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Representative Hughes

Cosponsors: Representatives Duffey, Leland, Kent, Boggs, Manning, Rezabek, Celebrezze, Conditt, Cupp, Galonski, Rogers, Seitz, Anielski, Antonio, Arndt, Ashford, Barnes, Blessing, Boyd, Brenner, Butler, Carfagna, Clyde, Craig, Dean, Dever, Faber, Fedor, Gavarone, Ginter, Gonzales, Green, Greenspan, Hagan, Hambley, Henne, Hill, Holmes, Johnson, Keller, Kick, Koehler, Landis, Lanese, Lepore-Hagan, Lipps, Merrin, Miller, O'Brien, Patmon, Patterson, Patton, Pelanda, Ramos, Retherford, Riedel, Roegner, Romanchuk, Schaffer, Schuring, Slaby, Smith, K., Sprague, Stein, Strahorn, Sweeney, West, Young, Zeltwanger, Speaker Rosenberg

Senators Bacon, O'Brien, Balderson, Beagle, Burke, Eklund, Hackett, Hite, Hoagland, Huffman, Jordan, Kunze, Lehner, Manning, Obhof, Oelslager, Peterson, Terhar, Thomas, Uecker, Wilson, Yuko

A BILL

To amend sections 2903.11, 2929.01, 2929.13, and	1
2929.14 and to enact section 2941.1425 of the	2
Revised Code to require an additional prison	3
term of 6 years for felonious assault if the	4
offender also is convicted of a specification	5
that charges that the offender used an	6
accelerant in committing the offense and that	7
the harm caused by the violation resulted in a	8
permanent, serious disfigurement or permanent,	9
substantial incapacity and to name the act's	10
provisions "Judy's Law."	11

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

Section 1. That sections 2903.11, 2929.01, 2929.13, and 12
2929.14 be amended and section 2941.1425 of the Revised Code be 13
enacted to read as follows: 14

Sec. 2903.11. (A) No person shall knowingly do either of 15
the following: 16

(1) Cause serious physical harm to another or to another's 17
unborn; 18

(2) Cause or attempt to cause physical harm to another or 19
to another's unborn by means of a deadly weapon or dangerous 20
ordnance. 21

(B) No person, with knowledge that the person has tested 22
positive as a carrier of a virus that causes acquired 23
immunodeficiency syndrome, shall knowingly do any of the 24
following: 25

(1) Engage in sexual conduct with another person without 26
disclosing that knowledge to the other person prior to engaging 27
in the sexual conduct; 28

(2) Engage in sexual conduct with a person whom the 29
offender knows or has reasonable cause to believe lacks the 30
mental capacity to appreciate the significance of the knowledge 31
that the offender has tested positive as a carrier of a virus 32
that causes acquired immunodeficiency syndrome; 33

(3) Engage in sexual conduct with a person under eighteen 34
years of age who is not the spouse of the offender. 35

(C) The prosecution of a person under this section does 36
not preclude prosecution of that person under section 2907.02 of 37
the Revised Code. 38

(D) (1) (a) Whoever violates this section is guilty of 39

felonious assault. Except as otherwise provided in this division 40
or division (D) (1) (b) of this section, felonious assault is a 41
felony of the second degree. If the victim of a violation of 42
division (A) of this section is a peace officer or an 43
investigator of the bureau of criminal identification and 44
investigation, felonious assault is a felony of the first 45
degree. 46

(b) Regardless of whether the felonious assault is a 47
felony of the first or second degree under division (D) (1) (a) of 48
this section, if the offender also is convicted of or pleads 49
guilty to a specification as described in section 2941.1423 of 50
the Revised Code that was included in the indictment, count in 51
the indictment, or information charging the offense, except as 52
otherwise provided in this division or unless a longer prison 53
term is required under any other provision of law, the court 54
shall sentence the offender to a mandatory prison term as 55
provided in division (B) (8) of section 2929.14 of the Revised 56
Code. If the victim of the offense is a peace officer or an 57
investigator of the bureau of criminal identification and 58
investigation, and if the victim suffered serious physical harm 59
as a result of the commission of the offense, felonious assault 60
is a felony of the first degree, and the court, pursuant to 61
division (F) of section 2929.13 of the Revised Code, shall 62
impose as a mandatory prison term one of the prison terms 63
prescribed for a felony of the first degree. 64

(2) In addition to any other sanctions imposed pursuant to 65
division (D) (1) of this section for felonious assault committed 66
in violation of division (A) (1) or (2) of this section, if the 67
offender also is convicted of or pleads guilty to a 68
specification of the type described in section 2941.1425 of the 69
Revised Code that was included in the indictment, count in the 70

indictment, or information charging the offense, the court shall 71
sentence the offender to a mandatory prison term under division 72
(B) (9) of section 2929.14 of the Revised Code. 73

(3) In addition to any other sanctions imposed pursuant to 74
division (D) (1) of this section for felonious assault committed 75
in violation of division (A) (2) of this section, if the deadly 76
weapon used in the commission of the violation is a motor 77
vehicle, the court shall impose upon the offender a class two 78
suspension of the offender's driver's license, commercial 79
driver's license, temporary instruction permit, probationary 80
license, or nonresident operating privilege as specified in 81
division (A) (2) of section 4510.02 of the Revised Code. 82

(E) As used in this section: 83

(1) "Deadly weapon" and "dangerous ordnance" have the same 84
meanings as in section 2923.11 of the Revised Code. 85

(2) "Motor vehicle" has the same meaning as in section 86
4501.01 of the Revised Code. 87

(3) "Peace officer" has the same meaning as in section 88
2935.01 of the Revised Code. 89

(4) "Sexual conduct" has the same meaning as in section 90
2907.01 of the Revised Code, except that, as used in this 91
section, it does not include the insertion of an instrument, 92
apparatus, or other object that is not a part of the body into 93
the vaginal or anal opening of another, unless the offender knew 94
at the time of the insertion that the instrument, apparatus, or 95
other object carried the offender's bodily fluid. 96

(5) "Investigator of the bureau of criminal identification 97
and investigation" means an investigator of the bureau of 98
criminal identification and investigation who is commissioned by 99

the superintendent of the bureau as a special agent for the 100
purpose of assisting law enforcement officers or providing 101
emergency assistance to peace officers pursuant to authority 102
granted under section 109.541 of the Revised Code. 103

(6) "Investigator" has the same meaning as in section 104
109.541 of the Revised Code. 105

(F) The provisions of division (D) (2) of this section and 106
of division (F) (20) of section 2929.13, divisions (B) (9) and (C) 107
(6) of section 2929.14, and section 2941.1425 of the Revised 108
Code shall be known as "Judy's Law." 109

Sec. 2929.01. As used in this chapter: 110

(A) (1) "Alternative residential facility" means, subject 111
to division (A) (2) of this section, any facility other than an 112
offender's home or residence in which an offender is assigned to 113
live and that satisfies all of the following criteria: 114

(a) It provides programs through which the offender may 115
seek or maintain employment or may receive education, training, 116
treatment, or habilitation. 117

(b) It has received the appropriate license or certificate 118
for any specialized education, training, treatment, 119
habilitation, or other service that it provides from the 120
government agency that is responsible for licensing or 121
certifying that type of education, training, treatment, 122
habilitation, or service. 123

(2) "Alternative residential facility" does not include a 124
community-based correctional facility, jail, halfway house, or 125
prison. 126

(B) "Basic probation supervision" means a requirement that 127

the offender maintain contact with a person appointed to 128
supervise the offender in accordance with sanctions imposed by 129
the court or imposed by the parole board pursuant to section 130
2967.28 of the Revised Code. "Basic probation supervision" 131
includes basic parole supervision and basic post-release control 132
supervision. 133

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 134
the same meanings as in section 2925.01 of the Revised Code. 135

(D) "Community-based correctional facility" means a 136
community-based correctional facility and program or district 137
community-based correctional facility and program developed 138
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 139

(E) "Community control sanction" means a sanction that is 140
not a prison term and that is described in section 2929.15, 141
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 142
that is not a jail term and that is described in section 143
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 144
control sanction" includes probation if the sentence involved 145
was imposed for a felony that was committed prior to July 1, 146
1996, or if the sentence involved was imposed for a misdemeanor 147
that was committed prior to January 1, 2004. 148

(F) "Controlled substance," "marihuana," "schedule I," and 149
"schedule II" have the same meanings as in section 3719.01 of 150
the Revised Code. 151

(G) "Curfew" means a requirement that an offender during a 152
specified period of time be at a designated place. 153

(H) "Day reporting" means a sanction pursuant to which an 154
offender is required each day to report to and leave a center or 155
other approved reporting location at specified times in order to 156

participate in work, education or training, treatment, and other 157
approved programs at the center or outside the center. 158

(I) "Deadly weapon" has the same meaning as in section 159
2923.11 of the Revised Code. 160

(J) "Drug and alcohol use monitoring" means a program 161
under which an offender agrees to submit to random chemical 162
analysis of the offender's blood, breath, or urine to determine 163
whether the offender has ingested any alcohol or other drugs. 164

(K) "Drug treatment program" means any program under which 165
a person undergoes assessment and treatment designed to reduce 166
or completely eliminate the person's physical or emotional 167
reliance upon alcohol, another drug, or alcohol and another drug 168
and under which the person may be required to receive assessment 169
and treatment on an outpatient basis or may be required to 170
reside at a facility other than the person's home or residence 171
while undergoing assessment and treatment. 172

(L) "Economic loss" means any economic detriment suffered 173
by a victim as a direct and proximate result of the commission 174
of an offense and includes any loss of income due to lost time 175
at work because of any injury caused to the victim, and any 176
property loss, medical cost, or funeral expense incurred as a 177
result of the commission of the offense. "Economic loss" does 178
not include non-economic loss or any punitive or exemplary 179
damages. 180

(M) "Education or training" includes study at, or in 181
conjunction with a program offered by, a university, college, or 182
technical college or vocational study and also includes the 183
completion of primary school, secondary school, and literacy 184
curricula or their equivalent. 185

(N) "Firearm" has the same meaning as in section 2923.11 186
of the Revised Code. 187

(O) "Halfway house" means a facility licensed by the 188
division of parole and community services of the department of 189
rehabilitation and correction pursuant to section 2967.14 of the 190
Revised Code as a suitable facility for the care and treatment 191
of adult offenders. 192

(P) "House arrest" means a period of confinement of an 193
offender that is in the offender's home or in other premises 194
specified by the sentencing court or by the parole board 195
pursuant to section 2967.28 of the Revised Code and during which 196
all of the following apply: 197

(1) The offender is required to remain in the offender's 198
home or other specified premises for the specified period of 199
confinement, except for periods of time during which the 200
offender is at the offender's place of employment or at other 201
premises as authorized by the sentencing court or by the parole 202
board. 203

(2) The offender is required to report periodically to a 204
person designated by the court or parole board. 205

(3) The offender is subject to any other restrictions and 206
requirements that may be imposed by the sentencing court or by 207
the parole board. 208

(Q) "Intensive probation supervision" means a requirement 209
that an offender maintain frequent contact with a person 210
appointed by the court, or by the parole board pursuant to 211
section 2967.28 of the Revised Code, to supervise the offender 212
while the offender is seeking or maintaining necessary 213
employment and participating in training, education, and 214

treatment programs as required in the court's or parole board's 215
order. "Intensive probation supervision" includes intensive 216
parole supervision and intensive post-release control 217
supervision. 218

(R) "Jail" means a jail, workhouse, minimum security jail, 219
or other residential facility used for the confinement of 220
alleged or convicted offenders that is operated by a political 221
subdivision or a combination of political subdivisions of this 222
state. 223

(S) "Jail term" means the term in a jail that a sentencing 224
court imposes or is authorized to impose pursuant to section 225
2929.24 or 2929.25 of the Revised Code or pursuant to any other 226
provision of the Revised Code that authorizes a term in a jail 227
for a misdemeanor conviction. 228

(T) "Mandatory jail term" means the term in a jail that a 229
sentencing court is required to impose pursuant to division (G) 230
of section 1547.99 of the Revised Code, division (E) of section 231
2903.06 or division (D) of section 2903.08 of the Revised Code, 232
division (E) or (G) of section 2929.24 of the Revised Code, 233
division (B) of section 4510.14 of the Revised Code, or division 234
(G) of section 4511.19 of the Revised Code or pursuant to any 235
other provision of the Revised Code that requires a term in a 236
jail for a misdemeanor conviction. 237

(U) "Delinquent child" has the same meaning as in section 238
2152.02 of the Revised Code. 239

