856
offender poses to the public, and if the court also finds any of 857
the following: 858

(a) The offender committed one or more of the multiple 859
offenses while the offender was awaiting trial or sentencing, 860
was under a sanction imposed pursuant to section 2929.16, 861
2929.17, or 2929.18 of the Revised Code, or was under post- 862
release control for a prior offense. 863

(b) At least two of the multiple offenses were committed 864
as part of one or more courses of conduct, and the harm caused 865

by two or more of the multiple offenses so committed was so 866
great or unusual that no single prison term for any of the 867
offenses committed as part of any of the courses of conduct 868
adequately reflects the seriousness of the offender's conduct. 869

(c) The offender's history of criminal conduct 870
demonstrates that consecutive sentences are necessary to protect 871
the public from future crime by the offender. 872

(5) If a mandatory prison term is imposed upon an offender 873
pursuant to division (B)(5) or (6) of this section, the offender 874
shall serve the mandatory prison term consecutively to and prior 875
to any prison term imposed for the underlying violation of 876
division (A)(1) or (2) of section 2903.06 of the Revised Code 877
pursuant to division (A) of this section or section 2929.142 of 878
the Revised Code. If a mandatory prison term is imposed upon an 879
offender pursuant to division (B)(5) of this section, and if a 880
mandatory prison term also is imposed upon the offender pursuant 881
to division (B)(6) of this section in relation to the same 882
violation, the offender shall serve the mandatory prison term 883
imposed pursuant to division (B)(5) of this section 884
consecutively to and prior to the mandatory prison term imposed 885
pursuant to division (B)(6) of this section and consecutively to 886
and prior to any prison term imposed for the underlying 887
violation of division (A)(1) or (2) of section 2903.06 of the 888
Revised Code pursuant to division (A) of this section or section 889
2929.142 of the Revised Code. 890

(6) If a mandatory prison term is imposed on an offender 891
pursuant to division (B)(9) of this section, the offender shall 892
serve the mandatory prison term consecutively to and prior to 893
any prison term imposed for the underlying violation of division 894
(A)(1) or (2) of section 2903.11 of the Revised Code and 895

consecutively to and prior to any other prison term or mandatory 896
prison term previously or subsequently imposed on the offender. 897

(7) If a mandatory prison term is imposed on an offender 898
pursuant to division (B)(10) of this section, the offender shall 899
serve that mandatory prison term consecutively to and prior to 900
any prison term imposed for the underlying felonious assault. 901
Except as otherwise provided in division (C) of this section, 902
any other prison term or mandatory prison term previously or 903
subsequently imposed upon the offender may be served 904
concurrently with, or consecutively to, the prison term imposed 905
pursuant to division (B)(10) of this section. 906

(8) Any prison term imposed for a violation of section 907
2903.04 of the Revised Code that is based on a violation of 908
section 2925.03 or 2925.11 of the Revised Code or on a violation 909
of section 2925.05 of the Revised Code that is not funding of 910
marihuana trafficking shall run consecutively to any prison term 911
imposed for the violation of section 2925.03 or 2925.11 of the 912
Revised Code or for the violation of section 2925.05 of the 913
Revised Code that is not funding of marihuana trafficking. 914

(9) When consecutive prison terms are imposed pursuant to 915
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 916
division (H)(1) or (2) of this section, subject to division (C) 917
(10) of this section, the term to be served is the aggregate of 918
all of the terms so imposed. 919

(10) When a court sentences an offender to a non-life 920
felony indefinite prison term, any definite prison term or 921
mandatory definite prison term previously or subsequently 922
imposed on the offender in addition to that indefinite sentence 923
that is required to be served consecutively to that indefinite 924
sentence shall be served prior to the indefinite sentence. 925