(V) "License violation report" means a report that is made 240
by a sentencing court, or by the parole board pursuant to 241
section 2967.28 of the Revised Code, to the regulatory or 242
licensing board or agency that issued an offender a professional 243

license or a license or permit to do business in this state and 244
that specifies that the offender has been convicted of or 245
pleaded guilty to an offense that may violate the conditions 246
under which the offender's professional license or license or 247
permit to do business in this state was granted or an offense 248
for which the offender's professional license or license or 249
permit to do business in this state may be revoked or suspended. 250

(W) "Major drug offender" means an offender who is 251
convicted of or pleads guilty to the possession of, sale of, or 252
offer to sell any drug, compound, mixture, preparation, or 253
substance that consists of or contains at least one thousand 254
grams of hashish; at least one hundred grams of cocaine; at 255
least one thousand unit doses or one hundred grams of heroin; at 256
least five thousand unit doses of L.S.D. or five hundred grams 257
of L.S.D. in a liquid concentrate, liquid extract, or liquid 258
distillate form; at least fifty grams of a controlled substance 259
analog; or at least one hundred times the amount of any other 260
schedule I or II controlled substance other than marihuana that 261
is necessary to commit a felony of the third degree pursuant to 262
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 263
Code that is based on the possession of, sale of, or offer to 264
sell the controlled substance. 265

(X) "Mandatory prison term" means any of the following: 266

(1) Subject to division (X)(2) of this section, the term 267
in prison that must be imposed for the offenses or circumstances 268
set forth in divisions (F)(1) to (8) or (F)(12) to (18) of 269
section 2929.13 and division (B) of section 2929.14 of the 270
Revised Code. Except as provided in sections 2925.02, 2925.03, 271
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 272
maximum or another specific term is required under section 273

2929.14 or 2929.142 of the Revised Code, a mandatory prison term 274
described in this division may be any prison term authorized for 275
the level of offense. 276

(2) The term of sixty or one hundred twenty days in prison 277
that a sentencing court is required to impose for a third or 278
fourth degree felony OVI offense pursuant to division (G) (2) of 279
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 280
of the Revised Code or the term of one, two, three, four, or 281
five years in prison that a sentencing court is required to 282
impose pursuant to division (G) (2) of section 2929.13 of the 283
Revised Code. 284

(3) The term in prison imposed pursuant to division (A) of 285
section 2971.03 of the Revised Code for the offenses and in the 286
circumstances described in division (F) (11) of section 2929.13 287
of the Revised Code or pursuant to division (B) (1) (a), (b), or 288
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 289
section 2971.03 of the Revised Code and that term as modified or 290
terminated pursuant to section 2971.05 of the Revised Code. 291

(Y) "Monitored time" means a period of time during which 292
an offender continues to be under the control of the sentencing 293
court or parole board, subject to no conditions other than 294
leading a law-abiding life. 295

(Z) "Offender" means a person who, in this state, is 296
convicted of or pleads guilty to a felony or a misdemeanor. 297

(AA) "Prison" means a residential facility used for the 298
confinement of convicted felony offenders that is under the 299
control of the department of rehabilitation and correction but 300
does not include a violation sanction center operated under 301
authority of section 2967.141 of the Revised Code. 302

(BB) "Prison term" includes either of the following 303
sanctions for an offender: 304

(1) A stated prison term; 305

(2) A term in a prison shortened by, or with the approval 306
of, the sentencing court pursuant to section 2929.143, 2929.20, 307
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 308

(CC) "Repeat violent offender" means a person about whom 309
both of the following apply: 310

(1) The person is being sentenced for committing or for 311
complicity in committing any of the following: 312

(a) Aggravated murder, murder, any felony of the first or 313
second degree that is an offense of violence, or an attempt to 314
commit any of these offenses if the attempt is a felony of the 315
first or second degree; 316

(b) An offense under an existing or former law of this 317
state, another state, or the United States that is or was 318
substantially equivalent to an offense described in division 319
(CC) (1) (a) of this section. 320

(2) The person previously was convicted of or pleaded 321
guilty to an offense described in division (CC) (1) (a) or (b) of 322
this section. 323

(DD) "Sanction" means any penalty imposed upon an offender 324
who is convicted of or pleads guilty to an offense, as 325
punishment for the offense. "Sanction" includes any sanction 326
imposed pursuant to any provision of sections 2929.14 to 2929.18 327
or 2929.24 to 2929.28 of the Revised Code. 328

(EE) "Sentence" means the sanction or combination of 329
sanctions imposed by the sentencing court on an offender who is 330

convicted of or pleads guilty to an offense. 331

(FF) "Stated prison term" means the prison term, mandatory 332
prison term, or combination of all prison terms and mandatory 333
prison terms imposed by the sentencing court pursuant to section 334
2929.14, 2929.142, or 2971.03 of the Revised Code or under 335
section 2919.25 of the Revised Code. "Stated prison term" 336
includes any credit received by the offender for time spent in 337
jail awaiting trial, sentencing, or transfer to prison for the 338
offense and any time spent under house arrest or house arrest 339
with electronic monitoring imposed after earning credits 340
pursuant to section 2967.193 of the Revised Code. If an offender 341
is serving a prison term as a risk reduction sentence under 342
sections 2929.143 and 5120.036 of the Revised Code, "stated 343
prison term" includes any period of time by which the prison 344
term imposed upon the offender is shortened by the offender's 345
successful completion of all assessment and treatment or 346
programming pursuant to those sections. 347

(GG) "Victim-offender mediation" means a reconciliation or 348
mediation program that involves an offender and the victim of 349
the offense committed by the offender and that includes a 350
meeting in which the offender and the victim may discuss the 351
offense, discuss restitution, and consider other sanctions for 352
the offense. 353

(HH) "Fourth degree felony OVI offense" means a violation 354
of division (A) of section 4511.19 of the Revised Code that, 355
under division (G) of that section, is a felony of the fourth 356
degree. 357

(II) "Mandatory term of local incarceration" means the 358
term of sixty or one hundred twenty days in a jail, a community- 359
based correctional facility, a halfway house, or an alternative 360

residential facility that a sentencing court may impose upon a 361
person who is convicted of or pleads guilty to a fourth degree 362
felony OVI offense pursuant to division (G) (1) of section 363
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 364
section 4511.19 of the Revised Code. 365

(JJ) "Designated homicide, assault, or kidnapping 366
offense," "violent sex offense," "sexual motivation 367
specification," "sexually violent offense," "sexually violent 368
predator," and "sexually violent predator specification" have 369
the same meanings as in section 2971.01 of the Revised Code. 370

(KK) "Sexually oriented offense," "child-victim oriented 371
offense," and "tier III sex offender/child-victim offender" have 372
the same meanings as in section 2950.01 of the Revised Code. 373

(LL) An offense is "committed in the vicinity of a child" 374
if the offender commits the offense within thirty feet of or 375
within the same residential unit as a child who is under 376
eighteen years of age, regardless of whether the offender knows 377
the age of the child or whether the offender knows the offense 378
is being committed within thirty feet of or within the same 379
residential unit as the child and regardless of whether the 380
child actually views the commission of the offense. 381

(MM) "Family or household member" has the same meaning as 382
in section 2919.25 of the Revised Code. 383

(NN) "Motor vehicle" and "manufactured home" have the same 384
meanings as in section 4501.01 of the Revised Code. 385

(OO) "Detention" and "detention facility" have the same 386
meanings as in section 2921.01 of the Revised Code. 387

(PP) "Third degree felony OVI offense" means a violation 388
of division (A) of section 4511.19 of the Revised Code that, 389

under division (G) of that section, is a felony of the third 390
degree. 391

(QQ) "Random drug testing" has the same meaning as in 392
section 5120.63 of the Revised Code. 393

(RR) "Felony sex offense" has the same meaning as in 394
section 2967.28 of the Revised Code. 395

(SS) "Body armor" has the same meaning as in section 396
2941.1411 of the Revised Code. 397

(TT) "Electronic monitoring" means monitoring through the 398
use of an electronic monitoring device. 399

(UU) "Electronic monitoring device" means any of the 400
following: 401

(1) Any device that can be operated by electrical or 402
battery power and that conforms with all of the following: 403

(a) The device has a transmitter that can be attached to a 404
person, that will transmit a specified signal to a receiver of 405
the type described in division (UU)(1)(b) of this section if the 406
transmitter is removed from the person, turned off, or altered 407
in any manner without prior court approval in relation to 408
electronic monitoring or without prior approval of the 409
department of rehabilitation and correction in relation to the 410
use of an electronic monitoring device for an inmate on 411
transitional control or otherwise is tampered with, that can 412
transmit continuously and periodically a signal to that receiver 413
when the person is within a specified distance from the 414
receiver, and that can transmit an appropriate signal to that 415
receiver if the person to whom it is attached travels a 416
specified distance from that receiver. 417

(b) The device has a receiver that can receive 418
continuously the signals transmitted by a transmitter of the 419
type described in division (UU) (1) (a) of this section, can 420
transmit continuously those signals by a wireless or landline 421
telephone connection to a central monitoring computer of the 422
type described in division (UU) (1) (c) of this section, and can 423
transmit continuously an appropriate signal to that central 424
monitoring computer if the device has been turned off or altered 425
without prior court approval or otherwise tampered with. The 426
device is designed specifically for use in electronic 427
monitoring, is not a converted wireless phone or another 428
tracking device that is clearly not designed for electronic 429
monitoring, and provides a means of text-based or voice 430
communication with the person. 431

(c) The device has a central monitoring computer that can 432
receive continuously the signals transmitted by a wireless or 433
landline telephone connection by a receiver of the type 434
described in division (UU) (1) (b) of this section and can monitor 435
continuously the person to whom an electronic monitoring device 436
of the type described in division (UU) (1) (a) of this section is 437
attached. 438

(2) Any device that is not a device of the type described 439
in division (UU) (1) of this section and that conforms with all 440
of the following: 441

(a) The device includes a transmitter and receiver that 442
can monitor and determine the location of a subject person at 443
any time, or at a designated point in time, through the use of a 444
central monitoring computer or through other electronic means. 445

(b) The device includes a transmitter and receiver that 446
can determine at any time, or at a designated point in time, 447

through the use of a central monitoring computer or other 448
electronic means the fact that the transmitter is turned off or 449
altered in any manner without prior approval of the court in 450
relation to the electronic monitoring or without prior approval 451
of the department of rehabilitation and correction in relation 452
to the use of an electronic monitoring device for an inmate on 453
transitional control or otherwise is tampered with. 454

(3) Any type of technology that can adequately track or 455
determine the location of a subject person at any time and that 456
is approved by the director of rehabilitation and correction, 457
including, but not limited to, any satellite technology, voice 458
tracking system, or retinal scanning system that is so approved. 459

(VV) "Non-economic loss" means nonpecuniary harm suffered 460
by a victim of an offense as a result of or related to the 461
commission of the offense, including, but not limited to, pain 462
and suffering; loss of society, consortium, companionship, care, 463
assistance, attention, protection, advice, guidance, counsel, 464
instruction, training, or education; mental anguish; and any 465
other intangible loss. 466

(WW) "Prosecutor" has the same meaning as in section 467
2935.01 of the Revised Code. 468

(XX) "Continuous alcohol monitoring" means the ability to 469
automatically test and periodically transmit alcohol consumption 470
levels and tamper attempts at least every hour, regardless of 471
the location of the person who is being monitored. 472

(YY) A person is "adjudicated a sexually violent predator" 473
if the person is convicted of or pleads guilty to a violent sex 474
offense and also is convicted of or pleads guilty to a sexually 475
violent predator specification that was included in the 476

indictment, count in the indictment, or information charging 477
that violent sex offense or if the person is convicted of or 478
pleads guilty to a designated homicide, assault, or kidnapping 479
offense and also is convicted of or pleads guilty to both a 480
sexual motivation specification and a sexually violent predator 481
specification that were included in the indictment, count in the 482
indictment, or information charging that designated homicide, 483
assault, or kidnapping offense. 484

(ZZ) An offense is "committed in proximity to a school" if 485
the offender commits the offense in a school safety zone or 486
within five hundred feet of any school building or the 487
boundaries of any school premises, regardless of whether the 488
offender knows the offense is being committed in a school safety 489
zone or within five hundred feet of any school building or the 490
boundaries of any school premises. 491

(AAA) "Human trafficking" means a scheme or plan to which 492
all of the following apply: 493

(1) Its object is one or more of the following: 494

(a) To subject a victim or victims to involuntary 495
servitude, as defined in section 2905.31 of the Revised Code or 496
to compel a victim or victims to engage in sexual activity for 497
hire, to engage in a performance that is obscene, sexually 498
oriented, or nudity oriented, or to be a model or participant in 499
the production of material that is obscene, sexually oriented, 500
or nudity oriented; 501

(b) To facilitate, encourage, or recruit a victim who is 502
less than sixteen years of age or is a person with a 503
developmental disability, or victims who are less than sixteen 504
years of age or are persons with developmental disabilities, for 505

any purpose listed in divisions (A) (2) (a) to (c) of section 506
2905.32 of the Revised Code; 507

(c) To facilitate, encourage, or recruit a victim who is 508
sixteen or seventeen years of age, or victims who are sixteen or 509
seventeen years of age, for any purpose listed in divisions (A) 510
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 511
circumstances described in division (A) (5), (6), (7), (8), (9), 512
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 513
apply with respect to the person engaging in the conduct and the 514
victim or victims. 515

(2) It involves at least two felony offenses, whether or 516
not there has been a prior conviction for any of the felony 517
offenses, to which all of the following apply: 518

(a) Each of the felony offenses is a violation of section 519
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 520
division (A) (1) or (2) of section 2907.323, or division (B) (1), 521
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 522
is a violation of a law of any state other than this state that 523
is substantially similar to any of the sections or divisions of 524
the Revised Code identified in this division. 525

(b) At least one of the felony offenses was committed in 526
this state. 527

(c) The felony offenses are related to the same scheme or 528
plan and are not isolated instances. 529

(BBB) "Material," "nudity," "obscene," "performance," and 530
"sexual activity" have the same meanings as in section 2907.01 531
of the Revised Code. 532

(CCC) "Material that is obscene, sexually oriented, or 533
nudity oriented" means any material that is obscene, that shows 534

a person participating or engaging in sexual activity, 535
masturbation, or bestiality, or that shows a person in a state 536
of nudity. 537

(DDD) "Performance that is obscene, sexually oriented, or 538
nudity oriented" means any performance that is obscene, that 539
shows a person participating or engaging in sexual activity, 540
masturbation, or bestiality, or that shows a person in a state 541
of nudity. 542

(EEE) "Accelerant" means a fuel or oxidizing agent, such 543
as an ignitable liquid, used to initiate a fire or increase the 544
rate of growth or spread of a fire. 545

Sec. 2929.13. (A) Except as provided in division (E), (F), 546
or (G) of this section and unless a specific sanction is 547
required to be imposed or is precluded from being imposed 548
pursuant to law, a court that imposes a sentence upon an 549
offender for a felony may impose any sanction or combination of 550
sanctions on the offender that are provided in sections 2929.14 551
to 2929.18 of the Revised Code. 552

If the offender is eligible to be sentenced to community 553
control sanctions, the court shall consider the appropriateness 554
of imposing a financial sanction pursuant to section 2929.18 of 555
the Revised Code or a sanction of community service pursuant to 556
section 2929.17 of the Revised Code as the sole sanction for the 557
offense. Except as otherwise provided in this division, if the 558
court is required to impose a mandatory prison term for the 559
offense for which sentence is being imposed, the court also 560
shall impose any financial sanction pursuant to section 2929.18 561
of the Revised Code that is required for the offense and may 562
impose any other financial sanction pursuant to that section but 563
may not impose any additional sanction or combination of 564

sanctions under section 2929.16 or 2929.17 of the Revised Code. 565

If the offender is being sentenced for a fourth degree 566
felony OVI offense or for a third degree felony OVI offense, in 567
addition to the mandatory term of local incarceration or the 568
mandatory prison term required for the offense by division (G) 569
(1) or (2) of this section, the court shall impose upon the 570
offender a mandatory fine in accordance with division (B) (3) of 571
section 2929.18 of the Revised Code and may impose whichever of 572
the following is applicable: 573

(1) For a fourth degree felony OVI offense for which 574
sentence is imposed under division (G) (1) of this section, an 575
additional community control sanction or combination of 576
community control sanctions under section 2929.16 or 2929.17 of 577
the Revised Code. If the court imposes upon the offender a 578
community control sanction and the offender violates any 579
condition of the community control sanction, the court may take 580
any action prescribed in division (B) of section 2929.15 of the 581
Revised Code relative to the offender, including imposing a 582
prison term on the offender pursuant to that division. 583

(2) For a third or fourth degree felony OVI offense for 584
which sentence is imposed under division (G) (2) of this section, 585
an additional prison term as described in division (B) (4) of 586
section 2929.14 of the Revised Code or a community control 587
sanction as described in division (G) (2) of this section. 588

(B) (1) (a) Except as provided in division (B) (1) (b) of this 589
section, if an offender is convicted of or pleads guilty to a 590
felony of the fourth or fifth degree that is not an offense of 591
violence or that is a qualifying assault offense, the court 592
shall sentence the offender to a community control sanction of 593
at least one year's duration if all of the following apply: 594

(i) The offender previously has not been convicted of or 595
pleaded guilty to a felony offense. 596

(ii) The most serious charge against the offender at the 597
time of sentencing is a felony of the fourth or fifth degree. 598

(iii) If the court made a request of the department of 599
rehabilitation and correction pursuant to division (B)(1)(c) of 600
this section, the department, within the forty-five-day period 601
specified in that division, provided the court with the names 602
of, contact information for, and program details of one or more 603
community control sanctions of at least one year's duration that 604
are available for persons sentenced by the court. 605

(iv) The offender previously has not been convicted of or 606
pleaded guilty to a misdemeanor offense of violence that the 607
offender committed within two years prior to the offense for 608
which sentence is being imposed. 609

(b) The court has discretion to impose a prison term upon 610
an offender who is convicted of or pleads guilty to a felony of 611
the fourth or fifth degree that is not an offense of violence or 612
that is a qualifying assault offense if any of the following 613
apply: 614

(i) The offender committed the offense while having a 615
firearm on or about the offender's person or under the 616
offender's control. 617

(ii) If the offense is a qualifying assault offense, the 618
offender caused serious physical harm to another person while 619
committing the offense, and, if the offense is not a qualifying 620
assault offense, the offender caused physical harm to another 621
person while committing the offense. 622

(iii) The offender violated a term of the conditions of 623

bond as set by the court. 624

(iv) The court made a request of the department of 625
rehabilitation and correction pursuant to division (B)(1)(c) of 626
this section, and the department, within the forty-five-day 627
period specified in that division, did not provide the court 628
with the name of, contact information for, and program details 629
of any community control sanction of at least one year's 630
duration that is available for persons sentenced by the court. 631

(v) The offense is a sex offense that is a fourth or fifth 632
degree felony violation of any provision of Chapter 2907. of the 633
Revised Code. 634

(vi) In committing the offense, the offender attempted to 635
cause or made an actual threat of physical harm to a person with 636
a deadly weapon. 637

(vii) In committing the offense, the offender attempted to 638
cause or made an actual threat of physical harm to a person, and 639
the offender previously was convicted of an offense that caused 640
physical harm to a person. 641

(viii) The offender held a public office or position of 642
trust, and the offense related to that office or position; the 643
offender's position obliged the offender to prevent the offense 644
or to bring those committing it to justice; or the offender's 645
professional reputation or position facilitated the offense or 646
was likely to influence the future conduct of others. 647

(ix) The offender committed the offense for hire or as 648
part of an organized criminal activity. 649

(x) The offender at the time of the offense was serving, 650
or the offender previously had served, a prison term. 651

(xi) The offender committed the offense while under a 652
community control sanction, while on probation, or while 653
released from custody on a bond or personal recognizance. 654

(c) If a court that is sentencing an offender who is 655
convicted of or pleads guilty to a felony of the fourth or fifth 656
degree that is not an offense of violence or that is a 657
qualifying assault offense believes that no community control 658
sanctions are available for its use that, if imposed on the 659
offender, will adequately fulfill the overriding principles and 660
purposes of sentencing, the court shall contact the department 661
of rehabilitation and correction and ask the department to 662
provide the court with the names of, contact information for, 663
and program details of one or more community control sanctions 664
of at least one year's duration that are available for persons 665
sentenced by the court. Not later than forty-five days after 666
receipt of a request from a court under this division, the 667
department shall provide the court with the names of, contact 668
information for, and program details of one or more community 669
control sanctions of at least one year's duration that are 670
available for persons sentenced by the court, if any. Upon 671
making a request under this division that relates to a 672
particular offender, a court shall defer sentencing of that 673
offender until it receives from the department the names of, 674
contact information for, and program details of one or more 675
community control sanctions of at least one year's duration that 676
are available for persons sentenced by the court or for forty- 677
five days, whichever is the earlier. 678

If the department provides the court with the names of, 679
contact information for, and program details of one or more 680
community control sanctions of at least one year's duration that 681
are available for persons sentenced by the court within the 682

forty-five-day period specified in this division, the court 683
shall impose upon the offender a community control sanction 684
under division (B) (1) (a) of this section, except that the court 685
may impose a prison term under division (B) (1) (b) of this 686
section if a factor described in division (B) (1) (b) (i) or (ii) 687
of this section applies. If the department does not provide the 688
court with the names of, contact information for, and program 689
details of one or more community control sanctions of at least 690
one year's duration that are available for persons sentenced by 691
the court within the forty-five-day period specified in this 692
division, the court may impose upon the offender a prison term 693
under division (B) (1) (b) (iv) of this section. 694

(d) A sentencing court may impose an additional penalty 695
under division (B) of section 2929.15 of the Revised Code upon 696
an offender sentenced to a community control sanction under 697
division (B) (1) (a) of this section if the offender violates the 698
conditions of the community control sanction, violates a law, or 699
leaves the state without the permission of the court or the 700
offender's probation officer. 701

(2) If division (B) (1) of this section does not apply, 702
except as provided in division (E), (F), or (G) of this section, 703
in determining whether to impose a prison term as a sanction for 704
a felony of the fourth or fifth degree, the sentencing court 705
shall comply with the purposes and principles of sentencing 706
under section 2929.11 of the Revised Code and with section 707
2929.12 of the Revised Code. 708

(C) Except as provided in division (D), (E), (F), or (G) 709
of this section, in determining whether to impose a prison term 710
as a sanction for a felony of the third degree or a felony drug 711
offense that is a violation of a provision of Chapter 2925. of 712

the Revised Code and that is specified as being subject to this 713
division for purposes of sentencing, the sentencing court shall 714
comply with the purposes and principles of sentencing under 715
section 2929.11 of the Revised Code and with section 2929.12 of 716
the Revised Code. 717

(D) (1) Except as provided in division (E) or (F) of this 718
section, for a felony of the first or second degree, for a 719
felony drug offense that is a violation of any provision of 720
Chapter 2925., 3719., or 4729. of the Revised Code for which a 721
presumption in favor of a prison term is specified as being 722
applicable, and for a violation of division (A) (4) or (B) of 723
section 2907.05 of the Revised Code for which a presumption in 724
favor of a prison term is specified as being applicable, it is 725
presumed that a prison term is necessary in order to comply with 726
the purposes and principles of sentencing under section 2929.11 727
of the Revised Code. Division (D) (2) of this section does not 728
apply to a presumption established under this division for a 729
violation of division (A) (4) of section 2907.05 of the Revised 730
Code. 731

(2) Notwithstanding the presumption established under 732
division (D) (1) of this section for the offenses listed in that 733
division other than a violation of division (A) (4) or (B) of 734
section 2907.05 of the Revised Code, the sentencing court may 735
impose a community control sanction or a combination of 736
community control sanctions instead of a prison term on an 737
offender for a felony of the first or second degree or for a 738
felony drug offense that is a violation of any provision of 739
Chapter 2925., 3719., or 4729. of the Revised Code for which a 740
presumption in favor of a prison term is specified as being 741
applicable if it makes both of the following findings: 742

(a) A community control sanction or a combination of 743
community control sanctions would adequately punish the offender 744
and protect the public from future crime, because the applicable 745
factors under section 2929.12 of the Revised Code indicating a 746
lesser likelihood of recidivism outweigh the applicable factors 747
under that section indicating a greater likelihood of 748
recidivism. 749

(b) A community control sanction or a combination of 750
community control sanctions would not demean the seriousness of 751
the offense, because one or more factors under section 2929.12 752
of the Revised Code that indicate that the offender's conduct 753
was less serious than conduct normally constituting the offense 754
are applicable, and they outweigh the applicable factors under 755
that section that indicate that the offender's conduct was more 756
serious than conduct normally constituting the offense. 757