(11) If a court is sentencing an offender for a felony of 926
the first or second degree, if division (A) (1) (a) or (2) (a) of 927
this section applies with respect to the sentencing for the 928
offense, and if the court is required under the Revised Code 929
section that sets forth the offense or any other Revised Code 930
provision to impose a mandatory prison term for the offense, the 931
court shall impose the required mandatory prison term as the 932
minimum term imposed under division (A) (1) (a) or (2) (a) of this 933
section, whichever is applicable. 934

(D) (1) If a court imposes a prison term, other than a term 935
of life imprisonment, for a felony of the first degree, for a 936
felony of the second degree, for a felony sex offense, or for a 937
felony of the third degree that is an offense of violence and 938
that is not a felony sex offense, it shall include in the 939
sentence a requirement that the offender be subject to a period 940
of post-release control after the offender's release from 941
imprisonment, in accordance with section 2967.28 of the Revised 942
Code. If a court imposes a sentence including a prison term of a 943
type described in this division on or after July 11, 2006, the 944
failure of a court to include a post-release control requirement 945
in the sentence pursuant to this division does not negate, 946
limit, or otherwise affect the mandatory period of post-release 947
control that is required for the offender under division (B) of 948
section 2967.28 of the Revised Code. Section 2929.191 of the 949
Revised Code applies if, prior to July 11, 2006, a court imposed 950
a sentence including a prison term of a type described in this 951
division and failed to include in the sentence pursuant to this 952
division a statement regarding post-release control. 953

(2) If a court imposes a prison term for a felony of the 954
third, fourth, or fifth degree that is not subject to division 955
(D) (1) of this section, it shall include in the sentence a 956

requirement that the offender be subject to a period of post- 957
release control after the offender's release from imprisonment, 958
in accordance with that division, if the parole board determines 959
that a period of post-release control is necessary. Section 960
2929.191 of the Revised Code applies if, prior to July 11, 2006, 961
a court imposed a sentence including a prison term of a type 962
described in this division and failed to include in the sentence 963
pursuant to this division a statement regarding post-release 964
control. 965

(E) The court shall impose sentence upon the offender in 966
accordance with section 2971.03 of the Revised Code, and Chapter 967
2971. of the Revised Code applies regarding the prison term or 968
term of life imprisonment without parole imposed upon the 969
offender and the service of that term of imprisonment if any of 970
the following apply: 971

(1) A person is convicted of or pleads guilty to a violent 972
sex offense or a designated homicide, assault, or kidnapping 973
offense, and, in relation to that offense, the offender is 974
adjudicated a sexually violent predator. 975

(2) A person is convicted of or pleads guilty to a 976
violation of division (A) (1) (b) of section 2907.02 of the 977
Revised Code committed on or after January 2, 2007, and either 978
the court does not impose a sentence of life without parole when 979
authorized pursuant to division (B) of section 2907.02 of the 980
Revised Code, or division (B) of section 2907.02 of the Revised 981
Code provides that the court shall not sentence the offender 982
pursuant to section 2971.03 of the Revised Code. 983

(3) A person is convicted of or pleads guilty to attempted 984
rape committed on or after January 2, 2007, and a specification 985
of the type described in section 2941.1418, 2941.1419, or 986

2941.1420 of the Revised Code. 987

(4) A person is convicted of or pleads guilty to a 988
violation of section 2905.01 of the Revised Code committed on or 989
after January 1, 2008, and that section requires the court to 990
sentence the offender pursuant to section 2971.03 of the Revised 991
Code. 992

(5) A person is convicted of or pleads guilty to 993
aggravated murder committed on or after January 1, 2008, and 994
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 995
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 996
(a) (iv) of section 2929.03, or division (A) or (B) of section 997
2929.06 of the Revised Code requires the court to sentence the 998
offender pursuant to division (B) (3) of section 2971.03 of the 999
Revised Code. 1000

(6) A person is convicted of or pleads guilty to murder 1001
committed on or after January 1, 2008, and division (B) (2) of 1002
section 2929.02 of the Revised Code requires the court to 1003
sentence the offender pursuant to section 2971.03 of the Revised 1004
Code. 1005