(E) (1) Except as provided in division (F) of this section, 758
for any drug offense that is a violation of any provision of 759
Chapter 2925. of the Revised Code and that is a felony of the 760
third, fourth, or fifth degree, the applicability of a 761
presumption under division (D) of this section in favor of a 762
prison term or of division (B) or (C) of this section in 763
determining whether to impose a prison term for the offense 764
shall be determined as specified in section 2925.02, 2925.03, 765
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 766
2925.36, or 2925.37 of the Revised Code, whichever is applicable 767
regarding the violation. 768

(2) If an offender who was convicted of or pleaded guilty 769
to a felony violates the conditions of a community control 770
sanction imposed for the offense solely by reason of producing 771
positive results on a drug test or by acting pursuant to 772

division (B) (2) (b) of section 2925.11 of the Revised Code with 773
respect to a minor drug possession offense, the court, as 774
punishment for the violation of the sanction, shall not order 775
that the offender be imprisoned unless the court determines on 776
the record either of the following: 777

(a) The offender had been ordered as a sanction for the 778
felony to participate in a drug treatment program, in a drug 779
education program, or in narcotics anonymous or a similar 780
program, and the offender continued to use illegal drugs after a 781
reasonable period of participation in the program. 782

(b) The imprisonment of the offender for the violation is 783
consistent with the purposes and principles of sentencing set 784
forth in section 2929.11 of the Revised Code. 785

(3) A court that sentences an offender for a drug abuse 786
offense that is a felony of the third, fourth, or fifth degree 787
may require that the offender be assessed by a properly 788
credentialed professional within a specified period of time. The 789
court shall require the professional to file a written 790
assessment of the offender with the court. If the offender is 791
eligible for a community control sanction and after considering 792
the written assessment, the court may impose a community control 793
sanction that includes addiction services and recovery supports 794
included in a community-based continuum of care established 795
under section 340.032 of the Revised Code. If the court imposes 796
addiction services and recovery supports as a community control 797
sanction, the court shall direct the level and type of addiction 798
services and recovery supports after considering the assessment 799
and recommendation of community addiction services providers. 800

(F) Notwithstanding divisions (A) to (E) of this section, 801
the court shall impose a prison term or terms under sections 802

2929.02 to 2929.06, section 2929.14, section 2929.142, or 803
section 2971.03 of the Revised Code and except as specifically 804
provided in section 2929.20, divisions (C) to (I) of section 805
2967.19, or section 2967.191 of the Revised Code or when parole 806
is authorized for the offense under section 2967.13 of the 807
Revised Code shall not reduce the term or terms pursuant to 808
section 2929.20, section 2967.19, section 2967.193, or any other 809
provision of Chapter 2967. or Chapter 5120. of the Revised Code 810
for any of the following offenses: 811

(1) Aggravated murder when death is not imposed or murder; 812

(2) Any rape, regardless of whether force was involved and 813
regardless of the age of the victim, or an attempt to commit 814
rape if, had the offender completed the rape that was attempted, 815
the offender would have been guilty of a violation of division 816
(A) (1) (b) of section 2907.02 of the Revised Code and would be 817
sentenced under section 2971.03 of the Revised Code; 818

(3) Gross sexual imposition or sexual battery, if the 819
victim is less than thirteen years of age and if any of the 820
following applies: 821

(a) Regarding gross sexual imposition, the offender 822
previously was convicted of or pleaded guilty to rape, the 823
former offense of felonious sexual penetration, gross sexual 824
imposition, or sexual battery, and the victim of the previous 825
offense was less than thirteen years of age; 826

(b) Regarding gross sexual imposition, the offense was 827
committed on or after August 3, 2006, and evidence other than 828
the testimony of the victim was admitted in the case 829
corroborating the violation. 830

(c) Regarding sexual battery, either of the following 831

applies: 832

(i) The offense was committed prior to August 3, 2006, the 833
offender previously was convicted of or pleaded guilty to rape, 834
the former offense of felonious sexual penetration, or sexual 835
battery, and the victim of the previous offense was less than 836
thirteen years of age. 837

(ii) The offense was committed on or after August 3, 2006. 838

(4) A felony violation of section 2903.04, 2903.06, 839
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 840
or 2923.132 of the Revised Code if the section requires the 841
imposition of a prison term; 842

(5) A first, second, or third degree felony drug offense 843
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 844
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 845
or 4729.99 of the Revised Code, whichever is applicable 846
regarding the violation, requires the imposition of a mandatory 847
prison term; 848

(6) Any offense that is a first or second degree felony 849
and that is not set forth in division (F)(1), (2), (3), or (4) 850
of this section, if the offender previously was convicted of or 851
pleaded guilty to aggravated murder, murder, any first or second 852
degree felony, or an offense under an existing or former law of 853
this state, another state, or the United States that is or was 854
substantially equivalent to one of those offenses; 855

(7) Any offense that is a third degree felony and either 856
is a violation of section 2903.04 of the Revised Code or an 857
attempt to commit a felony of the second degree that is an 858
offense of violence and involved an attempt to cause serious 859
physical harm to a person or that resulted in serious physical 860

harm to a person if the offender previously was convicted of or 861
pleaded guilty to any of the following offenses: 862

(a) Aggravated murder, murder, involuntary manslaughter, 863
rape, felonious sexual penetration as it existed under section 864
2907.12 of the Revised Code prior to September 3, 1996, a felony 865
of the first or second degree that resulted in the death of a 866
person or in physical harm to a person, or complicity in or an 867
attempt to commit any of those offenses; 868

(b) An offense under an existing or former law of this 869
state, another state, or the United States that is or was 870
substantially equivalent to an offense listed in division (F) (7) 871
(a) of this section that resulted in the death of a person or in 872
physical harm to a person. 873

(8) Any offense, other than a violation of section 2923.12 874
of the Revised Code, that is a felony, if the offender had a 875
firearm on or about the offender's person or under the 876
offender's control while committing the felony, with respect to 877
a portion of the sentence imposed pursuant to division (B) (1) (a) 878
of section 2929.14 of the Revised Code for having the firearm; 879

(9) Any offense of violence that is a felony, if the 880
offender wore or carried body armor while committing the felony 881
offense of violence, with respect to the portion of the sentence 882
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 883
Revised Code for wearing or carrying the body armor; 884

(10) Corrupt activity in violation of section 2923.32 of 885
the Revised Code when the most serious offense in the pattern of 886
corrupt activity that is the basis of the offense is a felony of 887
the first degree; 888

(11) Any violent sex offense or designated homicide, 889

assault, or kidnapping offense if, in relation to that offense, 890
the offender is adjudicated a sexually violent predator; 891

(12) A violation of division (A)(1) or (2) of section 892
2921.36 of the Revised Code, or a violation of division (C) of 893
that section involving an item listed in division (A)(1) or (2) 894
of that section, if the offender is an officer or employee of 895
the department of rehabilitation and correction; 896

(13) A violation of division (A)(1) or (2) of section 897
2903.06 of the Revised Code if the victim of the offense is a 898
peace officer, as defined in section 2935.01 of the Revised 899
Code, or an investigator of the bureau of criminal 900
identification and investigation, as defined in section 2903.11 901
of the Revised Code, with respect to the portion of the sentence 902
imposed pursuant to division (B)(5) of section 2929.14 of the 903
Revised Code; 904

(14) A violation of division (A)(1) or (2) of section 905
2903.06 of the Revised Code if the offender has been convicted 906
of or pleaded guilty to three or more violations of division (A) 907
or (B) of section 4511.19 of the Revised Code or an equivalent 908
offense, as defined in section 2941.1415 of the Revised Code, or 909
three or more violations of any combination of those divisions 910
and offenses, with respect to the portion of the sentence 911
imposed pursuant to division (B)(6) of section 2929.14 of the 912
Revised Code; 913

(15) Kidnapping, in the circumstances specified in section 914
2971.03 of the Revised Code and when no other provision of 915
division (F) of this section applies; 916

(16) Kidnapping, abduction, compelling prostitution, 917
promoting prostitution, engaging in a pattern of corrupt 918

activity, illegal use of a minor in a nudity-oriented material 919
or performance in violation of division (A) (1) or (2) of section 920
2907.323 of the Revised Code, or endangering children in 921
violation of division (B) (1), (2), (3), (4), or (5) of section 922
2919.22 of the Revised Code, if the offender is convicted of or 923
pleads guilty to a specification as described in section 924
2941.1422 of the Revised Code that was included in the 925
indictment, count in the indictment, or information charging the 926
offense; 927

(17) A felony violation of division (A) or (B) of section 928
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 929
that section, and division (D) (6) of that section, require the 930
imposition of a prison term; 931

(18) A felony violation of section 2903.11, 2903.12, or 932
2903.13 of the Revised Code, if the victim of the offense was a 933
woman that the offender knew was pregnant at the time of the 934
violation, with respect to a portion of the sentence imposed 935
pursuant to division (B) (8) of section 2929.14 of the Revised 936
Code; 937

(19) (a) Any violent felony offense if the offender is a 938
violent career criminal and had a firearm on or about the 939
offender's person or under the offender's control during the 940
commission of the violent felony offense and displayed or 941
brandished the firearm, indicated that the offender possessed a 942
firearm, or used the firearm to facilitate the offense, with 943
respect to the portion of the sentence imposed under division 944
(K) of section 2929.14 of the Revised Code. 945

(b) As used in division (F) (19) (a) of this section, 946
"violent career criminal" and "violent felony offense" have the 947
same meanings as in section 2923.132 of the Revised Code; 948

(20) Any violation of division (A) (1) of section 2903.11 949
of the Revised Code if the offender used an accelerant in 950
committing the violation and the serious physical harm to 951
another or another's unborn caused by the violation resulted in 952
a permanent, serious disfigurement or permanent, substantial 953
incapacity or any violation of division (A) (2) of that section 954
if the offender used an accelerant in committing the violation, 955
the violation caused physical harm to another or another's 956
unborn, and the physical harm resulted in a permanent, serious 957
disfigurement or permanent, substantial incapacity, with respect 958
to a portion of the sentence imposed pursuant to division (B) (9) 959
of section 2929.14 of the Revised Code. The provisions of this 960
division and of division (D) (2) of section 2903.11, divisions 961
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 962
the Revised Code shall be known as "Judy's Law." 963

(G) Notwithstanding divisions (A) to (E) of this section, 964
if an offender is being sentenced for a fourth degree felony OVI 965
offense or for a third degree felony OVI offense, the court 966
shall impose upon the offender a mandatory term of local 967
incarceration or a mandatory prison term in accordance with the 968
following: 969

(1) If the offender is being sentenced for a fourth degree 970
felony OVI offense and if the offender has not been convicted of 971
and has not pleaded guilty to a specification of the type 972
described in section 2941.1413 of the Revised Code, the court 973
may impose upon the offender a mandatory term of local 974
incarceration of sixty days or one hundred twenty days as 975
specified in division (G) (1) (d) of section 4511.19 of the 976
Revised Code. The court shall not reduce the term pursuant to 977
section 2929.20, 2967.193, or any other provision of the Revised 978
Code. The court that imposes a mandatory term of local 979

incarceration under this division shall specify whether the term 980
is to be served in a jail, a community-based correctional 981
facility, a halfway house, or an alternative residential 982
facility, and the offender shall serve the term in the type of 983
facility specified by the court. A mandatory term of local 984
incarceration imposed under division (G)(1) of this section is 985
not subject to any other Revised Code provision that pertains to 986
a prison term except as provided in division (A)(1) of this 987
section. 988