(F) If a person who has been convicted of or pleaded 1006
guilty to a felony is sentenced to a prison term or term of 1007
imprisonment under this section, sections 2929.02 to 2929.06 of 1008
the Revised Code, section 2929.142 of the Revised Code, section 1009
2971.03 of the Revised Code, or any other provision of law, 1010
section 5120.163 of the Revised Code applies regarding the 1011
person while the person is confined in a state correctional 1012
institution. 1013

(G) If an offender who is convicted of or pleads guilty to 1014
a felony that is an offense of violence also is convicted of or 1015

pleads guilty to a specification of the type described in 1016
section 2941.142 of the Revised Code that charges the offender 1017
with having committed the felony while participating in a 1018
criminal gang, the court shall impose upon the offender an 1019
additional prison term of one, two, or three years. 1020

(H) (1) If an offender who is convicted of or pleads guilty 1021
to aggravated murder, murder, or a felony of the first, second, 1022
or third degree that is an offense of violence also is convicted 1023
of or pleads guilty to a specification of the type described in 1024
section 2941.143 of the Revised Code that charges the offender 1025
with having committed the offense in a school safety zone or 1026
towards a person in a school safety zone, the court shall impose 1027
upon the offender an additional prison term of two years. The 1028
offender shall serve the additional two years consecutively to 1029
and prior to the prison term imposed for the underlying offense. 1030

(2) (a) If an offender is convicted of or pleads guilty to 1031
a felony violation of section 2907.22, 2907.24, 2907.241, or 1032
2907.25 of the Revised Code and to a specification of the type 1033
described in section 2941.1421 of the Revised Code and if the 1034
court imposes a prison term on the offender for the felony 1035
violation, the court may impose upon the offender an additional 1036
prison term as follows: 1037

(i) Subject to division (H) (2) (a) (ii) of this section, an 1038
additional prison term of one, two, three, four, five, or six 1039
months; 1040

(ii) If the offender previously has been convicted of or 1041
pleaded guilty to one or more felony or misdemeanor violations 1042
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1043
the Revised Code and also was convicted of or pleaded guilty to 1044
a specification of the type described in section 2941.1421 of 1045

the Revised Code regarding one or more of those violations, an 1046
additional prison term of one, two, three, four, five, six, 1047
seven, eight, nine, ten, eleven, or twelve months. 1048

(b) In lieu of imposing an additional prison term under 1049
division (H)(2)(a) of this section, the court may directly 1050
impose on the offender a sanction that requires the offender to 1051
wear a real-time processing, continual tracking electronic 1052
monitoring device during the period of time specified by the 1053
court. The period of time specified by the court shall equal the 1054
duration of an additional prison term that the court could have 1055
imposed upon the offender under division (H)(2)(a) of this 1056
section. A sanction imposed under this division shall commence 1057
on the date specified by the court, provided that the sanction 1058
shall not commence until after the offender has served the 1059
prison term imposed for the felony violation of section 2907.22, 1060
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1061
residential sanction imposed for the violation under section 1062
2929.16 of the Revised Code. A sanction imposed under this 1063
division shall be considered to be a community control sanction 1064
for purposes of section 2929.15 of the Revised Code, and all 1065
provisions of the Revised Code that pertain to community control 1066
sanctions shall apply to a sanction imposed under this division, 1067
except to the extent that they would by their nature be clearly 1068
inapplicable. The offender shall pay all costs associated with a 1069
sanction imposed under this division, including the cost of the 1070
use of the monitoring device. 1071

(I) At the time of sentencing, the court may recommend the 1072
offender for placement in a program of shock incarceration under 1073
section 5120.031 of the Revised Code or for placement in an 1074
intensive program prison under section 5120.032 of the Revised 1075
Code, disapprove placement of the offender in a program of shock 1076

incarceration or an intensive program prison of that nature, or 1077
make no recommendation on placement of the offender. In no case 1078
shall the department of rehabilitation and correction place the 1079
offender in a program or prison of that nature unless the 1080
department determines as specified in section 5120.031 or 1081
5120.032 of the Revised Code, whichever is applicable, that the 1082
offender is eligible for the placement. 1083