(2) If the offender is being sentenced for a third degree 989
felony OVI offense, or if the offender is being sentenced for a 990
fourth degree felony OVI offense and the court does not impose a 991
mandatory term of local incarceration under division (G)(1) of 992
this section, the court shall impose upon the offender a 993
mandatory prison term of one, two, three, four, or five years if 994
the offender also is convicted of or also pleads guilty to a 995
specification of the type described in section 2941.1413 of the 996
Revised Code or shall impose upon the offender a mandatory 997
prison term of sixty days or one hundred twenty days as 998
specified in division (G)(1)(d) or (e) of section 4511.19 of the 999
Revised Code if the offender has not been convicted of and has 1000
not pleaded guilty to a specification of that type. Subject to 1001
divisions (C) to (I) of section 2967.19 of the Revised Code, the 1002
court shall not reduce the term pursuant to section 2929.20, 1003
2967.19, 2967.193, or any other provision of the Revised Code. 1004
The offender shall serve the one-, two-, three-, four-, or five- 1005
year mandatory prison term consecutively to and prior to the 1006
prison term imposed for the underlying offense and consecutively 1007
to any other mandatory prison term imposed in relation to the 1008
offense. In no case shall an offender who once has been 1009
sentenced to a mandatory term of local incarceration pursuant to 1010

division (G) (1) of this section for a fourth degree felony OVI 1011
offense be sentenced to another mandatory term of local 1012
incarceration under that division for any violation of division 1013
(A) of section 4511.19 of the Revised Code. In addition to the 1014
mandatory prison term described in division (G) (2) of this 1015
section, the court may sentence the offender to a community 1016
control sanction under section 2929.16 or 2929.17 of the Revised 1017
Code, but the offender shall serve the prison term prior to 1018
serving the community control sanction. The department of 1019
rehabilitation and correction may place an offender sentenced to 1020
a mandatory prison term under this division in an intensive 1021
program prison established pursuant to section 5120.033 of the 1022
Revised Code if the department gave the sentencing judge prior 1023
notice of its intent to place the offender in an intensive 1024
program prison established under that section and if the judge 1025
did not notify the department that the judge disapproved the 1026
placement. Upon the establishment of the initial intensive 1027
program prison pursuant to section 5120.033 of the Revised Code 1028
that is privately operated and managed by a contractor pursuant 1029
to a contract entered into under section 9.06 of the Revised 1030
Code, both of the following apply: 1031

(a) The department of rehabilitation and correction shall 1032
make a reasonable effort to ensure that a sufficient number of 1033
offenders sentenced to a mandatory prison term under this 1034
division are placed in the privately operated and managed prison 1035
so that the privately operated and managed prison has full 1036
occupancy. 1037

(b) Unless the privately operated and managed prison has 1038
full occupancy, the department of rehabilitation and correction 1039
shall not place any offender sentenced to a mandatory prison 1040
term under this division in any intensive program prison 1041

established pursuant to section 5120.033 of the Revised Code 1042
other than the privately operated and managed prison. 1043

(H) If an offender is being sentenced for a sexually 1044
oriented offense or child-victim oriented offense that is a 1045
felony committed on or after January 1, 1997, the judge shall 1046
require the offender to submit to a DNA specimen collection 1047
procedure pursuant to section 2901.07 of the Revised Code. 1048

(I) If an offender is being sentenced for a sexually 1049
oriented offense or a child-victim oriented offense committed on 1050
or after January 1, 1997, the judge shall include in the 1051
sentence a summary of the offender's duties imposed under 1052
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1053
Code and the duration of the duties. The judge shall inform the 1054
offender, at the time of sentencing, of those duties and of 1055
their duration. If required under division (A) (2) of section 1056
2950.03 of the Revised Code, the judge shall perform the duties 1057
specified in that section, or, if required under division (A) (6) 1058
of section 2950.03 of the Revised Code, the judge shall perform 1059
the duties specified in that division. 1060

(J) (1) Except as provided in division (J) (2) of this 1061
section, when considering sentencing factors under this section 1062
in relation to an offender who is convicted of or pleads guilty 1063
to an attempt to commit an offense in violation of section 1064
2923.02 of the Revised Code, the sentencing court shall consider 1065
the factors applicable to the felony category of the violation 1066
of section 2923.02 of the Revised Code instead of the factors 1067
applicable to the felony category of the offense attempted. 1068

(2) When considering sentencing factors under this section 1069
in relation to an offender who is convicted of or pleads guilty 1070
to an attempt to commit a drug abuse offense for which the 1071

penalty is determined by the amount or number of unit doses of
the controlled substance involved in the drug abuse offense, the
sentencing court shall consider the factors applicable to the
felony category that the drug abuse offense attempted would be
if that drug abuse offense had been committed and had involved
an amount or number of unit doses of the controlled substance
that is within the next lower range of controlled substance
amounts than was involved in the attempt.

(K) As used in this section:

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

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

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

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

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

Sec. 2929.14. (A) Except as provided in division (B) (1),

(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9),
(E), (G), (H), (J), or (K) of this section or in division (D) (6)
of section 2919.25 of the Revised Code and except in relation to
an offense for which a sentence of death or life imprisonment is
to be imposed, if the court imposing a sentence upon an offender
for a felony elects or is required to impose a prison term on
the offender pursuant to this chapter, the court shall impose a
definite prison term that shall be one of the following:

(1) For a felony of the first degree, the prison term
shall be three, four, five, six, seven, eight, nine, ten, or
eleven years.

(2) For a felony of the second degree, the prison term
shall be two, three, four, five, six, seven, or eight years.

(3) (a) For a felony of the third degree that is a
violation of section 2903.06, 2903.08, 2907.03, 2907.04,
2907.05, or 3795.04 of the Revised Code or that is a violation
of section 2911.02 or 2911.12 of the Revised Code if the
offender previously has been convicted of or pleaded guilty in
two or more separate proceedings to two or more violations of
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised
Code, the prison term shall be twelve, eighteen, twenty-four,
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty
months.

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

(4) For a felony of the fourth degree, the prison term
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen,

fourteen, fifteen, sixteen, seventeen, or eighteen months. 1130

(5) For a felony of the fifth degree, the prison term 1131
shall be six, seven, eight, nine, ten, eleven, or twelve months. 1132

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1133
section, if an offender who is convicted of or pleads guilty to 1134
a felony also is convicted of or pleads guilty to a 1135
specification of the type described in section 2941.141, 1136
2941.144, or 2941.145 of the Revised Code, the court shall 1137
impose on the offender one of the following prison terms: 1138

(i) A prison term of six years if the specification is of 1139
the type described in division (A) of section 2941.144 of the 1140
Revised Code that charges the offender with having a firearm 1141
that is an automatic firearm or that was equipped with a firearm 1142
muffler or suppressor on or about the offender's person or under 1143
the offender's control while committing the offense; 1144

(ii) A prison term of three years if the specification is 1145
of the type described in division (A) of section 2941.145 of the 1146
Revised Code that charges the offender with having a firearm on 1147
or about the offender's person or under the offender's control 1148
while committing the offense and displaying the firearm, 1149
brandishing the firearm, indicating that the offender possessed 1150
the firearm, or using it to facilitate the offense; 1151

(iii) A prison term of one year if the specification is of 1152
the type described in division (A) of section 2941.141 of the 1153
Revised Code that charges the offender with having a firearm on 1154
or about the offender's person or under the offender's control 1155
while committing the offense; 1156

(iv) A prison term of nine years if the specification is 1157
of the type described in division (D) of section 2941.144 of the 1158

Revised Code that charges the offender with having a firearm 1159
that is an automatic firearm or that was equipped with a firearm 1160
muffler or suppressor on or about the offender's person or under 1161
the offender's control while committing the offense and 1162
specifies that the offender previously has been convicted of or 1163
pleaded guilty to a specification of the type described in 1164
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1165
the Revised Code; 1166

(v) A prison term of fifty-four months if the 1167
specification is of the type described in division (D) of 1168
section 2941.145 of the Revised Code that charges the offender 1169
with having a firearm on or about the offender's person or under 1170
the offender's control while committing the offense and 1171
displaying the firearm, brandishing the firearm, indicating that 1172
the offender possessed the firearm, or using the firearm to 1173
facilitate the offense and that the offender previously has been 1174
convicted of or pleaded guilty to a specification of the type 1175
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1176
2941.1412 of the Revised Code; 1177

(vi) A prison term of eighteen months if the specification 1178
is of the type described in division (D) of section 2941.141 of 1179
the Revised Code that charges the offender with having a firearm 1180
on or about the offender's person or under the offender's 1181
control while committing the offense and that the offender 1182
previously has been convicted of or pleaded guilty to a 1183
specification of the type described in section 2941.141, 1184
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1185

(b) If a court imposes a prison term on an offender under 1186
division (B) (1) (a) of this section, the prison term shall not be 1187
reduced pursuant to section 2967.19, section 2929.20, section 1188

2967.193, or any other provision of Chapter 2967. or Chapter 1189
5120. of the Revised Code. Except as provided in division (B)(1) 1190
(g) of this section, a court shall not impose more than one 1191
prison term on an offender under division (B)(1)(a) of this 1192
section for felonies committed as part of the same act or 1193
transaction. 1194

(c)(i) Except as provided in division (B)(1)(e) of this 1195
section, if an offender who is convicted of or pleads guilty to 1196
a violation of section 2923.161 of the Revised Code or to a 1197
felony that includes, as an essential element, purposely or 1198
knowingly causing or attempting to cause the death of or 1199
physical harm to another, also is convicted of or pleads guilty 1200
to a specification of the type described in division (A) of 1201
section 2941.146 of the Revised Code that charges the offender 1202
with committing the offense by discharging a firearm from a 1203
motor vehicle other than a manufactured home, the court, after 1204
imposing a prison term on the offender for the violation of 1205
section 2923.161 of the Revised Code or for the other felony 1206
offense under division (A), (B)(2), or (B)(3) of this section, 1207
shall impose an additional prison term of five years upon the 1208
offender that shall not be reduced pursuant to section 2929.20, 1209
section 2967.19, section 2967.193, or any other provision of 1210
Chapter 2967. or Chapter 5120. of the Revised Code. 1211

(ii) Except as provided in division (B)(1)(e) of this 1212
section, if an offender who is convicted of or pleads guilty to 1213
a violation of section 2923.161 of the Revised Code or to a 1214
felony that includes, as an essential element, purposely or 1215
knowingly causing or attempting to cause the death of or 1216
physical harm to another, also is convicted of or pleads guilty 1217
to a specification of the type described in division (C) of 1218
section 2941.146 of the Revised Code that charges the offender 1219

with committing the offense by discharging a firearm from a 1220
motor vehicle other than a manufactured home and that the 1221
offender previously has been convicted of or pleaded guilty to a 1222
specification of the type described in section 2941.141, 1223
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1224
the court, after imposing a prison term on the offender for the 1225
violation of section 2923.161 of the Revised Code or for the 1226
other felony offense under division (A), (B) (2), or (3) of this 1227
section, shall impose an additional prison term of ninety months 1228
upon the offender that shall not be reduced pursuant to section 1229
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1230
2967. or Chapter 5120. of the Revised Code. 1231

(iii) A court shall not impose more than one additional 1232
prison term on an offender under division (B) (1) (c) of this 1233
section for felonies committed as part of the same act or 1234
transaction. If a court imposes an additional prison term on an 1235
offender under division (B) (1) (c) of this section relative to an 1236
offense, the court also shall impose a prison term under 1237
division (B) (1) (a) of this section relative to the same offense, 1238
provided the criteria specified in that division for imposing an 1239
additional prison term are satisfied relative to the offender 1240
and the offense. 1241

(d) If an offender who is convicted of or pleads guilty to 1242
an offense of violence that is a felony also is convicted of or 1243
pleads guilty to a specification of the type described in 1244
section 2941.1411 of the Revised Code that charges the offender 1245
with wearing or carrying body armor while committing the felony 1246
offense of violence, the court shall impose on the offender a 1247
prison term of two years. The prison term so imposed, subject to 1248
divisions (C) to (I) of section 2967.19 of the Revised Code, 1249
shall not be reduced pursuant to section 2929.20, section 1250

2967.19, section 2967.193, or any other provision of Chapter 1251
2967. or Chapter 5120. of the Revised Code. A court shall not 1252
impose more than one prison term on an offender under division 1253
(B) (1) (d) of this section for felonies committed as part of the 1254
same act or transaction. If a court imposes an additional prison 1255
term under division (B) (1) (a) or (c) of this section, the court 1256
is not precluded from imposing an additional prison term under 1257
division (B) (1) (d) of this section. 1258

(e) The court shall not impose any of the prison terms 1259
described in division (B) (1) (a) of this section or any of the 1260
additional prison terms described in division (B) (1) (c) of this 1261
section upon an offender for a violation of section 2923.12 or 1262
2923.123 of the Revised Code. The court shall not impose any of 1263
the prison terms described in division (B) (1) (a) or (b) of this 1264
section upon an offender for a violation of section 2923.122 1265
that involves a deadly weapon that is a firearm other than a 1266
dangerous ordnance, section 2923.16, or section 2923.121 of the 1267
Revised Code. The court shall not impose any of the prison terms 1268
described in division (B) (1) (a) of this section or any of the 1269
additional prison terms described in division (B) (1) (c) of this 1270
section upon an offender for a violation of section 2923.13 of 1271
the Revised Code unless all of the following apply: 1272

(i) The offender previously has been convicted of 1273
aggravated murder, murder, or any felony of the first or second 1274
degree. 1275

(ii) Less than five years have passed since the offender 1276
was released from prison or post-release control, whichever is 1277
later, for the prior offense. 1278

(f) (i) If an offender is convicted of or pleads guilty to 1279
a felony that includes, as an essential element, causing or 1280

attempting to cause the death of or physical harm to another and 1281
also is convicted of or pleads guilty to a specification of the 1282
type described in division (A) of section 2941.1412 of the 1283
Revised Code that charges the offender with committing the 1284
offense by discharging a firearm at a peace officer as defined 1285
in section 2935.01 of the Revised Code or a corrections officer, 1286
as defined in section 2941.1412 of the Revised Code, the court, 1287
after imposing a prison term on the offender for the felony 1288
offense under division (A), (B) (2), or (B) (3) of this section, 1289
shall impose an additional prison term of seven years upon the 1290
offender that shall not be reduced pursuant to section 2929.20, 1291
section 2967.19, section 2967.193, or any other provision of 1292
Chapter 2967. or Chapter 5120. of the Revised Code. 1293

(ii) If an offender is convicted of or pleads guilty to a 1294
felony that includes, as an essential element, causing or 1295
attempting to cause the death of or physical harm to another and 1296
also is convicted of or pleads guilty to a specification of the 1297
type described in division (B) of section 2941.1412 of the 1298
Revised Code that charges the offender with committing the 1299
offense by discharging a firearm at a peace officer, as defined 1300
in section 2935.01 of the Revised Code, or a corrections 1301
officer, as defined in section 2941.1412 of the Revised Code, 1302
and that the offender previously has been convicted of or 1303
pleaded guilty to a specification of the type described in 1304
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1305
the Revised Code, the court, after imposing a prison term on the 1306
offender for the felony offense under division (A), (B) (2), or 1307
(3) of this section, shall impose an additional prison term of 1308
one hundred twenty-six months upon the offender that shall not 1309
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1310
any other provision of Chapter 2967. or 5120. of the Revised 1311

Code. 1312

(iii) If an offender is convicted of or pleads guilty to 1313
two or more felonies that include, as an essential element, 1314
causing or attempting to cause the death or physical harm to 1315
another and also is convicted of or pleads guilty to a 1316
specification of the type described under division (B)(1)(f) of 1317
this section in connection with two or more of the felonies of 1318
which the offender is convicted or to which the offender pleads 1319
guilty, the sentencing court shall impose on the offender the 1320
prison term specified under division (B)(1)(f) of this section 1321
for each of two of the specifications of which the offender is 1322
convicted or to which the offender pleads guilty and, in its 1323
discretion, also may impose on the offender the prison term 1324
specified under that division for any or all of the remaining 1325
specifications. If a court imposes an additional prison term on 1326
an offender under division (B)(1)(f) of this section relative to 1327
an offense, the court shall not impose a prison term under 1328
division (B)(1)(a) or (c) of this section relative to the same 1329
offense. 1330

(g) If an offender is convicted of or pleads guilty to two 1331
or more felonies, if one or more of those felonies are 1332
aggravated murder, murder, attempted aggravated murder, 1333
attempted murder, aggravated robbery, felonious assault, or 1334
rape, and if the offender is convicted of or pleads guilty to a 1335
specification of the type described under division (B)(1)(a) of 1336
this section in connection with two or more of the felonies, the 1337
sentencing court shall impose on the offender the prison term 1338
specified under division (B)(1)(a) of this section for each of 1339
the two most serious specifications of which the offender is 1340
convicted or to which the offender pleads guilty and, in its 1341
discretion, also may impose on the offender the prison term 1342

specified under that division for any or all of the remaining 1343
specifications. 1344

(2) (a) If division (B) (2) (b) of this section does not 1345
apply, the court may impose on an offender, in addition to the 1346
longest prison term authorized or required for the offense, an 1347
additional definite prison term of one, two, three, four, five, 1348
six, seven, eight, nine, or ten years if all of the following 1349
criteria are met: 1350

(i) The offender is convicted of or pleads guilty to a 1351
specification of the type described in section 2941.149 of the 1352
Revised Code that the offender is a repeat violent offender. 1353

(ii) The offense of which the offender currently is 1354
convicted or to which the offender currently pleads guilty is 1355
aggravated murder and the court does not impose a sentence of 1356
death or life imprisonment without parole, murder, terrorism and 1357
the court does not impose a sentence of life imprisonment 1358
without parole, any felony of the first degree that is an 1359
offense of violence and the court does not impose a sentence of 1360
life imprisonment without parole, or any felony of the second 1361
degree that is an offense of violence and the trier of fact 1362
finds that the offense involved an attempt to cause or a threat 1363
to cause serious physical harm to a person or resulted in 1364
serious physical harm to a person. 1365

(iii) The court imposes the longest prison term for the 1366
offense that is not life imprisonment without parole. 1367

(iv) The court finds that the prison terms imposed 1368
pursuant to division (B) (2) (a) (iii) of this section and, if 1369
applicable, division (B) (1) or (3) of this section are 1370
inadequate to punish the offender and protect the public from 1371

future crime, because the applicable factors under section 1372
2929.12 of the Revised Code indicating a greater likelihood of 1373
recidivism outweigh the applicable factors under that section 1374
indicating a lesser likelihood of recidivism. 1375

(v) The court finds that the prison terms imposed pursuant 1376
to division (B)(2)(a)(iii) of this section and, if applicable, 1377
division (B)(1) or (3) of this section are demeaning to the 1378
seriousness of the offense, because one or more of the factors 1379
under section 2929.12 of the Revised Code indicating that the 1380
offender's conduct is more serious than conduct normally 1381
constituting the offense are present, and they outweigh the 1382
applicable factors under that section indicating that the 1383
offender's conduct is less serious than conduct normally 1384
constituting the offense. 1385

(b) The court shall impose on an offender the longest 1386
prison term authorized or required for the offense and shall 1387
impose on the offender an additional definite prison term of 1388
one, two, three, four, five, six, seven, eight, nine, or ten 1389
years if all of the following criteria are met: 1390

(i) The offender is convicted of or pleads guilty to a 1391
specification of the type described in section 2941.149 of the 1392
Revised Code that the offender is a repeat violent offender. 1393

(ii) The offender within the preceding twenty years has 1394
been convicted of or pleaded guilty to three or more offenses 1395
described in division (CC)(1) of section 2929.01 of the Revised 1396
Code, including all offenses described in that division of which 1397
the offender is convicted or to which the offender pleads guilty 1398
in the current prosecution and all offenses described in that 1399
division of which the offender previously has been convicted or 1400
to which the offender previously pleaded guilty, whether 1401

prosecuted together or separately. 1402

(iii) The offense or offenses of which the offender 1403
currently is convicted or to which the offender currently pleads 1404
guilty is aggravated murder and the court does not impose a 1405
sentence of death or life imprisonment without parole, murder, 1406
terrorism and the court does not impose a sentence of life 1407
imprisonment without parole, any felony of the first degree that 1408
is an offense of violence and the court does not impose a 1409
sentence of life imprisonment without parole, or any felony of 1410
the second degree that is an offense of violence and the trier 1411
of fact finds that the offense involved an attempt to cause or a 1412
threat to cause serious physical harm to a person or resulted in 1413
serious physical harm to a person. 1414

(c) For purposes of division (B) (2) (b) of this section, 1415
two or more offenses committed at the same time or as part of 1416
the same act or event shall be considered one offense, and that 1417
one offense shall be the offense with the greatest penalty. 1418

(d) A sentence imposed under division (B) (2) (a) or (b) of 1419
this section shall not be reduced pursuant to section 2929.20, 1420
section 2967.19, or section 2967.193, or any other provision of 1421
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1422
shall serve an additional prison term imposed under this section 1423
consecutively to and prior to the prison term imposed for the 1424
underlying offense. 1425

(e) When imposing a sentence pursuant to division (B) (2) 1426
(a) or (b) of this section, the court shall state its findings 1427
explaining the imposed sentence. 1428

(3) Except when an offender commits a violation of section 1429
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1430

for the violation is life imprisonment or commits a violation of 1431
section 2903.02 of the Revised Code, if the offender commits a 1432
violation of section 2925.03 or 2925.11 of the Revised Code and 1433
that section classifies the offender as a major drug offender, 1434
if the offender commits a felony violation of section 2925.02, 1435
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 1436
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 1437
division (E) of section 4729.51, or division (J) of section 1438
4729.54 of the Revised Code that includes the sale, offer to 1439
sell, or possession of a schedule I or II controlled substance, 1440
with the exception of marihuana, and the court imposing sentence 1441
upon the offender finds that the offender is guilty of a 1442
specification of the type described in section 2941.1410 of the 1443
Revised Code charging that the offender is a major drug 1444
offender, if the court imposing sentence upon an offender for a 1445
felony finds that the offender is guilty of corrupt activity 1446
with the most serious offense in the pattern of corrupt activity 1447
being a felony of the first degree, or if the offender is guilty 1448
of an attempted violation of section 2907.02 of the Revised Code 1449
and, had the offender completed the violation of section 2907.02 1450
of the Revised Code that was attempted, the offender would have 1451
been subject to a sentence of life imprisonment or life 1452
imprisonment without parole for the violation of section 2907.02 1453
of the Revised Code, the court shall impose upon the offender 1454
for the felony violation a mandatory prison term of the maximum 1455
prison term prescribed for a felony of the first degree that, 1456
subject to divisions (C) to (I) of section 2967.19 of the 1457
Revised Code, cannot be reduced pursuant to section 2929.20, 1458
section 2967.19, or any other provision of Chapter 2967. or 1459
5120. of the Revised Code. 1460

(4) If the offender is being sentenced for a third or 1461

fourth degree felony OVI offense under division (G) (2) of 1462
section 2929.13 of the Revised Code, the sentencing court shall 1463
impose upon the offender a mandatory prison term in accordance 1464
with that division. In addition to the mandatory prison term, if 1465
the offender is being sentenced for a fourth degree felony OVI 1466
offense, the court, notwithstanding division (A) (4) of this 1467
section, may sentence the offender to a definite prison term of 1468
not less than six months and not more than thirty months, and if 1469
the offender is being sentenced for a third degree felony OVI 1470
offense, the sentencing court may sentence the offender to an 1471
additional prison term of any duration specified in division (A) 1472
(3) of this section. In either case, the additional prison term 1473
imposed shall be reduced by the sixty or one hundred twenty days 1474
imposed upon the offender as the mandatory prison term. The 1475
total of the additional prison term imposed under division (B) 1476
(4) of this section plus the sixty or one hundred twenty days 1477
imposed as the mandatory prison term shall equal a definite term 1478
in the range of six months to thirty months for a fourth degree 1479
felony OVI offense and shall equal one of the authorized prison 1480
terms specified in division (A) (3) of this section for a third 1481
degree felony OVI offense. If the court imposes an additional 1482
prison term under division (B) (4) of this section, the offender 1483
shall serve the additional prison term after the offender has 1484
served the mandatory prison term required for the offense. In 1485
addition to the mandatory prison term or mandatory and 1486
additional prison term imposed as described in division (B) (4) 1487
of this section, the court also may sentence the offender to a 1488
community control sanction under section 2929.16 or 2929.17 of 1489
the Revised Code, but the offender shall serve all of the prison 1490
terms so imposed prior to serving the community control 1491
sanction. 1492

If the offender is being sentenced for a fourth degree 1493
felony OVI offense under division (G)(1) of section 2929.13 of 1494
the Revised Code and the court imposes a mandatory term of local 1495
incarceration, the court may impose a prison term as described 1496
in division (A)(1) of that section. 1497

(5) If an offender is convicted of or pleads guilty to a 1498
violation of division (A)(1) or (2) of section 2903.06 of the 1499
Revised Code and also is convicted of or pleads guilty to a 1500
specification of the type described in section 2941.1414 of the 1501
Revised Code that charges that the victim of the offense is a 1502
peace officer, as defined in section 2935.01 of the Revised 1503
Code, or an investigator of the bureau of criminal 1504
identification and investigation, as defined in section 2903.11 1505
of the Revised Code, the court shall impose on the offender a 1506
prison term of five years. If a court imposes a prison term on 1507
an offender under division (B)(5) of this section, the prison 1508
term, subject to divisions (C) to (I) of section 2967.19 of the 1509
Revised Code, shall not be reduced pursuant to section 2929.20, 1510
section 2967.19, section 2967.193, or any other provision of 1511
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1512
shall not impose more than one prison term on an offender under 1513
division (B)(5) of this section for felonies committed as part 1514
of the same act. 1515