If the court disapproves placement of the offender in a 1084
program or prison of that nature, the department of 1085
rehabilitation and correction shall not place the offender in 1086
any program of shock incarceration or intensive program prison. 1087

If the court recommends placement of the offender in a 1088
program of shock incarceration or in an intensive program 1089
prison, and if the offender is subsequently placed in the 1090
recommended program or prison, the department shall notify the 1091
court of the placement and shall include with the notice a brief 1092
description of the placement. 1093

If the court recommends placement of the offender in a 1094
program of shock incarceration or in an intensive program prison 1095
and the department does not subsequently place the offender in 1096
the recommended program or prison, the department shall send a 1097
notice to the court indicating why the offender was not placed 1098
in the recommended program or prison. 1099

If the court does not make a recommendation under this 1100
division with respect to an offender and if the department 1101
determines as specified in section 5120.031 or 5120.032 of the 1102
Revised Code, whichever is applicable, that the offender is 1103
eligible for placement in a program or prison of that nature, 1104
the department shall screen the offender and determine if there 1105
is an available program of shock incarceration or an intensive 1106

program prison for which the offender is suited. If there is an 1107
available program of shock incarceration or an intensive program 1108
prison for which the offender is suited, the department shall 1109
notify the court of the proposed placement of the offender as 1110
specified in section 5120.031 or 5120.032 of the Revised Code 1111
and shall include with the notice a brief description of the 1112
placement. The court shall have ten days from receipt of the 1113
notice to disapprove the placement. 1114

(J) If a person is convicted of or pleads guilty to 1115
aggravated vehicular homicide in violation of division (A) (1) of 1116
section 2903.06 of the Revised Code and division (B) (2) (c) of 1117
that section applies, the person shall be sentenced pursuant to 1118
section 2929.142 of the Revised Code. 1119

(K) (1) The court shall impose an additional mandatory 1120
prison term of two, three, four, five, six, seven, eight, nine, 1121
ten, or eleven years on an offender who is convicted of or 1122
pleads guilty to a violent felony offense if the offender also 1123
is convicted of or pleads guilty to a specification of the type 1124
described in section 2941.1424 of the Revised Code that charges 1125
that the offender is a violent career criminal and had a firearm 1126
on or about the offender's person or under the offender's 1127
control while committing the presently charged violent felony 1128
offense and displayed or brandished the firearm, indicated that 1129
the offender possessed a firearm, or used the firearm to 1130
facilitate the offense. The offender shall serve the prison term 1131
imposed under this division consecutively to and prior to the 1132
prison term imposed for the underlying offense. The prison term 1133
shall not be reduced pursuant to section 2929.20, division (A) 1134
(2) or (3) of section 2967.193 or 2967.194, or any other 1135
provision of Chapter 2967. or 5120. of the Revised Code. A court 1136
may not impose more than one sentence under division (B) (2) (a) 1137

of this section and this division for acts committed as part of 1138
the same act or transaction. 1139

(2) As used in division (K)(1) of this section, "violent 1140
career criminal" and "violent felony offense" have the same 1141
meanings as in section 2923.132 of the Revised Code. 1142

(L) If an offender receives or received a sentence of life 1143
imprisonment without parole, a sentence of life imprisonment, a 1144
definite sentence, or a sentence to an indefinite prison term 1145
under this chapter for a felony offense that was committed when 1146
the offender was under eighteen years of age, the offender's 1147
parole eligibility shall be determined under section 2967.132 of 1148
the Revised Code. 1149

Section 2. That existing sections 2919.25 and 2929.14 of 1150
the Revised Code are hereby repealed. 1151