(6) If an offender is convicted of or pleads guilty to a 1516
violation of division (A)(1) or (2) of section 2903.06 of the 1517
Revised Code and also is convicted of or pleads guilty to a 1518
specification of the type described in section 2941.1415 of the 1519
Revised Code that charges that the offender previously has been 1520
convicted of or pleaded guilty to three or more violations of 1521
division (A) or (B) of section 4511.19 of the Revised Code or an 1522
equivalent offense, as defined in section 2941.1415 of the 1523

Revised Code, or three or more violations of any combination of 1524
those divisions and offenses, the court shall impose on the 1525
offender a prison term of three years. If a court imposes a 1526
prison term on an offender under division (B) (6) of this 1527
section, the prison term, subject to divisions (C) to (I) of 1528
section 2967.19 of the Revised Code, shall not be reduced 1529
pursuant to section 2929.20, section 2967.19, section 2967.193, 1530
or any other provision of Chapter 2967. or Chapter 5120. of the 1531
Revised Code. A court shall not impose more than one prison term 1532
on an offender under division (B) (6) of this section for 1533
felonies committed as part of the same act. 1534

(7) (a) If an offender is convicted of or pleads guilty to 1535
a felony violation of section 2905.01, 2905.02, 2907.21, 1536
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 1537
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 1538
the Revised Code and also is convicted of or pleads guilty to a 1539
specification of the type described in section 2941.1422 of the 1540
Revised Code that charges that the offender knowingly committed 1541
the offense in furtherance of human trafficking, the court shall 1542
impose on the offender a mandatory prison term that is one of 1543
the following: 1544

(i) If the offense is a felony of the first degree, a 1545
definite prison term of not less than five years and not greater 1546
than ten years; 1547

(ii) If the offense is a felony of the second or third 1548
degree, a definite prison term of not less than three years and 1549
not greater than the maximum prison term allowed for the offense 1550
by division (A) of section 2929.14 of the Revised Code; 1551

(iii) If the offense is a felony of the fourth or fifth 1552
degree, a definite prison term that is the maximum prison term 1553

allowed for the offense by division (A) of section 2929.14 of 1554
the Revised Code. 1555

(b) Subject to divisions (C) to (I) of section 2967.19 of 1556
the Revised Code, the prison term imposed under division (B) (7) 1557
(a) of this section shall not be reduced pursuant to section 1558
2929.20, section 2967.19, section 2967.193, or any other 1559
provision of Chapter 2967. of the Revised Code. A court shall 1560
not impose more than one prison term on an offender under 1561
division (B) (7) (a) of this section for felonies committed as 1562
part of the same act, scheme, or plan. 1563

(8) If an offender is convicted of or pleads guilty to a 1564
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1565
Revised Code and also is convicted of or pleads guilty to a 1566
specification of the type described in section 2941.1423 of the 1567
Revised Code that charges that the victim of the violation was a 1568
woman whom the offender knew was pregnant at the time of the 1569
violation, notwithstanding the range of prison terms prescribed 1570
in division (A) of this section for felonies of the same degree 1571
as the violation, the court shall impose on the offender a 1572
mandatory prison term that is either a definite prison term of 1573
six months or one of the prison terms prescribed in section 1574
2929.14 of the Revised Code for felonies of the same degree as 1575
the violation. 1576

(9) (a) If an offender is convicted of or pleads guilty to 1577
a violation of division (A) (1) or (2) of section 2903.11 of the 1578
Revised Code and also is convicted of or pleads guilty to a 1579
specification of the type described in section 2941.1425 of the 1580
Revised Code, the court shall impose on the offender a mandatory 1581
prison term of six years if either of the following applies: 1582

(i) The violation is a violation of division (A) (1) of 1583

section 2903.11 of the Revised Code and the specification 1584
charges that the offender used an accelerant in committing the 1585
violation and the serious physical harm to another or to 1586
another's unborn caused by the violation resulted in a 1587
permanent, serious disfigurement or permanent, substantial 1588
incapacity; 1589

(ii) The violation is a violation of division (A)(2) of 1590
section 2903.11 of the Revised Code and the specification 1591
charges that the offender used an accelerant in committing the 1592
violation, that the violation caused physical harm to another or 1593
to another's unborn, and that the physical harm resulted in a 1594
permanent, serious disfigurement or permanent, substantial 1595
incapacity. 1596

(b) If a court imposes a prison term on an offender under 1597
division (B)(9)(a) of this section, the prison term shall not be 1598
reduced pursuant to section 2929.20, section 2967.19, section 1599
2967.193, or any other provision of Chapter 2967. or Chapter 1600
5120. of the Revised Code. A court shall not impose more than 1601
one prison term on an offender under division (B)(9) of this 1602
section for felonies committed as part of the same act. 1603

(c) The provisions of divisions (B)(9) and (C)(6) of this 1604
section and of division (D)(2) of section 2903.11, division (F) 1605
(20) of section 2929.13, and section 2941.1425 of the Revised 1606
Code shall be known as "Judy's Law." 1607

(C)(1)(a) Subject to division (C)(1)(b) of this section, 1608
if a mandatory prison term is imposed upon an offender pursuant 1609
to division (B)(1)(a) of this section for having a firearm on or 1610
about the offender's person or under the offender's control 1611
while committing a felony, if a mandatory prison term is imposed 1612
upon an offender pursuant to division (B)(1)(c) of this section 1613

for committing a felony specified in that division by 1614
discharging a firearm from a motor vehicle, or if both types of 1615
mandatory prison terms are imposed, the offender shall serve any 1616
mandatory prison term imposed under either division 1617
consecutively to any other mandatory prison term imposed under 1618
either division or under division (B)(1)(d) of this section, 1619
consecutively to and prior to any prison term imposed for the 1620
underlying felony pursuant to division (A), (B)(2), or (B)(3) of 1621
this section or any other section of the Revised Code, and 1622
consecutively to any other prison term or mandatory prison term 1623
previously or subsequently imposed upon the offender. 1624

(b) If a mandatory prison term is imposed upon an offender 1625
pursuant to division (B)(1)(d) of this section for wearing or 1626
carrying body armor while committing an offense of violence that 1627
is a felony, the offender shall serve the mandatory term so 1628
imposed consecutively to any other mandatory prison term imposed 1629
under that division or under division (B)(1)(a) or (c) of this 1630
section, consecutively to and prior to any prison term imposed 1631
for the underlying felony under division (A), (B)(2), or (B)(3) 1632
of this section or any other section of the Revised Code, and 1633
consecutively to any other prison term or mandatory prison term 1634
previously or subsequently imposed upon the offender. 1635

(c) If a mandatory prison term is imposed upon an offender 1636
pursuant to division (B)(1)(f) of this section, the offender 1637
shall serve the mandatory prison term so imposed consecutively 1638
to and prior to any prison term imposed for the underlying 1639
felony under division (A), (B)(2), or (B)(3) of this section or 1640
any other section of the Revised Code, and consecutively to any 1641
other prison term or mandatory prison term previously or 1642
subsequently imposed upon the offender. 1643

(d) If a mandatory prison term is imposed upon an offender 1644
pursuant to division (B) (7) or (8) of this section, the offender 1645
shall serve the mandatory prison term so imposed consecutively 1646
to any other mandatory prison term imposed under that division 1647
or under any other provision of law and consecutively to any 1648
other prison term or mandatory prison term previously or 1649
subsequently imposed upon the offender. 1650

(2) If an offender who is an inmate in a jail, prison, or 1651
other residential detention facility violates section 2917.02, 1652
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1653
(2) of section 2921.34 of the Revised Code, if an offender who 1654
is under detention at a detention facility commits a felony 1655
violation of section 2923.131 of the Revised Code, or if an 1656
offender who is an inmate in a jail, prison, or other 1657
residential detention facility or is under detention at a 1658
detention facility commits another felony while the offender is 1659
an escapee in violation of division (A) (1) or (2) of section 1660
2921.34 of the Revised Code, any prison term imposed upon the 1661
offender for one of those violations shall be served by the 1662
offender consecutively to the prison term or term of 1663
imprisonment the offender was serving when the offender 1664
committed that offense and to any other prison term previously 1665
or subsequently imposed upon the offender. 1666

(3) If a prison term is imposed for a violation of 1667
division (B) of section 2911.01 of the Revised Code, a violation 1668
of division (A) of section 2913.02 of the Revised Code in which 1669
the stolen property is a firearm or dangerous ordnance, or a 1670
felony violation of division (B) of section 2921.331 of the 1671
Revised Code, the offender shall serve that prison term 1672
consecutively to any other prison term or mandatory prison term 1673
previously or subsequently imposed upon the offender. 1674

(4) If multiple prison terms are imposed on an offender 1675
for convictions of multiple offenses, the court may require the 1676
offender to serve the prison terms consecutively if the court 1677
finds that the consecutive service is necessary to protect the 1678
public from future crime or to punish the offender and that 1679
consecutive sentences are not disproportionate to the 1680
seriousness of the offender's conduct and to the danger the 1681
offender poses to the public, and if the court also finds any of 1682
the following: 1683

(a) The offender committed one or more of the multiple 1684
offenses while the offender was awaiting trial or sentencing, 1685
was under a sanction imposed pursuant to section 2929.16, 1686
2929.17, or 2929.18 of the Revised Code, or was under post- 1687
release control for a prior offense. 1688

(b) At least two of the multiple offenses were committed 1689
as part of one or more courses of conduct, and the harm caused 1690
by two or more of the multiple offenses so committed was so 1691
great or unusual that no single prison term for any of the 1692
offenses committed as part of any of the courses of conduct 1693
adequately reflects the seriousness of the offender's conduct. 1694

(c) The offender's history of criminal conduct 1695
demonstrates that consecutive sentences are necessary to protect 1696
the public from future crime by the offender. 1697

(5) If a mandatory prison term is imposed upon an offender 1698
pursuant to division (B) (5) or (6) of this section, the offender 1699
shall serve the mandatory prison term consecutively to and prior 1700
to any prison term imposed for the underlying violation of 1701
division (A) (1) or (2) of section 2903.06 of the Revised Code 1702
pursuant to division (A) of this section or section 2929.142 of 1703
the Revised Code. If a mandatory prison term is imposed upon an 1704

offender pursuant to division (B) (5) of this section, and if a
mandatory prison term also is imposed upon the offender pursuant
to division (B) (6) of this section in relation to the same
violation, the offender shall serve the mandatory prison term
imposed pursuant to division (B) (5) of this section
consecutively to and prior to the mandatory prison term imposed
pursuant to division (B) (6) of this section and consecutively to
and prior to any prison term imposed for the underlying
violation of division (A) (1) or (2) of section 2903.06 of the
Revised Code pursuant to division (A) of this section or section
2929.142 of the Revised Code.

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

(7) When consecutive prison terms are imposed pursuant to
division (C) (1), (2), (3), (4), ~~or~~ (5), or (6) or division (H)
(1) or (2) of this section, the term to be served is the
aggregate of all of the terms so imposed.

(D) (1) If a court imposes a prison term for a felony of
the first degree, for a felony of the second degree, for a
felony sex offense, or for a felony of the third degree that is
not a felony sex offense and in the commission of which the
offender caused or threatened to cause physical harm to a
person, it shall include in the sentence a requirement that the
offender be subject to a period of post-release control after
the offender's release from imprisonment, in accordance with

that division. If a court imposes a sentence including a prison 1735
term of a type described in this division on or after July 11, 1736
2006, the failure of a court to include a post-release control 1737
requirement in the sentence pursuant to this division does not 1738
negate, limit, or otherwise affect the mandatory period of post- 1739
release control that is required for the offender under division 1740
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1741
the Revised Code applies if, prior to July 11, 2006, a court 1742
imposed a sentence including a prison term of a type described 1743
in this division and failed to include in the sentence pursuant 1744
to this division a statement regarding post-release control. 1745

(2) If a court imposes a prison term for a felony of the 1746
third, fourth, or fifth degree that is not subject to division 1747
(D)(1) of this section, it shall include in the sentence a 1748
requirement that the offender be subject to a period of post- 1749
release control after the offender's release from imprisonment, 1750
in accordance with that division, if the parole board determines 1751
that a period of post-release control is necessary. Section 1752
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1753
a court imposed a sentence including a prison term of a type 1754
described in this division and failed to include in the sentence 1755
pursuant to this division a statement regarding post-release 1756
control. 1757

(E) The court shall impose sentence upon the offender in 1758
accordance with section 2971.03 of the Revised Code, and Chapter 1759
2971. of the Revised Code applies regarding the prison term or 1760
term of life imprisonment without parole imposed upon the 1761
offender and the service of that term of imprisonment if any of 1762
the following apply: 1763

(1) A person is convicted of or pleads guilty to a violent 1764

sex offense or a designated homicide, assault, or kidnapping 1765
offense, and, in relation to that offense, the offender is 1766
adjudicated a sexually violent predator. 1767

(2) A person is convicted of or pleads guilty to a 1768
violation of division (A) (1) (b) of section 2907.02 of the 1769
Revised Code committed on or after January 2, 2007, and either 1770
the court does not impose a sentence of life without parole when 1771
authorized pursuant to division (B) of section 2907.02 of the 1772
Revised Code, or division (B) of section 2907.02 of the Revised 1773
Code provides that the court shall not sentence the offender 1774
pursuant to section 2971.03 of the Revised Code. 1775

(3) A person is convicted of or pleads guilty to attempted 1776
rape committed on or after January 2, 2007, and a specification 1777
of the type described in section 2941.1418, 2941.1419, or 1778
2941.1420 of the Revised Code. 1779

(4) A person is convicted of or pleads guilty to a 1780
violation of section 2905.01 of the Revised Code committed on or 1781
after January 1, 2008, and that section requires the court to 1782
sentence the offender pursuant to section 2971.03 of the Revised 1783
Code. 1784

(5) A person is convicted of or pleads guilty to 1785
aggravated murder committed on or after January 1, 2008, and 1786
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1787
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1788
(d) of section 2929.03, or division (A) or (B) of section 1789
2929.06 of the Revised Code requires the court to sentence the 1790
offender pursuant to division (B) (3) of section 2971.03 of the 1791
Revised Code. 1792

(6) A person is convicted of or pleads guilty to murder 1793

committed on or after January 1, 2008, and division (B)(2) of 1794
section 2929.02 of the Revised Code requires the court to 1795
sentence the offender pursuant to section 2971.03 of the Revised 1796
Code. 1797

(F) If a person who has been convicted of or pleaded 1798
guilty to a felony is sentenced to a prison term or term of 1799
imprisonment under this section, sections 2929.02 to 2929.06 of 1800
the Revised Code, section 2929.142 of the Revised Code, section 1801
2971.03 of the Revised Code, or any other provision of law, 1802
section 5120.163 of the Revised Code applies regarding the 1803
person while the person is confined in a state correctional 1804
institution. 1805

(G) If an offender who is convicted of or pleads guilty to 1806
a felony that is an offense of violence also is convicted of or 1807
pleads guilty to a specification of the type described in 1808
section 2941.142 of the Revised Code that charges the offender 1809
with having committed the felony while participating in a 1810
criminal gang, the court shall impose upon the offender an 1811
additional prison term of one, two, or three years. 1812

(H)(1) If an offender who is convicted of or pleads guilty 1813
to aggravated murder, murder, or a felony of the first, second, 1814
or third degree that is an offense of violence also is convicted 1815
of or pleads guilty to a specification of the type described in 1816
section 2941.143 of the Revised Code that charges the offender 1817
with having committed the offense in a school safety zone or 1818
towards a person in a school safety zone, the court shall impose 1819
upon the offender an additional prison term of two years. The 1820
offender shall serve the additional two years consecutively to 1821
and prior to the prison term imposed for the underlying offense. 1822

(2)(a) If an offender is convicted of or pleads guilty to 1823

a felony violation of section 2907.22, 2907.24, 2907.241, or 1824
2907.25 of the Revised Code and to a specification of the type 1825
described in section 2941.1421 of the Revised Code and if the 1826
court imposes a prison term on the offender for the felony 1827
violation, the court may impose upon the offender an additional 1828
prison term as follows: 1829

(i) Subject to division (H)(2)(a)(ii) of this section, an 1830
additional prison term of one, two, three, four, five, or six 1831
months; 1832

(ii) If the offender previously has been convicted of or 1833
pleaded guilty to one or more felony or misdemeanor violations 1834
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1835
the Revised Code and also was convicted of or pleaded guilty to 1836
a specification of the type described in section 2941.1421 of 1837
the Revised Code regarding one or more of those violations, an 1838
additional prison term of one, two, three, four, five, six, 1839
seven, eight, nine, ten, eleven, or twelve months. 1840

(b) In lieu of imposing an additional prison term under 1841
division (H)(2)(a) of this section, the court may directly 1842
impose on the offender a sanction that requires the offender to 1843
wear a real-time processing, continual tracking electronic 1844
monitoring device during the period of time specified by the 1845
court. The period of time specified by the court shall equal the 1846
duration of an additional prison term that the court could have 1847
imposed upon the offender under division (H)(2)(a) of this 1848
section. A sanction imposed under this division shall commence 1849
on the date specified by the court, provided that the sanction 1850
shall not commence until after the offender has served the 1851
prison term imposed for the felony violation of section 2907.22, 1852
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1853

residential sanction imposed for the violation under section 1854
2929.16 of the Revised Code. A sanction imposed under this 1855
division shall be considered to be a community control sanction 1856
for purposes of section 2929.15 of the Revised Code, and all 1857
provisions of the Revised Code that pertain to community control 1858
sanctions shall apply to a sanction imposed under this division, 1859
except to the extent that they would by their nature be clearly 1860
inapplicable. The offender shall pay all costs associated with a 1861
sanction imposed under this division, including the cost of the 1862
use of the monitoring device. 1863

(I) At the time of sentencing, the court may recommend the 1864
offender for placement in a program of shock incarceration under 1865
section 5120.031 of the Revised Code or for placement in an 1866
intensive program prison under section 5120.032 of the Revised 1867
Code, disapprove placement of the offender in a program of shock 1868
incarceration or an intensive program prison of that nature, or 1869
make no recommendation on placement of the offender. In no case 1870
shall the department of rehabilitation and correction place the 1871
offender in a program or prison of that nature unless the 1872
department determines as specified in section 5120.031 or 1873
5120.032 of the Revised Code, whichever is applicable, that the 1874
offender is eligible for the placement. 1875

If the court disapproves placement of the offender in a 1876
program or prison of that nature, the department of 1877
rehabilitation and correction shall not place the offender in 1878
any program of shock incarceration or intensive program prison. 1879

If the court recommends placement of the offender in a 1880
program of shock incarceration or in an intensive program 1881
prison, and if the offender is subsequently placed in the 1882
recommended program or prison, the department shall notify the 1883

court of the placement and shall include with the notice a brief 1884
description of the placement. 1885

If the court recommends placement of the offender in a 1886
program of shock incarceration or in an intensive program prison 1887
and the department does not subsequently place the offender in 1888
the recommended program or prison, the department shall send a 1889
notice to the court indicating why the offender was not placed 1890
in the recommended program or prison. 1891

If the court does not make a recommendation under this 1892
division with respect to an offender and if the department 1893
determines as specified in section 5120.031 or 5120.032 of the 1894
Revised Code, whichever is applicable, that the offender is 1895
eligible for placement in a program or prison of that nature, 1896
the department shall screen the offender and determine if there 1897
is an available program of shock incarceration or an intensive 1898
program prison for which the offender is suited. If there is an 1899
available program of shock incarceration or an intensive program 1900
prison for which the offender is suited, the department shall 1901
notify the court of the proposed placement of the offender as 1902
specified in section 5120.031 or 5120.032 of the Revised Code 1903
and shall include with the notice a brief description of the 1904
placement. The court shall have ten days from receipt of the 1905
notice to disapprove the placement. 1906

(J) If a person is convicted of or pleads guilty to 1907
aggravated vehicular homicide in violation of division (A) (1) of 1908
section 2903.06 of the Revised Code and division (B) (2) (c) of 1909
that section applies, the person shall be sentenced pursuant to 1910
section 2929.142 of the Revised Code. 1911

(K) (1) The court shall impose an additional mandatory 1912
prison term of two, three, four, five, six, seven, eight, nine, 1913

ten, or eleven years on an offender who is convicted of or 1914
pleads guilty to a violent felony offense if the offender also 1915
is convicted of or pleads guilty to a specification of the type 1916
described in section 2941.1424 of the Revised Code that charges 1917
that the offender is a violent career criminal and had a firearm 1918
on or about the offender's person or under the offender's 1919
control while committing the presently charged violent felony 1920
offense and displayed or brandished the firearm, indicated that 1921
the offender possessed a firearm, or used the firearm to 1922
facilitate the offense. The offender shall serve the prison term 1923
imposed under this division consecutively to and prior to the 1924
prison term imposed for the underlying offense. The prison term 1925
shall not be reduced pursuant to section 2929.20 or 2967.19 or 1926
any other provision of Chapter 2967. or 5120. of the Revised 1927
Code. A court may not impose more than one sentence under 1928
division (B) (2) (a) of this section and this division for acts 1929
committed as part of the same act or transaction. 1930

(2) As used in division (K) (1) of this section, "violent 1931
career criminal" and "violent felony offense" have the same 1932
meanings as in section 2923.132 of the Revised Code. 1933

Sec. 2941.1425. (A) Imposition of a mandatory prison term 1934
under division (B) (9) of section 2929.14 of the Revised Code is 1935
precluded unless the offender is convicted of or pleads guilty 1936
to a violation of division (A) (1) or (2) of section 2903.11 of 1937
the Revised Code and unless the indictment, count in the 1938
indictment, or information charging the offense specifies one of 1939
the following: 1940

(1) Regarding a violation of division (A) (1) of section 1941
2903.11 of the Revised Code, that the offender used an 1942
accelerant in committing the violation and that the serious 1943

physical harm to another or to another's unborn caused by the 1944
violation resulted in a permanent, serious disfigurement or 1945
permanent, substantial incapacity; 1946

(2) Regarding a violation of division (A) (2) of section 1947
2903.11 of the Revised Code, that the offender used an 1948
accelerant in committing the violation, that the violation 1949
caused physical harm to another or to another's unborn, and that 1950
the physical harm resulted in a permanent, serious disfigurement 1951
or permanent, substantial incapacity. 1952

(B) The specification described in division (A) of this 1953
section shall be stated at the end of the body of the 1954
indictment, count, or information and shall be stated in 1955
substantially the following form: 1956

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1957
Grand Jurors (or insert the person's or prosecuting attorney's 1958
name when appropriate) further find and specify that (set forth 1959
that the offender used an accelerant in committing the violation 1960
and that the serious physical harm to another or to another's 1961
unborn caused by the violation of division (A) (1) of section 1962
2903.11 of the Revised Code resulted in a permanent, serious 1963
disfigurement or permanent, substantial incapacity, or that the 1964
offender used an accelerant in committing the violation, that 1965
the violation of division (A) (2) of section 2903.11 of the 1966
Revised Code caused physical harm to another or to another's 1967
unborn, and that the physical harm resulted in a permanent, 1968
serious disfigurement or permanent, substantial incapacity, 1969
whichever is applicable)." 1970

(C) As used in this section, "accelerant" has the same 1971
meaning as in section 2929.01 of the Revised Code. 1972

(D) The provisions of this section and of division (D) (2) 1973
of section 2903.11, division (F) (20) of section 2929.13, and 1974
divisions (B) (9) and (C) (6) of section 2929.14 of the Revised 1975
Code shall be known as "Judy's Law." 1976

Section 2. That existing sections 2903.11, 2929.01, 1977
2929.13, and 2929.14 of the Revised Code are hereby repealed. 1978

Section 3. Section 2929.01 of the Revised Code is 1979
presented in this act as a composite of the section as amended 1980
by both Sub. H.B. 158 and H.B. 171 of the 132nd General 1981
Assembly. The General Assembly, applying the principle stated in 1982
division (B) of section 1.52 of the Revised Code that amendments 1983
are to be harmonized if reasonably capable of simultaneous 1984
operation, finds that the composite is the resulting version of 1985
the section in effect prior to the effective date of the section 1986
as presented in this act. 1987

Section 2929.14 of the Revised Code is presented in this 1988
act as a composite of the section as amended by both Sub. H.B. 1989
470 and Sub. S.B. 319 of the 132nd General Assembly. The General 1990
Assembly, applying the principle stated in division (B) of 1991
section 1.52 of the Revised Code that amendments are to be 1992
harmonized if reasonably capable of simultaneous operation, 1993
finds that the composite is the resulting version of the section 1994
in effect prior to the effective date of the section as 1995
presented in this act. 1996